

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Council** held on
Tuesday 16 December 2014 at 7.00 pm at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Robert Everitt
Deputy Mayor Patrick Chung

Trevor Beckwith	Paul Hopfensperger	Christopher Spicer
Tony Brown	Helen Levack	Sarah Stamp
Terry Buckle	Tim Marks	Peter Stevens
Terry Clements	Sara Mildmay-White	Jim Thorndyke
Robert Clifton-Brown	David Nettleton	Paula Wade
Paul Farmer	Alaric Pugh	Julia Wakelam
Jeremy Farthing	Dave Ray	Frank Warby
Anne Gower	Joanna Rayner	Patricia Warby
John Griffiths	Derek Redhead	Dorothy Whittaker
Diane Hind	Marion Rushbrook	Maureen Byrne
Beccy Hopfensperger	Angela Rushen	

By Invitation:

1. **Prayers**

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

2. **Minutes**

The minutes of the meeting of Council held on 23 September 2014 were confirmed as a correct record and signed by the Mayor.

3. **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 23 September 2014. He drew attention to two letters of thanks recently received from the Station Commander of Royal Air Force Honington and from a Parish Council.

4. **Announcements (if any) from the Leader of the Council or Members of the Cabinet**

Councillor John Griffiths, Leader of the Council, thanked all members, officers and staff for their efforts during the past year. Although it had been a challenging year, all had shown support and professionalism and he wished everyone a Happy Christmas.

5. **Apologies for Absence**

Apologies for absence were received from Councillors Sarah Broughton, Bob Cockle, Ian Houlder, Paul McManus, Stefan Oliver, Paul Simner, Clive Springett and Adam Whittaker.

6. **East of England Charter for Elected Member Development**

The Chairman of the East of England Local Government Association, Councillor Jackson presented Councillor David Ray with the Charter for Elected Member Development. As an assessor for the chartered member process, Councillor Jackson was fully aware of the amount of effort that had been undertaken both from members and officers in achieving this charter. The comments that had been made by the assessor team reflected this hard work and some of the key points made were:

- the councils recognised the value of member development and had given a high level of commitment;
- the Joint Member Development Group had a high profile and high calibre of members;
- the joint learning and development policy had a strong reference to member development;
- the shared culture and ways of working;
- high level of engagement with 67% of Training Needs Analysis being completed;
- councillors embraced e-learning and programmes were developed to reflect the different ways in which members learn.

In response Councillor David Ray thanked Councillor Richardson for the personal presentation and he expressed his thanks to officers and members who had contributed to this achievement.

7. **Public Participation**

There was no public participation.

8. **Schedule of Referrals from Cabinet and Democratic Renewal Working Party**

The Council considered the Schedule of Referrals contained within Report No. **COU/SE/14/001** (previously circulated).

(A) Referrals from Cabinet: 21 October 2014

1. West Suffolk Local Code of Corporate Governance

Councillor David Ray, Portfolio Holder for Resources and Performance, informed members that they were required to review and approve the Local Code of Corporate Governance annually. This was the first time a joint local code of governance had been produced and it had been reviewed by both the Performance and Audit Scrutiny Committee and by Cabinet.

On the motion of Councillor Ray, seconded by Councillor Mildmay-White, and duly carried, it was

RESOLVED:

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

2. Anglia Revenues and Benefits Partnership (ARP): Enforcement Agency

Councillor Ray, Portfolio Holder for Resources and Performance, reported that the proposal from ARP was to establish an in-house Enforcement Agency which would provide the potential to ensure residents were treated fairly and fees were kept as low as possible, whilst retaining the income generated by the enforcement actions.

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

RESOLVED:

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 ARPO 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.

3. Castle Manor Academy, Haverhill - Concept Statement

The Haverhill Vision 2031 Local Plan document had allocated land owned by the Castle Partnership Academy for redevelopment of educational premises. Applications for planning permission would only be determined once a Masterplan has been approved and the Masterplan should be prepared in accordance with a Concept Statement for the site.

Extensive consultation had taken place during July and August 2014 and all responses had been taken into account.

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

RESOLVED:

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.

(B) Referrals from Cabinet: 2 December 2014

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

The report to Performance and Audit Scrutiny Committee (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.

A range of measures were considered to bring down the initial budget gap of £1.5 million. Those that were appropriate went out to extensive public consultation and were then taken into account in the recommendations to Cabinet from the Performance and Audit Scrutiny Committee, as detailed in Report No. **CAB/SE/14/004**.

The recommendations would reduce the budget gap to £180k for the next financial year.

In response to questions, the Portfolio Holder for Resources and Performance confirmed that neither of the proposals for the bus station nor for the council building houses, were being considered at this stage but when it was appropriate, they would come back for member approval.

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

RESOLVED:

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.

5. Accounting for a single West Suffolk Staffing structure and the move to a West Suffolk Cost Sharing Model

The basis for sharing costs used a complicated and labour intensive formula which looked at the baseline position in 2012. This proposal suggested adopting a much simpler method; tests showed that this produced very

similar results but was less time consuming. ARP used a similar system successfully and found that this provided clarity to all partners.

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

RESOLVED:

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 Tables 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.

6. Local Council Tax Reduction Scheme (LCTRS) and Technical Changes 2015/2016

The LCTRS was introduced in April 2013 and could be adjusted on an annual basis if required. No changes had been made after the first year as at the time of consideration, data was only available for part of that year. The Portfolio Holder for Resources and Performance reminded members that the scheme was designed to be cost neutral following a 10% reduction in central government funding and Cabinet had recommended to continue the LCTRS in its current form.

In respect of the technical changes, based on the overall findings of the first year review outlined in Sections 2 and 3 of Report No. **CAB/SE/14/007**, it was recommended to:

- remove the current 5% discount for second home owners;
- change the Class C empty property to one week exemption followed by 100% charge; and
- continue the empty homes technical changes as per the current year's 2015/2015 scheme.

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

RESOLVED: That

- (1) no change be made to the current Local Council Tax Reduction Scheme for 2015/2016; and
- (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.

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

(Councillor Farmer declared a local non-pecuniary interest in this item, and remained in the meeting for its consideration.)

A revised Appendix 2 (copy attached) was tabled at the meeting. This revised table included changes made to 7 parishes and to the total number of Band 'D' dwellings in the borough.

In response to questions, the Portfolio Holder for Resources and Performance confirmed that:

- the Council Tax bands are set nationally but all members are able to lobby for change;
- ARP do not have a contractual service level for collection rates but aim to collect as much as possible;
- there is no mechanism for refunding any extra council tax collected above the predicted rates, just as there is no mechanism to collect any under achievement in council tax collection from the town and parish councils ;
- towns and parishes would be notified the following day regarding the amended Appendix 2.

On the motion of Councillor Ray, and subject to the amendments as shown in **bold** below, seconded by Councillor Clements, and with the majority in favour and two abstentions, (or duly carried) it was

RESOLVED: That

- (1) the tax base for 2015/2016, for the whole of St Edmundsbury is ~~34,839.29~~ **35,058.08** equivalent Band 'D' dwellings, as detailed in paragraph 1.4 of Report No. **CAB/SE/14/008 as amended**; 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 **the amended** Appendix 2.

8. Developing a Community Energy Plan

Report No. **CAB/SE/14/009** summarised the business case and made recommendations regarding the viable options which would establish a long term energy investment plan which, with support for improved community energy efficiency, would form the West Suffolk Councils' Community Energy Plan.

Appendices A and B to Report No. **COU/SE/14/001** gave more detail on the four recommendations which can be summarised as follows:

- (a) providing help to businesses to improve their energy efficiency;
- (b) improving council efficiency by installing solar panels and water efficiency measures on council owned properties;
- (c) working with local business to launch a 'rent-a-roof' scheme;
- (d) identifying sites for larger solar and renewable energy schemes.

Attention was drawn to a typographical error contained in the table in Option 1 of Appendix A – the totals should read as follows:

- Income/savings in Year 1 - £7,000
- Income/savings in Year 10 - £10,000
- Estimated CO₂ saving – 7 tonnes

Some concern was raised regarding the impact on elderly and vulnerable residents that were affected by increasing energy bills which could be due, in part, to subsidies being paid for green energy. It was also suggested that the focus should be on energy efficiency measures such as insulation and double glazing.

In response to questions, the Portfolio Holders for Resources and Performance and for Waste and Property, confirmed that:

- West Suffolk had a well-established fuel poverty programme;
- the Council would look for a target return on investment of 10% or more; this target rate of return would be guaranteed for the life of the scheme;
- the landscape should be protected from the over-zealous use of solar farms whilst taking advantage of schemes on brownfield sites;
- the council would be working with partners across Suffolk where appropriate;
- changes to building regulations meant that new houses needed to be increasingly energy efficient.

On the motion of Councillor Ray, seconded by Councillor Stevens, and with the majority in favour and five against, it was

RESOLVED:

(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**.

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

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. There was now the opportunity and an improving economic climate for the Council to progress Phase II of the project.

The next stage would be to review the adopted Masterplan and bring it up to date, and to put in place resources to help deliver the project.

Cllr Stevens responded to comments and questions regarding the provision of additional car parking, the level of car parking charges at the Public Service Village, the impact on traffic management and the potential to consider a district heating system as part of the project.

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

RESOLVED: 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 No. **CAB/SE.14/010**.

10. West Suffolk Data Protection Policy

The joint policy outlined the principles of the Data Protection Act 1998 and gave guidance on how the requirements of the Act applied to the work of the Councils. The Portfolio Holder for Resources and Performance drew members attention to paragraph 4.8 of the joint policy, which provided useful guidance for councillors.

On the motion of Councillor Ray, seconded by Councillor Mildmay-White, and duly carried, it was

RESOLVED:

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

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

11. Polling District Review

(Councillor Farmer declared a local non-pecuniary interest in this item, and remained in the meeting for the consideration of this item.)

The Electoral Registration and Administration Act 2013 required every Council to conduct a review during the 16 months beginning 1 October 2013.

Representations had been received regarding two borough wards:

- (a) Risbygate Ward – to create a new polling district to allow additional electors in Risbygate to poll at the Seventh Day Adventist Church; and to create a new polling district with a new polling station to reduce the number of voters polling at the Quaker Meeting House.
- (b) St Olaves Ward – to split the existing polling district into two separate polling districts and create a new polling station for electors residing on the Mildenhall Road estate.

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

RESOLVED:

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 along Northumberland Avenue.

12. Community Governance Review

(Councillor Farmer declared a local non-pecuniary interest in this item, and remained in the meeting for the consideration of this item.)

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

The Chairman of the Democratic Renewal Working Party explained that the review would take account of planned growth around the Borough's two main towns, the request of Cllr Beckwith to consider creating a Moreton Hall parish and also any further requests subsequently received from parishes. The budget for the review would be in the region of £5,000.

On the motion of Councillor P Warby, seconded by Councillor Mildmay-White, and duly carried, it was

RESOLVED:

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

- (a) 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) the Democratic Renewal Working Party be requested to consider the outcome of that consultation and report back to Council at its scheduled meeting in June/July 2015;
- (c) a budget of £5,000 be allocated for the review ; and
- (d) the review timetable set out in Appendix A to Report **COU/SE/14/001** be approved, recognising that it will commence in 2015 and will not conclude before the May 2015 election.

9. **Review of Constitution**

The Portfolio Holder for Resources and Governance introduced this report and reminded members that the Joint Constitution Review Group, consisting of eight members (four from each council) had been set up in the summer. The purpose of the review was to modernise and streamline the constitution and, where possible, to make them the same for both councils.

Members had been invited to a workshop on 10 September 2014 and a brief statement of principles was approved at the last Council meeting on 23 September 2014. Subsequently more detail had been added and circulated to all members for further comments.

Councillor Ray explained that members of Forest Heath District Council had deferred their decision on the principles at 4.3 and 4.4 of Appendix A. The principle at 4.3 only applied to Forest Heath, but the principle at 4.4, limiting questions and motions on notice to one per member, applied to both councils. A report with further information on these two principles would be taken to their next Council meeting in February.

Concern was raised by some members about the proposed removal of reports from individual Portfolio Holders from the council agenda. In response, Councillor Ray explained that members would have up to three alternative ways of questioning portfolio holders at meetings (in addition to contacting them outside of meetings) if reports were removed from council agendas:

- the Leader would still present a written report, to encompass all areas of the council, at the beginning of the agenda;
- Portfolio Holders would be invited to attend scrutiny meetings at least annually as a formal agenda item and members would have the opportunity to ask questions;
- the first agenda item at Cabinet meetings would be an open forum, when members could ask questions.

The Monitoring Officer informed members that, as sections of the constitution were drafted, they would be sent out circulated for comments which would then be reviewed by the Joint Constitution Review Group before the proposed joint council meeting.

In response to questions, Councillor Ray:

- agreed that the Job Description should be amended in the first paragraph to read `...your political party, if applicable...`
- explained that the authority delegated to the Monitoring Officer would be clearly defined and would only apply to changes to statutory responsibilities and staffing structures. Any other changes would require Council approval.

On the motion of Councillor Ray, seconded by Councillor Nettleton, and with the majority in favour and four against, it was

RESOLVED: That:

- (1) the principles set out in the final column of Appendix A to **COU/SE/14/008** be approved; and
- (2) the principles that the constitution be only as long as necessary and the same for Forest Heath and St Edmundsbury unless differences are essential be approved; and
- (3) delegated authority be given to the Monitoring Officer, in consultation with the Joint Constitution Review Group, to draw up a new Constitution based on the above principles; and
- (4) delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to amend the Scheme of Delegation to Officers from time to time to reflect changes in statutory responsibilities, staffing structures and so on, so long as those changes do not materially affect the constitution; and
- (5) the new constitution be brought to a joint meeting of both councils for adoption on a date before 7 May 2015; and
- (6) the Ward Councillor Job Description be approved for distribution to prospective borough/district council candidates.

10. **Report on Special Urgency**

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.

11. Dispensation: Councillor McManus

The Council considered a narrative item which explained that Councillor Paul McManus had been unable to attend Council meetings since 30 June 2014 due to ill health. Section 85(1) of the Local Government Act 1972 provided that failure to attend for six consecutive months would lead to a Councillor ceasing to be a member of the authority unless, before the end of that six-month period, the authority approved the reason for non-attendance.

On the motion of Councillor Farthing, seconded by Councillor Thorndyke, and with the majority in favour and one against, it was

RESOLVED:

That the non-attendance of Councillor Paul McManus at meetings for a period in excess of six consecutive months by reason of ill health be approved, in accordance with Section 85(1) of the Local Government Act 1972.

Reports and Questions

12. Report from the Leader of the Council

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

Some members commented on Section 2.5 of the report which stated that Councillor Griffiths had given a 'lukewarm' response to the suggestion that West Suffolk Councils consider taking over parking enforcement.

In response, Councillor Griffiths stated he would provide a written answer as there were a number of reasons for this.

13. Report from the Deputy Leader and Portfolio Holder for Health and Communities

(Councillor P Hopfensperger declared a non-pecuniary interest in this item as his business is related to health and wellbeing.)

Councillor Mildmay-White drew members' attention to Section 5 of her report and urged councillors to use their locality budgets by engaging with their communities and locality officers.

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

- Section 1.1 of the report reported on obesity in children and the added complication of type two diabetes. Councils focus was to promote exercise and eat less, in other words promote an active and healthy lifestyle.
- The On the Spot service (Section 3.2) in rural areas had not been provided in 2014 as a replacement officer could not be found at very short notice by the contractor following a resignation.

14. Report from the Portfolio Holder for Waste and Property

No questions were raised.

15. Report from the Portfolio Holder for Housing

Councillor Gower reported that a letter had been received from Eric Pickles, MP, regarding available funding for violence against women and children and that, with Women's Aid, it was hoped that a bid for funding could be submitted.

In addition, Barnado's had recently launched a campaign called 'Beyond Care' which was aimed specifically at local councils that councillors could sign up to.

In response to a question on standards of housing and specifically problems with Houses of Multiple Occupancy in Haverhill, Councillor Gower stated that, when informed about substandard accommodation, officers would respond as quickly as possible with inspections to ensure they are brought up to standard.

16. Report from the Portfolio Holder for Resources and Performance

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

No questions were raised.

17. Report from the Portfolio Holder for Economic Growth

(Councillor D Whittaker left the meeting during the consideration of this item and did not return.)

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

- The Christmas Fayre had again been a success and it was acknowledged that, although it did not benefit all businesses, it did put Bury St Edmunds on the map. The market development plans would be looking at improving key features of our towns and markets.
- The free parking after 3pm in Haverhill was aimed at increasing parking at quieter times rather than providing free parking when it was busy.

18. Report from the Portfolio Holder for Planning and Regulation

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

- members would be kept informed of changes to the planning process when more detail becomes available (section 1.3);
- information would be sent to councillors, and training arranged, following the legislation on prior applications which came into force in April 2014. Parishes would also receive a briefing in the new year.

19. **Report from the Portfolio Holder for Leisure, Culture and Heritage**

Although the woodland work (see section 5.1) was welcomed, it was pointed out that many of the problems were self-inflicted by the use of wrong species of trees to provide instant screening which then grow too tall and need to be managed.

20. **Report from the Chairman of the Overview and Scrutiny Committee**

In the absence of the Chairman of the Overview and Scrutiny Committee, the Deputy Chairman, Councillor Hind introduced this report.

There was a brief discussion regarding the recommendation to Cabinet regarding the review of 'A' Boards (section 2.7 of the report). This would be clarified at the Overview and Scrutiny Committee meeting the following day.

21. **Report from the Chairman of the Performance and Audit Scrutiny Committee**

In the absence of the Chairman of the Performance and Audit Scrutiny Committee, the Deputy Chairman, Councillor P Warby introduced this report.

A written response would be given in response to a question on what negotiations were entered into to ensure that the fees from Ernst and Young were kept as low as possible.

22. **Questions to Chairmen of other Committees**

No questions were raised.

The Meeting concluded at 10.12 pm

Signed by:

Chairman
