

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Council** held on
Tuesday 7 July 2015 at **7.00 pm** at the **Conference Chamber, West**
Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Patrick Chung
Deputy Mayor Julia Wakelam

Sarah Broughton	Wayne Hailstone	Karen Richardson
Tony Brown	Diane Hind	David Roach
Terry Buckle	Beccy Hopfensperger	Barry Robbins
Carol Bull	Paul Hopfensperger	Richard Rout
John Burns	Ian Houlder	Andrew Speed
Terry Clements	Margaret Marks	Clive Springett
Bob Cockle	Tim Marks	Sarah Stamp
Jason Crooks	Jane Midwood	Peter Stevens
Robert Everitt	Sara Mildmay-White	Peter Thompson
Jeremy Farthing	David Nettleton	Jim Thorndyke
Paula Fox	Clive Pollington	Paula Wade
Susan Glossop	Alaric Pugh	Frank Warby
John Griffiths	Joanna Rayner	Patricia Warby

By Invitation:

64. **Minutes**

Dorothy Whittaker had been incorrectly spelt in minute number 45 of the minutes of 25 March 2015. Subject to this amendment, the minutes of the following meetings of Council were confirmed as a correct record and signed by the Mayor:

- (a) Council on 24 February 2015
- (b) Special Council on 25 March 2015
- (c) Annual Council on 19 May 2015

65. **Mayor's announcements**

The Mayor reported on the civic engagements and charity activities which he, the Mayoress, Deputy Mayor and Consort had attended since 19 May 2015.

66. **Apologies for Absence**

Apologies for absence were received from Councillors Simon Brown, Betty McLatchy, Ivor McLatchy and Angela Rushen.

67. **Declarations of interests**

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

68. **Leader's Statement**

(Councillor Wade arrived during the consideration of this item.)

Councillor Griffiths, Leader of the Council, introduced his statement. He had recently attended the Local Government Association (LGA) conference in Harrogate where the main topic of discussion had been devolution. The government had given the opportunity for suggestions to be made by September.

He also referred in his statement to: the Eastern Relief Road and Suffolk Business Park projects; the Haverhill Town Centre Masterplan; Suffolk County Council's (SCC) proposals regarding waste infrastructure; housing delivery; and strategic plans for transport and infrastructure.

In response to a question, Councillor Griffiths confirmed that St Edmundsbury Borough Council did not charge for brown bin collections at present and careful consideration would be given to the proposals from SCC before deciding what action to take.

69. **Public Participation**

There were questions from four members of the public.

In response to a question from **Simon Harding** of Bury St Edmunds, the Portfolio Holder for Operations, Councillor Stevens indicated that the Cabinet had agreed to publish and consult on the site selection criteria and the relative merits or otherwise of the options it had considered for the proposed operational hub, including Rougham Hill.

In response to a question from **Phillip Reeve**, on behalf of Fornham St Martin and Great Barton parish councils, Councillor Stevens explained the approach that had been and was to be followed in respect of pre-application consultation on and scrutiny of the proposed operational hub.

In response to a question from **Sarah Bartram** of Fornham St Martin Councillor Stevens explained the rationale behind the proposal for a combined operational hub, which included the need to make efficiencies on behalf of taxpayers. He also explained that indicative plans showed a distinct separation between the household waste site and the waste transfer station.

In response to a question from **Colin Hilder** from Fornham Ward asked whether the Development Control Committee would be reviewing the Portfolio Holder for Planning and Growth, Councillor Pugh explained plans to improve performance on planning enforcement including the quarterly monitoring which had been introduced.

70. **Referrals report of recommendations from Cabinet, Anglia Revenues and Benefits Partnership Joint Committee and Democratic Renewal Working Party**

The Council considered the Referrals report of Recommendations contained within Report No: COU/SE/15/021 (previously circulated)

(A) Referrals from Cabinet: 24 March 2015

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

Councillor Mildmay-White, Portfolio Holder for Housing introduced this report which was about updating and aligning policies across West Suffolk.

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

RESOLVED:

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.

(B) Referrals from Cabinet: 28 May 2015

1. West Suffolk Joint Pay Policy Statement 2015/2016

Councillor Houlder, Portfolio Holder for Resources and Performance explained that the Council were required to report on salary structures annually in order to comply with the Localism Act 2011. The median salary ratio for West Suffolk was 4.8:1 which was within the guidelines of 8:1. At the lowest levels, the Council paid the living wage (rather than the minimum wage) after probation.

A written answer would be provided to Councillor Cockle who wanted to know if any officer had needed to have a pay cut in order to be equal to their counterpart in the other authority.

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

RESOLVED:

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

(C) Referrals from Cabinet: 23 June 2015

1. West Suffolk Operational Hub

Councillor Stevens, Portfolio Holder for Operations introduced this report which sought funding of £82,000 in order for the project to progress. He explained the background to the proposal, and rationale for the project and indicated that elements of the feasibility work were transferable to other sites should they be found to be more advantageous. He further referred members to the second resolution made by Cabinet on page 25 of Report No. COU/SE/14/024 which was that 'further pre-application consultation should include the site selection'.

Members debated this item at length and raised the following issues:

- level of debate by all councillors;
- fit with planning policy;
- traffic implications; and
- consideration of other sites.

Councillor Stevens proposed the motion which was seconded by Councillor Pugh. Councillor Nettleton requested that the vote be recorded and this was supported by seven members. The votes recorded were 14 votes for the motion, 17 against and 10 abstentions.

The names of those Members voting for, against and abstaining being recorded as follows:-

For the motion:

Councillors Chung, Everitt, Griffiths, Houlder, Mildmay-White, Pugh, Rayner, Richardson, Rout, Speed, Springett, Stamp, Stevens and Thompson

Against the motion:

Councillors Broughton, Tony Brown, Burns, Cockle, Crooks, Fox, Hind, Beccy Hopfensperger, Tim Marks, Midwood, Nettleton, Pollington, Robbins, Wade, Wakelam, Frank Warby and Patsy Warby

Abstentions:

Councillors Buckle, Bull, Clements, Farthing, Glossop, Hailstone, Paul Hopfensperger, Margaret Marks, Roach and Thorndyke.

Therefore the motion was defeated.

2. Culford Park Management Plan

On the motion of Councillor Pugh, seconded by Councillor Burns and duly carried, it was

RESOLVED:

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.

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

Councillor Pugh, Portfolio Holder for Planning and Growth introduced this item which was the result of two years' work and had been considered in depth by the Sustainable Development Working Party (SDWP) and by Cabinet. It was an essential document to enable the council to consider future planning applications.

Councillor Pugh proposed the motion which was seconded by Councillor Frank Warby.

Concerns were raised by members regarding the viability of developing the whole site and the provision of affordable housing. Councillor Nettleton proposed an amendment to the original motion to delete the first part of the recommendation which was to adopt the Masterplan but instead to make the changes as detailed at (i), (ii) and (iii) of the recommendation. This was seconded by Councillor Cockle and the amendment was debated.

Following a vote, four members were in favour of the amended motion, and the majority were against therefore the amendment was defeated.

Members were then given the opportunity to speak on the substantive motion or to propose another amendment. Councillor Clements moved that the question be put which was seconded by Councillor Springett.

The Mayor considered that as the item had been sufficiently discussed the closure motion would be put to the vote. With the majority in favour and four against, the closure motion was carried.

As proposer of the original motion, Councillor Pugh had nothing further to say and a vote was taken. With the majority in favour and four against, it was

RESOLVED:

That the Masterplan for the Station Hill Development Area, Bury St Edmunds land allocation, as contained in Appendix A to Report No. 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.

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

5. West Suffolk Hospital, Bury St Edmunds: Masterplan

Councillor Pugh, Portfolio Holder for Planning and Growth introduced this report seeking to adopt the Masterplan for the West Suffolk Hospital as non-statutory planning guidance.

Members debated the recommendation with a particular focus on parking issues.

On the motion of Councillor Pugh, seconded by Councillor Farthing and duly carried, it was

RESOLVED:

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.

6. West Suffolk Facilities Management

Councillor Stevens, Portfolio Holder for Operations introduced this report seeking to establish a Joint Venture Company for the delivery of Facilities Management Services at Forest Heath District Council and St Edmundsbury Borough Council.

In response to a question, Councillor Stevens noted concerns from some members that all staff of the new Joint Venture (JV) Company should receive the living wage. He confirmed that any existing staff who transferred over to the JV would be covered by TUPE provisions.

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

RESOLVED:

- (1) the contents of Report No: CAB/SE/15/029 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/15/029, before signing contracts to establish the new Joint Venture company with EFMS.

7. Provision of Temporary Accommodation in Bury St Edmunds

Under Council Procedure Rule 2.3 (a), the Mayor changed the order of the agenda and informed the Council that as this item was exempt, it would be deferred until the end of the agenda when the public would be excluded.

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

1. ARP Trading Company Restructure

Councillor Houlder, Portfolio Holder for Resources and Performance introduced this report and, in response to a question, confirmed that a representative from each council would ensure proper scrutiny and would report back to their relevant council.

On the motion of Councillor Houlder, seconded by Councillor Everitt and duly carried, it was

RESOLVED:

- (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.

(E) Referrals from Democratic Renewal Working Party: 17 June 2015

1. Community Governance Review – Terms of Reference

Councillor Patsy Warby, Chairman of the Democratic Renewal Working Party introduced this report which included a revised list at Appendix B to Report No. COU/SE/15/021 of the areas under review and the matters on which the Community Governance Review would focus.

Councillor Hind asked if Northgate Ward could be regarded as being directly affected by Issue 1 in the draft Terms of Reference even though the Vision 2031 growth site was not directly adjacent to its current boundary. It was explained that, as clarified in Issue 27, since Borough and Town Council wards in Bury St Edmunds may need to be re-examined as part of the review, Councillor Hind would be consulted on Issue 1 and any other potential consequential impacts of changes to the external boundary of Bury St Edmunds.

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

RESOLVED:

That 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.

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

Councillor Patsy Warby, Chairman of the Democratic Renewal Working Party introduced this report and noted a members request that the advertisement for the appointment of Panel members be included in Haverhill News.

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

RESOLVED:

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.

(N.B. In reaching this decision, Members noted that if Forest Heath District Council, at their meeting on 15 July 2015, agreed 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.)

71. Annual Scrutiny Report: 2014/2015

The Council received and noted the Annual Report of the Overview and Scrutiny Committee, and the Performance and Audit Scrutiny Committees, previously circulated as Report No. COU/SE/15/022.

Article 7 of the Council's Constitution required that *'the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.'*

Councillor Houlder, outgoing Chairman of the Overview and Scrutiny Committee, introduced this report. Councillor Griffiths, Leader of the Council, expressed his thanks to the chairmen and members of both scrutiny committees for their work over the past year.

An amendment was noted to the report on page 11 (page 53 of the Council agenda) that Councillor Nettleton was now a full committee member and Councillor Cockle a substitute member. Subject to this amendment, the report was noted.

72. Representation on Suffolk Health Overview and Scrutiny Committee

The Council considered a narrative item which sought a Borough Council representative and, if required, a substitute Member to serve on Suffolk County Council's Health Overview and Scrutiny Committee.

On the motion of Councillor Hind, seconded by Councillor Frank Warby, and duly carried it was

RESOLVED:

That Councillor Tim Marks be appointed as the Borough Council's nominated representative on the Suffolk Health and Overview Scrutiny Committee for 2015/2016.

73. Revised constitutions update

Councillor Houlder, Portfolio Holder for Resources and Performance introduced this report which sought to reappoint members to the Joint Constitution

Review Group in order that the work of reviewing the constitutions for both authorities could be completed.

Members were asked to note the late paper (circulated at the meeting) which detailed a change to the Contract Procedure Rules for exemptions.

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

RESOLVED: That

- (1) the current position with regard to the review of the constitutions be noted;
- (2) a Constitution Joint Review Group comprising four members each of Forest Heath and St Edmundsbury councils, as nominated to the Monitoring Officer, be set up for the purposes in section 1.2.4 below;
- (3) the proposed format for Part 3 of the constitution as set out in section 1.2.1 below be approved; and

the changes to the Contract Procedure Rules set out in Appendix 1 be approved.

74. Changes to the constitution - appointment and dismissal of statutory officers

Councillor Houlder, Portfolio Holder for Resources and Performance introduced this report and informed members that they were required to amend the Officer Employment Procedure Rules no later than the first meeting following its Annual Meeting.

On the motion of Councillor Houlder, seconded by Councillor Farthing, and duly carried, it was

RESOLVED: That

- (1) members note the contents of this report; and
- (2) approve the changes to the Employment Procedure Rules set out in Appendix 1.

75. Appointment of Independent Person

The Chairman of the Overview and Scrutiny Committee and the Mayor had both agreed for this item to be considered as a matter of urgency, in accordance with S100B(4) of the Local Government Act 1972, in order that this matter can be resolved within the necessary timescale.

Councillor Houlder, Portfolio Holder for Resources and Performance informed members that it was necessary to reappoint Mr Barrow as an Independent Person as his initial appointment had been only for one year.

On the motion of Councillor Houlder, seconded by Councillor Farthing and duly carried, it was

RESOLVED:

That with immediate effect, Arnold Barrow be reappointed as an Independent Person under the provisions of s28(7) Localism Act 2011 for a period of one year expiring on 30 June 2016, as detailed in Section 1 of Report No: COU/SE/15 /026.

76. Questions to Chairmen

There were no questions to Chairmen.

77. Question on Notice

Councillor Nettleton had given notice under paragraph 8.4 of the Council Procedure Rules of the following question:

'There were no printing services at Mildenhall covering SEBC and FHDC from Tuesday 30 June to Friday 3 July. Why?'

In response, Councillor Griffiths explained that this related to a routine internal staff announcement, that there were procedures in place to deal with any emergency printing and that there had been no operational impact.

78. 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.

79. 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.

80. Property in Jubilee Walk, Haverhill

The Council considered Exempt Report No. COU/SE/15/025 (previously circulated) in connection with a property in Jubilee Walk, Haverhill.

RESOLVED:

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

81. **Provision of Temporary Accommodation in Bury St Edmunds**

The Council considered Exempt Report No. COU/SE/15/021 (previously circulated) in connection with the provision of temporary accommodation in Bury St Edmunds.

RESOLVED:

As set out in Exempt Report No. COU/SE/15/021.

The Meeting concluded at 10.31 pm

Signed by:

Mayor
