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Arthur Charvonia

Chief Executive

Babergh District Council

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TO: THE CHAIRMAN AND MEMBERS OF
BABERGH DISTRICT COUNCIL

16 October 2017

PLEASE NOTE TIME OF MEETING

Dear Sir/Madam

A Meeting of the Babergh District Council will be held in the **King Edmund Chamber, Endeavour House**, 8 Russell Road, Ipswich on **Tuesday, 24 October 2017 at 5.30 pm**

For those wishing to attend, prayers will be said at 5.25 p.m. prior to the commencement of the Council meeting.

Yours faithfully

Arthur Charvonia
Chief Executive

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM	BUSINESS	
		<u>Page(s)</u>
1	<u>APOLOGIES FOR ABSENCE</u> To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS BY COUNCILLORS</u>	
3	<u>BC/17/12 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 JULY 2017</u>	1 - 6
4	<u>BC/17/13 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 AUGUST 2017</u>	7 - 14
5	<u>BC/17/14 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER</u> In addition to any announcements made at the meeting, please see Paper BC/17/14 attached, detailing events attended by the Chairman and Vice-Chairman.	15 - 16
6	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> In accordance with Council Procedure Rule No. 10, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.	
7	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> The Chairmen of Committees to answer any questions by the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule No. 11.	
8	<u>QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule No. 12.	

ITEM	BUSINESS	
9	<u>MOTIONS ON NOTICE</u>	<u>Page(s)</u>
	<p>Luke Cresswell has given notice of his intention to move the under-mentioned Motion at the meeting:-</p> <p>“That this Council resolves to establish, without undue delay, a timetable for ensuring that the employees of all its contractors are paid at least the Living Wage in order that Babergh is in a position to declare itself a Living Wage employer by no later than one year from today.”</p> <p>Written notice of the motion was given in accordance with Council Procedure Rule (CPR) No 13.1, signed by Councillors Cresswell and Bavington. In accordance with CPR 13.5 a valid motion on notice must be moved and seconded at the Council meeting before any consideration or debate can take place.</p>	
10	<u>REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN</u>	
11	<u>BC/17/15 REVISING AND UPDATING THE COUNCIL TAX REDUCTION (CTR) SCHEME FOR WORKING AGE HOUSEHOLDS</u>	17 - 30
	Report by the Cabinet Member for Finance attached.	
12	<u>BC/17/16 LAWSHALL NEIGHBOURHOOD PLAN</u>	31 - 34
	Report by the Assistant Director - Planning for Growth attached.	
13	<u>BC/17/17 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES</u>	35 - 40
	Report by the Assistant Director – Law and Governance attached.	
14	<u>BC/17/18 APPOINTMENT OF INDEPENDENT REMUNERATION PANEL</u>	41 - 42
	Report by the Assistant Director – Law and Governance attached.	

ITEM	BUSINESS	<u>Page(s)</u>
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15 APPOINTMENT OF COUNCILLOR TO OUTSIDE BODY

That the following appointment be made:

Western Suffolk Community Safety Partnership

Margaret Maybury – Cabinet Member for Communities
(replacing Jan Osborne)

Leader of the Council – Jennie Jenkins

Note: The date of the next meeting is Tuesday 21 November 2017 at 6.00 p.m.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH COUNCIL HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 18 JULY 2017

PRESENT: Peter Burgoyne - Chairman

Clive Arthey	Sue Ayres
Melanie Barrett	Simon Barrett
Tony Bavington	Peter Beer
Sue Burgoyne	Dave Busby
Tina Campbell	Sue Carpendale
Michael Creffield	Derek Davis
Siân Dawson	Alan Ferguson
John Hinton	Michael Holt
Jennie Jenkins	Richard Kemp
James Long	Margaret Maybury
Alastair McCraw	Mark Newman
John Nunn	Adrian Osborne
Jan Osborne	Lee Parker
Peter Patrick	Stephen Plumb
Nick Ridley	David Rose
Fenella Swan	John Ward

The following Members were unable to be present: Tom Burrows, Barry Gasper, Kathryn Grandon, Bryn Hurren, Frank Lawrenson, William Shropshire, Ray Smith, Harriet Steer and Stephen Williams.

12 DECLARATION OF INTERESTS

None declared.

13 MINUTES

RESOLVED

That the Minutes of the meeting held on 23 May 2017 be confirmed and signed as a correct record.

14 BC/17/8 - ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

The Chairman referred to Paper BC/17/18 outlining recent events attended by the Chairman and Vice-Chairman with a special mention for the excellent 'Shanties on the Shore' Concert. He then presented Peter Beer with a Certificate marking his 30 years as a Babergh District Councillor, and Peter responded with his thanks and referred to some of the many Members and officers who had been with Babergh during the years since he was first elected.

15 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

None received.

16 QUESTIONS BY THE PUBLIC

In accordance with Council Procedure Rule No. 11, the following question was asked by Mr Martin Cave on behalf of Mr Peter Dent:-

“The data selected to arrive at the Babergh CS 4.1-yr Housing Land Supply published in the 2017 Joint Annual Monitoring Report does not directly compare with the data used for the 2016 Joint Annual Monitoring Report when the Babergh CS Housing Land Supply was 5.7-yr.

Babergh claims (FOI BE94-1718) that 14 validated applications were excluded from the current assessment (as well as the April 2017 Interim Assessment) on the grounds that they had not been granted planning permission nor were they sites allocated in the Local Plan and would therefore fail NPPF footnote 11.

Please explain the justification for applying these exclusions when NPPF Planning Practice Guidance (Para 031 Ref ID 3-031-20140306) states *“However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply”* and *“If there are no significant constraints (eg infrastructure) to overcome.....sites not allocated within a development plan or without planning permission can be capable of being delivered within a 5-year timeframe.”*

Councillor Lee Parker, Cabinet Member for Planning, responded as follows:-

“The approach to the use of data and the calculation of the 5 year land supply for the Annual Monitoring Reports is the same. The key differences in the sites identified in the assessments is principally a result of the delivery status of each site ie. whether a site has now been fully built out, is under construction, or has recently gained planning permission.

For sites with the benefit of planning permissions and/or allocations, whilst these sites have the greater certainty of delivery, they are only included in the 5 year land supply if it is considered that there is a realistic prospect that housing will be delivered within 5 years.

Sites without planning permission or allocation are less certain in their suitability, availability and achievability. Their suitability and achievability is appropriately considered through the planning application process, including the full extent of infrastructure provision required to make them acceptable. For this reason, the Council considers it robust to consider sites without planning permission in the 5 year land supply assessment, only where the Planning Committee has given a resolution to grant planning permission, subject to a Section 106 legal agreement for planning obligations.”

In accordance with Council Procedure Rule No. 11, Mr Tony Brigden had given Notice in accordance with the Council's Constitution of his intention to ask a question of the Chairman at this meeting. As Mr Bridgen was unable to be present on the day, his question was read out by the Chairman, together with the answer.

"Babergh District Council's 2017 Annual Monitoring Report has a number of significant deficiencies, about which I have written to the CEO and other Officers. Amongst these are concerns with the accuracy of the 5 Year Housing Land Supply data assumptions and resultant calculations. Notable amongst which is the dwellings completion deficiency in the SHMA 5 Year HLS table, quoted as -510. This is at significant variance with the figure quoted in the Core Strategy calculation quoted as -101, because of differences in baseline data.

Examination of the 'Key Assumptions' shows the SHMA calculation utilises inflated historical annual targets of 355 as opposed to the CS Housing Targets of 220/325, thus misrepresenting the completions delivery performance.

Quite apart from questions of concern with the 355 calculation, the AMR is required to represent a realistic perspective of key matters within the remit of a Local Authority, and I ask the Council how its constituents can be asked to take seriously data that 'reverse engineers' performance metrics in what appears to be a deliberate attempt to misrepresent a key strategic measurement."

Answer

"The annualised housing targets in Core Strategy based 5 year supply methodology and the SHMA based 5 year supply methodology apply to different plan periods – 2011 to 2031 and 2014 to 2036 respectively. It is therefore appropriate to consider the relevant figures starting from 2014 which also matches the plan start year of the emerging Joint Local Plan."

17 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

None received.

18 RECOMMENDATION FROM CABINET

BCA/17/9 - HOUSING REVENUE ACCOUNT SUMMARY OF THE 30 YEAR BUSINESS AND FINANCIAL PLAN 2017 UPDATE

Members had before them Paper BCa/17/9 which was considered by Cabinet on 13 July 2017.

Councillor Jan Osborne, Cabinet Member for Housing, introduced the recommendation. Arising from the discussion on this item, it was agreed that the Babergh and Mid Suffolk Building Services should be reviewed on a six monthly basis. A question about the sale of higher value assets and the valuation requirements would be answered outside the meeting.

RESOLVED

That the updated 30 year HRA Business and Financial Plan (Appendix A to Paper BCa/17/9) be approved, with the addition of provision for a six monthly review of the Babergh and Mid Suffolk Building Services.

19 RECOMMENDATION FROM JOINT AUDIT AND STANDARDS COMMITTEE

JAC/17/2 - JOINT ANNUAL TREASURY MANAGEMENT REPORT - 2016/17

Members had before them Paper JAC/17/2 which was considered by the Joint Audit and Standards Committee on 17 July 2017.

Peter Patrick, Cabinet Member for Finance, introduced the recommendation of the Joint Audit Committee. Members were aware that it is a requirement of the legislation that the Annual Treasury Management Report is submitted to Council for noting.

RESOLVED

That the Treasury Management activity for the year 2016/17 as set out in Paper JAC/17/2 be noted. Further, that it be noted that performance was in line with the Prudential Indicators set for 2016/17.

20 BC/17/9 - CONSULTATION ON THE BABERGH AND MID SUFFOLK JOINT LOCAL PLAN

Lee Parker, Cabinet Member for Planning introduced Paper BC/17/9 Strategic Planning seeking Council approval of the Babergh and Mid Suffolk Joint Local Plan: Consultation Document (July 2017) referred to as Appendix 1 to the report, and to the commencement of the consultation process.

Lee Parker, Cabinet Member for Planning introduced Paper BC/17/9 Strategic Planning seeking Council approval of the Babergh and Mid Suffolk Joint Local Plan: Consultation Document (July 2017) referred to as Appendix 1 to the report, and to the commencement of the consultation process.

Councillor Parker outlined the way in which the new Joint Plan will identify the up-to-date requirements of our communities and how it was intended to complement the priorities of the Council. He referred to the considerable amount of work which had been done since last summer and the extensive consultation process which was envisaged. Bill Newman, Corporate Manager – Strategic Planning responded to Members' questions and undertook to send information on the NPPF requirements outside the meeting. He confirmed that amendments would be made as necessary to the Document to reflect policy-related changes including those arising from the progress of Long Melford and Lawshall Neighbourhood Plans. In response to a query about strategic infrastructure provision being in place ahead of development, Officers will pursue this in partnership with relevant providers including Suffolk County Council.

RESOLVED

- (1) That the Babergh and Mid Suffolk Joint Local Plan: Consultation Document (July 2017) – Appendix 1 to Paper BC/17/9 be approved, with the amendment identified at the meeting in relation to land in Lawshall.**
- (2) That the Corporate Manager – Strategic Planning, in consultation with the Leader and Portfolio Holder for Planning, be authorised to make consequential amendments to the consultation document arising from:**
 - (i) the outcomes of the Sustainability Appraisal of the document,**
 - (ii) removal of drafting and technical errors and typing mistakes, and**
 - (iii) improvements to the layout of the document necessitated by printing requirements.**
- (3) That consultation on the Babergh and Mid Suffolk Joint Local Plan: Consultation Document (July 2017) be commenced.**

21 ELECTION OF VICE-CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEE

It was proposed and seconded that Alastair McCraw be elected as Vice-Chairman of the Overview and Scrutiny Committee.

RESOLVED

That Alastair McCraw be elected as Vice-Chairman of the Overview and Scrutiny Committee.

22 APPOINTMENT OF COUNCILLORS TO COMMITTEES AND OUTSIDE BODIES

RESOLVED

That appointments be made to Committees and Outside Bodies as follows:-

Planning Committee

Kathryn Grandon (replacing Fenella Swan)

Overview and Scrutiny Committee

Fenella Swan (replacing Kathryn Grandon)

The Quay Theatre at Sudbury Ltd

Stephen Plumb (replacing Sue Ayres)

Dedham Vale AONB and Stour Valley Joint Advisory Committee (JAC)

Melanie Barrett

**Haven Gateway Partnership
John Ward**

**Suffolk Joint Emergency Planning Policy Panel
Sue Ayres**

The business of the meeting was concluded at 7.15 pm.

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Chairman

Agenda Item 4

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH COUNCIL HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON MONDAY, 7 AUGUST 2017

PRESENT: Peter Burgoyne - Chairman

Clive Arthey	Sue Ayres
Melanie Barrett	Simon Barrett
Peter Beer	Tom Burrows
David Busby	Tina Campbell
Michael Creffield	Siân Dawson
Alan Ferguson	Barry Gasper
Katherine Grandon	John Hinton
Bryn Hurren	Jennie Jenkins
Richard Kemp	Margaret Maybury
John Nunn	Adrian Osborne
Jan Osborne	Lee Parker
Peter Patrick	Stephen Plumb
Nick Ridley	David Rose
William Shropshire	Ray Smith
Harriet Steer	Fenella Swan
John Ward	

The following Members were unable to be present: Tony Bavington, Sue Burgoyne, Sue Carpendale, Derek Davis, Michael Holt, Frank Lawrenson, James Long, Alastair McCraw, Mark Newman and Stephen Williams.

23 DECLARATION OF INTERESTS BY COUNCILLORS

None declared.

24 CHAIRMANS ANNOUNCEMENTS

The Chairman referred to the recent death of the wife of former Councillor Brian Lazenby.

25 LEADERS ANNOUNCEMENTS

Jennie Jenkins, Leader, launched the End of Year Report outlining the achievements of the Council over the past year. The report outlined the Council had built new homes, set up the new Shared Legal Service and had undertaken a new capital investment strategy enhancing the core services of the Council.

26 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

None received.

27 QUESTIONS BY THE PUBLIC

None received.

28 QUESTIONS BY COUNCILLORS

In accordance with Council Procedure Rule No. 12, Councillor Alastair McCraw, Ward Member for Alton had given notice of his intention to ask a question at the meeting. As Councillor McCraw was unable to be present on the day, his question was read out by the Chairman:

“Planning Application B/15/01737, granted under delegated authority on the 4th April 2016, had a completed Section 106 Agreement with provision for FOUR units of affordable housing. This provision had received support from myself as local member, the Parish Council, and even the original objectors.

A Deed of Variation was signed on the 3rd May, 2017 which replaced Schedules 2 and 4 dealing with the affordable housing with a commuted sum of £250,000 in lieu.

What was the basis for this substantive change to the Permission and its associated agreements and why were the Ward members not kept actively informed?”

Councillor Lee Parker, Cabinet Member for Planning replied as follows:-

“Planning permission B/15/01737/FUL was granted for the “Erection of 13 No dwellings, including a new vehicular access. As amplified by the addendum to the supporting statement by LSR Solicitors, received 4 February 2016 and Drainage Strategy by Ken Rush Associates dated February 2017”. As an application for less than 15 dwellings the application was eligible to be decided under delegated authority and the application was not determined at Committee. The permission was subject to a Section 106 to secure affordable housing executed in April 2016.

In late 2016 the applicant sought a deed of variation to the Section 106 to vary the affordable content of the proposal and to lift the “staircasing” restriction in the Section 106 which was noted to be an obstacle to lenders. The applicant made reference to drainage and other infrastructure costs which had not been foreseen. Negotiations were undertaken including the Housing Enabling team and the Council’s viability adviser to explore viability issues and ensure the development did not stall. Negotiations explored offers received from registered providers materially below cost price and the option to alter the expected tenure. Agreement was reached between the senior planning case officer and Housing Enabling colleagues as to an acceptable compromise. The senior planning case officer issued instructions to the legal service authorising the change as a delegated decision having regard to the viability evidence. A deed of variation was executed in May 2017 which substituted a financial contribution for the affordable housing provisions

in the original Section 106 and as this represented a pragmatic approach to prevent the site being stalled.

The National Planning Policy Framework paragraph 205 advises that where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and wherever appropriate be sufficiently flexible to prevent planning development being stalled.

Variations of Section 106 are not the subject of statutory requirements regarding consultation and publicity and this remains a matter of discretion on a case by case basis. The evaluation of viability matters is an issue which government has sought to expedite both through advice and between 2013 and 2016 through a change to the statutory provisions which expressly gave applicants the right to a fast-track appeal process. It is clear that the planning authority must give reasonable consideration to viability matters and that consideration includes a national policy expectation of flexibility. Whilst local considerations are material to the planning process the message to planning authorities is to work proactively with applicants to seek solutions rather than problems. In the present circumstance the professional recommendation to Planning Committee, had reference been made, would have been to accept the variation of the Section 106 in order to prevent the development stalling. Whilst the absence of consultation and publicity in this instance is acknowledged to appear unhelpful to the community's expectations the planning permission has not substantively changed and the issue of development viability is a matter of national interest which is regularly noted to take priority in weighing up matters.

It is regrettable that the Ward Member was not better informed by the senior case officer at the time and the reasons for this are not immediately apparent as he is no longer with the Council."

The following supplementary question was asked on behalf of Councillor McCraw:-

"Given the effect that these post permission changes have upon the Council's reputation, and the ability of members to serve their wards and communities, what steps will the Council take to actively inform Ward members when later substantive changes are made to a planning decision?"

Councillor Lee Parker responded as follows:-

"The evaluation of viability is not a reputational matter and the technical considerations relating to the assessment of development economics are a specialist professional matter. To this extent the planning authority must balance the need for timely handling of matters with public engagement on a case by case basis.

"Notwithstanding the absence of regulation requiring consultation and publicity it is the expectation of the Corporate Manager – Growth and Sustainable Planning that planning case officers will take appropriate steps, case by case, to keep Ward Members reasonably informed as to significant changes in controversial development schemes to support them in their Wards. The question of what changes are significant and when to liaise with Members is in part of a matter of

professional and common sense judgement and it would not be appropriate to prescribe detailed circumstances.

The planning pages of the website also now provide greater opportunity for email alerts to Members and the planning team continues to support Members in their training and use of that facility.

The Corporate Manager – Growth and Sustainable Planning will be taking steps to support the planning team to better inform and lead planning considerations around such viability matters and improved dialogue to support and make Ward Members better aware.”

29 BC/17/10 BOUNDARY REVIEW - RESPONSE TO STAGE ONE CONSULTATION ON WARDING PATTERNS

Jennie Jenkins, Leader of the Council introduced the response to Stage One of the Boundary Review on Warding Patterns. She explained that the two proposals had been developed through a series of workshops and meetings with Councillors and proposed recommendations 2.1 and 2.2 in Paper BC/17/10, which were seconded by Councillor Peter Patrick.

Councillor Jenkins and Emily Yule, Assistant Director – Law and Governance, responded to matters raised by Members during their discussion and clarified that the first proposal was from the administration group and the second was a cross party proposal that had been created by the task and finish group.

During the debate that ensued Members considered the option of sending only one proposal to the Boundary Commission. In response to a query about the role of multi-member wards the Assistant Director – Law and Governance responded that the Boundary Commission did not have any powers to amend Parish Boundaries and can only recommend amendments to the District Council.

It was agreed that the vote on the recommendations in paragraph 2 of Paper BC/17/10 would be taken separately. A demand for a recorded vote was received in accordance with Council Procedure Rule No 18.5.

The result of the recorded vote on recommendation 2.1 was as follows:-

<u>For the Motion</u>	<u>Against the Motion</u>	<u>Abstentions</u>
Clive Arthey	Peter Beer	Michael Creffield
Sue Ayres	Tom Burrows	Siân Dawson
Melanie Barrett	Dave Busby	Alan Ferguson
Simon Barrett		
Peter Burgoyne		
Tina Campbell		
Barry Gasper		
Kathryn Grandon		
John Hinton		
Bryn Hurren		

Jennie Jenkins
 Richard Kemp
 Margaret Maybury
 John Nunn
 Adrian Osborne
 Jan Osborne
 Lee Parker
 Peter Patrick
 Stephen Plumb
 Nick Ridley
 David Rose
 William Shropshire
 Ray Smith
 Harriet Steer
 Fenella Swan
 John Ward

The result of the recorded vote was 26 Members in favour of recommendation 2.1 with 3 Members against and 3 abstentions.

The result of the recorded vote on recommendation 2.2 was as follows:-

<u>For the Motion</u>	<u>Against the Motion</u>	<u>Abstentions</u>
Clive Arthey Sue Ayres Melanie Barrett Simon Barrett Peter Burgoyne Tom Burrows Dave Busby Tina Campbell Alan Ferguson Barry Gasper Kathryn Grandon John Hinton Bryn Hurren Jennie Jenkins Richard Kemp Margaret Maybury John Nunn Adrian Osborne Jan Osborne Lee Parker Peter Patrick Stephen Plumb Nick Ridley David Rose William Shropshire Ray Smith	Peter Beer	Michael Creffield Siân Dawson

Harriet Steer
Fenella Swan
John Ward

The result of the recorded vote was 29 Members in favour of recommendation 2.2 with 1 Member against and 2 abstentions.

RESOLVED

- (1) That the two proposals as set out in the Appendices to Paper BC/17/10 be submitted as Babergh District Council's response to the consultation.**
- (2) That the Chief Executive be authorised to submit the consultation response on behalf of the Council, and to include any relevant information arising from the Council's debate which provides further context and rationale behind the proposals.**

30

BC/17/11 DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION "THE APPLICATION" IN RESPECT OF LAND AT FORMER MANGANESE BRONZE SITE (ALSO KNOWN AS ELTON PARK WORKS)

Lee Parker, Cabinet Member for Planning, introduced Paper BC/17/11 that a planning application had been received for the former Manganese Bronze Site (also known as Elton Park) that crossed the boundaries of Babergh and Ipswich Borough Council. Councillor Parker proposed that Babergh District Council devolve to Ipswich the discharge of Planning Control Functions to determine the cross-boundary application and was seconded by Councillor Simon Barrett.

Natalie Webb, Development Management Officer – Growth and Sustainable Planning, responded to Members' questions on the Community Infrastructure Levy and that the plans will be presented to the Planning Committee for comments on the application.

RESOLVED

That the discharge of Babergh District Council's planning control functions under Section 70 (1) (Part III) of the Town and Country Planning Act 1990 to determine a cross boundary planning application in relation to land at the Former Manganese Bronze Site (also known as Elton Park Works) in respect of the land within the Babergh District Council administrative area and its functions under section 106 of the same Act to negotiate the terms of any necessary planning obligation subject to this Council's final approval be devolved to Ipswich Borough Council.

RESOLVED

- (1) That Simon Barrett be appointed to Planning Committee (replacing Sue Burgoyne).**
- (2) That Sue Burgoyne be appointed to the vacancy on the Joint Audit and Standards Committee.**
- (3) That Nick Ridley, previously appointed as the Joint substitute member on the Suffolk Health and Well-Being Board be appointed to the Board as the Babergh representative.**

The business of the meeting was concluded at 7.30 p.m.

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Chairman

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BABERGH DISTRICT COUNCIL CHAIRMAN'S ANNOUNCEMENTS

COUNCIL - 24 OCTOBER 2017

EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
JULY 2017				
Wattisham Flying Station Annual Cocktail Party	Wattisham	20-Jul	✓	
SEPTEMBER 2017				
Queen's Award for Enterprise Presentation	Woolverstone	13-Sep	✓	
William Henry Hewitt VC Centenary Event	Copdock & Washbrook	17-Sep	✓	
OCTOBER 2017				
Mayor's Civic Service	St Gregory's Church, Sudbury	01-Oct	✓	
Suffolk Harvest Festival	St Edmundsbury Cathedral, Bury St Edmunds	08-Oct	✓	
Mayor's Civic Service	St John the Baptist Church, Needham Market	15-Oct	✓	
Royal British Legion Festival of Remembrance	Ormiston Academy, Sudbury	17-Oct	✓	
Official Opening of Customer Access Point	Town Hall, Sudbury	20-Oct		✓
Exhibition of Hadleigh in the 1950's/60's	Town Hall, Hadleigh	20-Oct		✓
St Johns Service of Celebration and Awards Ceremony	St Mary le Tower Church, Ipswich	22-Oct	✓	
HMS Vengeance Freedom Parade	Bury St Edmunds	22-Oct		✓

EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
St Johns Service of Celebration	St Mary le Tower Church, Ipswich	22-Oct	✓	

Agenda Item 11

BABERGH DISTRICT COUNCIL

From: Cabinet Member - Finance	Report Number: BC/17/15
To: Council	Date of meeting: 24 October 2017

REVISING AND UPDATING THE COUNCIL TAX REDUCTION (CTR) SCHEME FOR WORKING AGE HOUSEHOLDS

1. Purpose of Report

To outline proposed changes to the Council Tax Reduction Scheme and to seek approval from Councillors to consult on the proposed amendments before Council looks to adopt a revised scheme in December 2017, to come into effect from 1st April 2018.

2. Recommendations

2.1 That public consultation is undertaken on the following proposed changes to the CTR scheme:

- Align the BDC Working Age Council Tax Reduction scheme with the Housing Benefit Scheme
- Increase the maximum entitlement for working age Council Tax Reduction scheme from 91.5% to 95%
- Introduce a minimum weekly award of £1 per week
- Make provision for Universal Credit.

3. Financial Implications

3.1 The financial effect of:

- a. The legislative changes and their potential for impact are outlined in Appendix A, most of the proposed changes have no cost or saving implications for current customers;
- b. The cost of changes to accommodate UC are nil. These amendments seek to equalise access to CTR as for customers still in receipt of legacy benefits;
- c. The introduction of a minimum Working Age CTR award would affect seven current cases. As the intention is to award Discretionary Financial Assistance instead of a minimal CTR award, the financial implications will be nil. It is not possible to gauge how many new applications will be received where the customers will become entitled to a new CTR or DFA award.

- 3.2 The impact to the Collection Fund is demonstrated below. The Collection Fund expenditure on CTR would increase by about £81,505. The cost borne by BDC is circa 10% (£8,150) of the total costs of any scheme change because of the way the precepting authorities share the revenue generated from Council Tax collection.

Effect of increasing BDC CTR Working Age Max to 95% and minimum payment £1 a week					
		Number	Total Weekly CTR Increase	Avg Wkly Increase in CTR	Annual Cost to Coll Fund
Non Passported	Lose CTR	0	£0.00	£0.00	£0.00
	Awd under £1 wk	7	-£5.40	-£0.77	-£280.80
	Awds	962	£690.73	£0.72	£35,917.96
Passported Cases	Lose CTR	0	£0.00	£0.00	£0.00
	Awd under £1 wk	0	£0.00	£0.00	£0.00
	Awds	1312	£882.09	£0.67	£45,868.68
TOTAL		2281	£1,567.42	£0.69	£81,505.84

4. Legal Implications

- 4.1 Under the Local Government Act 1992 (as amended) the Council has the power to set its own Working Age CTR scheme.
- 4.2 Section 13a of the Local Government Finance Act gives power to reduce the amount of council tax payable.
- 4.3 There have been successful legal challenges against Council's Working Age CTR schemes where the consultation has not complied with the courts' interpretation. It is believed that the proposals for consultation outlined in this report would comply with the requirements.

5. Risk Management

- 5.1 This report is most closely linked with the Councils' Significant Risk No 5f – If we do not understand our financial position and respond in a timely and effective way, then we will be unable to deliver the entirety of the Joint Strategic Plan. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
It there is a successful legal challenge to the Working Age CTR scheme changes then it will negate any potential benefits	1 – Highly Unlikely	3 – Bad / Serious	Liaison with Legal Services and use of the wording used in Statutory Instruments referred to in Appendix A
If the changes impact individuals ability to pay then it could result in hardship and a reduction in the amount of council tax collected	2 - Unlikely	2 – Noticeable / Minor	Monitor collection closely and use discretionary financial assistance in special cases.

6. Consultations

- 6.1 Any changes to a Council's CTR Scheme must be adopted prior to 31st January before the financial year that the proposed changes affect i.e. 31st January 2018 in this case.
- 6.2 In addition, before any such changes can be adopted the Council is required to:
- a) consult any major precepting authority which has power to issue a precept to it;
 - b) publish a draft scheme in such manner as it thinks fit; and
 - c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 6.3 For 6.2 a) this would be Suffolk County Council and the Police & Crime Commissioner, both of whom will be approached direct.
- 6.4 6.2 b) would be satisfied by publishing the revised CTR Scheme on the Council's website, provided that attention is drawn to it on the "Home" page and elsewhere, such as:
- In a standard paragraph in every Council Tax, CTR and Housing Benefit letter sent out;
 - Posters in public access offices;
 - Use of social media;
 - Consideration should be given to a Press Release.
- 6.5 6.2. c) would include:
- Council Tax liable persons;
 - Those currently in receipt of a Council Tax Reduction (CTR):
 - Advisers regarding debt problems – including SCC FIAS, CAB, IHAG, Step Change and Shelter;
 - Landlords, in particular, social landlords and each Council's Housing Department.
- 6.6 Consulting those in 6.5 above can be carried out in tandem with the publication of the scheme by inviting comments from those who view it on-line and by the publicity suggested regarding publication above. Consideration could also be given to:
- e-mailing landlords, in particular social landlords;
 - e-mailing current CTR recipients
- 6.7 It is proposed that consultation, as set out above, should be carried out for a period of 4 weeks from 30th October 2017, with the outcome being reported back to the Councils in a report to the December 2017 meetings.

7. Equality Analysis

- 7.1 An Equality Impact Assessment has been completed for this report.

- 7.2 The proposals in this report, aside from the maximum and minimum CTR proposals, equalise the Pension Age CTR Scheme and the Working Age CTR Schemes ensuring age is not a reason for difference in treatment under either scheme.
- 7.3 The Council is required to operate a Discretionary Financial Assistance (DFA) scheme. DFAs are outside both the Council's Working Age CTR scheme and the Pensioner CTR scheme, but contained within the same legislation. DFAs are not dependent upon receipt of CTR for eligibility but are a reduction in Council Tax liability (effectively, a write-off) in a similar way to CTR.
- 7.4 DFAs exist to help with anomalies in the CTR schemes and council tax liability legislation, dealing with exceptional and unusual cases, enabling Councils to assist those in greatest need more than "normal" CTR.

8. Shared Service / Partnership Implications

- 8.1 Equalising the maximum CTR across both Councils at 95% will avoid confusion for staff in the Shared Revenues Partnership administering the schemes. It also eases confusion for customers moving between the areas or those who have joint HB/CTR claims. The confusion is currently caused by BDC having a maximum reduction of 91.5% whilst MSDC has a maximum of 95%.

9. Links to Joint Strategic Plan

The outcome to be achieved by this report most closely aligns with the ambition outlined in the Enabled and Efficient Organisation section of the Joint Strategic Plan.

10. Key Information

Background

- 10.1 From April 2013 the Government abolished the previous state benefit for Council Tax known as Council Tax Benefit (CTB) and replaced it by giving Councils the power to implement their own schemes, termed Council Tax Reduction (CTR) (also known as Council Tax Support). An overview of the current scheme is shown in Appendix B.
- 10.2 Prior to April 2013, CTB was funded by Government by a formula based upon actual expenditure. The basis was 100% funding for CTB properly paid, with reduced rates for overpayments etc.
- 10.3 As a result, in 2012/13, the last year of CTB, Babergh District Council (BDC) received 98.30% Government funding on CTB expenditure totalling £5,561,067.
- 10.4 CTR is classed as a discount and is taken into account when calculating each parishes and the Councils' tax base. The value of the discount is converted to a dwelling equivalent and reduced from the overall tax base.
- 10.5 From April 2013 the Government paid billing authorities a grant to compensate them for the loss of council tax income as a result of the tax base being reduced. Some of this grant was paid to parish and town councils on a reducing basis over a four year period. The grant was subsequently subsumed within the Revenue Support Grant (RSG), which is reducing to zero for both councils by 2019/20.

- 10.6 Since the introduction of CTR, the national picture has seen an increase in Council Tax arrears of £400m from 2012-13 to 2016-17. This will have been partially caused by Council Tax increases and the impact of local CTR schemes.
- 10.7 Analysis of collection rates and receipts of Council Tax published by the DCLG show that during 2016/17, 44% of authority's charged 20% or more in Council Tax as a minimum, 27% charged less than 20% and 21 % had retained the default scheme (effectively CTB) or introduced a scheme which required no minimum payment from those in receipt of CTR.
- 10.8 Local authorities with the highest minimum payments continue to be the local authorities with the largest increases in uncollected Council Tax. When comparing this to Councils that abolished CTB but did not set a minimum payment it was noticeable that there was no significant change between arrears in the 2016-17 year compared to 2012-13 (the group overall had an increase of £10,000) and Councils that retained CTB continued to have lower arrears this year than they did in 2012-13. This group's arrears declined by £13.8 million relative to their arrears in 2012-13. Babergh's collection performance is shown in Appendix D.
- 10.9 Babergh District Council currently operates two CTR schemes
- CTR State Pension Age Scheme; and
 - CTR Working Age (Local) Scheme
- 10.10 The state Pension Age Scheme is a prescribed scheme and Councils are prohibited from changing any aspect of the scheme
- 10.11 Babergh District Council's CTR scheme was introduced in April 2013 and the scheme allowed for the automatic adoption of annual uprating changes. However, in the intervening years, there have been a significant number of legislative changes which have both modified the Housing Benefit scheme and given Prescribed Requirements to the State Pension Age Scheme to align it with the Housing Benefit (HB) scheme. This has led to fundamental differences between the schemes currently in operation which are administratively burdensome and cause confusion for customers.
- 10.12 Additionally, the current CTR scheme makes no allowance for those customers who receive Universal Credit. BDC begins to move to a Full Service Universal Credit area from October 2017, the whole district being full service from April 2018. The number of claims received for CTR from Universal Credit customers is expected to steadily rise. These customers need to be treated in the same way for Universal Credit as entitlement to the legacy benefits would have secured. The scheme needs to be amended to allow for this fundamental change.

Options for a Revised Scheme from 1st April 2018

- 10.13 In setting out to update the scheme consideration was given to ensure the amended scheme would:-
- Adopt and continue to adopt, any relevant change set out in the Housing Benefit Regulations 2006 (or subsequent iterations) or issued as an amendment to the Council Tax Default or Pension Age Scheme as a change to the BDC Working Age CTR scheme

- Ease the administrative burden upon the authority
- Deal equitably with customers based on their financial situation
- Cater for the transfer to Universal Credit Full service for new customers
- Ensure a 'like for like' outcome for customers who have HB/CTR claims now but may need to claim Universal Credit following a relevant change of circumstances or migrate from such legacy benefits in due course.
- Continue to support those residents most in need; and
- Minimise any negative impact to the poorest households

Legislative Changes

10.14 Over the last 4 years the Government has amended the Housing Benefit scheme, including annual uprating. The proposal is to incorporate all of these changes (Listed in Appendix A) in to the Working Age Scheme from April 2018. There is no financial cost and minimal impact on our customers with existing claims.

Changes to Accommodate Universal Credit

10.15 As working age Housing Benefit (HB) cases move over to Universal Credit (UC) the Councils will cease processing new working age HB claims. The current timetable shows this commencing in full in Babergh in October 2017. There are some procedural changes proposed to ease the claiming of CTR for Universal Credit claimants as set out in Appendix C

Maximum CTR Change and Introduction of a Minimum CTR Award

10.16 At present, the maximum CTR in the BDC working age scheme is 91.5% and in the MSDC scheme it is 95%. It is proposed that this be equalised across the two Councils at 95%. It is also proposed that a minimum CTR award of £1 a week be implemented to avoid dealing with uneconomic awards – that is cases which cost more to assess than the award. The financial effect of these changes is set out in 3.2 above.

11. Appendices

Title	Location
(a) Legislative Changes	Attached
(b) Overview of the current schemes	Attached
(c) Details of proposed changes to accommodate Universal Credit	Attached
(d) CTR collection performance	Attached

12. Background Documents

- 12.1 The current BDC Working Age CTR Scheme at <http://www.babergh.gov.uk/assets/SRP/Council-Tax/Babergh-S13a-Scheme-Complete-v1.91.pdf>
- 12.2 New Policy Institute's report on 'Are cuts to Council Tax Support in England a false economy for Councils?' <http://www.npi.org.uk/publications/council-tax/are-cuts-council-tax-support-england-false-economy-councils/>

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Appendix A – Legislative Changes

- Legislative changes and their impact explained.

- Restrictions on “persons from abroad” such that a person receiving a Job Seekers Allowance is no longer automatically deemed to have a right to reside in the UK and can be excluded from CTR eligibility;

There are very few such customers in the BDC area, the financial effect of this change will therefore be minimal.

- Making changes to the list of persons from abroad who do not need to show habitual residence in the UK;

There are very few such customers in the BDC area, the financial effect of this change will therefore be minimal.

- Excluding persons subject to immigration control from CTR entitlement;

There are very few such customers in the BDC area, and as such customers tend to occupy Hostel or Houses in Multiple Accommodation where CTR does not apply, the financial effect of this change will therefore be minimal.

- Removing the non-dependant deduction from a member of the military away on operations;

This change would only affect a member of the military whose sole or main residence was at their Parent’s or other relative’s home. To date, SRP has not come across such a case in any of the Council areas.

- Disregarding certain relatively unusual payments;

The payments listed are very rare and the financial effect would therefore be minimal, if any.

- Correcting drafting errors;

These do not affect the overall meaning of the legislation and have no financial effect.

- Changing the wording due to changes to Employment & Support Allowance;

These changes accommodate the removal of the “Work” element from Employment & Support Allowance. As this change has already taken place, the wording is currently obsolete and has no financial effect in itself.

- Changes consequent upon introduction of Personal Independence Payments and Universal Credit.

This is a wording clarification and has no financial effect.

- Further changes affecting persons from abroad

There are very few affected customers in the BDC area; the financial effect of this change will therefore be minimal.

- Minor wording changes.

This is a wording clarification and has no financial effect.

- When earnings are taken in to account, consequent on a Court case;

This is a wording clarification and has no financial effect.

- Changes consequent upon changes to National Insurance changes;

As this change has already taken place, the wording is currently obsolete and this has no financial effect in itself.

- Remove the Family Premium from the means test for new claims;

This would result in a reduction in the CTR award for means-tested working age **new** CTR claims of a maximum of £3.49 per week (20% of the £17.45 Family Premium). This has been introduced as a transition step towards UC where no Family Premium applies.

- Where a carer gets a care element in their Universal Credit the person being cared for cannot get a care addition in their CTR;

Carers cannot currently claim UC in BDC, there is therefore no financial effect as yet. This change prevents a “double” carer award in such cases.

- Reduce the period that a customer can be temporarily absent, yet maintain their claim, from 13 weeks to 4 weeks in most cases.

A Temporary Absence award is very rare in CTR as, for example, if the person liable for Council Tax is on remand, they are exempt from Council Tax. In many other cases, the property remains occupied by another person, who would then become liable for the Council Tax.

- Introduces the “2 child” restriction for new claims to CTR so as to align the CTR scheme with all other Benefits

Many of our current Working Age claims with more than 2 children have “passport benefits” and therefore are unaffected by this change (as far as CTR is concerned); a few are Pension Age customers and their claims will be subject to this change already.

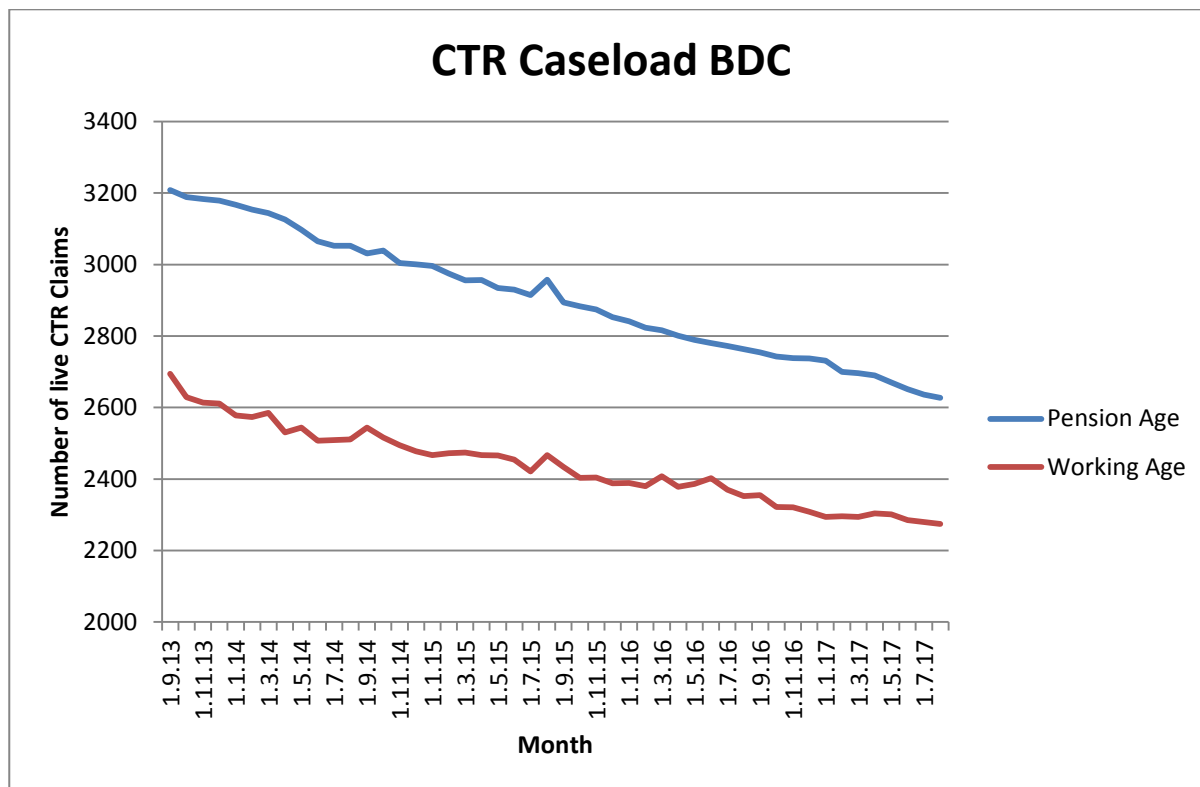
Appendix B - Overview of the Current Schemes

1. This report is using June 2017 as its reference point. At June 2017 the number of CTR claims was:

CTR Claims as at June 2017	BDC No	BDC %
Total CTR claims	4,936	100.00%
Pension Age Passported	1,516	30.71%
Pension Age Means Tested	1,135	22.99%
Working Age Passported	1,315	26.64%
Working Age Means Tested	970	19.65%

2. A few of these claims have a zero award, but remain live whilst the claimant can challenge the figures used. This shows that BDC can control expenditure on just over 46% of the claimant population.
3. "Passported" means in receipt of:
 - Pension Credit (Guarantee Credit);
 - Job Seekers Allowance (Income Based);
 - Income Support; or
 - Employment & Support Allowance (Income Related).
4. In such cases the Council does not carry out any means testing and automatically awards the maximum rate of CTR, less any non-dependant deduction. The maximum CTR for Pensioners is 100%. For BDC working age it is currently set at 91.5%, in other words BDC working age residents pay 8.5% Council Tax.
5. "Means Tested" means not in receipt of the specified benefits in 8 below. In these cases a full means test is required that compares income to a Government set Applicable Amount. Since 2013 the Applicable Amount set for Housing Benefit has been used. If the income is below the applicable amount, maximum CTR is paid, then for each £1 a week of income that exceeds the applicable amount, 20 pence a week is deducted from the maximum CTR. This is known as the "taper" and is currently set at 20% for Pensioners and 20%.
6. In both "Passported" and "Means Tested" cases, a non-dependant deduction is made from the award of CTR if there are any non-dependants in the household. A non-dependant is a person over the age of 16 who is not residing there on a commercial basis (boarders and lodgers), typically a grown-up child or other relative.
7. It should be noted that Universal Credit is replacing:
 - Job Seekers Allowance (Income Based);
 - Income Support;
 - Employment & Support Allowance (Income Related).
 - Housing Benefit
 - Working Tax Credits; and
 - Child Tax Credits.

8. There is no equivalent to “Passported” for a person in receipt of Universal Credit (UC).
9. From its introduction, the number of CTR claims has been steadily reducing, mainly due to the pick-up in the economy. Records of CTR claims for the two councils are shown in the tables below:



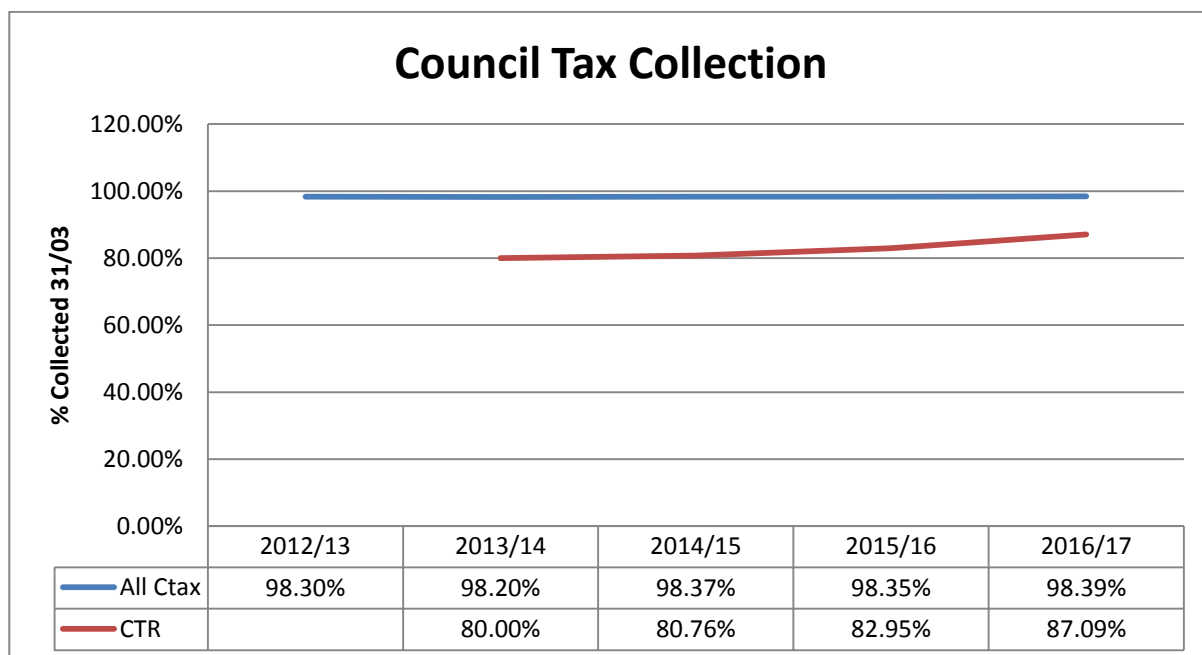
10. For BDC, working age claims fell from 2,694 to 2,274 in 4 years, a fall of 15.6%. The number of pensioner claims has fallen significantly over the same period, 18.1% in BDC. This fall in claim numbers reduces the Council's expenditure on CTR, but could, of course, reverse if the economy goes in to decline.

Appendix C – Details of proposed changes to accommodate Universal Credit

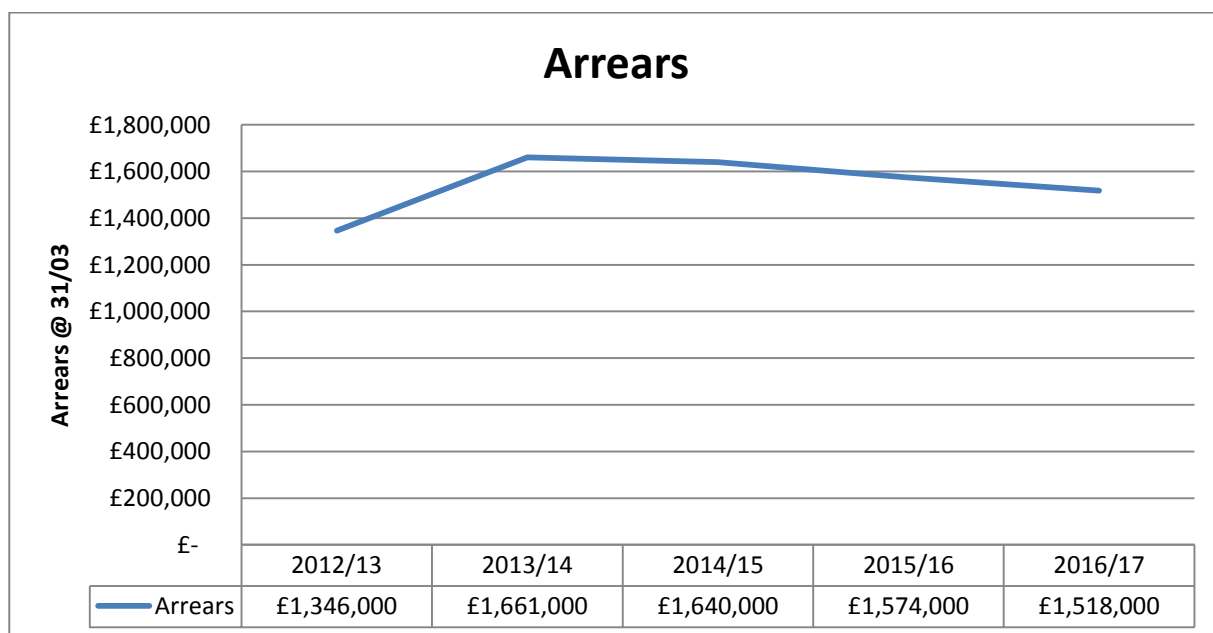
1. There will still be a requirement to consider CTR awards for recipients of Universal Credit. This presents several issues as outlined below:
 - At present the CTR assessment “piggy backs” on the HB assessment as both are assessed using similar rules and the same IT system. Losing the HB claims removes the economy of scale and the Councils would be carrying out a complex means test for what is often a nominal award.
 - UC awards are taking 8 -12 weeks to process. In many cases customers do not realise that they need to claim CTR separately from the Council – they believe their on-line UC claim covers CTR. It can be up to 12 weeks before they realise this and the current rules only allow a month after making a UC (or passport benefit) claim to submit a CTR claim that can run from the date of the UC claim.
 - UC requires a full means test and customers would be subject to a separate means test for CTR unless a new approach is adopted.
2. In order to resolve these issues it is proposed that:
 - The Councils Working Age CTR schemes treat a UC award based upon nil earnings and nil income as a “passported” award and automatically awards full CTR with no means test (subject to any non-dependant deduction). The “proof” required would be sight of the claimant’s full UC award letter proving nil earnings and nil income.
 - The Working Age CTR scheme be amended so that a person who makes a UC claim has 13 weeks from the date of that claim in which to make a CTR claim that can treat the CTR claim made date as the UC claim made date, therefore awarding CTR from that UC claim date.
 - A claimant in receipt of UC, with no earnings and no income, would receive maximum CTR after a means test under the current scheme. By classifying these customers as “passported” means there will be an administrative saving from not having to conduct a means test. There is no effect on the amount of CTR awarded and the risk of challenge is negated.
3. There will also be a beneficial effect upon collection due to the proposed 13 weeks to make a CTR claim for UC claimants and a consequent saving in administration with not having to consider back-dating requests.

Appendix D Council Tax collection performance 2012-2016

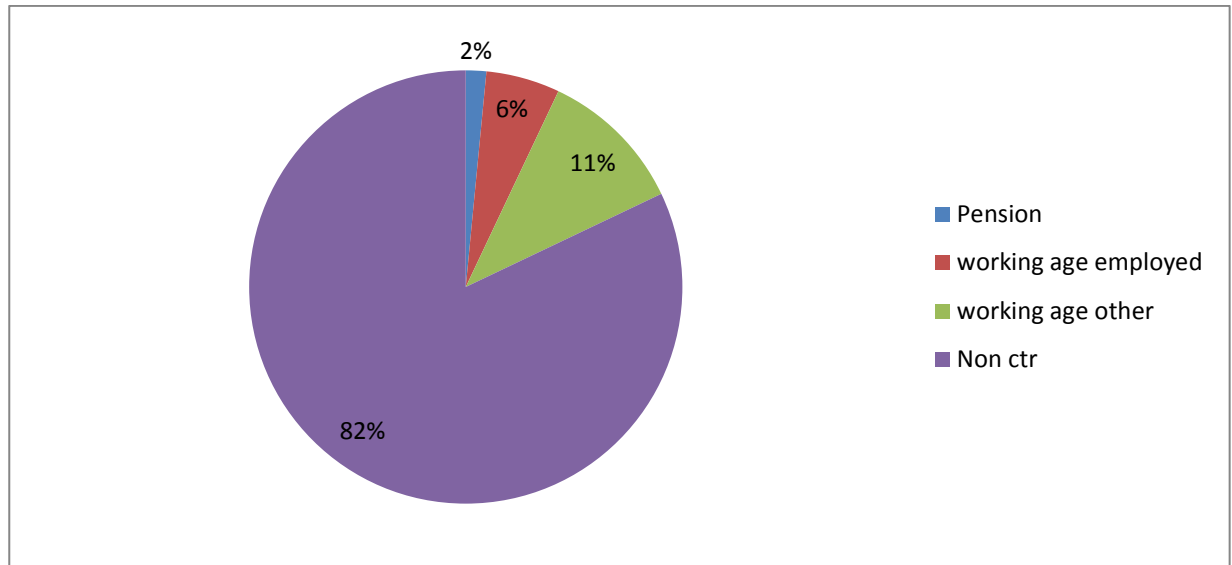
Babergh Council Tax / CTR performance



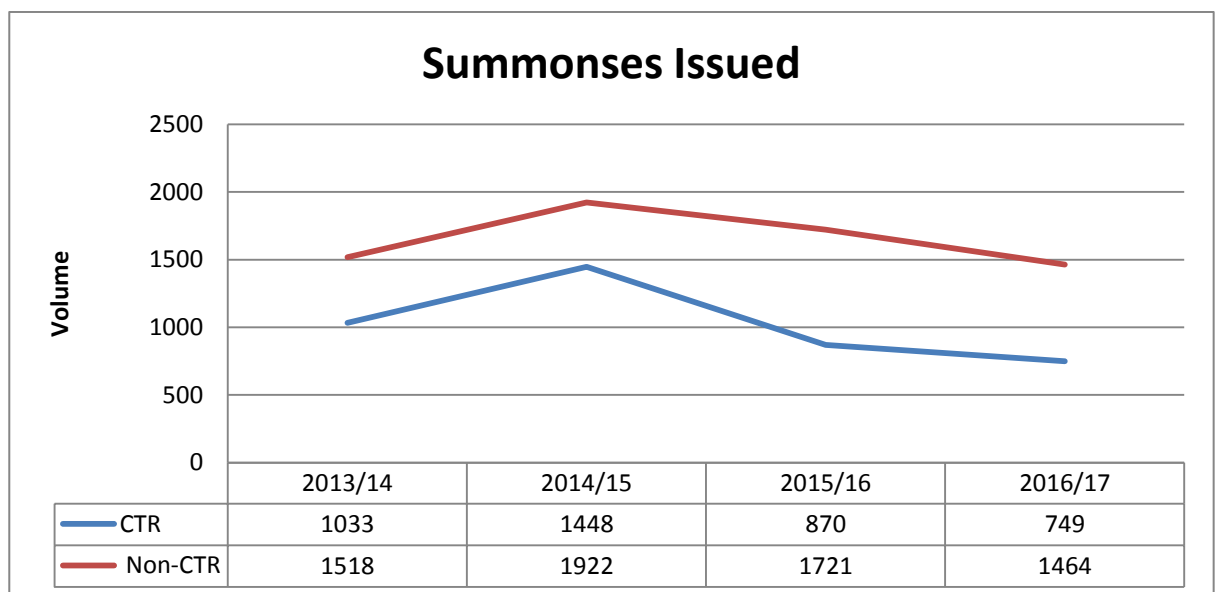
CTR was introduced on the 1/4/2013



Breakdown of 2016/17 arrears



Around 19% of the arrears at the 31/3/17 are in respect of customers in receipt of CTR, but please note the arrears could include debts accrued before entitlement to CTR.



The number of summonses issued to CTR cases has fallen, but so has the overall CTR caseload.

Where a customer in receipt of CTR fails to pay and a liability order is obtained the Council applies to the DWP for a deduction from their benefit. This is £3.75 per week. At the current 8.5% this could still be recovered in year. Around 15% of the CTR caseload received a summons in 2016/17

Agenda Item 12

BABERGH DISTRICT COUNCIL

From: Assistant Director - Planning for Growth	Report Number: BC/17/16
To: COUNCIL	Date of meeting: 24 October 2017

LAWSHALL NEIGHBOURHOOD PLAN

1. Purpose of Report

- 1.1 The report has been prepared in advance of the Lawshall Neighbourhood Plan Local Referendum result being known. It makes provision for Council to be notified of the result at the meeting.
- 1.2 The report has been written on the basis of a favourable referendum result, where more than half of those voting do so in favour of the neighbourhood plan. In that case, Council will be asked to endorse the recommendation that it makes (adopts) the Plan.
- 1.3 In the unlikely event that the referendum will not find in favour of adopting the Plan this report will be withdrawn and an update given to the appropriate Council / Committee meeting at a later date.

2. Recommendation

- 2.1 That, subject to the local referendum being in favour, the Lawshall Neighbourhood Plan be formally made (adopted) as part of the District Council's Development Plan and used to help determine planning applications where relevant.
- 2.2 That, subject to the above, the Final Decision Statement (at Appendix 1) be updated to include the referendum results and be published with immediate effect.

3. Key Information

- 3.1 Babergh Cabinet resolved at its meeting on 7 September 2017 that the Lawshall Neighbourhood Development Plan should proceed to a local referendum. The local referendum date was set for 19 October 2017.
- 3.2 The format of the local referendum question is:

'Do you want Babergh District Council to use the neighbourhood plan for Lawshall to help it decide planning applications in the neighbourhood area?'
- 3.3 Council will be notified by the Portfolio Holder for Planning of the referendum result at the meeting. In practice, the count will have taken place and the 'Declaration of Results' already be published on the Council website.
- 3.4 A 'yes' vote at the local referendum enables the District Council to formally 'make' (adopt) the Lawshall Neighbourhood Plan. The plan once made formally becomes part of the Development Plan and will therefore be used in conjunction with existing planning policy documents to help determine planning applications where relevant.

- 3.5 The District Council is only able to exercise further discretion at this point if it considers that the Plan would be in breach of any environmental legislation or any of the Convention Rights (within the meaning of the Human Rights Act, 1998). The Plan is not in breach of either pieces of legislation.
- 3.6 The report presented to Cabinet on 7 September 2017 confirmed that, the Lawshall Neighbourhood Plan as modified to incorporate the Examiner's Recommendations, complies with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990. Accordingly the Lawshall Neighbourhood Development Plan should be duly made. A formal Decision Statement is appended to this report.

4. Financial Implications

- 4.1 The District Council receives £20,000 from the Department of Communities and Local Government for each neighbourhood plan once a referendum date has been set following a successful examination. This sum is paid to meet the District Council's costs and will be sufficient in this case. The claim for this payment will be submitted at the next available opportunity (in December 2017)
- 4.2 The Lawshall Neighbourhood Plan once 'made' (adopted) enables the parish council to receive 25% of any Community Infrastructure Levy receipts from development in its area.

5. Legal Implications

- 5.1 The Neighbourhood Plan has been prepared in accordance with the provisions of the Town and Country Planning Act, 1990, the Planning and Compulsory Purchase Act, 2004 and the Neighbourhood Planning (General) Regulations, 2012 (as amended). It has also had regard to the Environmental Assessment of Plans and Programmes Regulations, 2004 and the Conservation of Habitats and Species Regulations, 2010.
- 5.2 Once 'made' (adopted), the Lawshall Neighbourhood Plan will become part of the Development Plan and, where relevant, be used to determine planning applications.

6. Risk Management

- 6.1 This report most closely links with Strategic Risk no. 3a - *Failure to deliver Neighbourhood Plans*. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Legal challenge to the content of the neighbourhood development plan or order and/or judicial review of the District Council's decisions. If successful all or part of the neighbourhood planning process would have to be repeated. Any costs of defending a legal challenge would have to be met by the District Council.	Unlikely (2)	Bad (3)	Ensuring that the relevant Regulations are followed and that the decision-making processes are clear and transparent. Ensuring compliance with the Independent Examiner's recommendations.

7. Consultations

- 7.1 The District Council undertook formal consultation on the content of the submission draft Lawshall Neighbourhood Plan from 13 February to 31 March 2017.

8. Equality Analysis

- 8.1 There are no equality and diversity implications arising directly from the content of this report.

9. Shared Service / Partnership Implications

- 9.1 This report relates to matters affecting Babergh only.

10. Links to Joint Strategic Plan

- 10.1 The making (adoption) of the neighbourhood plan will enable the District Council to fulfil its corporate priorities, in terms of housing delivery, business growth and community capacity building.

11. Appendices

- 11.1 Appendix 1 - (Draft) Final Decision Statement (attached)

Authorship

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*** **FINAL DRAFT** ***

Babergh District Council

Lawshall Neighbourhood Plan - Final Decision Statement

On 19 October 2017 a local referendum was held in which more than half of those who voted did so in favour of the Lawshall Neighbourhood Plan. Accordingly Babergh District Council has decided to 'make' the Plan.

The Plan as made becomes part of the Development Plan for the area and will be used where relevant to help the District Council decide planning applications. This decision was taken by Full Council on 24 October 2017

Reason for Decision

In accordance with the provisions of the Neighbourhood Planning (General) Regulations, 2012 (as amended) the District Council appointed an independent examiner to assess the submitted Mendlesham Neighbourhood Plan.

The examination was undertaken by Ann Skippers MRTPI a 'suitably qualified and experienced' person who was independent of the plan making process via written representations. The Examiner concluded that subject to modification the Plan would comply with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990.

Babergh Cabinet at its meeting on 7 September 2017 agreed with the suggested modifications and concurred that the Plan so modified would comply with the Basic Conditions. Cabinet therefore resolved that the Lawshall Neighbourhood Development Plan should proceed to a local referendum.

The local referendum was held on 19 October 2017. The format of the local referendum question was:

'Do you want Babergh District Council to use the neighbourhood plan for Lawshall to help it decide planning applications in the neighbourhood area?'

More than 50% of those who voted were in favour of the Plan. The results of the local referendum were:

Response	Votes Cast	Percentage of total
Yes	<i>'to be inserted'</i>	<i>'to be inserted'</i>
No	<i>'to be inserted'</i>	<i>'to be inserted'</i>
Total	<i>'to be inserted'</i>	100%

The result of the local referendum enables the District Council to formally make the Lawshall Neighbourhood Plan unless it considers that the Plan would be in breach of any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act, 1998).

At its meeting on 24 October 2017 Babergh District Council decided that the Plan was not in breach of this legislation and that it should be made part of the Development Plan for the district.

Dated: 'to be inserted'

Agenda Item 13

BABERGH DISTRICT COUNCIL

From: Monitoring Officer	Report Number: BC/17/17
To: Council	Date of Meeting: 24 October 2017

POLITICAL BALANCE AND COMPOSITION OF COMMITTEES

1. Purpose of Report

- 1.1. The purpose of this report is to agreed the revised political balance and composition of the Council's committees following the by-election in the Sudbury South ward on 7 September 2017.

2. Recommendations

- 2.1 That the Committees' size and numerical allocation of seats be approved as detailed in Appendix 1 to this report.
- 2.2 That the revisions to the appointments to Committees as set out in Appendix 2 to this report be noted.

3. Financial Implications

- 3.1 None.

4. Legal Implications

- 4.1 The approval of the recommendations will ensure compliance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations.

5. Risk Management

- 5.1 This report is most closely linked with the Council's Significant Business Risk No. 5c – Failure to develop clear governance arrangements that enable the right decisions to be taken that are appropriate for the environment that we are operating in. Key risks are set out below.

Risk Description	Likelihood	Impact	Mitigation Measures
Sufficient members are not appointed and the Committee is inquorate and unable to take decisions.	1 – Highly unlikely	3 - Bad	Early discussions with Group Leaders regarding Committee placements

6. Consultations

6.1 Consultations have been undertaken with Group Leaders and other relevant Members.

7. Equality Analysis

7.1 Good governance and democratic, sound and transparent decision-making should enable potential inequalities to become apparent and should therefore be more obviously addressed.

8. Shared Service/Partnership Implications

8.1 There are no shared service implications.

9. Implications for the Joint Strategic Plan

9.1 Good governance and democratic, sound and transparent decision-making support the delivery of the Joint Strategic Plan.

10. Key Information

10.1 Under the provisions of the Local Government and Housing Act 1989 where a local authority is grouped for Committee composition purposes, the Authority is required to make arrangements to ensure that its Committees share the same political balance as the full Council.

10.2 The Local Government (Committees and Political Groups) Regulations 1990 allow ungrouped members to receive committee seats if any are left over once allocations have been made to the political groups in proportion to their membership of the authority. The political groups of Babergh make up 100% of the Council and therefore all of the politically balanced Committee seats go to political groups.

10.3 The current Committee structure has 43 available seats which go to political groups.

10.4 Following the election of Councillor Luke Cresswell to the Sudbury South Ward on Thursday 7 September 2017, the Monitoring Officer received notification from Councillor Tony Bavington that a Labour group consisting of two members would be formed.

10.5 The Council is therefore asked to approve the revised numerical allocation of Committee seats, and the calculation in accordance with the provisions of the Local Government and Housing Act 1989, as shown in Appendix one to this report. The calculation provides for 43 Committee seats to the various groups as follows:-

Conservative	-	28 seats
Independent	-	8 seats
Liberal Democrats	-	3 seats
Independent Conservative	-	2 seats
Labour	-	2 seats

10.6 Further to the proposed amendments to the allocation of committee seats the relevant Group Leaders have notified the Monitoring Officer of alterations to the members appointed to the Committees. The Council is asked to note these appointments as at Appendix two to this report.

11. Appendices

Title	Location
Appendix 1 – Size of Committee and numerical allocation	Attached
Appendix 2 – Alterations to Committee appointments	To follow

12. Background Documents

None.

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Babergh District Council – Allocation of Committee Placements 2017-18

COMMITTEES	NO. OF SEATS	CONSERVATIVE (28 MEMBERS)		INDEPENDENT (8 MEMBERS)		LIBERAL DEMOCRATS (3 MEMBERS)		INDEPENDENT CONSERVATIVE (2 MEMBERS)		LABOUR (2 MEMBERS)	
OVERVIEW & SCRUTINY	8	5.21	5	1.49	2	0.56	1	0.4	0	0.4	0
JOINT AUDIT AND STANDARDS	8	5.21	5	1.49	1	0.56	0	0.4	1	0.4	1
PLANNING	14	9.12	9	2.6	2	0.98	1	0.7	1	0.7	1
LICENSING & REGULATORY	10	6.51	7	1.86	2	0.7	1	0.5	0	0.5	0
JOINT APPOINTMENTS	3	1.95	2	0.56	1	0.21	0	0.15	0	0.15	0
TOTAL TARGET	43	28	28	8	8	3	3	2	2	2	2

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Agenda Item 14

BABERGH DISTRICT COUNCIL

From: Assistant Director - Law and Governance	Report Number: BC/17/18
To: Council	Date of meeting: 24 October 2017

APPOINTMENT OF AN INDEPENDENT REMUNERATION PANEL

1. Purpose of Report

- 1.1 To consider a proposal to appoint a new Independent Remuneration Panel (IRP) for Babergh District Council.

2. Recommendation

- 2.1 That the Independent Remuneration Panel appointed by Mid Suffolk District Council on 22 September 2016 also be appointed by Babergh District Council.

3. Financial Implications

- 3.1 It is proposed that panel members are paid a fee for each panel meeting at a rate of £100 per member per meeting and reimbursed any expenses reasonably incurred in the performance of their duties. This level of fee and expenses is consistent with the approach taken by other local councils.

4. Legal Implications

- 4.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), the Council is required to establish and maintain an IRP to make recommendations to it about the allowances to be paid to Members. It is important that the Council appoints an IRP, and has regard to the views of the Panel before any decisions are made in respect of changes to the scheme of allowances for members.

5. Risk Management

- 5.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Council would not be able to review the Scheme of allowances for councillors	2 – Unlikely	2 – Noticeable	Working with other local councils to share IRP panel members provides resilience

6. Consultations

- 6.1 The Leaders of Babergh District Council and Mid Suffolk District Council have been consulted in preparation for this report.

7. Equality Analysis

- 7.1 The decision recommended in this report does not give rise to any equality or diversity implications.

8. Shared Service / Partnership Implications

- 8.1 The opportunity to appoint persons who are also appointed in the same capacity by another council could provide a more informed and rounded view in discharging their duty, as the panel members will be able to bring the experience and perspective they have gained advising another authority.

9. Links to Joint Strategic Plan

- 9.1 This decision underpins the Enabling and Efficient Organisation theme: Strengthened and clear governance to enable delivery.

10. Key Information

- 10.1 The Council is required to establish a Panel, known as the Independent Remuneration Panel (IRP), to make recommendations on the making and amendment of the Members Allowances Scheme.
- 10.2 It is proposed that a Panel of 5 members be appointed. This provides the Council with a pool of panel members to draw on for individual reviews. Panel members should be experienced in dealing with remuneration issues and at least some members should be knowledgeable of local government affairs and the public sector.
- 10.3 Councillors (on any principal area authority) and any person disqualified from being a Councillor cannot be Panel members. Employees of this Council and Co-opted members are also not permitted to sit on the Panel.
- 10.4 It is proposed that Babergh District Council appoints the same panel as Mid Suffolk District Council. Details of Mid Suffolk District Council's appointment are contained in report number C/68/16. This would provide parity between the two Councils' processes and allow for reviews of the Councillor Allowances Scheme to be run concurrently.
- 10.5 Following the change to a Leader-Cabinet style of decision making, a review of the Councillor Allowances scheme is now required to take into account the altered roles of Cabinet Members, Lead Members and Committee Chairs. As this affects a large proportion of Councillors, it is suggested that the whole scheme be reviewed. The Leaders of the Councils will meet with the Panel to determine the terms of reference for this review and to set the timetable, however it is initially envisaged that the findings of the Panel will be reported to Council in February 2018.

11. Background Documents

- 11.1 Report appointing the Independent Remuneration Panel to Mid Suffolk District Council, C/68/17.

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