

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Cabinet** held on
Tuesday 23 June 2015 at 5.00 pm in the **Conference Chamber West,**
West Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

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

Robert Everitt
Ian Houlder
Alaric Pugh

Joanna Rayner
Peter Stevens

By Invitation:

Sarah Broughton

(Chairman of the Performance and Audit
Scrutiny Committee)

Diane Hind

(Chairman of the Overview and Scrutiny
Committee)

In attendance:

Carol Bull
Becca Hopfensperger

Susan Glossop
David Nettleton

77. **Apologies for Absence**

No apologies for absence were received.

78. **Minutes**

The minutes of the meeting held on 28 May 2015 were confirmed as a correct record and signed by the Chairman.

79. **Open Forum**

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

80. **Public Participation**

Mr Simon Harding, of Bury St Edmunds asked a question connected with mileage for net freighter, bulker and empty heavy goods vehicles travelling to and from a potential waste transfer station site at Rougham Hill, Bury St

Edmunds being less than the preferred option of a site at Hollow Road Farm, Bury St Edmunds.

In response, Councillor Peter Stevens, Portfolio Holder for Operations, stated that Mr Harding was comparing the proposed site at Hollow Road Farm with an alternative site at Rougham Hill, a site which would not provide sufficient space to co-locate the facilities of a waste transfer station, combined depot and household waste and recycling centre (HWRC). A holistic approach was being undertaken regarding the future handling of waste in west Suffolk and the site at Hollow Road Farm was presently the preferred option for optimum delivery of services, efficiencies and savings. Comparing mileage for a transfer station and HWRC only at Rougham Hill was difficult without understanding where a combined depot would be located.

Mr Harding then asked a supplementary question arising directly from Councillor Stevens' reply which provided further details of mileage calculations within various scenarios, if waste freighters were to access sites at either Rougham Hill or Hollow Road Farm.

In response, Councillor Stevens agreed that Mr Harding's calculations were probably correct, however, he re-emphasised the need to adopt a holistic approach for the future of waste services, which included seeking an optimum solution for achieving efficiencies and savings for the residents of West Suffolk.

Ms Valerie Legg, of Bury St Edmunds asked a question connected with the seven bullet points listed in favour of the Hollow Road Farm site contained the Council's public consultation document and whether the present site at Rougham Hill could be expanded and amalgamated with an adjacent brownfield site to provide a suitable option.

In response, Councillor Peter Stevens, Portfolio Holder for Operations, stated that it was not just a question of utilising an adjacent brownfield site; a wider vision was required for ensuring the achievement of best value from a site for service delivery and the making of optimum savings.

81. Petition: Proposed Siting of West Suffolk Operational Hub at Hollow Road Farm, Bury St Edmunds

Ms Sarah Bartram of Fornham St Martin, presented paper and online petitions, containing a total of 844 signatures on behalf of residents in Fornham St Martin, Great Barton and Bury St Edmunds. The petition was against the Councils' preferred location of the proposed West Suffolk Operational Hub (WSOH) at Hollow Road Farm, Bury St Edmunds.

In accordance with the Council's Constitution, Ms Bartram addressed the Cabinet for no more than three minutes, detailing the reasons why she and the petitioners were against the proposed siting of the WSOH at Hollow Road Farm and the action sought from the Council to satisfactorily mitigate their concerns.

Councillor John Griffiths, Leader of the Council, thanked Ms Bartram for presenting the petition, which had been submitted in response to the pre-

planning application consultation where feedback had been sought on initial plans and proposals for development. He drew attention to one of the recommendations contained in Report No: CAB/SE/15/040 presented as Item 10 on this Cabinet agenda, which sought for further consultation to be undertaken and for this to include the site selection process, ahead of any planning application for the site at Hollow Road Farm being submitted. Councillor Griffiths proposed that Item 10 should be considered next on the agenda and this was agreed.

Councillor Peter Stevens, Portfolio Holder for Operations, then duly acknowledged receipt of the petition from Ms Bartram. He responded to Ms Bartram explaining that councillors believed many of the concerns were without solid basis and it was acknowledged that further information would be provided to address these concerns as there appeared to remain a lack of understanding about the proposals and the modern treatment of waste. Petitioners were urged to undertake a tour of the Energy from Waste facility at Great Blakenham which may alter their present perception. Subject to approval of the recommendations contained in Report No: CAB/SE/15/040, the next round of pre-application consultation would provide details of the other potential sites investigated; the site selection criteria and the process for selection, and more detailed information on the benefits to be achieved from a co-located facility. This again, may help petitioners draw alternative conclusions about the preferred option of Hollow Road Farm.

Councillor Griffiths continued by responding to other specific issues raised in the petition.

(With the agreement of the Chairman, the following items were considered in a different order to that published in the agenda.)

82. West Suffolk Operational Hub

The Cabinet considered Report No: CAB/SE/15/040 (previously circulated), which sought approval for further consultation to be undertaken to include site selection before any planning application was made to potentially locate the West Suffolk Operational Hub at the currently preferred site of Hollow Road Farm, Bury St Edmunds. The Cabinet was also asked to recommend to full Council, approval of additional funding to enable the project to progress.

Councillor Peter Stevens, Portfolio Holder for Operations, drew relevant issues to the attention of the Cabinet. He explained that although not a statutory requirement, pre-planning application consultation started on 6 March 2015 and due to the large response received, the original one month consultation period was extended to 20 April 2015. The report summarised that 640 responses had been received during the period, 84% of which were objections, which included a paper petition containing 555 signatures and an online petition of 283 signatures as at 30 April 2015 (see minute 81 above.) Further detail on the responses received during the pre-application consultation period were contained in Appendix A.

Having received and analysed the responses received, the proposals were being further developed to take into account the issues that had been raised. It was also clear from the responses received that further information was

required on the justification for a single site Operational Hub comprising a waste transfer station, combined depot and Household Waste and Recycling Centre, and also the process adopted for reviewing potential sites which had concluded that the Hollow Road Farm site was the preferred option. Consideration was therefore given to recommend that further consultation should be undertaken to include the site selection process, ahead of the submission of any planning application.

Councillor Stevens added that in order to progress the project and develop a full business case in autumn 2015, further funding from the West Suffolk councils of £180,000 would be required. This was to be divided with £98,000 from Forest Heath District Council and £82,000 from St Edmundsbury Borough Council, as detailed further in the report.

Councillors Beccy Hopfensperger and Sarah Broughton, Ward Members for Fornham and Great Barton Wards respectively, both addressed the Cabinet on the proposals. Whilst both Members recognised the need for a single site for the Operational Hub, they both expressed their serious concerns for locating the development at Hollow Road Farm and provided detailed reasons why they considered the site was unsuitable.

The Cabinet acknowledged the strength of feeling against the preferred location that had emerged from the pre-application consultation and supported the recommendation as outlined above to carry out further consultation, including the process for site selection. The optimum solution for the treatment of waste in West Suffolk was the ultimate objective (as detailed further in minutes 80 and 81 above), therefore it was important that the issues raised were properly addressed and mitigated.

Members also supported recommending to Council the allocation of additional funding, as set out in the recommendation below.

RESOLVED: That

- (1) the contents of this report and the summarised feedback from pre-application consultation be noted;
- (2) further pre-application consultation to include the site selection be approved; and

RECOMMENDED TO COUNCIL:

- (3) **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.**

(Councillors Carol Bull and Beccy Hopfensperger left the meeting at the conclusion of this item.)

83. Report from the Performance and Audit Scrutiny Committee: 4 June 2015

The Cabinet received and noted Report No: CAB/SE/15/036 (previously circulated), which informed the Cabinet of the following items discussed by the Performance and Audit Scrutiny Committee on 4 June 2015. The first seven items were considered jointly with Forest Heath's Performance and Audit Scrutiny Committee:

- (1) Internal Audit Annual Report 2014/2015 and Outline Internal Audit Plan 2015/2016;
- (2) West Suffolk Annual Governance Statement 2013/2014 Action Plan Update;
- (3) Key Performance Indicators and Quarter 4 Performance Report 2014/2015;
- (4) Performance Management Report 2015/2016;
- (5) West Suffolk Strategic Risk Register Quarterly Report – March 2015;
- (6) Biannual Corporate Complaints and Compliments Digest;
- (7) Work Programme Update;
- (8) Ernst and Young – Certification Report 2013/2014;
- (9) Ernst and Young – Presentation of External Audit Plan and Fees 2014/2015 and 2015/2016 Indicative Fees;
- (10) Financial Outturn Report (Revenue and Capital) 2014/2015; and
- (11) Decision Relating to Complaint to Local Government Ombudsman.

Councillor Sarah Broughton, Chairman of the Performance and Audit Scrutiny Committee, drew relevant items to the attention of the Cabinet, including that the Committee was pleased to endorse the conclusion drawn in respect of the annual review of the effectiveness of the internal audit for 2014/2015.

84. Report from the Overview and Scrutiny Committee: 10 June 2015

The Cabinet received and noted Report No: CAB/SE/15/037 (previously circulated), which informed the Cabinet of the following items discussed by the Overview and Scrutiny Committee on 10 June 2015:

- (1) Joint Anglia Revenues Partnership Debt Management and Recovery Policy;
- (2) Review of Christmas Fayre;
- (3) Decisions Plan: June 2015 to May 2016; and

- (4) Work Programme Update, Re-appointments to Task and Finish Groups and Suffolk Health Scrutiny Committee

Members noted that separate report would be considered next on this Cabinet Agenda in respect of Item (1) above.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, drew relevant issues to the attention of the Cabinet, including that she was looking forward to Portfolio Holders presenting an account of his or her portfolio on a rotational basis, and to answer questions of the Committee, in accordance with the requirements of the new Constitution.

A discussion was also held on the membership of the task and finish groups appointed by the Committee.

85. Recommendations of the Overview and Scrutiny Committee: 10 June 2015 - Joint ARP Debt Management and Recovery Policy

The Cabinet considered Report No: CAB/SE/15/038 (previously circulated), which sought approval for a joint Anglia Revenues and Benefits Partnership (ARP) Debt Management and Recovery Policy.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including that the draft policy set out the mechanism for billing; and the collection and recovery of Council Tax, Non-Domestic Rates and Housing Benefits Overpayments across West Suffolk and the wider ARP.

The policy document, which was attached as Appendix A, replaced previous policies of the ARP and updated the content to reflect changes to recent enforcement legislation.

Councillor Diane Hind, Chairman of the Overview and Scrutiny Committee, explained that the Committee had scrutinised the draft policy and proposed an addition, whereby reference should be included on how to access debt advice and counselling when sending out the first reminder for non-payment of Council Tax and non-domestic rates. This was accepted by the Cabinet.

Having taken each of the relevant partner authorities' revisions into account, the amended draft policy would be presented to the Anglia Revenues and Benefits Partnership Joint Committee for consideration by all seven partners prior to its final approval.

RESOLVED:

That the Joint ARP Debt Management and Recovery Policy set out in Appendix A to Report No: OAS/SE/15/006 be approved, subject to reference being included on how to access debt advice and counselling when sending out the first reminder for non-payment of Council Tax and non-domestic rates.

86. West Suffolk Sundry Debt Management and Recovery Policy

The Cabinet considered Report No: CAB/SE/15/039 (previously circulated), which sought approval for a new West Suffolk Sundry Debt Management and Recovery Policy.

Councillor Ian Houlder, Portfolio Holder for Resources and Performance, drew relevant issues to the attention of the Cabinet, including that the draft policy set out the mechanism for invoicing, collection and recovery of sundry debts across Forest Heath District and St Edmundsbury Borough Councils (West Suffolk).

The policy document, which was attached as Appendix A, replaced previous policies of the two councils by bringing them together into a single document, and updating the content to reflect the changes introduced by the single financial management system. This policy excluded the activities and debt of the Council through its revenues and benefits services by Anglia Revenues Partnership – this was the subject of a separate policy (Report No: CAB/SE/15/038 refers).

The new draft also placed greater emphasis on pre-payment for services using online methods, in light of the Councils' channel shift agenda and proposed roll out of more self-service payment options.

A discussion was held on the recovery of sundry debts from customers within the 'won't pay' category as opposed to those that genuinely 'can't pay'.

RESOLVED:

That the West Suffolk Sundry Debt Management and Recovery Policy, contained in Appendix A to Report No: CAB/SE/15/039, be approved.

87. Suffolk Business Park/Eastern Relief Road, Bury St Edmunds: Update

The Cabinet received and noted Report No: CAB/SE/15/041 (previously circulated), which provided an update on progress on the Suffolk Business Park and Eastern Relief Road project.

Councillor John Griffiths, Leader of the Council, drew relevant issues to the attention of the Cabinet. He reminded Members that on 25 March 2015, Council approved the use of the it's compulsory purchase powers to progress the Eastern Relief Road and Suffolk Business Park project. Since the Council had published its intention to consider the use of compulsory purchase powers, this had acted as a catalyst for more positive dialogue with partners, including that after several invitations from the Borough Council, the landowner of the parcel of land subject to the compulsory purchase order (CPO), Rougham Estates, had agreed to meet with officers. It was the intention that these negotiations would continue with the hope that the parties would reach agreement without resorting to the use of CPO powers. It was important however, that the CPO process should continue in parallel so that the powers would be in place, should the need arise.

Councillor Griffiths highlighted a minor amendment to the title of the CPO, which required the insertion of the word '*and*', as shown in bold below:

'The St Edmundsbury Borough Council (Suffolk Business Park **and** Infrastructure) Compulsory Purchase Order 2015'

Planning permission for the precise alignment of the Eastern Relief Road was granted on 8 August 2014 (Planning reference number DC/14/0328/FUL). Members noted that there was a previous consent for the Eastern Relief Road granted in February 2014 for a slightly different alignment. The alignment that was being progressed (and which was the subject of the CPO) was that which was granted planning permission on 8 August 2014 and not as described in previous reports presented to Cabinet and Council on 24 February, 24 March and 25 March 2015.

Members also noted the current position regarding the electricity infrastructure funding and works; and other associated CPO costs as set out in the report.

(Councillor Sarah Broughton left the meeting at the conclusion of this item.)

88. Confirmation of Article 4 Direction for Bury St Edmunds

The Cabinet considered Report No: CAB/SE/15/042 (previously circulated), which sought approval for the confirmation of a new Article 4 Direction covering the two conservation areas in Bury St Edmunds.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of the Cabinet, including that the proposed new Direction had been subject to public consultation and cancelled the previous ones that had applied to the Bury St Edmunds Town Centre and Victoria Street Conservation Areas. The Direction included restrictions applying to all individual properties where relevant and also proposed to remove permitted development rights relating to the installation of microgeneration equipment (solar panels and photovoltaic cells) due to the potential impact such equipment could have on the character and appearance of the conservation area.

The Cabinet supported the confirmation of the Article 4 Direction.

RESOLVED:

That the Article 4 Direction for Bury St Edmunds made on 25 March 2015, as contained in Appendix 1 to Report No: CAB/SE/15/042, be confirmed.

89. Recommendations of the Sustainable Development Working Party: 18 June 2015

The Cabinet considered Report No: CAB/SE/15/043 (previously circulated) which presented the recommendations of the Sustainable Development Working Party emanating from its meeting on 18 June 2015.

On 18 June 2015, the Sustainable Development Working Party considered the following substantive items of business:

- (1) Culford Park Management Plan;
- (2) Station Hill Development Area, Bury St Edmunds: Master Plan; and
- (3) West Suffolk Hospital, Bury St Edmunds: Masterplan.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, drew relevant issues to the attention of the Cabinet, including that a detailed discussion had particularly been held by the Working Party on the proposed masterplan for the Station Hill Development Area. Members of the Working Party had considered that with the three additions provided in Recommendation (2) of Report No: CAB/SE/15/043, these would strengthen the quality and robustness of the masterplan.

In respect of the draft masterplan for West Suffolk Hospital, Members acknowledged that this was an interim masterplan which needed to address five main areas for development on the current hospital site. It was limited in what it was seeking to set out and the Trust was 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 which would be known in early 2016. If the Trust decided to remain on their current site any major redevelopment would require a new masterplan.

(a) **Culford Park Management Plan**

RECOMMENDED TO COUNCIL:

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.

(b) **Station Hill Development Area, Bury St Edmunds: Masterplan**

RECOMMENDED TO COUNCIL:

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.

(c) **West Suffolk Hospital, Bury St Edmunds: Masterplan**

RECOMMENDED TO COUNCIL:

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.

90. **Decisions Plan: June 2015 to May 2016**

The Cabinet considered Report No: CAB/SE/15/044 (previously circulated), which was the Cabinet Decisions Plan covering the period June 2015 to May 2016.

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

91. **West Suffolk Facilities Management**

The Cabinet considered Report No: CAB/SE/15/045 (previously circulated), which sought approval for establishing a joint venture (JV) company with Eastern Facilities Management Services (EFMS) Ltd.

Councillor Peter Stevens, Portfolio Holder for Operations, drew relevant issues to the attention of the Cabinet, including that a review of Facilities Management (FM) services at Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) had been undertaken, which had highlighted an opportunity to standardise FM services into a single arrangement across West Suffolk. Four options had been considered to bring the FM arrangements together, as outlined in section 2.3 of the report. Option four had been recommended as the preferred way forward and the report provided details of the implications should this option be adopted.

The following appendices were attached the report:

Appendix A:	West Suffolk sites where FM services were delivered
Appendix B:	Advantages and disadvantages of options considered
Appendix C:	EFMS Capability Statement
Exempt Appendix D:	Costs and savings
Exempt Appendix E:	EFMS Credit reference

The specific content of Exempt Appendices D and E were not discussed in public, therefore there was no requirement to move into private session at this stage.

Following due consideration, the Cabinet considered Option four should be progressed as recommended. The proposal would not only enable potential savings of 12.6% against the current costs of FM services across FHDC and SEBC but also provided an exciting opportunity for the West Suffolk councils to deliver their FM services through this commercial enterprise.

RECOMMENDED TO COUNCIL: 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.**

92. Exclusion of Press and Public

It was proposed, seconded and

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

93. Exempt Appendices: West Suffolk Facilities Management

The specific content of Exempt Appendices D and E to Report No: CAB/SE/15/045 were not considered in private session.

94. Provision of Temporary Accommodation in Bury St Edmunds

The Cabinet considered Exempt Report No: CAB/SE/15/046 (previously circulated) in connection with the provision of temporary accommodation in Bury St Edmunds.

RECOMMENDED TO COUNCIL:

As set out in Exempt Report No: CAB/SE/15/046.

The meeting concluded at 6.25 pm

Signed by:

Chairman
