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# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Referral of Recommendations from Cabinet, Anglia Revenues and Benefits Partnership Joint Committee and Democratic Renewal Working Party</b>	
<b>Report No:</b>	<b>COU/SE/15/021</b>	
<b>Report to and date:</b>	<b>Council</b>	<b>7 July 2015</b>
<b>Documents attached:</b>	<b>Exempt Appendix A:</b> (C) Referrals from Cabinet: 23 June 2015 – Provision of Temporary Accommodation in Bury St Edmunds	

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## **(A) Referrals from Cabinet: 24 March 2015**

### **1. West Suffolk Safeguarding Policy - Guidelines for Working with Children, Young People and Vulnerable Adults**

**Cabinet Member:** *Cllr Sara Mildmay-White*      **Report No:**  
[CAB/SE/15/026](#)

#### **RECOMMENDED:**

***That the revised Safeguarding Policy and Guidelines for working with Children, Young People and Vulnerable Adults, as set out in Appendix A to Report No: CAB/SE/15/026, be adopted.***

[Appendix A to Report No: CAB/SE/15/026](#) set out an updated and revised Safeguarding Policy and Guidelines for working with children, young people and vulnerable adults to ensure compliance with the new duties placed upon the Council by the Care Act 2014.

The revised policy will enable the West Suffolk councils to fulfil their statutory obligations under the Children Act 2004 and Care Act 2014 by establishing effective arrangements to safeguard and promote the welfare of children, young people and vulnerable adults. The features of effective arrangements as identified under the two Acts are listed in the Cabinet report, together with information on the role and responsibilities

of the independent Children's and Adult Safeguarding Boards, and internal training available on safeguarding issues.

**(B) Referrals from Cabinet: 28 May 2015**

**1. West Suffolk Joint Pay Policy Statement 2015/2016**

**Cabinet Member:** Cllr Ian Houlder

**Report No:**  
[CAB/SE/15/033](#)

**RECOMMENDED:**

***That the West Suffolk Joint Pay Policy Statement for 2015/2016 contained in Appendix 1 to Report No: CAB/SE/15/033, be approved.***

Section 38/11 of the Localism Act 2011 requires local authorities to produce a Pay Policy Statement annually. A joint Pay Policy Statement for 2015/2016, attached as [Appendix 1 to Report CAB/SE/15/033](#), has been produced for St Edmundsbury Borough and Forest Heath District Councils, which reflects the shared workforce, and the single Pay and Reward Strategy in place for the two West Suffolk councils. The Statement also incorporates the outcomes of the 2013 collective agreement which established a modern reward framework for the integrated workforce.

**(C) Referrals from Cabinet: 23 June 2015**

**1. West Suffolk Operational Hub**

**Cabinet Member:** Cllr Peter Stevens

**Report No:**  
[CAB/SE/15/040](#)

**RECOMMENDED:**

***That funding of £180,000, as detailed in Section 4 of Report No: CAB/SE/15/040, be approved (£98,000 FHDC and £82,000 SEBC). To be funded from each authority's Strategic Priorities and Medium Term Financial Strategy reserve.***

To date, all costs during the feasibility and deliverability phases of the West Suffolk Operational Hub project have been shared equally with Suffolk County Council and St Edmundsbury Borough Council. St Edmundsbury provided initial funding of £100,000 (Report F51 dated 30 June 2014 refers). A further £20,000 of funding has been made available through the Cabinet Office under the One Public Estate Programme (OPEP) which aims to support projects to co-locate public sector assets.

In order for the project to progress, funding will be required to potentially finalise business case in the autumn. Estimates elements of further cost required are:

Project Management / Concertus	£40,000
Planning advice	£15,000
BREEAM advisors	£4,000
Images and visual impact studies	£6,000
Planning application and land option	£52,000
Legal advice	£13,000
Direct costs	£30,000
Communications	£20,000
Consulting engineers (surveys / design)	£130,000
Other / contingency	£50,000
Total	£360,000

The anticipated share of these costs for West Suffolk is anticipated to be £180,000. Appropriate arrangements need to be made to share these costs between Forest Heath District Council and St Edmundsbury Borough Council. An accurate basis on which to share these costs between the West Suffolk Councils will be made for the business case. Until then it is recommended that they be shared on the standard 35:65 ratio and reconciled at a later date.

In order to reflect a 35:65 cost share between the West Suffolk authorities on both the current and future expenditure for this project, Forest Heath DC will be requested to make budget provision for £98,000 (35% of West Suffolk's £280,000 share – net of £20,000 OPEP funding) and St Edmundsbury will be requested to make a further budget provision of £82,000 (65% of West Suffolk's £280,000 share – net of £20,000 OPEP funding, minus the £100,000 already approved Report F51). Both amounts to be funded from each authority's Strategic Priorities and Medium Term Financial Strategy reserve.

A separate report that seeks financial approval for the funding of a number of major projects will come forward separately.

For information, the Cabinet also resolved on 23 June 2015 that:

- (1) *the contents of this report [Report No: CAB/SE/15/040] and the summarised feedback from pre-application consultation be noted; and*
- (2) *further pre-application consultation to include the site selection be approved.*

Further detail on the above can be found in Report No: [CAB/SE/14/040](#).

## **2. Culford Park Management Plan**

**Cabinet Member:** Cllr Alaric Pugh

**Report No:**  
[CAB/SE/15/043](#)  
**(Sustainable  
Development Working  
Party Report No:**  
[SDW/SE/15/004](#)

### **RECOMMENDED:**

***That the Culford Park Management Plan, as contained in Appendices 1 and 2 to Report No: SDW/SE/15/004, be adopted as a Supplementary Planning Document.***

The replacement Culford Park Management Plan is an updated version of the original document adopted in 2004. It reflects the complex nature of the site, comprising the educational function of Culford School, numerous historic buildings and extensive historic parkland, and the many, sometimes conflicting, priorities involved in protecting and managing the site. It also demonstrates their careful approach and commitment to the management and protection of the site as a whole.

The purpose of the Management Plan is to identify potential areas of future development within the site based on the school's anticipated operational needs, the required maintenance/repair/restoration of both the buildings and parkland, and to help identify priorities. Proposals are made based on a thorough understanding of the significance of the site.

The adoption of the Culford Park Management Plan as a Supplementary Planning Document (SPD) would provide the school with a degree of certainty when forward-planning. It would form the basis for planning and listed building consent applications, putting proposals into a wider context which would aid the Council and consultees in understanding and considering such applications.

## **3. Station Hill Development Area, Bury St Edmunds: Masterplan**

**Cabinet Member:** Cllr Alaric Pugh

**Report No:**  
[CAB/SE/15/043](#)  
**(Sustainable  
Development Working  
Party Report No:**  
[SDW/SE/15/005](#)

### **RECOMMENDED:**

***That the Masterplan for the Station Hill Development Area, Bury St Edmunds land allocation, as contained in Appendix A to Report Ref: SDW/SE/15/005, be adopted as non-statutory planning guidance, subject to amendments being made to the document to:***

- (i) provide greater clarity about the intended illustrative nature of the plans contained therein;**
- (ii) include relevant references to the Joint Development Management Policies document adopted in February 2015; and**
- (iii) delegated authority be given to the Head of Planning and Growth, in consultation with the Chairman of the Sustainable Development Working Party and the Ward Members for the Station Hill Development Area, to satisfactorily resolve the issues raised by Pigeon Investment Management Ltd in their letter of objection received immediately prior to the meeting of the Working Party held on 18 June 2015.**

The draft Masterplan, which has been prepared in accordance with the Council's adopted protocol and has been the subject of public consultation, follows the principles of the extant and emerging policy land allocations and the adopted Concept Statement but provides a level of detail which will inform any subsequent applications for planning permission. The draft document considers site topography, built form, landscape features, ecology, heritage assets, flood risk, key views and vistas, access and social context and uses these to evaluate opportunities and constraints to development, explores site capacity and develops some key design principles for development of the site.

The Masterplan proposes 'a high quality residential scheme which relates to the railway station, conversion of the locally listed Burlingham Mill, along with new public realm and open spaces across the site which link via new cycle and pedestrian routes to the surrounding neighbourhoods with a number of key features as set out in Report No: [SDW/SE/15/005](#).

The draft Masterplan identifies that development of the site is likely to be carried out in four distinct phases, predominantly influenced by land ownership constraints and the on-going railway sidings use which policy dictates will need to be re-located.

At the meeting of the Sustainable Development Working Party, officers reported receipt of a letter of objection from Pigeon Investment Management Ltd. This had been lodged with the Council shortly before the meeting and officers had not had the opportunity as a consequence to formulate advice on the points raised for the Working Party.

Members of the Working Party commented that the Masterplan made no reference to the provision of affordable housing, health and well-being issues and energy efficiency. Officers advised that relevant references to the Joint Development Management Policies covered such points and that they would be addressed in more detail at the planning application stage. It was requested that such references contain brief description of the ramifications of the policies referred to.

The recommendations put forward by the Working Party and Cabinet address these issues highlighted above.

#### **4. West Suffolk Hospital, Bury St Edmunds: Masterplan**

**Cabinet Member:** Cllr Alaric Pugh

**Report No:**  
[CAB/SE/15/043](#)  
**(Sustainable  
Development Working  
Party Report No:**  
[SDW/SE/15/006](#)

#### **RECOMMENDED:**

***That the Masterplan for the West Suffolk Hospital, as contained in Appendix A to Report No: SDW/SE/15/006, be adopted as non-statutory planning guidance.***

The Bury St Edmunds Vision 2031 document states that should there be major development proposals at the West Suffolk Hospital site a Masterplan would need to be prepared which takes account of increased demand for parking, traffic generation and environmental impacts on the site.

The draft Masterplan, which has been prepared in accordance with the Council's adopted protocol and has been the subject of public consultation, sets out five main areas for development which are shown on the plan that supports the Masterplan, as provided in Report No: [SDW/SE/15/006](#).

Outside of these five areas it also indicates that the main vehicular access would be widened and improved to ensure that emergency vehicles can access the site if a large vehicle broke down on the current vehicular entrance.

The draft Masterplan is limited in what it is seeking to set out. The Trust are currently doing a strategic piece of work to understand the cost and advantages of either moving to the western side of Bury St Edmunds or redeveloping their current site. The results of this will be known in early 2016. If they decide to stay on their current site any major redevelopment would require a new Masterplan which the Trust are fully aware.

Regardless of what option the Trust take the adoption of this Masterplan will enable them to bring forward planning applications in order to develop the current site in an interim way and continue to operate an effective and functional hospital.

## **5. West Suffolk Facilities Management**

**Cabinet Member:** Cllr Peter Stevens

**Report No:**  
**[CAB/SE/15/045](#)**

### **RECOMMENDED: That**

- (1) the contents of Report No: CAB/SE/15/045 be noted;**
- (2) approval is given to establish a Joint Venture Company with Eastern Facilities Management Services (EFMS) Ltd for the delivery of Facilities Management services at Forest Heath District Council and St Edmundsbury Borough Council; and**
- (3) delegated authority be given to the Head of Operations, in consultation with the Head of Resources and Performance, the Service Manager (Legal) and respective Portfolio Holders for Operations to finalise and confirm the outstanding legal and governance matters outlined herein at 3.11 to 3.15 and 3.21 of Report No: CAB/SE/15/045, before signing contracts to establish the new Joint Venture company with EFMS.**

Facilities Management (FM) services at Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) (the West Suffolk councils) are currently delivered through a range of different methods. The bulk of the FM services at SEBC are contracted out to a company called Ocean Integrated Services Ltd. This contract is ending which provides an opportunity to bring together FM services across West Suffolk into a single arrangement. FHDC FM services are currently predominantly in-house with Ocean covering some sites in Newmarket. SEBC has some FM arrangements that fall outside of the Ocean contract and are provided by other contractors (e.g. cleaning at public halls).

Along with the rest of the public sector, Local Government has entered a period of significant change. There can be little doubt that in the next few years rationalising the public estate through co-location will become far more prevalent in response to financial pressures and Central Government initiatives like the One Public Estate Programme. Our arrangements for FM services therefore need to offer maximum flexibility along with value for money, high performance and perhaps offer the potential for commercial business growth and income to the councils.

With this review we have the opportunity to standardise FM services into a single arrangement across West Suffolk. This will make managing future arrangements more consistent and effective and we will also seek to reduce the day-to-day client involvement in operational matters and the time spent on contract management.

In reviewing our options it is also important to consider the shifting landscape in which these services will be delivered. Any future

arrangements should provide flexibility for the reasons outlined above. We need to cut the cost of these services and have the ability to continually review and improve them to make them more cost effective with the passage of time. It is also recognised that at the main SEBC offices, Suffolk County Council (SCC) are taking an increasing financial stake in the cost and delivery of these services as their occupancy of these buildings surpasses that of SEBC. Finally, there is an opportunity to consider whether any future arrangement can deliver a more commercial solution with the ability to grow it through adding other services (e.g. print, security, grounds maintenance) or securing sales revenue through providing work of a similar nature to other organisations in the locality.

In seeking to bring the arrangements for FM services together, four options were considered. It was concluded that Option 4 offers the greatest potential and this option has been explored further in more detail. Option 4 is to enter into a Joint Venture (JV) with a publically owned FM company, specifically, to form a JV Partnership with SCC's arms-length company Eastern Facilities Management Services (EFMS) Ltd.

A JV is a business agreement in which the parties agree to develop a new entity and new assets by contributing equity. They exercise control over the enterprise and consequently share revenues, expenses and assets.

Appendix B attached to Report No: [CAB/SE/15/045](#) contains a more detailed summary of the potential advantages and disadvantages of each of the options, with a summary of the costs identified and agreed by EFMS and West Suffolk contained in Exempt Appendix D.

The Cabinet report also provides details on who and what EFMS are, together with addressing issues on due diligence, legal and governance, negotiations on terms and conditions, human resources, JV company values and the proposed timeline for implementation.

## **6. Provision of Temporary Accommodation in Bury St Edmunds**

***Cabinet Member:*** Cllr Sara Mildmay-White      ***Exempt Report No:***  
***CAB/SE/15/046***

The recommendations emanating from Exempt Report No: CAB/SE/15/046 are contained in Exempt Appendix A attached.



**(D) Referral from Anglia Revenues and Benefits Partnership Joint Committee : 10 June 2015**

**1. ARP Trading Company Restructure**

**Cabinet Member:** *Cllr Ian Houlder*

**Report No:** *Agenda Item 12*

**RECOMMENDED: That**

- (1) *St Edmundsbury Borough Council buys shares valued at £1 each in the new ARP Trading Company Limited in accordance with Section 1.5 of the report on the ARP Trading Company Restructure submitted to the Anglia Revenues and Benefits Partnership Joint Committee on 10 June 2015, alongside an identical purchase by Waveney DC, Suffolk Coastal DC, and Fenland DC;***
- (2) *Should East Cambs DC wish to buy shares in the new ARP Trading Company Limited, and should it inform the JC partner councils prior to the next JC meeting (in September), this request is approved;***
- (3) *The number of shares each authority holds in the reconstituted ARP to be confirmed once East Cambs DC position is known, but to add up to a total number of shares of 1,750.***
- (4) *A loan of £10,000 from St Edmundsbury and each of the other partner authorities involved with establishing the trading company be approved, to cover initial working capital requirements (with approval to amend the Council's Treasury Management policies if required); this loan to be funded from underspend in ARP's 14/15 budget;***
- (5) *agreement of the revised company constitution and shareholder agreement be delegated to the Operational Improvement Board to complete; and***
- (6) *a person or persons be nominated from each of the six partner authorities involved to represent the respective authority's interests at shareholder meetings.***

ARP Trading Limited is a private company limited by shares which was established in 2006. It has share capital of £100, with Breckland Council holding 66 shares and Forest Heath holding 34 shares. It traded successfully for a number of years. In recent years company turnover has reduced as efforts have concentrated on the expansion of the Joint Committee arrangement. The expansion of the Joint Committee has also made it unequitable to utilise the trading company to deploy resources at other sites. Retained profits amount to around £100,000, subject to final audit.

The Joint Committee has reviewed the strategic direction of the partnership, recognising the growing partnership and changing environment in which the revenues and benefits service operates. On 19 March 2015 the Joint Committee agreed that a positive way forward for the partnership would be to utilise the trading company as the means to trade some of ARP's sellable services where appropriate. This would involve the company (with the approval of the two existing shareholder authorities) distributing its retained profit and extending the shareholding to the other five full partners to allow them to participate in the company.

Recognising that the company has retained profits which will need to be distributed before any company reconstruction could take place, the company board would need to declare a dividend to allow this cash to be released. The current shareholders, Forest Heath and Breckland, would also need to approve the dividend payment, as set out in a recommendation to both of these authorities, which asks that:

*'To Breckland and Forest Heath Councils, that amendments to the company constitution and shareholder agreement be made to allow the expansion of the ARP Trading Company Limited to include all seven [amended to six, less East Cambs DC] full partner councils of the ARP Joint Committee'*

The company would need to retain sufficient funds to maintain a very basic level of operation and cashflow and remain solvent while business cases are developed and implemented to grow the business. This core level of funding could be achieved through a combination of raising more share capital and borrowing from the shareholders.

It is assumed that £1,750 is considered sufficient to cover a years' audit and bank fees with no trading activity taking place. The company already has share capital of £100 from Breckland and Forest Heath. Therefore it will need to issue 184 shares to Breckland, 216 shares to Forest Heath and the remaining shares were to be divided equally between the other five partner authorities, all at £1 per share. This would give each authority equal ownership in the company. However, at the Joint Committee meeting on 10 June 2015, one of the partners, East Cambs District Council, decided it would not wish to make the investment, therefore the remaining shares would be divided equally between the remaining four partner authorities, St Edmundsbury being one of them. The authorities would each need to approve this share purchase to bring the total share capital up to £1,750, as set out in Recommendation (1) above.

At the Joint Committee meeting on 19 March 2015, Members expressed the view that, for the company to be effective, it should be set up with sufficient funds so that it does not need to constantly ask Joint Committee (and the authorities) for additional funds to cover the costs of setting up new operations and initiatives. It is therefore proposed that the partners provide additional funds to cover start-up of trading activities. It is envisaged that services initially traded by the company will cover the same type of activities currently delivered through the Joint Committee partnership arrangement including new activities such as enforcement. The company would not need a great deal of set up capital as it would buy in systems, staff, and management from the ARP. Not only will this keep down the set up costs for

the company, but it will also reduce running costs for the partnership, as systems and overheads are spread over a wider base. However the company would need to be able to pay ARP for these services and directly employ or contract its own resources when required. In the absence of a detailed business case at this stage, a £10,000 contribution from each partner (funded from 2014/2015 savings in the partnership budgets) will provide working capital to ensure the company can operate as a going concern.

The working capital injection would be in the form of loans to allow the repayment to the councils at a future date when company finances allow. This would also allow the councils to earn market interest rates from their investments and to help mitigate corporation tax charges to the company. It is anticipated that this is a treasury management loan and that each authority will need to check that the scope of its own Treasury Management policies cover this type of transaction and to amend them if they don't.

The company's memorandum and articles of association will need to be amended to recognise the reconstruction, and the shareholders' agreement will also need revision, although there may be an opportunity to adopt the new form of model articles introduced by the Companies Acts if this is more efficient for the legal teams. The articles of association is a document which, along with the memorandum of association (if used) form the company's constitution, defines the responsibilities of the directors, the kind of business to be undertaken, and the means by which the shareholders exert control over the board of directors. It is proposed that the details contained in these documents are delegated to the Operational Improvement Board for final approval to ensure that each authority is appropriately represented, although the company is ultimately responsible for approving these company documents.

Company business (such as approval of annual accounts, appointment of auditors) often requires approval by its shareholders. It is proposed that each authority nominates an officer who is able to represent the authority's interests at shareholder meetings. This would avoid the need for shareholder decisions having to be referred back to each authority for formal reporting and decision making.

For further information, see [ARP Trading Company Restructure](#) report considered by the Joint Committee on 10 June 2015.

## **(D) Referrals from Democratic Renewal Working Party: 17 June 2015**

### **1. Community Governance Review – Terms of Reference**

**Chairman of the Working Party:**  
*Cllr Patsy Warby*

**Report No:**  
**[DEM/SE/15/001](#)**

**RECOMMENDED: That**

**(1) in accordance with the process agreed by full Council in December 2014, the terms of reference for the Community**

**Governance Review as set out in Appendix B to Report No. COU/SE/15/021 be approved and published.**

The Working Party considered [Appendix A to DEM/SE/15/001](#) which listed the suggestions for inclusion in the Community Governance Review (CGR). The Working Party widened and merged two of the suggestions; one of the boundary suggestions in the original paper was not supported by the Working Party on the basis that the Council had already examined and consulted on the issue in a previous CGR; and another was already covered by the need to carry out a consequential review of the impact on parish and borough wards and county divisions. As a result of these changes, a revised table with new numbering (see Appendix B to COU/SE/15/021) is attached to reflect a final set of proposals from the Working Party.

**2. Review of Members' Allowance Scheme and Appointment of Independent Remuneration Panel**

**Chairman of the Working Party:**  
Cllr Patsy Warby

**Report No:**  
[DEM/SE/15/002](#)

**RECOMMENDED: That**

- (1) the Council undertake a recruitment process as outlined in Section 2 of Report DEM/SE/15/002**
- (2) the Council appoint a Selection Panel of three Members, plus a substitute Member, to advise the Service Manager (Legal Services) on the appointment of Members of the Independent Remuneration Panel (IRP) and the terms and conditions of appointment.**
- (3) the Service Manager (Legal Services) be authorised to seek candidates for an Independent Remuneration Panel to determine its terms and conditions.**

**(If Forest Heath District Council, at their meeting on 15 July 2015, agree to end their Members' Allowance Scheme on 30 November 2015, the Selection Panel in Recommendation (2) and the Independent Remuneration Panel in Recommendation (3) would both be joint and the number of Members to be appointed to the Selection Panel would be two Members plus a substitute Member.)**

The current Members' Allowance Scheme for St Edmundsbury Borough Council expires on 30 November 2015. Members of an Independent Remuneration Panel (IRP) must be appointed in order to review the current scheme and make any recommendations for change.

The equivalent scheme for Forest Heath District Council (FHDC) expires on 30 March 2017. At their Council meeting on 15 July 2015, Members of FHDC will be asked to consider ending their Allowance Scheme early to allow a review of both authorities' schemes to be carried out by a Joint Independent Remuneration Panel. If FHDC members agree to end their scheme early, the

number of members to be appointed to the Selection Panel will be two members plus one substitute for each authority.

If FHDC do not wish to end their Scheme early, the appointed IRP will review only the St Edmundsbury scheme for a period to expire on 30 March 2017, at which time a Joint Independent Remuneration Panel would be appointed to review both schemes.

The process would involve the following steps:

- (a) appoint a three Member Selection Panel (SEBC only) or a four Member Selection Panel (joint);
- (b) advertise for Members of the IRP in the Bury Free Press and Haverhill Echo;
- (c) contact local representative groups for nominations, e.g. Chamber of Commerce;
- (d) carry out an application process; and
- (e) select and call candidates for interview.

The reappointment of the existing Panel Members, if making an application, will be determined by the Selection Panel as part of the appointment process.