

MINUTES OF THE MEETING OF THE BABERGH COUNCIL HELD IN KING EDMUND
CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON TUESDAY, 25
SEPTEMBER 2018

PRESENT: Barry Gasper - Chairman

Clive Arthey	Sue Ayres
Melanie Barrett	Simon Barrett
Tony Bavington	Peter Beer
Peter Burgoyne	Sue Burgoyne
Tom Burrows	David Busby
Sue Carpendale	Michael Creffield
Luke Cresswell	Derek Davis
Siân Dawson	Alan Ferguson
Kathryn Grandon	John Hinton
Jennie Jenkins	Richard Kemp
James Long	Margaret Maybury
Alastair McCraw	John Nunn
Adrian Osborne	Jan Osborne
Peter Patrick	Stephen Plumb
Nick Ridley	David Rose
Fenella Swan	John Ward
Stephen Williams	

44 **APOLOGIES FOR ABSENCE**

44.1 Apologies for absence were received from Councillor Campbell, Councillor Holt, Councillor Hurren, Councillor Lawrenson, Councillor Newman, Councillor Parker, Councillor Shropshire, Councillor Smith and Councillor Steer.

45 **DECLARATION OF INTERESTS BY COUNCILLORS**

45.1 There were no declarations of interest.

46 **BC/18/17 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 24 JULY 2018**

46.1 Councillor Hinton sought assurances from the Chair that all questions and answers raised by Members would be circulated to all Members.

46.2 In response the Chairman signalled that was the intent.

It was Resolved:

That the Minutes from the meeting held on 24 July 2018 be approved as a true record.

BC/18/18 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

- 47.1 The Chairman's report as tabled was noted.
- 47.2 The Chairman then invited Councillor Ward to present his report
- 47.3 Councillor Ward introduced his report and highlighted three items, firstly the LGA Census of Councillors. Councillor Ward reminded members that earlier this month all members had received an email from the LGA about this year's national census of members, the first since 2013. Councillor Ward felt that it was well worth taking part as it would enable the LGA to ensure it could speak with a strong unified voice and provide effective support and advocacy for councillors.
- 47.4 Secondly, an update from Suffolk Public Sector Leaders. At the meeting on 14 September 2018, Suffolk Public Sector Leaders agreed to provide £140K of Transformation Challenge Award funding towards establishing a shared building control service for the whole county. Building control was a statutory service provided by all local authorities to enforce the building regulations within their area. However, unlike most other services the Council provided, it operated in competition with private sector providers who don't have to provide a statutory element that Councils do at a cost to the Council. The cost of running the building control service was offset by maintaining a high market share for commercial activity but the competition had increased with a growing number of local approved inspectors targeting our core business. More over when things go wrong it was the relevant local authority which had to pick up any enforcement implications which were normally complex and expensive matters to manage. The local authority building control service needs to be customer focused but also prides itself as being independent and impartial and should be free from the financial pressure that may compromise the integrity of the service. The unique selling point of local authority building control was that it was a trusted brand that focussed on the quality of building work. The Suffolk Public Sector Leaders agreed the way to maintain this was to pool resources and move towards a shared service.
- 47.5 Finally, the Leader updated Council on the Leader and Deputy Q&A sessions. Since the last Council meeting, Cllr Osborne and the Leader had three further Q&A sessions around the district in Bures, Lavenham and Glemsford and they would be in East Bergholt on 29 September 2018. With Bures and Glemsford the questions were principally around ongoing planning issues and like Shotley the sessions were well attended and those present were courteous and interested in being informed. Lavenham was disappointing in turnout, mainly because the gardening club were away on a coach trip that day. The Leader and Deputy will return on a later date, however they did attend two events held recently held by the Parish Council to promote a number of projects in the village and were able to answer a range of questions at those events.

48 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

48.1 There were no petitions received.

49 **QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

49.1 There were no questions received.

50 **QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

50.1 The following questions were received in accordance with Council Procedure Rule 12:-

Question 1 Councillor Ferguson to Councillor Ward

‘At a recent Parish Council meeting I was advised by a Suffolk County Councillor that the Respublica study into the feasibility of a Unitary local government arrangement for Suffolk has been shelved by the new Leader of the County Council.

The Leader of Babergh District Council is requested to confirm whether or not this is correct, and if so what are his intentions for taking forward merger discussions with Mid Suffolk.’

Response

I can confirm that the focus of the Respublica study has been amended. Really, however, the first part of Cllr Ferguson’s question can only be answered by the Leader of the County Council.

In respect of our own relationship with Mid Suffolk, we are working very closely and will continue to do so, exploring options for making further savings and more efficient working practices where possible, but the subject of forming a new authority is not on the agenda during the remaining months of this Council term.

Supplementary Question

In the light of the response that you have provided there, can I ask you for an assurance that you will stand by the promise that you gave to this Council earlier in the year when you said that you were committed to holding another referendum before any Babergh and Mid Suffolk merger decision is taken and I would be very happy with a yes/no response to that question.

Response to Supplementary Question

Given that the subject of forming a new authority is not on the agenda before May, there are no plans for holding a local poll.

BC/18/19 OVERVIEW AND SCRUTINY COMMITTEE REPORT

51.1 Councillor McCraw introduced his report and highlighted the following three emerging themes emanating from the committee:-

1. That we are looking to produce high quality reports to the committee both discussing and working before the meeting with the relevant officers.
2. That we are scoping more complex matters in advance and that has proved to be beneficial.
3. That we have informed and relevant witnesses, those have been most useful, and the Chair hoped that would continue.

51.2 The Chair also informed Council that the Overview and Scrutiny Committee had met on 21 September 2018 to discuss the annual review of the West Suffolk Crime Prevention Partnership again from a wide range of witnesses. Material from that session was being prepared for the use of members particularly within their wards, this was something the Committee felt very strongly about. Councillor McCraw would report more completely on that meeting at the next Council meeting.

RECOMMENDATIONS AND REPORTS FROM CABINET / COMMITTEES**JAC/18/3 JOINT ANNUAL TREASURY MANAGEMENT REPORT - 2017/18**

52a.1 Councillor Jenkins introduced the report and **MOVED** the recommendations in the report. The report was seconded by Councillor Patrick.

52a.2 Commenting further Councillor Jenkins informed Council that the report had been presented and discussed at the Joint Audit and Standards Committee meeting on 30 July 2018, there were no changes to the report as a result of this meeting.

52a.3 The report covered the year to 31 March 2018 and provided details of the performance and decisions taken throughout the year. It demonstrated that the Council's performance was in line with the Prudential indicators set for 2017/18 and was in accordance with the approved treasury management strategy and that except for one occasion when the council exceeded its daily bank account limit with Lloyds by £120K, the Council had complied with all the treasury management indicators for this period.

52a.4 Councillor Hinton asked where the increased borrowing of nearly £20m had actually been spent and also queried under the investment activity on table 4 Paragraph 1.2 of the report why the CCLA balance at 31/3/18 was £5 million and yet under page 3.51 the long- term investment return illustrated the value of those investments was now only £4.927 million?

- 52a.5 In response the Section 151 Officer said that the increase in borrowing was as a result of the Council starting the investment in CIFCO during 17/18 that table was talking about net borrowing but there were adjustments in there around useable reserves and working capital so there were other elements that make up the £20m in total other than just the borrowing itself. So that is the net position, there is another table on page 33 table 4.6 of the report which illustrates the absolute change in the borrowing. This shows that the actual borrowing has increased from just under £93m to £98m so actual borrowing rose by £5.5m. The question about CCLA and the difference between the £5m and the £4.9m. £5m was the cash that we invested up front in CCLA, the figure on page 40 was the current value of the units that the Council owns, so as with property itself units in property funds do go up and down but that will obviously be a long term investment so the Council certainly won't cash the units in while they are less than what was paid for them. The reason the Council invested in the CCLA was around the income stream that the Council gets back from having those units. So, there will be some change in the capital value of our investment but it is the net income stream that the Council has invested in.
- 52a.6 Councillor McCraw questioned why on page 37 the investment position showed both Babergh's treasury investment and Mid Suffolk's treasury investment as being almost identical except for one thing. The position for the percentage invested in banks and money market funds appeared to be reversed between the two councils and asked why that was case and if this was of any significance?
- 52a.7 The Section 151 Officer in her response stated that this was simply a timing issue and reflected the position at the 31st March 2018. As the Councils had a Joint Investment Strategy it was simply what cash was available and what could be invested on that day.
- 52a.8 Councillor Bavington asked when the council exceeded its daily bank account limit with Lloyds by £120K had the Council spent money on interest payments that it shouldn't have?
- 52a.9 In response Councillor Patrick stated the excess was that there was more money put on the account than should have been put on the account. The Council didn't borrow money, it was not deducted. It was unfortunately a timing issue but too much money was put on the account therefore the limit was exceeded, but the Council did not owe interest on it.

It was Resolved:-

- (i) That the Treasury Management activity for the year 2017/18 be noted. Further, that it be noted that performance was in line with the Prudential Indicators set for 2017/18.**
- (ii) That Babergh District Council Treasury Management activity for 2017/18 was in accordance with the approved Treasury Management Strategy, and that, except for one occasion when the Council exceeded its daily**

bank account limit with Lloyds by £120k, as mentioned in Paragraph 4.6 of the report, the Council has complied with all the Treasury Management Indicators for this period be noted.

b BCA/18/35 STRATEGIC PROPERTY AND LAND INVESTMENT FUND

52b.1 The Chairman informed Council that the item had been deferred.

53 BC/18/20 REPORT FROM CABINET ON THE NOTICE OF MOTION FROM COUNCILLOR CRESSWELL

53.1 The Leader reported back to Council on the Motion from Councillor Cresswell that was referred to the Cabinet requesting that a Hadleigh Customer Access point similar to the one in Sudbury should be set up without delay to service the communities in central and east Babergh. Cabinet considered this in April in the context of the Customer Access Strategy already being implemented. The operating model that had been implemented is one that focusses on self-service in partnership with existing local organisation for support, In order to develop the community's capabilities to help themselves. Therefore, Cabinet agreed not to set up a Sudbury style access point in Hadleigh. But instead identify where the Council could set up self-service facilities including scanning, not just in Hadleigh but elsewhere in Babergh should the need be identified.

53.2 Commenting further the Leader went on to say that the first of these was actually set up in Shotley in partnership with the library. Hadleigh was planned to follow soon and to start on 18 October. The reason for this model was that this was a more appropriate and cost-effective solution which would allow more local access than just having two, one in Sudbury and another in Hadleigh. The Shotley trial has justified this decision with extremely positive feedback.

53.3 Councillor Davis added that following Councillor Cresswell's Motion to Council the notion of having an access point in Hadleigh, was what had been promised to residents when the Council had left the Hadleigh HQ. This had taken a lot of work and Councillor Davis commended Sarah Wilcox, Assistant Director for Customer Services, for getting this off the ground.

53.4 Councillor Davis went on to say that the access point in Shotley had proved that there was a need for this type of service, whilst the numbers weren't huge, it was the 20% of residents that didn't easily access IT and the internet. Councillor Davis also commended the officers that had worked at the Shotley access point, they had shown tremendous willingness and enthusiasm and had been a real credit to Babergh in the way that they have gone about their business. He mentioned one member of staff in particular, Megan Lloyd, who had gone above and beyond in terms of the communications, the work she had put in to the access point and undertaking a home visit to a house bound resident, and wished her all the very best in her new placement.

53.5 Councillor Busby asked if there were any plans to set up an access point in Ipswich at Endeavour House?

53.6 In response Councillor Davis acknowledged that this was a valid point and at this point in time he would rule nothing out.

54 **BC/18/21 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS**

54.1 The Monitoring Officer introduced the report and informed Council that it was required by the Localism Act to appoint at least one independent person to be consulted on for Code of Conduct complaints. The Council had an arrangement with Ipswich Borough Council, Mid Suffolk District Council and Suffolk County Council to jointly appoint these independent persons. That arrangement had worked very well as it provided a pool of people which provided resilience and it also allowed for if an Independent Person had a conflict they could choose not to deal with that complaint because there were other people in the pool. The Monitoring Officer recommended that the Council appoint 3 people as contained in appendix A of the report.

54.2 Councillor Ward **MOVED** the recommendations which Councillor Ridley seconded.

54.3 Councillors raised concerns relating to whether one of the candidates would be conflicted because of their current occupation.

54.4 In response the Monitoring Officer informed Council that as part of the recruitment process any potential independent person who would have a conflict of interest that prevented them undertaking this role were filtered. The act itself required all of the Independent Persons to declare any interests that they may have when they were approached to deal with any particular case. All of these people have some link to the locality. They live within Suffolk and it may be that at times they have been involved in some previous correspondence or some previous activity and in that case, they have an obligation to declare an interest and not be involved in that complaint. Also all independent person's have a thorough training session. So all those points would be covered in the training and particularly as was rightly alluded to the kind of new area of social media and all that goes with it.

It was Resolved:-

That the three individuals included in Appendix A of the report be appointed as the Council's Independent Persons pursuant to section 28 (7) of the Localism Act 2011 for a term of two years with an option to extend the appointment for a further two years.

55 **BC/18/22 TIMETABLE OF MEETINGS 2019/20**

55.1 The Chairman requested that any issues were directed to the Corporate Manager for Democratic Services.

It was Resolved

That the draft committee timetable for 2019/20 be approved.

56 **COUNCILLOR APPOINTMENTS**

It was Resolved:-

- (i) That Councillor Melanie Barrett replace Councillor Patrick on the Overview and Scrutiny Committee**
- (ii) That Councillor Patrick replace Councillor Melanie Barrett on the Joint Audit and Standards Committee**

57 **MOTIONS ON NOTICE**

57.1 On the proposal of Councillor Cresswell and seconded by Councillor Bavington the following motion was **MOVED:-**

That Babergh District Council signs up to the Co-operative Party's Charter against Modern Slavery.

By signing the Charter, Babergh district council will:

- 1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.*
- 2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.*
- 3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.*
- 4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.*
- 5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.*
- 6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.*
- 7. Review its contractual spending regularly to identify any potential issues with modern slavery.*
- 8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.*
- 9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.*
- 10. Report publicly on the implementation of this policy annually.*

57.2 In his introductory speech Councillor Cresswell said that many councillors would be aware from the news of some of the reports on modern slavery. In Suffolk there were 16 cases last year. 8 were for minors and 8 for adults.

Last year across the country it was estimated that 136,000 people were victims of modern slavery and what this charter does is a measure that responsible business would welcome because it ensures that if there is any abnormal low attendance for example, they may be exploiting people, vulnerable people. Theresa May was the home secretary when the modern slavery act was passed. Which was and still is a ground-breaking piece of legislation. This Charter which compliments that Act will fill in some of the gaps, for example there is one bit in the Charter which calls on the government to extend support for victims in England to 100 days, and at the moment that is only in Wales and Scotland. That has gone through the Private Members Bill currently going through parliament by Lord McColl. The Charter ensures that there is nowhere to hide for modern slavery in our supply chains, so as councils collectively we spend more than £40 billion a year procuring goods and services on the public's behalf. This Charter is robust, simple to implement and it is developed using local government procurement experts and the co-operative group. It is low cost the only direct cost is the training for procurement officers which is an online training module which costs around £38 + VAT. The Charter is entirely legal, well within EU procurement regulations and domestic procurement law. Finally by signing this Charter it may only stop directly a few people in Babergh from being exploited but if it stops one person then clearly then that is an achievement. But by what signing this Charter does and if other council's will also be signing this, at the moment it is around 45 councils that have signed it. About 20 of those over the last 2-3 weeks. But if we do that collectively than as a bigger picture it will make such a big impact. Councillor Cresswell hoped members would support the motion.

- 57.3 The Monitoring Officer advised Council that this Motion would normally be referred to Cabinet without debate as this was a Cabinet function. However, in this instance as it was a new policy for the Council a full council debate would be appropriate.
- 57.4 On the proposal of Councillor Ward and seconded by Councillor Ridley an amendment to the Motion was tabled.
- 57.5 Speaking on his amendment Councillor Ward said that he deplored that slavery of various forms existed in this country and elsewhere. He said that the Council must do all it could and use all appropriate legislation to help stamp it out. The Council would look at its procurement processes to see where they can be strengthened to comply with the Modern Slavery Act 2015. Although the legislation doesn't specifically require local authorities to comply many are doing so and this Council should be among them. Whilst not explicitly committing to implementing the Charter both east and west Suffolk had already published statements describing the steps they were taking to ensure that there was no slavery in their own activities and supply chains. Ipswich Borough Council had implemented the Charter also the Local Government Association had a very good guide to how to address modern slavery. The Council needed its own policy as soon as possible but would need to incorporate the requirements for both councils' as otherwise they would be running different processes. The proposals for how Babergh would

respond to the Charter will be debated and decided by Cabinet in November. The Leader had spoken to the leader of Mid Suffolk and he was in agreement with this. In conjunction with this, in accordance with section 54 of the 2015 Act, The Council would publish a statement on its website. So, on the basis of the Monitoring Officer's advice he therefore proposed an alteration to the motion this evening namely "that Council recommends to Cabinet that a policy on modern slavery be drafted and approved."

57.6 The Chairman asked Councillor Cresswell if he accepted the amendment.

57.7 Councillor Cresswell accepted the amendment.

57.8 This was **PUT** to the meeting and **CARRIED**.

It was Resolved:-

That Council recommends to Cabinet that a policy on modern slavery be drafted and approved.

58 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

It was Resolved:-

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for business specified in the Minutes on the grounds that if the public were present during discussion of this item, it is likely that there would be disclosure to them of exempt information as indicated in the report.

59 BC/18/23 REGENERATION OF BELLE VUE PARK AND SURROUNDING AREAS (EXEMPT INFORMATION BY VIRTUE OF PARAGRAPH 1 OF PART 1)

60 BC/18/24 TO CONFIRM THE CONFIDENTIAL MINUTE OF 24 JULY 2018 MEETING

It was Resolved:-

That the confidential Minutes of the meeting held on 24 July 2018 be approved as a true record.

The business of the meeting was concluded at 7.41 pm.

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Chair