

MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL

Minutes of the Meeting of the Council held on Tuesday 23 September 2014 at 7.00pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds.

PRESENT:

The Mayor (Councillor R D Everitt) (in the Chair)

Councillors:

Beckwith	Mrs Hind	Mrs Richardson
Mrs Broughton	P J Hopfensperger	Mrs Rushbrook
Brown	Mrs R V Hopfensperger	Mrs Rushen
Buckle	Houlder	Simner
Ms Byrne	Mrs Levack	Springett
Chung	Marks	Mrs Stamp
Clements	Nettleton	P A Stevens
Clifton-Brown	Oliver	Thorndyke
Mr Cox	Pugh	Mrs P Wade
French	Ray	Ms Wakelam
Mrs Gower	Mrs Rayner	A Whittaker
Griffiths	Redhead	

36. Prayers

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

37. Minutes

In respect of the minute 26(C)(3) for the meeting held on 30 June 2014, Councillor Mrs Rayner's declared pecuniary interest should have stated that it was her husband who owned a share in a business that was located outside of the proposed Cumulative Impact Area of Abbeigate Ward.

Subject to the above amendment, the minutes of the meeting of Council held on 30 June 2014 were confirmed as a correct record and signed by the Mayor.

38. Mayor's Communications

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and Deputy Mayoress had attended since the last meeting on 30 June 2014.

39. Announcements from the Leader of the Council

Councillor Griffiths, Leader of the Council, informed members that the Local Enterprise Partnerships (New Anglia, and Greater Cambridgeshire

and Peterborough) had secured funding for the Epicentre Innovation Centre in Haverhill.

St Edmundsbury and Forest Heath councils had reached the finals in three out of 12 national awards for efficiency, employment and ICT.

And finally, both councils had been jointly awarded the Charter for Elected Member Development following a recent formal and final assessment; this was the first time the Charter had been awarded to two councils jointly.

40. **Announcements from the Head of Legal and Democratic Services and Apologies for Absence**

Apologies for absence were received from Councillors Cockle, Farmer, Farthing, McManus, Mrs Mildmay-White, Spicer, F Warby, Mrs P Warby and Mrs D Whittaker.

41. **Declarations of Interest**

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

42. **Public Question Time**

Mr Simon Harding of Bury St Edmunds asked a number of questions and the following answers were given:

A feasibility study would be carried out on the location for the Waste Transfer Station, Household Recycling Station, lorry park and council depot. This would culminate in a report identifying the potential savings that could be made by looking at the council estate as a whole. Local authorities were being encouraged by government to draw all areas of public delivery into one area.

The portfolio holder for Waste and Property supported Mr Harding's suggestion of improvements to Skinner Street with a wheelie bin compound and encouraging shop owners to have entrances and window displays. He agreed that Skinner Street had tremendous potential and character and this should be preserved. He would keep Mr Harding informed of any developments.

Mr Harding asked about disabled access to Cupola House; this had the support of Norman Tebbit and David Ruffley MP. He informed the Council that architects had drawn up plans that showed that efficient access could be installed using 21st century equipment. The Leader responded that Mr Harding had been given an answer to this question when he asked it at a previous council meeting. The council were supportive of enabling access for the disabled but that it was challenging to provide such access at Cupola House.

A written answer would be provided on the suggestion to incorporate the depot, enlarged waste transfer station and household recycling station into the existing lorry park and land at Rougham Hill that were owned by the Council.

Mr Harding then asked a number of questions that were either outside of the remit of the borough council or related to events which had not yet happened, and therefore answers could not be provided. These questions were on the following topics:

- the role of the Dean of the Cathedral;
- the judicial review on the waste transfer station;
- the disposal of rubbish by Cupola House;
- the closure of Skinner Street to vehicles following the re-opening of Cupola House;
- the proposed closure of the Records Office;
- the location of the Cullum collection and Bury Psalter collection.

The Leader reminded Mr Harding that he could contact Portfolio Holders or staff direct with his questions.

43. **Schedule of Referrals from Cabinet**

The Council considered the Schedule of Referrals contained within Report F120 (previously circulated).

(A) Referrals from Cabinet: 2 September 2014

(A)(1) Annual Treasury Management 2013/2014

On the motion of Councillor Ray, seconded by Councillor Nettleton, and duly carried, it was

RESOLVED:

That the Annual Treasury Management Report for 2013/2014, attached as Appendix 1 to Report F69, be approved.

(A)(2) Eastern Relief Road, Bury St Edmunds

Councillor Griffiths, Leader of the Council, introduced this item and drew relevant issues to the attention of the Council. The Eastern Relief Road (ERR) would open up 68 hectares of employment land; land for about 500 homes; a secondary school site; leisure and community opportunities; and motorist facilities associated with the A14. He acknowledged the support that had been received from New Anglia Local Enterprise Partnership (NALEP) and Suffolk County Council (SCC).

It was proposed that subject to due diligence procedures, the Borough Council allocated £3 million in its Capital Programme to

be used to bring forward the ERR. The £3 million would include the original £2.5 million loan previously agreed in 2010 with developer, Churchmanor plus a further capital allocation of £0.5 million.

Price Waterhouse Coopers (PwC) had been instructed by the Borough Council to enable the Council to be assured that it had carried out due diligence and that it received the best return on its investment. A further report would be taken to Cabinet on 21 October 2014 which would provide a project update and the details of advice received from PwC. This would not need to be reported back to Council.

On the motion of Councillor Griffiths seconded by Councillor Springett, and duly carried, it was

RESOLVED:

That, subject to the Section 151 and Monitoring Officers being satisfied with the outcome of due diligence, the original £2.5 million loan to Churchmanor be changed to a capital investment along with an additional £0.5 million to be allocated to the Eastern Relief Road (ERR) project in St Edmundsbury Borough Council's (SEBC) capital programme, funded from capital receipts.

(A)(3) Kedington Development Brief

Councillor Clements, Portfolio Holder for Planning and Regulation, confirmed that the Development Brief included 30% affordable housing. Councillor Clements moved the motion to adopt the Development Brief, this was seconded by Councillor Cox, and duly carried, it was

RESOLVED:

That, the Development Brief for development of the site at Land at The Orchard, Land off Mill Road, Kedington, as set out in Appendix A of Report F91, be adopted as non-statutory planning guidance.

(B) Referrals from Cabinet: 16 September 2014 (Extraordinary meeting)

(B)(1) West Suffolk Housing Strategy

Councillor Gower, Portfolio Holder for Housing, introduced this report on the West Suffolk Housing Strategy which had been the result of 12 months of hard work by officers and the working group and there had been a number of opportunities for members to make comments. Although the strategy provided a menu of options it did not include the detail for any funding as this would need to be approved by Council. Some concern was raised that the New Homes bonus would not be hypothecated into building affordable homes. Councillor Ray, Portfolio Holder for Resources and Performance confirmed that the New Homes Bonus had been placed into reserves whilst options were considered as to where to spend it to achieve the Council's overall priorities. Any recommendations and decisions from these considerations would be brought forward as appropriate.

Councillor Gower moved the motion to adopt the West Suffolk Housing Strategy, this was seconded by Councillor Rushen, and duly carried, it was

RESOLVED:

That the West Suffolk Housing Strategy, as contained in Appendix A to Report F115, be adopted.

(B)(2) Bury St Edmunds Vision 2031, Haverhill Vision 2031, Rural Vision 2031: Planning Inspector's Report and Adoption

Councillor Clements informed members that the three Vision 2031 recommendations would be considered separately. There had been three rounds of consultation and much member involvement and this had resulted in positive changes culminating in the Planning Inspector finding the documents sound. Councillor Clements wished to thank officers for their work.

(a) Bury St Edmunds Vision 2031

(Councillor Mrs Broughton declared a Pecuniary Interest in this item as her husband had a beneficial interest in land referred to in the Bury St Edmunds Vision 2031 document. She left the room during the consideration of this item.)

Councillor Clements, Portfolio Holder for Planning and Regulation, introduced this item. He confirmed that SCC would continue to be lobbied for a transport and travel infrastructure plan; this was raised as a concern by a number of members.

On the motion of Councillor Clements, seconded by Councillor Oliver, and duly carried, it was

RESOLVED: That

- (1) In respect of Bury St Edmunds Vision 2031 (Report F108), the following documents be adopted:
 - (a) Bury St Edmunds Vision 2031 (Appendix B to Report F108);
 - (b) Vision 2031 Policies Map (Borough Map, Policies Map Book and Bury St Edmunds Inset Maps 1 and 2) (Appendix C to Report F108), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd’s Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the removal of text ‘BV16’ on allocation BV14d (British Sugar) and amendment of the map key to read ‘British Sugar – Areas North of Compiegne Way (BV16);
 - (c) Habitat Regulations Screening Assessment for Bury St Edmunds Vision 2031 (Appendix D to Report F108); and
 - (d) Sustainability Appraisal for Bury St Edmunds Vision 2031, (Appendix E to Report F108).

(b) Haverhill Vision 2031

Members again raised concerns over the lack of a sustainable transport plan. Councillor Clements agreed that it was an ideal opportunity for SCC to work in partnership with ONE Haverhill as part of the master-planning process to draw up a sustainable transport plan for Haverhill.

On the motion of Councillor Clements, seconded by Councillor Mrs Rushen, and duly carried, it was

RESOLVED: That

- (2) In respect of Haverhill Vision 2031 (Report F109), the following documents be adopted:
 - (a) Haverhill Vision 2031 (Appendix B to Report F109);
 - (b) Vision 2031 Policies Map (Borough Map, Policies Map Book and Haverhill Inset Maps 3 and 4) (Appendix C to Report F109), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd’s Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the removal of text ‘BV16’ on

- allocation BV14d (British Sugar) and amendment of the map key to read 'British Sugar – Areas North of Compiegne Way (BV16);
- (c) Habitat Regulations Screening Assessment for Haverhill Vision 2031 (Appendix D to Report F109); and
 - (d) Sustainability Appraisal for Haverhill Vision 2031, (Appendix E to Report F109).

Rural Vision 2031

Councillor Griffiths informed the Council that adequate transport plans were equally as important for rural areas as they were for urban areas, but that members should still support the Vision 2031 documents.

On the motion of Councillor Clements, seconded by Councillor Stevens, and duly carried, it was

RESOLVED: That

- (2) In respect of Rural Vision 2031 (Report F110), the following documents be adopted:
 - (a) Rural Vision 2031 (Appendix B to Report F110) subject to the amendment of the foreword on page three so the last sentence of the second paragraph reads 'As well as Rural Vision 2031...';
 - (b) Vision 2031 Policies Map (Borough Map, Policies Map Book and Haverhill Inset Maps 3 and 4) (Appendix C to Report F110), subject to the adjustment of inset map boundaries 47 – Stanton and 48 – Stanton Shepherd's Grove on the Borough Map, to reflect the areas shown on the respective inset maps; and subject to the removal of text 'BV16' on allocation BV14d (British Sugar) and amendment of the map key to read 'British Sugar – Areas North of Compiegne Way (BV16);
 - (c) Habitat Regulations Screening Assessment for Rural Vision 2031 (Appendix D to Report F110); and
 - (d) Sustainability Appraisal for Rural Vision 2031, (Appendix E to Report F110).

44. **Bridging Loan to the Samaritans**

(Councillor Chung declared a local non-Pecuniary Interest in this item as Chair of Samaritans and remained in the meeting for the consideration of this item.)

Councillor Ray, Portfolio Holder for Resources and Performance introduced this item and moved the motion to approve a bridging loan for The Samaritans to enable them to move from their existing premises for operational reasons. Because they operated a 24/7 service, they would need the new premises to open on the day the old one closes. They had approached the Council as they had been unsuccessful in securing an affordable loan from local banks and a number of private funding sources.

Report F121 explained why the loan was required, how it complied with the loan policy and that the proposed interest rate was sufficient to cover the setting up costs and provide a return that was better than on the open market.

Councillor Wakelam was concerned that the proposed interest rate was a commercial rate and subsequently moved an amendment to the motion, which was duly seconded by Councillor Brown, requesting that the loan should be interest free.

A debate was then held on the amendment to the motion. In response to the amendment, Councillor Ray explained that by providing a loan without charging interest, the Council would incur not only the setting up costs but also the loss of interest on the loan amount. The proposed rate of 3% was not a commercial rate and was less than that charged for a bridging loan from a bank. Following a debate, the amendment was put to the vote and lost.

The debate then continued on the substantive motion which was then seconded by Councillor Hind, and duly carried, it was

RESOLVED:

That, subject to the appropriate level of due diligence being undertaken by the Chief Finance Officer, a bridging loan of £150,000 be approved to the Bury St Edmunds branch of The Samaritans, for a period of up to six months, at an interest rate of 3% above bank base rate.

45. Review of Constitution

(Councillor Mrs R Hopfensperger left the meeting at the beginning of this item and did not return.)

Report F122 updated members on the work that had been done towards creating a new Constitution. The overall aim was to produce constitutions for both authorities that were, in the main, the same. This would help to provide a single way of working and it would provide the opportunity to bring the documents up to date, to be shorter, more concise, more flexible, and promote democracy and transparency.

The report sought endorsement from members of a number of emerging ideas and broad principles (Appendix 1 to Report F122). Firmer proposals would be reported back to Council in December 2014.

On the motion of Councillor Ray, seconded by Councillor Nettleton, and duly carried, it was

RESOLVED:

Members note the progress that has been made in developing principles for the new constitution and endorse the content of Appendix 1 to Report F122 as the basis for working up firmer proposals to be brought to the next Council meeting.

46. Motion on Notice

Councillor Mrs Hind had given notice under paragraph 12.1 of the Council Procedure Rules of the following motion:

'That the Council resolves to vigorously pursue from developers a commitment to provide at least 30% affordable housing and will only accept non-compliance where substantive costs have been incurred in making a site fit for purpose, for example where it has been necessary to remove contamination.'

In introducing the motion, Councillor Hind expressed her concern that the Council was accepting less than 30% affordable housing from developers despite the commitment in the Housing Strategy and that the commitment may only be aspirational.

The motion was duly seconded by Councillor Ms Wakelam.

In accordance with paragraph 12.5 of the Council Procedure Rules, contained in Part 4 of the Constitution, this matter was referred to the appropriate forum for consideration as it would potentially involve the Council in expenditure not included in the approved revenue or capital budget. The appropriate forum for this matter to be referred to was the Sustainable Development Working Party.

No discussion was therefore held on this item.

47. Question on Notice

Councillor Nettleton had given notice under paragraph 11.2 of the Council Procedure Rules of the following question to Councillor Stamp, Portfolio Holder for Leisure, Culture and Heritage:

'Who took the decision to close the Tourist Information Centre at 6 Angel Hill, and when was this decision taken?'

The Portfolio Holder responded that the decision taken in March was an officer delegated decision and had the full support of the Portfolio Holder. This had been explained in writing to the Member in April.

Councillor Nettleton then asked the Portfolio Holder why the decision had been taken in haste, and whether it would have been better to take the decision through a more democratic process perhaps with a public consultation?

In response, Councillor Stamp explained that the decision had first been discussed in 2011 and therefore had not been made in haste. She concurred that perhaps there could have been more consultation but that it was still the right decision.

48. **Planning Shared Service Additional Resource Requirements: Use of Chief Executive's Urgency Powers**

The Council received and noted the use of the Chief Executive's Urgency Powers to provide extra capacity within the Planning Shared Service in order to meet significant increase in demand, previously circulated as Report F123.

Concern was raised about the use of Urgency Powers and the Portfolio Holder for Resources and Planning explained that a Joint Cabinet briefing had agreed that the matter was urgent so that recruitment could begin immediately.

49. **Report on Special Urgency**

(Councillor Cockle left the meeting at the beginning of this item.)

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

50. **Reports and Questions**

(a) Report from the Leader of the Council: Councillor Griffiths
(Report F124)

With reference to paragraph 1.9 of Report F124, and in light of recent filming of council and committee meetings by a member of the public, Councillor Nettleton suggested that the Council could film meetings which could then be made available to the public on our website. Councillor Griffiths agreed that this was a sensible suggestion and that this would be investigated further by officers.

(Councillor Nettleton left the meeting at the conclusion of this item and did not return.)

- (b) Report from the Cabinet Member for Health and Communities Portfolio: Councillor Mrs Mildmay-White (Report F125)

In the absence of Councillor Mrs Mildmay-White, Councillor Griffiths accepted the praise given to the Families and Communities team for the organisation of the annual Crucial Crew event. He also gave assurance that, although the 'On the Spot' sessions in rural areas had been cancelled, the funding would be safeguarded for future events.

- (c) Report from the Cabinet Member for the Waste and Property Portfolio: Councillor Stevens (Report F126)

In response to a question, Councillor Stevens confirmed that the installation of a litter bin in Jubilee Plaza would be raised with the lead officer.

- (d) Report from the Cabinet Member for the Housing Portfolio: Councillor Mrs Gower (Report F127)

The following topics were the subject of questions put to Councillor Mrs Gower, who duly responded:

- (1) With reference to 4.3 of the report, the money from the sale of 10 Well Street would go into the council's capital funding reserve, If a scheme were to come forward for the purchase of a property, there would be money available for this.
- (2) With reference to 6.1 of the report, Suffolk County Council would not consider any extension to the permit allowing gypsies and travellers to remain at the temporary site on Orttewell Road, even if they did not obtain planning permission for their application at a site on Rougham Hill.
- (3) With reference to 1.1 of Report F127, further information regarding the transfer of Chalkstone community centre would be provided.

- (e) Report from the Cabinet Member for the Resources and Performance Portfolio: Councillor Ray (Report F128)

Councillor Ray drew attention to the following:

- (1) 1.3.1 of Report F128 - the audit of the Statement of Accounts was nearly complete; the council had received an unqualified opinion;
- (2) 1.4.1 of Report F128 - a briefing would be held to update members on the results of the budget consultation exercise;
- (3) 6.4 of Report F128 - Charter for Member Development had been awarded jointly to both authorities and he thanked the Member Development team for their hard work.
- (4) The Council had been shortlisted for awards in the following two categories:

- Most successful targeted approach to a workforce demographic
- Best use of benefits to drive business strategy

No questions were asked.

(f) Report from the Cabinet Member for the Economic Growth Portfolio: Councillor Pugh (Report F129)

Councillor Pugh announced that the Business Festival, due to take place in October, had now been extended to all of West Suffolk. In response to a question, he confirmed that a Business Fact Pack would be launched next month.

(g) Report from the Cabinet Member for the Planning and Regulation Portfolio: Councillor Clements (Report F130)

The following topics were the subject of questions put to Councillor Clements, who duly responded:

- (1) Councillor Clements agreed to review the report mentioned with regard to an innovative way of dealing with rubbish in Skinner Street
- (2) A written response would be provided in reference to the cladding works carried out by Havebury Housing in Haverhill

(h) Report from the Cabinet Member for Leisure, Culture and Heritage Portfolio: Councillor Mrs Stamp (Report F131)

Councillor Mrs Stamp informed members of a correction to Report F131 at paragraph 5.1 which should have said 'Cladding and new flumes project Bury Leisure Centre'.

Councillor Mrs Stamp agreed to investigate providing a Donations Box for East Town Park (see 1.3 of her report).

The following topics were the subject of questions put to Councillor Mrs Stamp, who duly responded:

Written responses would be provided to the following questions:

- (1) How long it would take to get the additional inscriptions included on the World War 1 commemoration plaques in East Town Park?
- (2) Who is responsible for Sturmer Arches?
- (3) When will the all-weather pitch be upgraded to 3g?

(4) Are there long term plans to improve the swimming pool at Bury Leisure Centre so that it is fit for purpose and has 8 lanes rather than 6?

(i) Report from the Chairman of the Overview and Scrutiny Committee: Councillor Houlder (Report F132)

No questions were asked.

(j) Report from the Chairman of the Performance and Audit Scrutiny Committee: Councillor Mrs Broughton (Report F133)

No questions were asked.

(v) Questions to the Chairmen of other Committees

The Chairman of Development Control Committee confirmed that the committee had been due to review the changes to the administration of the Committee's functions in June after six months operation. He reported that this would be complete before Christmas.

51. **Minutes**

The exempt minutes of the meeting of Council held on 30 June 2014 were confirmed as correct records and signed by the Mayor.

52. **Conclusion of Business**

The meeting concluded at 10.14 pm.

MAYOR