

MINUTES OF THE MEETING OF THE BABERGH COUNCIL HELD IN KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON TUESDAY, 19 DECEMBER 2017

PRESENT: Peter Burgoyne - Chairman

Clive Arthey	Sue Ayres
Melanie Barrett	Simon Barrett
Tony Bavington	Peter Beer
Sue Burgoyne	David Busby
Tina Campbell	Sue Carpendale
Michael Creffield	Luke Cresswell
Derek Davis	Siân Dawson
Alan Ferguson	Barry Gasper
Kathryn Grandon	John Hinton
Michael Holt	Bryn Hurren
Jennie Jenkins	Richard Kemp
Frank Lawrenson	James Long
Margaret Maybury	Alastair McCraw
Mark Newman	John Nunn
Adrian Osborne	Jan Osborne
Peter Patrick	Stephen Plumb
Nick Ridley	David Rose
Ray Smith	Harriet Steer
Fenella Swan	John Ward
Stephen Williams	

4 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Tom Burrows, Lee Parker and William Shropshire.

Minute Silence

Councillor Peter Burgoyne said that Councillor Neil MacMaster sadly passed away on Sunday 10 December 2017 and a minute's silence was held in his memory.

5 DECLARATION OF INTERESTS BY COUNCILLORS

There were no declarations of interests.

6 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 21 NOVEMBER AND 4 DECEMBER 2017 - TO FOLLOW

The minutes of the meetings held on the 21 November and 4 December 2017 were deferred until the next meeting.

BC/17/22 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

- 7.1 The Chair referred to Paper BC/17/22 outlining events attended by the Chair and Vice-Chair.
- 7.2 That afternoon the Chair had also attend an event at Stephen Walters and Sons Ltd. in Sudbury, which was attended by HRH Princess Royal to celebrate the 40th anniversary of the making of her silk wedding dress.
- 7.3 Councillor Jenny Jenkins, the Leader of the Councils, announced that it was with great sadness she was standing down as Leader of the Council with immediate effect, and that Councillor Jan Osborne, the Vice-Chair, would automatically become Acting Leader of Babergh District Council until a new leader was formally elected at the next full Council. She hoped that a smooth transition would be possible and ask Members to consider carefully before electing the new leader of the Council.
- 7.4 Councillor Jenkins said that she was disappointed that some Members had felt it necessary to submit paragraph 3 of the motion on the agenda, especially as Councillor Jenkins had intended to step down as Leader of the Council at the Annual Council in May. However, as a result of this she had made the decision to step down as she had to consider what was best for the electorate, the community, the Council, services and staff.
- 7.5 Councillor Jenkins thanked all of the current and previous staff and many of the Councillors who had supported her over so many years and said that during her time as Leader of the Council, a great many achievements had successfully been completed.
- 7.6 Peter Burgoyne, the Chair of the Council, thanked Councillor Jenkins.
- 7.7 He announced that under Article 6 in the Constitution, the new Leader could not be elected until the next regular meeting of the Council and that until such a time that this meeting could be held the Deputy Leader Jan Osborne would be Acting Leader of Babergh District Council.
- 7.8 A point of Order was made by Councillor Alastair McCraw, who said that that since the decision had been made before the Council meeting, this meeting was in fact the next Council meeting.
- 7.9 The Chair referred to the advice received from the Monitoring Officer and said his decision was final in this matter.
- 7.10 Councillor Jan Osborne, in her role as Acting Leader of the Council, said this was a sad day for Babergh Council and she felt that the Council was losing a leader who had integrity, commitment and knowledge, and who had worked tirelessly for the Council.

7.11 Councillor McCraw presented a motion without notice for the meeting to adjourn.

7.12 The Motion was seconded by Councillor Bryn Hurren.

It was RESOLVED:-

That a 15 minutes adjournment was to be allowed and that the meeting to be convened by 6.00 pm.

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

A petition was received from Long Melford signed by 56 valid signatures. The full petition was submitted as a consultee response to the Joint Local Plan.

9 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

None received.

10 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Questions were asked in accordance with Council Procedure Rule No.12.

Question from Councillor John Hinton to Councillor Jan Osborne, Acting Leader of Babergh Council

In June 2017 after the publication of the Annual Monitoring Report for Babergh District Council, or rather just before it was published, the Five-Year Land Supply calculations and subsequent qualifications were released.

Those involved in planning will be aware of how this has been utilised to effectively emasculate Baberghs valid Local Plan and with it effectively the constitutionally adopted neighbourhood Plans within the District. The constructive ambiguity of the wording within the NPPF and its interpretation by officers and influence upon councillors of limited weighting has approved numerous applications against local wishes and some would claim against our Local Plan and Neighbourhood Plans. We now have some 3,000 valid applications for building but with limited construction starts which in most cases were apparently not included in the Five-Year Land Supply calculations.

Several attempts to ascertain the methodology and calculations for the Five Year Land Supply assumptions were made by a constituent using the legal resource of a Freedom of Information request. (FOI). These were not answered within the legal time frame or with such omissions as to render the responses unintelligible.

A formal complaint concerning this breach of the regulations has been submitted and accepted by the Information Commissioners Office and is currently being formally investigated.

Can the Leader explain why the rules and regulations concerning FOI's are being ignored contrary to legislation from Parliament and the reputation of Babergh District Council is potentially being further dismantled by this breach of the regulations, after the ignominious ruling against the council of the Judicial Review into the planning application for ten homes in East Bergholt in December 2016, and the necessity to take itself to JR over another planning mix up?

Response

The rules and regulations concerning Freedom of Information are not being ignored. Clear legal advice was received that the numerous requests received from a particular individual were manifestly unreasonable. As a point of clarification, the information requested falls within the provisions of the Environmental Regulations 2004 (EIR), not the Freedom of Information Act. Although the EIR has similar provisions to the Freedom of Information Act there are some differences. Section 14 of the Freedom of Information Act provides that a public authority is not obliged to comply with a request for information if the request is vexatious. Under the EIR, Regulation 12(4)(b) provides that a public authority may refuse requests that are 'manifestly unreasonable'.

Supplementary Question

Bearing in mind that the Chief Executive exchanged contact with my constituent before referring him to Tom Barker, who promised to contact him concerning the matter in September but has yet failed to do so, what confidence can the public have in the Council's accountability, its processes and its ability to manage its finances and legislative functions of the Babergh District and furthermore how many new properties have been approved on the grounds of a lack of a five-year land supply, contrary to Babergh existing local plan and made village neighbourhoods plans since the anomalies of the five-year land supply in June 2017 and how many have been held back as contrary to the East Bergholt JR Rule.

Response

Thank you, Councillor Hinton for that question, I do not have the answers here tonight I will talk to the Officers and will provide a comprehensive response outside the meeting and forward this in turn to all Members.

Councillor Hinton requested this response was provided with three months.

Question from Councillor Luke Cresswell to Councillor John Ward, Cabinet Member for Economy

The State of the Nation report by the Social Mobility Commission, published on 28th November, rated our District at 270 out of 324. Why are we so incredibly low on the social mobility ratings? What has the council done over the last year and what does

it plan to do over the next year, to increase social mobility in the Babergh District?

Full report can be found here-

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662744/State_of_the_Nation_2017 - Social Mobility in Great Britain.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662744/State_of_the_Nation_2017_-_Social_Mobility_in_Great_Britain.pdf)

Short report - <http://www.bbc.co.uk/news/education-42112436>

Response

The State of the Nation report by the Social Mobility Commission uses 16 indicators to assesses the education, employability and housing prospects of people living in each of England's 324 local authority areas. The indicators span each major stage from early years through to in people's working lives and focus on two outcomes:

- Educational outcomes of disadvantaged children; and
- Outcomes achieved by adults

Babergh was ranked at 270 out of 327 lower tier English Local Authority Areas.

The following factors are used to calculate their scores and are compared between districts. These include:

- Assessed levels of deprivation – Babergh has higher levels than Mid Suffolk;
- House prices against wage ratios – Babergh's ratio is higher than any neighbouring district;
- OFSTED ratings of secondary schools – Babergh has no schools with a rating of 'outstanding';
- Economic activity of the population – Babergh has an older population which is less economically active (this does not take account of activity the older population may take up that is not classified as 'economically active');
- More of Babergh's children live in low income families; and
- Babergh's population has fewer qualifications.

Babergh and its' partners are however proactively working to improve social mobility in the district. This includes the following programmes that are being supported by our partners in Suffolk County Council's Directorate of Health, Wellbeing and Children's services:

- Adult Learning provision
- The roll out of the national work and health programme
- The pending roll out of the ESF/New Anglia work and health programme (should SCC be successful in securing funds)

- The youth employment service, MyGo
- The work of the Early Help teams, in particular work delivered by Specialist Youth Support Workers for young people who are NEET
- Other programmes of work within the Development Suffolk Talent scheme, which includes a revised Apprenticeship Strategy, Work Inspiration agenda etc.

In addition, our Economic Development team has partnered with Connect Education Business to support local High Schools with access to career and employment experiences for their then year 9 pupils. This targeted schools with lower than average attainment and higher than average Free School Meals take up. Outcomes include Holbrook High School having had an additional six employer led interventions.

In the recently closed consultation on the Babergh & Mid Suffolk Joint Local Plan the Councils' included specific questions regarding our approach to the provision of affordable housing. The aim is to develop policies to deliver the affordable housing needed in the district.

Given the breadth and complexity of issues involved with regard to Social Mobility this may be an area that Cabinet wishes to refer to the Overview & Scrutiny Committee for more detailed consideration.

Supplementary Question

I asked what has been done in the last twelve months. It is a simple question: how many council houses are going to be built to completion in the next twelve months?

Response

I will get that information and supply it to you outside the meeting.

11 MOTIONS ON NOTICE

11.1 A motion was moved by Councillor Tony Bavington and seconded by Councillor Stephen Williams, the requisite notice thereof having been given in accordance with Council Procedure rule no 13.1.

11.2 The Chair informed Members that Part 3 of the motion could no longer be considered by the Council, and that in accordance with Article 6 in the Babergh Constitution the Deputy Leader of the Council Jan Osborne was now Acting Leader of the Council.

11.3 Members debated the resignation of the Councillor Jenkins and if it could be determined when she had decided to resign. They also questioned if the Monitoring Officer and the Legal Services had provided advice on the basis that Councillor Jenkins was resigning.

11.4 The Chair responded that the advice from the Monitoring Officer was in accordance with Article 6 page 17 of the Babergh Constitution and that advice had been sought to provide clarity and responses for all eventualities for the Council meeting, irrespectively of the decision of Councillor Jenkins.

11.5 The Monitoring Officer clarified Article 6 to Members and continued that all Councillors could and did receive confidential advice at appropriate times and this was given in good faith before any meeting.

11.6 Councillor Bavington outlined the reasons for moving the motion and said that the move to the Cabinet Governance model and the adopted Constitution had weakened the strength of the Council and that it was time for the Council to take back control of its own policy framework and budget.

11.7 Councillor Bavington felt that the merger with Mid Suffolk District Council was in direct contradiction to the wishes of the electorate as established in the referendum of 2011 and that only another referendum would be able to determine the decision on the current merger proposal with Mid Suffolk District Council.

11.8 Councillor Williams explained his reasons for supporting the Motion, part 1 and part 2, including:

- That the retired leader rejected requests for a referendum on the merger with Mid Suffolk District Council despite the result of the referendum in 2011;
- That the merging of staff for Babergh and Mid Suffolk had not produced that promised savings as the loss of staff and redundancy cost equated to the savings;
- That the move to Endeavour House, had been undertaken before the actual cost of the rent was quantified;
- Employment in south Suffolk was actually falling, regardless of the promise of more employment opportunities.

11.9 A demand for a recorded vote was received in accordance with Council Procedure Rule No. 18.5.

11.10 Before the recorded vote was conducted Members debated the motion including:

- the retired Leader had not listen to the Council nor to advice offered by Members;
- That despite the 2011 referendum a guarantee for a referendum on the merger with Mid Suffolk District Council had not been forthcoming;
- Decisions were made in advance and the Boundary review was put forward as an example of this;
- There was a lack of information for both Members and electorate.

The result of the recorded vote on the motion, part 1 and part 2 was as follows:-

For the Motion

Against the Motion

Abstentions

Clive Arthey
Melanie Barrett
Simon Barrett
Tony Bavington
Peter Beer
David Bushby
Sue Carpendale
Michael Creffield
Luke Cresswell
Derek Davis
Sian Dawson
Alan Ferguson
John Hinton
Michael Holt
Bryn Hurren
Richard Kemp
James Long
Alastair McCraw
Mark Newman
John Nunn
Stephen Plumb
David Rose
Stephen Williams

Sue Ayres
Peter Burgoyne
Sue Burgoyne
Tina Campbell
Barry Gasper
Kathryn Grandon
Jennie Jenkins
Frank Lawrenson
Margaret Maybury
Adrian Osborne
Jan Osborne
Peter Patrick
Nick Ridley
Ray Smith
Harriet Steer
Fenella Swan
John Ward

It was RESOLVED:-

- (i) **That no BDC money be allocated in the next budget (2018 – 2019) and no staff time be used from April 2018 for the purpose of the Proposed Merger without the formal approval of the full Council (“Full Council Approval”)**
- (ii) **That as a condition precedent to the obtaining to Full Council Approval, the Leader be requested to guarantee that a new local referendum shall be held in which the votes of the electors for BDC are counted separately on the model of the 2011 referendum and only a vote in favour by the electors of BDC shall constitute a mandate form BDC to proceed (respectively “Condition Precedent” and “Referendum Approval”)**

12 **CABINET DECISIONS TO BE NOTED BY COUNCIL**

a Report No: BCa/17/37 - Living Wage Motion to Council

It was RESOLVED:-

That Report BCa/17/37 – Living Wage Motion to Council be noted.

13 BC/17/23 ADOPTION OF REVISED COUNCIL TAX REDUCTION (CTR) SCHEME FOR WORKING AGE HOUSEHOLDS - EFFECTIVE 1 APRIL 2018

13.1 The Cabinet Member for Finance presented the report and reminded Members that the Council Tax Reduction Scheme supported those customers of working age and on low incomes.

13.2 There were four changes being proposed:

- To align the current scheme with the Housing Benefit scheme;
- Make provision for Universal Credit;
- Introduce a minimum weekly award of £1 per week; and
- Increase the maximum entitlement to 95% i.e. reduce what people have to pay

13.3 These proposed changes were intended to reduce the burden of administration of the separate schemes, treat customers' circumstances the same for Housing Benefit and Council Tax Reduction, support customers in receipt of Universal Credit and continue to support those customers most in need.

13.4 The changing of the maximum liability was to assist the working-age customers at a relatively small cost of £8k to the Council

13.5 The outcome from the consultation exercise was that over 70% of those who responded were in favour of adopting the revised scheme.

By a unanimous vote

It was RESOLVED:-

That Babergh District Council adopt the Council Tax Reduction (Working Age) Local Scheme (Revised) from 1 April 2018, as set out in Appendix A of the report.

14 APPOINTMENTS

There were no appointments.

The business of the meeting was concluded at 7.19 pm.

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The Chair