

Public Document Pack



BABERGH CABINET

VENUE: King Edmund Chamber -
Endeavour House, 8 Russell
Road, Ipswich

DATE: Thursday, 9 August 2018
5.30 pm

Conservative	Independent Conservative	Independent	Liberal Democrat	Labour	Babergh Unionists
Cllr J Ward – C Cllr J Osborne – VC Cllr S Barrett Cllr T Campbell Cllr K Grandon Cllr F Lawrenson Cllr M Maybury Cllr N Ridley		Cllr D Davis			

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	APOLOGIES FOR ABSENCE	
2	DECLARATION OF INTERESTS BY COUNCILLORS	
3	BCa/18/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 12 JULY 2018	1 - 10
4	TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME	
5	QUESTIONS BY COUNCILLORS	
6	BCa/18/19 FORTHCOMING DECISIONS LIST	11 - 18

Please note the most up to date version can be found via the website:

www.babergh.gov.uk/the-council/forthcoming-decisions-list/

ITEM	BUSINESS	<u>Page(s)</u>
7	MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES	
a	BCa/18/20 JOINT OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATION TO CABINET IN RELATION TO THE JOINT COMPLIMENT, COMMENTS AND COMPLAINTS POLICY	19 - 24
b	BCa/18/21 JOINT OVERVIEW AND SCRUTINY RECOMMENDATION TO CABINET IN RELATION TO BMBS	25 - 28
8	BCa/18/22 GENERAL FUND FINANCIAL MONITORING 2018/19 - QUARTER ONE	29 - 44
9	BCa/18/23 HRA FINANCIAL MONITORING 2018/19 - QUARTER ONE	45 - 50
10	BCa/18/24 PROPOSED AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY	51 - 84
11	BCa/18/25 - HOUSES IN MULTIPLE OCCUPATION LICENCE FEE POLICY	85 - 90
12	EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)	
	<p>To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item. The author of the report proposed to be considered in Part 2 of the Agenda is satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
	Part 2	
13	BCa/18/26 - TO CONFIRM THE CONFIDENTIAL MINUTE OF 12 JULY 2018 MEETING	91 - 96

Please note that the next meeting is scheduled for Thursday 13 September 2018 commencing at 5:30pm in the Rose Room, Endeavour House.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer on: 01449 724682 or Email: committees@baberghmidsuffolk.gov.uk

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

This page is intentionally left blank

Agenda Item 3

BABERGH DISTRICT COUNCIL

BABERGH CABINET

MINUTES OF THE MEETING OF THE BABERGH CABINET HELD IN KING EDMUND
CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON THURSDAY, 12
JULY 2018 AT 9:30AM

PRESENT: John Ward – Chair
Jan Osborne – Vice Chair

Kathryn Grandon
Margaret Maybury
Peter Patrick
Derek Davis

Tina Campbell
Nick Ridley
Frank Lawrenson

IN ATTENDANCE:

Councillor Tony Bavington
Councillor John Hinton
Councillor Alastair McCraw

Corporate Manager – Investment and Commercial Delivery (LC)
Assistant Director for Environment and Commercial Partnerships (CF)
Corporate Manager – Countryside and Public Realm (PG)
Corporate Business Coordinator (SM)
Strategic Director (KN)
Strategic Director (JS)
Assistant Director for Customer Services (SW)

13 APOLOGIES FOR ABSENCE

There were none.

14 DECLARATION OF INTERESTS BY COUNCILLORS

Councillor Campbell declared a non pecuniary interest in Item 10, Report BCa/18/11, Merger Proposal South Suffolk Leisure and Abbeycroft Leisure, as a Trustee of South Suffolk Leisure. Councillor Lawrenson declared a non pecuniary interest in Item 16, Report BCa/18/16, Regeneration of Belle Vue Park and Surrounding Areas, as an owner of a Bed and Breakfast.

15 BCA/18/07 - TO CONFIRM THE MINUTES OF THE MEETING HELD ON 11 JUNE 2018

The minutes of the meeting held on 11 June 2018 were confirmed as a correct record.

16 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

17 QUESTIONS BY COUNCILLORS

None received.

18 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES

There were no matters arising from the Overview and Scrutiny Committee or the Joint Audit and Standards Committee.

19 BCA/18/08 FORTHCOMING DECISIONS LIST

The Forthcoming Decisions list was noted and the following comments were made:

- CNL03, CNL14 and CAB70, the Cabinet Member should be amended to read Councillor Ridley.
- It was questioned as to when the BMBS Business Case would be coming back into Cabinet for full approval?
- CAB39, was questioned as to whether it should be Councillor Campbell or Councillor Maybury as the Cabinet member. It was noted at the moment it was the Environment portfolio holder, if this changed members would be informed.
- CAB72, was questioned as to the requirements for a Suffolk Chamber? It was explained at present there was not a Chamber which covered both the Mid Suffolk and Babergh areas. The focus would be on Sudbury and Hadleigh towns.

20 BCA/18/09 - PUBLIC CONVENIENCES

20.1 Councillor Maybury, the Cabinet Member with responsibility for Communities introduced BCa/18/09 and moved the recommendation. This was seconded by Councillor Patrick.

20.2 Members questioned whether water meters were fitted as water rate costs were high? The Cabinet Member with responsibility for Communities explained the current provision for public conveniences was quite dated and as such systems required alteration. There were not water reduction measures in place at present and some facilities had water metres whilst others did not. When the facilities were being updated the correct tap would be used to help with water reduction. Councillor Maybury had lobbied James Cartlidge, the local MP for South Suffolk, about water and business rates. She felt water companies should offer Councils a reduction in their water rates as well as providing systems which would reduce the usage of water. The Cabinet Member for Communities felt it was worth pursuing all water authorities on this issue. However, Councillor Maybury was pleased to report the anomaly on business rates (as some facilities, which were Council run, did occur business rates whilst others did not) would change in due course.

20.3 In response to a question regarding some locations having no water rate costs, it was explained some were closed facilities at present and some were run by the

Parish Council.

- 20.4 Members noted that basic repairs were being carried out in respect of providing some long term modifications as well as water reduction measures. Public Conveniences which were being run by Parish Council's helped to bring the costs down, however, not all would be transferred but the provision would be provided in towns and tourist centres. The new policy would be flexible.
- 20.5 Cabinet felt it was a very thorough report which would enable the proposal to be taken forward. They were aware of the amount of work which had gone into the rural provision and it was sensible to concentrate on towns whilst encouraging the local parish councils.
- 20.6 Councillor Maybury gave thanks to the Community team for their hard work.

By a unanimous vote:

It was RESOLVED:-

- (1) That the findings of the Public Realm Member Advisory Task and Finish Group in respect of public conveniences be noted.
- (2) That the Joint Public Convenience Policy to guide the Council's decisions about existing and future provision be approved.
- (3) That a Community Toilet Scheme be established.
- (4) That the expenditure of £13,000 from the Public Realm budget to carry out basic repairs and improvements to existing public convenience provision be noted.
- (5) That the Corporate Manager for Public Realm be asked to further engage town and parish councils, or other community groups, with a view to devolving public conveniences to those who wish to take them on.

Reason for Decision: To put in place a policy to guide decisions about the future of existing provision of public conveniences in Babergh.

21 BCA/18/10 - REFRESHED CUSTOMER STRATEGY

- 21.1 Councillor Davis, the Cabinet Member with responsibility for Organisational Delivery, introduced report BCa/18/10 and the Assistant Director for Customer Service gave an overview of the document. Councillor Davis thanked the Assistant Director for Customer Service for an excellent document and moved the recommendation which was seconded by Councillor Patrick.
- 21.2 Members were keen that the strategy would link in with the new tenant engagement model. It was also questioned, in terms of the action plan, as to how this would be monitored and reported back to members. The Assistant Director for Customer Services explained all staff would have input into developing the distinct activities which would take place. It would form part of a customer programme of work which

would be reported through the Senior Leadership Team. Cabinet Members would be kept informed through regular means and performance measures. A range of organisations and stakeholders would also be consulted, and this would include liaison with the tenant's board.

- 21.3 There was concern over the access point in Hadleigh which had not yet been confirmed. It was explained libraries were likely to be used but unfortunately, at present, this had not been established.
- 21.4 Cabinet felt it was important to recognise not everyone used digital means to access services and as such it was important telephone lines were still kept in place to respond to queries. Customer services staff were improving their skills in order for them to direct people more quickly.
- 21.5 If problems were being encountered, such as members of the public not having phonecalls returned etc. then the relevant Member should be informed, and it should be dealt with through the individual departments. Response times should be measured which ensured procedures could be improved upon to embed a culture based around service level agreements. This should then be followed up with teams, as well as, individually.
- 21.6 It was questioned as to how the "pop up" library service would be run. It was explained that there had been a cultural change and this service had shown that the lending rate had increased. Wherever possible the council would work in tandem with the libraries.
- 21.7 Cabinet were confident the new strategy would work.

By a unanimous vote:

It was RESOLVED:-

- (1) That the Refreshed Customer Strategy be agreed.
- (2) That in consultation with the Cabinet Members, minor amendments to the Strategy be delegated to the Assistant Director for Customer Services to ensure the Strategy is kept up to date, and reflective of emerging Strategies which overlap.
- (3) That an action and communication plan be developed, which would ensure the Customer Strategy was widely shared across the organisation and provided for an opportunity to engage with staff, embedding a customer focussed organisational culture.

Reason for Decision: To provide an updated and refreshed Customer Strategy that states our organisational aim to put the customer at the heart of the organisation, and by doing so, improves our ability to better deliver our customer need.

22 BCA/18/11 - MERGER PROPOSAL SOUTH SUFFOLK LEISURE AND ABBEYCROFT LEISURE

- 22.1 Councillor Maybury, the Cabinet Member with responsibility for Communities introduced report BCa/18/11 and moved the recommendation. This was seconded by Councillor Patrick.
- 22.2 It was questioned how the Management Boards would be manned in the future. It was explained the intention was to have three trustees appointed to the Abbeycroft Board in order to have a 3-way split. Tracey Lloyd, the Chief Executive of South Suffolk Leisure (SSL), explained that there would be one Councillor representative on the Group who would work as an independent rather than a Councillor. They would continue to work with the Assistant Director for the Environment and Commercial Partnerships from a client point of view but would have a more enhanced relationship with the Cabinet Member for Communities to ensure they were both driving and delivering on the outcomes aligned to them.
- 22.3 Cabinet were confident of the way forward and hoped that the local connection would continue, as well as recruitment staying within the District. The Chief Executive for SSL explained there were no intentions for redundancy, managers had met, and it would bring greater opportunities for career advancement.
- 22.4 In response to a question it would be business as usual and the customer would not see any change. There would be a phased approach to any brand change.
- 22.5 In relation to Section 7, legal implications, the Capital Investment and the protection of the level of investment into SSL was questioned. Would the elected representative be protecting SSL facilities democratically? The Assistant Director for the Environment and Commercial Partnerships explained that in terms of the Capital Investment it would be discussed at a later date at Cabinet in order to agree the management fee going forward. He gave reassurance that the fee would be set at a particular level. In terms of elected representation onto a Board he explained that a representative from a District Council onto a Trust would mean you would have to work for the best interest of that Company. It was best to keep the partnership working and the ongoing client relationship. Appropriate legal documentation was in place.
- 22.6 There were concerns as to why, following the merger, the Trust would be called "Abbeycroft" and that the Memorandum of Understanding was not part of the debate. The Chief Executive of SSL explained that both Boards had been through the Memorandum of Understanding, as well as having been audited. SSL had worked with Abbeycroft since January 2018 and the Senior Leadership Team had the resilience. It was felt appropriate to revert to Abbeycroft due to the word "South".
- 22.7 In response to a question it was noted that Babergh District Councillors were still landowners of the site and would continue to own the properties.
- 22.8 Cabinet felt it was an excellent report and both facilities were well run. Following the merger it would result in a stronger financial position. They were happy that the legal team had thoroughly inspected the proposal and it was felt as long as there was the relationship with the responsible Cabinet Member that both the wishes and aspirations of Babergh District Council would be heard.

By a unanimous vote:

It was RESOLVED:-

- (1) That the merger of South Suffolk Leisure with Abbeycroft Leisure be approved. Which could be completed through a novation of the current lease allowing South Suffolk Leisure to assign the management agreement to Abbeycroft Leisure, the merged partner.
- (2) That delegation be given to the Assistant Director for Environment and Commercial Partnerships in consultation with the Cabinet Member for Communities to make the necessary changes to any legal documentation and any appropriate revisions to existing legal agreements as part of the novation process.

Reason for Decision: To strengthen the resilience of the partner operator of our leisure facilities. Taking into account the proposed £3.4million capital investment for the refurbishment of the Kingfisher Leisure Centre and replacement of Hadleigh Swimming Pool. If approved this would allow the formal merger to be completed on 1 October 2018.

23 BCA/18/12 - FORMER HQ REGENERATION PROJECT - APPROVAL OF RECOMMENDED OPTION - PART 1

- 23.1 Councillor Lawrenson, the Cabinet Member with responsibility for Assets and Investments introduced report BCa/18/12 and explained it was to approve the recommended option in order to move forward to the Planning stage. It was noted the outline planning proposal had already been debated and approved at Full Council. Councillor Lawrenson moved the recommendation, which was seconded by Councillor Ward.
- 23.2 There were a number of questions which had been covered during the debate at Full Council and as such were not relevant to the Planning Permission being discussed. The decision to be made was to consider the comments made at Full Council of which there were very few and to make any amendments to Option 2. Members felt there were able to take forward the recommendations as presented.
- 23.3 There was a concern due to it being a complex application whether it would be an Officer report rather than being a Cabinet decision considering as the Cabinet Member would effectively be functioning as the applicant. The Cabinet Member with responsibility for Assets and Investments explained that Cabinet Members would not have any role on the Planning Committee and it would be up to those members who sat on the Planning Committee to decide. If significant changes were suggested then the proposal would be brought back into Cabinet.
- 23.4 Cabinet felt Option 2 would be the best solution for Corks Lane as it was an imaginative design and would enhance the aspect of the listed building.

By an unanimous vote:

It was RESOLVED:-

- (1) That the comments made by Full Council on 19 June 2018 were noted in relation to the preferred option (Option 2 in report BCa/18/12) and development scheme.
- (2) That Option 2 (section 2.1 of report BCa/18/12) be approved and responsibility to the Strategic Director, with responsibility for Assets and Investments, be delegated, in consultation with the Cabinet Member for Assets and Investments, to submit a full planning application for the redevelopment of the former Council HQ site at Corks Lane and the Bridge House and car parks.

Reason for Decision: To provide a sympathetic and comprehensive regeneration of the site whilst enhancing the significance and setting of the important listed buildings and preservation of the character and appearance of the Conservation Area.

24 BCA/18/13 - LOCAL TOURISM STRATEGY (BABERGH VISITOR INFORMATION OPTIONS) - PART 1

- 24.1 Councillor Ward, the Cabinet Member with responsibility for Economy introduced report BCa/18/13 and moved the recommendation, which was seconded by Councillor Ridley.
- 24.2 In relation to the Lavenham Tourist Information Centre it was questioned what the percentage of the market rate lease would be and how many employees would be retained? The Corporate Manager for Investment and Commercial Delivery explained that if the appropriate delegation was granted it would enable these conversations to be had. In terms of employees this was still to be determined. It could depend on whether TUPE would apply and these discussions were ongoing. It was noted there were 5.3 full time equivalents, as well as seasonal workers affected.
- 24.3 Cabinet felt the VIP proposal would be flexible and fit for purpose allowing more areas in the District to be covered, as well as working with other partners. The result would be more comprehensive, in tune with how people wished to access the service and a sensible progression. It would be a positive step forward to promote and enhance the tourist strategy.
- 24.4 Members wished to convey their thanks to the Corporate Manager for Open for Business and his team as it was recognised some very sensitive negotiations had taken place in a professional manner.

By a unanimous vote:

It was RESOLVED:-

- (1) That the updated position in relation to Visitor Information Point development, and the specific and ongoing progress in relation to supporting Lavenham and

the broader Babergh and Mid Suffolk area; be noted.

- (2) That principle be given to both options of (i) a below market rate lease agreement with Lavenham Parish Council (or community group linked to the parish council); and (ii) a freehold disposal to the same body for the existing Tourist Information Centre premises at 2 Lady Street, Lavenham be approved.
- (3) That authority be delegated to the Strategic Director with responsibility for Visitor Economy matters to enter negotiation with the lessee regarding duration, terms and conditions, periodic review and other relevant detail, or else a freehold disposal negotiation.

Reason for Decision: To continue to strategically support progression of the visitor economy within the Babergh District, and within financial and operational resource constraints for the Authority. To responsively support the community and local economy of Lavenham, bringing potential benefits to broader economy of the district.

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

By a unanimous vote

It was RESOLVED:

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during these items, it was likely there would be the disclosure to them of exempt information as indicated against each item. The authors of the reports proposed to be considered in Part II of the agenda were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

26 BCA/18/14 - FORMER HQ REGENERATION PROJECT - APPROVAL OF RECOMMENDED OPTION - PART 2

By a unanimous vote

It was RESOLVED:-

- (1) That the recommendations set out in report BCa/18/14 be approved.

Reason for Decision: To provide a sympathetic and comprehensive regeneration of the site whilst enhancing the significance and setting of the important listed buildings and preservation of the character and appearance of the Conservation Area.

27 BCA/18/15 - LOCAL TOURISM STRATEGY (BABERGH VISITOR INFORMATION OPTIONS) - PART 2

By a unanimous vote

It was RESOLVED:-

(1) That the recommendations set out in report BCa/18/15 be approved.

Reason for Decision: To continue to strategically support progression of the visitor economy within the Babergh District, and within financial and operational resource constraints for the Authority. To responsively support the community and local economy of Lavenham, bringing potential benefits to broader economy of the district.

28 BCA/18/16 - REGENERATION OF BELLE VUE PARK AND SURROUNDING AREAS

By 5 votes to 2 with 1 abstention (*note that Councillor Maybury had left the meeting at the point in which the vote was taken*)

It was RESOLVED:-

(1) That the recommendations set out in report BCa/18/16 be approved.

Reason for Decision: To provide Cabinet with the latest position on the opportunity and seek delegation to finalise the agreement.

29 BCA/18/17 - TO CONFIRM THE CONFIDENTIAL MINUTE OF 11 JUNE 2018 MEETING

The confidential minute of the meeting held on 11 June 2018 was confirmed as a correct record.

The business of the meeting was concluded at 1:10pm.

.....

Chair (date)

This page is intentionally left blank

Forthcoming Decisions list (KEY, EXEMPT AND OTHER EXECUTIVE DECISIONS)

August to March 2019 (Published 27 July 2018)

Unique Ref No:	Decision Maker & Decision Date	Subject	Summary	Contacts:		Key Decision ?	Confidential?
				Cabinet Member(s)/MSR	Officer(s)		
CAB27	Cabinet 6/9 August 2018	General Fund Financial Monitoring 2018/19 – Quarter 1	To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CAB73	Cabinet 6/9 August 2018	HRA Quarterly Monitoring – Quarter 1	To ensure that Members are kept informed of the current budgetary position for both HRA Revenue and Capital	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CAB41	Cabinet 6/9 August 2018	Update to the Joint Policy dealing with compliments, comments and complaints	That Cabinet agree the change and delegate authorisation for future minor changes to the Senior Leadership Team and Leaders	Suzie Morley Derek Davis	Sara Wilcock 01473 296473 Sara.wilcock@baberghmidsuffolk.gov.uk	No	No
CAB63	Cabinet 6/9 August 2018	Houses in Multiple Occupation License Fees	To obtain approval of the fees landlords will pay to obtain a license	Jill Wilshaw Jan Osborne	Heather Worton 01473 296428 Heather.worton@baberghmidsuffolk.gov.uk	No	No
CAB54	Cabinet 10 September 2018	Stradbroke Neighbourhood Plan	To seek Cabinet approval for the Stradbroke Neighbourhood Plan to proceed to a local referendum	Glen Horn	Robert Hobbs 01449 724812 robert.hobbs@baberghmidsuffolk.gov.uk	No	No
CAB72	Cabinet 10/13 September 2018	Developing a Suffolk Chamber of Commerce in Central Suffolk	To approve the support needed to develop the scheme and a linked delegation, including funding approval. To agree support for Suffolk Chamber	Gerard Brewster Simon Barrett	Lee Carvell 01449 724685 lee.carvell@baberghmidsuffolk.gov.uk	No	No

			Branch in Central Suffolk				
CAB34	Cabinet 10/13 September Cabinet 10/13 December	Joint Housing Strategy	To agree the draft strategy prior to wider consultation, in September, before endorsing the final version and its associated action plan in December.	Jill Wilshaw Jan Osborne	Gavin Fisk 01449 724969 Gavin.fisk@babberghmidsuffolk.gov.uk	No	No
CAB64	Cabinet 10/13 September 2018	Orbit Home Improvement Agency Update	To update members on the performance of Orbit Housing Industry Association	Jill Wilshaw Jan Osborne	Heather Worton 01473 296428 Heather.worton@babberghmidsuffolk.gov.uk	No	No
CAB65	Cabinet 10/13 September 2018	Quarter One Performance Update	To seek agreement that the performance report and the performance outcome information adequately reflects the Councils performance	Suzie Morley Derek Davis	Karen Coll 01449 724566 Karen.coll@babberghmidsuffolk.gov.uk	No	No
CAB69	Cabinet 10/13 September 2018	BMS Invest Annual Performance and Risk Management	To provide an update across the Council's Investment Portfolio and Commercial Activities for the period of June 2017 to March 2018	Nick Gowrley Nick Ridley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@babberghmidsuffolk.gov.uk	No	In Part. <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CAB76	Cabinet 10/13 September 2018	Regulation 62 for CIL	To request that Regulation 62 on CIL Collection and Expenditure for Babergh and Mid Suffolk for 2017/18 be noted.	Glen Horn Nick Ridley	Christine Thurlow 07702 996261 Christine.thurlow@babberghmidsuffolk.gov.uk	No	No
CAB77	Cabinet 10/13 September 2018	CIL Business Plan 2018	To secure approval for the Babergh and Mid Suffolk CIL Business Plan	Glen Horn Nick Ridley	Christine Thurlow 07702 996261 Christine.thurlow@babberghmidsuffolk.gov.uk	Yes	No
CAB81	Cabinet 10/13 September 2018	BMBS	To approve the Business Case	Jill Wilshaw Jan Osborne	Justin Wright-Newton 01449 724735 Justin.wright-newton@babberghmidsuffolk.gov.uk	Yes	No

CAB33	Cabinet 13 September 2018	Hamilton Road	To make a decision to review the developmental appraisal and agree the way forward.	Frank Lawrenson	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	Yes	Yes <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CAB78	Cabinet 13 September 2018	Strategic Property and Land Investment Fund	To request approval to establish a Strategic property and Land Investment Fund of £3M to enable Council to act immediately when opportunities are available for strategic purposes	John Ward	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	Yes	No
CAB80	Cabinet 13 September 2018	Local Tourism Strategy	To approve the Local Tourism Strategy, full terms and conditions	Simon Barrett	Lee Carvell 01449 724685 lee.carvell@baberghmidsuffolk.gov.uk	Yes	In Part. <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CNL13	Council 25/27 September 2018	BMS Invest Annual Performance and Risk Management	To provide an update across the Council's Investment Portfolio and Commercial Activities for the period of June 2017 to March 2018	Nick Gowrley Nick Ridley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	N/A	In Part. <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CNL04	Council 25/27 September 2018	Localism Act 2011 – Appointment of Independent Persons	To approve the appointment of Independent Persons in respect of the Code of Conduct Complaints process.	Nick Gowrley John Ward	Emily Yule 01449 724694 Emily.yule@baberghmidsuffolk.gov.uk	N/A	No
CNL15	Council 25 September 2018	Belle Vue Development	Subject to Cabinet Decision to agree to the funding of the development	Frank Lawrenson	Jonathan Stephenson/ Ian Winslett 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	N/A	Yes <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CNL16	Council September/ October 2018	Regeneration Proposal – Former Mid Suffolk District Council Headquarters site, Hurstlea Road, Needham Market	To discuss options and recommendation, for the delivery vehicle for developing the former HQ Sites for housing and retail	Nick Gowrley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	N/A	No

CNL17	Council September/ October 2018	Regeneration Proposal – Former Babergh District Council Headquarters site, Corks Lane, Hadleigh	To discuss options and recommendation, for the delivery vehicle for developing the former HQ Sites for housing	Frank Lawrenson	Jonathan Stephenson 01449 724704 Jonathan.stephenson@babberghmidsuffolk.gov.uk	N/A	No
CAB37	Cabinet October/ November 2018	Assets Strategy	To approve the approach set out in the Asset Strategy document	Nick Gowrley Frank Lawrenson	Jill Pearmain 01449 724802 Jill.pearmain@babberghmidsuffolk.gov.uk	No	No
CAB42	Cabinet 8/11 October 2018	Tree Policy (Public Realm Review) Adoption of Policies and Procedures in relation to the management of Council Owned Trees	To agree a new policy and action plan on the management of Council owned trees, including risk management, tree health and planting programmes.	David Burn Margaret Maybury	Jonathan Free 01449 724859 Jonathan.free@babberghmidsuffolk.gov.uk	No	No
CAB44	Cabinet 8/11 October 2018	Open Space Transfer Policy (Public Realm Review) Agree a New Policy and Procedure with respect to the Council's Adoption and Disposal of Open Space.	To agree new criteria on what open spaces may be adopted through new development. To agree new criteria by which existing land may be transferred into local community and/or third party management.	David Burn Margaret Maybury	Jonathan Free 01449 724859 Jonathan.free@babberghmidsuffolk.gov.uk	No	No
CAB28	Cabinet 8/11 October 2018	Homelessness Prevention Fund Policy	To ensure the Councils are able to fulfil their new statutory obligations under the Homelessness Reduction Act 2017 to prevent homelessness wherever possible.	Jill Wilshaw Jan Osborne	Heather Sparrow 01449 724767 Heather.sparrow@babberghmidsuffolk.gov.uk	Yes	No
CAB46	Cabinet 5/8 November 2018	Leisure Centre Redevelopment	For comment and agreement	Julie Flatman Margaret Maybury	Chris Fry 01449 724805 Chris.fry@babberghmidsuffolk.gov.uk	Yes	No


CAB55	Cabinet 5/8 November 2018	General Fund Financial Monitoring 2018/19 – Quarter 2	To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@babergh midsuffolk.gov.uk	Yes	No
CAB74	Cabinet 5/8 November 2018	HRA Quarterly Monitoring – Quarter 2	To ensure that Members are kept informed of the current budgetary position for both HRA Revenue and Capital.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@babergh midsuffolk.gov.uk	Yes	No
CAB47	Cabinet 10/13 December 2018	As at Quarter 2 Performance Update	To seek agreement that the performance report and the performance outcome information adequately reflects the Councils performance	Suzie Morley Derek Davis	Karen Coll 01449 724566 Karen.coll@baberghmids uffolk.gov.uk	No	No
CAB48	Cabinet 10/13 December 2018	A Review of the First Two Quarters of the Homeless Reduction Act	To review how the Councils have managed the roll out of the Homeless Reduction Act 2017 (HRA 2017)	Jill Wilshaw Jan Osborne	Heather Sparrow 01449 724767 Heather.sparrow@baberg hidsuffolk.gov.uk	No	No
CAB38	Cabinet 10/13 December 2018	Community Strategy	To adopt and agree.	Julie Flatman Margaret Maybury	Jonathan Free 01449 724859 Jonathan.free@baberghm idsuffolk.gov.uk	No	No
CAB39	Cabinet 10/13 December 2018	Joint Parking Policy	To adopt and agree	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberghmidsuff olk.gov.uk	No	No
CAB56	Cabinet 10/13 December 2018	2019/20 Budget Report	To ensure that Members were aware of the progress being made to set the 2019/20 budgets	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@babergh midsuffolk.gov.uk	Yes	No
CAB69	Cabinet 10/13 December 2018	Gambling Act 2005 – Statement of Principles Statutory Three-Yearly Revision and Simultaneous Fee Review	To endorse the statutory revision and re-adoption of the Policy and Fees	Gerard Brewster Simon Barrett	Lee Carvell 01449 724685 lee.carvell@baberghmids uffolk.gov.uk	Yes	No

CAB70	Cabinet 10/13 December 2018	BMS Invest Half Year Performance and Risk Management	To provide an update across the Council's Investment Portfolio and Commercial Activities for the period of April 2018 to September 2018	Nick Gowrley Nick Ridley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	No	In Part. <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CAB71	Cabinet 10/13 December 2018	End of Term Performance	To agree and share the achievements over the last 4 years.	Suzie Morley Derek Davis	Karen Coll 01449 724566 Karen.coll@baberghmidsuffolk.gov.uk	No	No
CAB60	Cabinet 10/13 December 2018	The Suffolk Waste Partnership Inter Authority Agreement	To discuss and agree the Suffolk Waste Partnership Inter Authority Agreement and to consider the options for extending the waste contract managed by Serco.	Roy Barker (Lead Member) Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberghmidsuffolk.gov.uk	No	No
CNL14	Council 18/20 December 2018	BMS Invest Half Year Performance and Risk Management	To provide an update across the Council's Investment Portfolio and Commercial Activities for the period of April 2018 to September 2018	Nick Gowrley Nick Ridley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	N/A	In Part. <i>as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act</i>
CNL11	Council 18/20 December 2018	Gambling Act 2005 – Statement of Principles Statutory Three-Yearly Revision and Simultaneous Fee Review	To endorse the statutory revision and re-adoption of the Policy and Fees	Gerard Brewster Simon Barrett	Lee Carvell 01449 724685 lee.carvell@baberghmidsuffolk.gov.uk	N/A	No
CAB57	Cabinet 7/10 January 2019	Draft Joint Medium Term Financial Strategy and 2019/20 Budget	Endorse the draft Joint Medium Term Financial Strategy (MTFS) and Budget proposals, subject to further consideration at the February meeting for recommendation to Council.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No

CAB58	Cabinet 4/7 February 2019	Joint Medium Term Financial Strategy and 2019/20 Budget	To ensure that Members approve the budget proposals for 2019/20, Medium Term Financial Strategy and the Council Tax for 2019/20 recommending to Council.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CNL08	Council 5/8 February 2019	Joint Medium Term Financial Strategy and 2019/20 Budget	To approve the budget proposals for 2019/20, Medium Term Financial Strategy and the Council Tax for 2019/20.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	N/A	No
CAB40	Cabinet 4/7 February 2019	Environment Strategy	To adopt and agree	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@baberghmidsuffolk.gov.uk	No	No
CAB59	Cabinet 4/7 March 2019	General Fund Financial Monitoring 2018/19 – Quarter 3	To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CAB75	Cabinet 4/7 March 2019	HRA Quarterly Monitoring – Quarter 3	To ensure that Members are kept informed of the current budgetary position for both HRA Revenue and Capital	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@baberghmidsuffolk.gov.uk	Yes	No
CAB79	Cabinet 4/7 March 2019	Quarter 3 Performance Update	To seek agreement that the performance report and the performance outcome information adequately reflects the Councils performance	Suzie Morley Derek Davis	Karen Coll 01449 724566 Karen.coll@baberghmidsuffolk.gov.uk	No	No

Page 17

Key:

 Babergh District Council Only
  Mid Suffolk District Council Only
  Joint – Mid Suffolk and Babergh District Councils

This page is intentionally left blank

Agenda Item 7a

BABERGH DISTRICT COUNCIL

COMMITTEE: BDC Cabinet	REPORT NUMBER: BCa/18/20
FROM: The Joint Overview and Scrutiny Committee	DATE OF MEETING: 9 August 2018
OFFICER: Henriette Holloway Governance Support Officer	KEY DECISION REF NO. N/A

CABINET ARE ASKED TO CONSIDER THE RECOMMENDATIONS BELOW FROM THE JOINT OVERVIEW AND SCRUTINY COMMITTEE HELD ON THE 21 MAY 2018.

1. RECOMMENDATIONS
1.1 That the Committee recommends to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted subject to the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy as detailed in the Minutes.
1.2 That the Committee recommends to the Cabinets that the Customer Experience Manager be asked to report to the Portfolio Holders any trend that signifies either an increase in the numbers of complaints or the number being upheld.
REASON FOR DECISION
The Joint Overview and Scrutiny Committee has concerns related to Stage Two of the proposed updates to the Joint Compliments, Comments and Complaints Policy

2. APPENDICES

Title	Location
(a) Draft Minute – JOS/17/15 Proposed Updates to the Joint Compliments, Comments and Complaints Policy	Attached

This page is intentionally left blank

THE MINUTE RELATING TO THE RECOMMENDATION TO BABERGH CABINET FOR THE JOINT OVERVIEW AND SCRUTINY COMMITTEE 21 MAY 2018

JOS/17/15 PROPOSED UPDATES TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

- 25.1 The Project and Research Officer introduced the report and explained how the current complaints procedure consisted of a two-stage system. Initially the complaint would be received, and a resolution sought at Stage One, if the complainant was not satisfied with the response received from the Council at Stage One, the case could be progressed to Stage Two by the complainant. In the last six months 10% of complaints were progressed to Stage Two, of these 39 cases had been investigated but the Ombudsman had only upheld two complaints. This was not considered to be an effective way of responding to complaints and the Amended Complaints Procedure addressed this issue.
- 25.2 The Officers informed Members that if a complainant was behaving abusively to a member of staff then the complaint would not be taken any further.
- 25.3 Members questioned the Officer regarding the process for the new complaints procedure and it was established that under the present complaints procedure, it was up to the complainant to decide if the complaint was progressed to Stage Two. However, under the amended complaints procedure new information was required for the complaint to be progressed to Stage Two. The only other option for the complainant was to take the complaint to the local Ombudsman. The intention was to resolve the majority of complaints at the beginning of the complaint procedure.
- 25.4 Some Members were concerned about abusive customers and if staff were trained in how to deal with this kind of behaviour. They also wanted to know if phone calls were recorded when complainants contacted the Councils. The Lead Member for Customer Service responded that calls to the 0300 telephone number were always recorded, however other phone calls to individual officers were not. She continued to explain how many complaints were resolved satisfactorily at an early stage of the complaints process.
- 25.5 Members referred to page 17, bullet point 9.3 d. and asked if the Councils evaluated how standards were met in relation to complaints. The Officer explained that the public should direct any complaints regarding standards to their Councillor. The Strategic Director reminded Members to inform the Management Team of any complaints received from the public regarding standards.
- 25.6 Members agreed that complaints should always be considered as a possible warning that the service the Council was providing was not up to standard, but also recognised that some members of the public submitted persistent and vexatious complaints and that staff had no obligation to respond to these. The Strategic Director advised Members that the assessment of a persistent and vexatious complainant was delegated to the Strategic Directors. Members attention was drawn to Appendix 4 page 26, paragraph 33 for further clarification.

- 25.7 Members continued the questioning regarding the anonymity of the complainant and if it was possible to maintain this throughout the complaints process. They also wanted to know who investigated complaints within the departments. The Officer responded that an internal investigation was led by the relevant Corporate Manager as outlined in the Joint Policy for Dealing with Compliments, Comment and Complaints, page 18, bullet point 11.6.
- 25.8 There were concerns amongst Members that it would be more difficult for the public to progress their complaints to Stage Two, if additional information had to be provided. Members felt it was likely that a complainant would include all the relevant information at Stage One and would therefore not have enough new information to progress to Stage Two. This would leave the complainant with no other option than to forward the complaint to the Ombudsman and it was felt that this could make it difficult for the complainant. Delays in resolving the complaint would be likely and this would be detrimental to a timely and satisfactory resolution of the matter.
- 25.9 The response to this concern was that it would be a disadvantage for the Council, if complaints went to the Ombudsman and that the Corporate Management team should endeavour to resolve complaints before this occurred.
- 25.10 Councillor Welsby felt the Councils had a positive attitude towards complaints and the Chief Executive added that a complaint was a learning opportunity and therefore the Councils made sure complaints were processed properly.
- 25.11 Councillor Williams considered that some complaints were a way for the public to express their frustration and was concerned that the amended policy would progress complaints to a legal dispute too early in the process.
- 25.12 In response to the inclusion of the Equality and Diversity Information questionnaire, Officers advised that this was a requirement in accordance with the Councils' Constitutions.
- 25.13 Members continued discussing paragraph 11.6, page 18, Appendix A. Generally, Members felt that this paragraph should be removed from the Amended Complaints Procedure. Other Members asked for further information regarding who investigated complaints within the Council. The Officer responded that initially the complaints would be investigated internally by the relevant department which the complaint was directed at. If this did not resolve the complaint, then currently the complaint would be investigated by an officer who was not involved in the complaint. He said, the Councils would always attempt to work with members of the public to resolve the issue before a complaint became formalised. Once a complaint became formalised and progressed to a Stage One complaint the Councils would continue to work to with the complainant to resolve the issues. Every effort was made to avoid complaints being needlessly forwarded to the Ombudsman.

The recommendations 2.1 and 2.2 were proposed and seconded.

By 7 to 7 votes.

The Chair used his casting vote and voted against the motion.

The motion was lost.

- 25.14 Members discussed amendments and it was proposed that recommendations be forwarded to the Cabinet to consider the concerns discussed regarding the amended Stage Two of the Complaints Policy. The following amendment to recommendation 2.1 was proposed and seconded:

2.1 The Committee is asked to recommend to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted, subject to the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy being considered by Cabinet as detailed in the Minutes.

The motion was carried

It was RESOLVED

- 2.1 That the Committee recommends to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted subject to consideration of the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy as detailed in the Minutes.**
- 2.2 That the Committee recommends to the Cabinets that the Customer Experience Manager be asked to report to the Portfolio Holders any trend that signifies either an increase in the numbers of complaints or the number being upheld.**

This page is intentionally left blank

Agenda Item 7b

BABERGH DISTRICT COUNCIL

COMMITTEE: BDC Cabinet	REPORT NUMBER: BCa/18/21
FROM: Babergh Overview and Scrutiny Committee	DATE OF MEETING: 9 August 2018
OFFICER: Henriette Holloway Governance Support Officer	KEY DECISION REF NO. N/A

CABINET ARE ASKED TO CONSIDER THE RECOMMENDATIONS BELOW FROM THE BABERGH OVERVIEW AND SCRUTINY COMMITTEE HELD ON THE 18 MAY 2018.

BOS/18/8 Babergh and Mid Suffolk Building Service (BMBS) – A Review of First Year Trading and Next Steps.

1. RECOMMENDATIONS
1.1 That the Babergh and Mid Suffolk Building Service be continued to be monitored and should any issues be identified the matter be referred back to the Babergh Overview and Scrutiny Committee for review.
1.2 That a review of the Babergh and Mid Suffolk Building Service be presented to the Babergh Overview and Scrutiny Committee in six months' time.
REASON FOR DECISION
The Babergh Overview and Scrutiny Committee are concerned that issues relating to BMBS should be raised with the appropriate Members and referred back to Babergh Overview and Scrutiny Committee.

2. APPENDICES

Title	Location
(a) Draft Minute – BOS/18/8 Babergh and Mid Suffolk Building Service (BMBS) – A Review of First Year Trading and Next Steps	Attached

This page is intentionally left blank

Babergh and Mid Suffolk Building Service (BMBS) – A Review of First Year Trading and Next Steps.

- 14.1 The Assistant Director – Housing, introduced the report and said the report and the updated Business Plan was an honest account of what had been achieved and the challenges ahead.
- 14.2 Councillor Barrett raised questions regarding the less than expected income for the BMBS case scenario for the year 2017/18 (page 64) and if it was possible that the figures could be updated in relation to the Housing Revenue Account (HRA). In reality the BMBS service did not lose money, as the BMBS budget was covered by the HRA was hence a loss on paper. Members wanted to know if the updated costs base was a more accurate cost base to work on and the officer responded that this was the case.
- 14.3 The Assistant Director – Housing reminded Members that the original Business Plan was flawed and that the inherited income and expenditure had affected the first six months of the implementation of BMBS. The Corporate Manager – BMBS had only joined the team last year and other factors such as the service becoming an in-house service had influenced the implementation stage in various ways, but now enabled BMBS to deliver a good service to the tenants. There were challenges ahead such as getting all the relevant paperwork into the Total Mobile Programme and it was detailed how significant efficiencies were to be undertaken to save resources.
- 14.4 Councillor Gasper was concerned with the lack of tracking of paper work and workloads between departments and that this was important if searching for efficiencies. It was considered necessary to have a clear route for processes both within the department and with other departments to enable an effective audit to take place.
- 14.5 The Assistant Director – Housing confirmed that auditing was on-going, and he referred to Appendix C, page 103, which showed the outturn figures up to 12 April 2018 compared with the original Business Plan. The total Expenditure was nearly the same figures, however, the income from Capital Maintenance had been unrealistic in the original Business Plan. The new figure of £276,239 was based on the outturn figures.
- 14.6 A process for internal accounting was being implemented to determine efficiencies, similar to the voids project. The team was working with the Accounting team to reflect the process and the outturn figures were robust based on this process.
- 14.7 Questions were raised regarding the Legal Implications of the report, Paragraph 11, page 65. Councillor Williams enquired if there were not legal implications if BMBS undertook work in houses belonging to the public and would include Health and Safety in properties which were being maintained. The officers responded that this kind of work was being undertaken with the Property Service Team and that the

team worked with other services to ensure that the Health and Safety regulations was strictly adhered to.

- 14.8 BMBS conducted an annual 20% Housing Stock Survey to maintain the housing stock.
- 14.9 Members asked if any risks had been identified, and officers responded that an external agency had reviewed BMBS as part of the set-up of BMBS and an action plan had been generated as part of that review. The Internal Audit Team also audited the service regularly.
- 14.10 In response to Members' concern over the day to day management of BMBS, officers referred to pages 59 to 62, which detailed the actions completed and actions which had yet to be undertaken. The Chair stressed that these would be an important measure of performance. It was clarified that most IT issues had been resolved and that the Total Mobile System had gone live within the last few days. The day to day operations were improving, but there were still some issues regarding the administration team. The service delivered to the tenants was satisfactory and there had not been an increase in complaints received.
- 14.11 The main point of focus was to enable the trades teams to have access to mobile technology and it was hoped this would be delivered within the next 4 to 6 weeks. Staff needed to receive training to ensure the teams were up to date with the Total Mobile System.
- 14.12 There now existed a full competent team of Team Leaders and contact to suppliers had been established and could be utilised if needed.

NOTE: Councillor Barrett left the meeting at 4.20 pm.

- 14.13 The Cabinet Member for Housing said that the Business Plan was well presented and robust. It would provide a better service to tenants. There had been a problem of communicating with tenants when work was going to be completed, but this was being resolved by sending a letter to those tenants with this information.
- 14.14 Members discussed if further reports were required by the Committee to review BMBS in the future and it was suggested that review every six months would be appropriate. Some Members felt this was not necessary and that an option to refer a review of BMBS back to the Committee if any matters arose for concern should be included in the recommendations.

It was RESOLVED: -

- 1.1 That the Babergh and Mid Suffolk Building Service continue to be monitored and should any issues be identified the matter be referred back to the Babergh Overview and Scrutiny Committee for review.**
- 1.2 That a review of the Babergh and Mid Suffolk Building Service be presented to the Babergh Overview and Scrutiny Committee in six months' time.**

Agenda Item 8

BABERGH DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: BCa/18/22
FROM: Councillor John Ward, Portfolio Holder for Finance	DATE OF MEETING: 9 August 2018
OFFICER: Melissa Evans, Corporate Manager, Finance	KEY DECISION REF NO. CAB27

GENERAL FUND FINANCIAL MONITORING 2018/19 – QUARTER 1

1. PURPOSE OF REPORT

- 1.1 Based on the financial performance of the Council during the first 2 months of this financial year and latest information, a reporting by exception approach has been adopted to reviewing income and expenditure budget variances in the first quarter of the year.

2. OPTIONS

- 2.1 The options that have been considered are;
- a) Transfer funds of £223k from earmarked reserves to support the deficit.
 - b) At this early stage in the year, make no recommendations for the transfer of surplus funds to reserves.

3. RECOMMENDATIONS

- 3.1 That, subject to any further budget variations that arise during the rest of the financial year, the shortfall in funds of £223k, referred to in section 5.8 of the report, be noted;
- 3.2 The revised 2018/19 Capital Programme referred to in Appendix C and section 5.15 be approved.

REASON FOR DECISION

To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.

4. KEY INFORMATION

Strategic Context

- 4.1 In February 2018 Babergh District Council approved the Joint Medium Term Financial Strategy (MTFS). This confirms the direction of travel, in that the Council continues to respond to the financial challenges.

The strategic response to those challenges, to ensure long term financial sustainability, is set out in five key actions:

- (1) Aligning resources to the Councils' refreshed strategic plan and essential services.
- (2) Continuation of the shared service agenda, collaboration with others and transformation of service delivery.
- (3) Behaving more commercially, generating additional income and considering new funding models (e.g. acting as an investor).
- (4) Encouraging the use of digital interaction and transforming our approach to customer access.
- (5) Taking advantage of various forms of local government finance (e.g. New Homes Bonus (NHB), Business Rates Retention) by enabling sustainable business and housing growth.

4.2 The details within the Joint MTFs show a cumulative funding pressure over the three years 2019/20 to 2021/22, of £1.2m using all of the minimum New Homes Bonus allocation over the three years. These figures are being revised as part of the early work for the 2019/20 budget setting process. Work has commenced on closing this gap by identifying and modelling the outcomes of various initiatives as part of the delivery of the Joint Strategic Plan

4.3 Funding arrangements for councils have changed significantly, Babergh has seen a 65% cumulative cut in revenue support grant over the five years from 2013/14 to 2018/19, where it has been removed altogether. The Council has become reliant on Business Rates income and 'incentivised' funding such as the New Homes Bonus to support the Council's service cost budget. Since New Homes Bonus was introduced in 2011/12 the Council has received in total £7.6m, most of which has been used to balance the budget and the rest transferred to the Transformation Fund reserve or in 2017/18 the Business Rates Equalisation Reserve. From 2018/19 Babergh is part of the Suffolk Business Rates Pilot, for retention of 100% of growth meaning that this source of funding will be even more important. The financial benefits will be shared between the councils in Suffolk and a proportion used to achieve sustainable economic growth. It is also important that capital resources are used in ways to support the new business model. The Council is looking to use its assets and borrowing capacity to generate income from alternative sources in order to protect key services and with the aim of becoming self-sufficient in relation to income that the Council can generate itself.

4.4 The total estimated core funding for future years is not a fixed guaranteed amount as it is dependent on variations in business rates income. This is carefully monitored and the volatility and risks, for example, rate relief for schools converting to academies and the level of appeals, will affect the amount of income received.

5. Quarter 1 Position

5.1 Based upon financial performance and information from April to May (with emerging trends extrapolated to the end of the financial year) and discussions with budget managers, key variations on expenditure and income compared to budget have been identified.

5.2 The report covers:

- The General Fund Revenue Budget
- The General Fund Capital programme.

5.3 Budget monitoring is a key tool and indicator on the delivery of the council's plans and priorities for the year. There will, of course, always be reasons why there are variances such as:

- Economic conditions and those services that are affected by demand
- Uncertainties relating to funding or other changes that were not known at the time the budget was approved.

5.4 Taking each area in turn, the position on key aspects of the 2018/19 budget is summarised below:

General Fund Revenue Account

5.5 In relation to funding:

- (a) Council Tax (£5.2m): at the end of June, collection rates were 30.05%, compared with 30.19% for the same period last year. The collecting of council tax remains challenging, especially from those receiving council tax reductions under the Local Council Tax Reduction Scheme (LCTR). Recovery Action is varied and is a high priority for the Shared Revenues Partnership (SRP).
- (b) Government Grants: baseline business rates (£2.5m) and New Homes Bonus (£0.9m) were allowed for in the Budget. NHB is fixed but the actual amount of business rates will vary.
- (c) Business Rates: at the end of June, collection rates were 29.13% compared with 28.77% for the same period last year.
- (d) Based on current projections from Suffolk County Council it is estimated that the final Business Rates Pool position will be £264k. A favourable variance of £58k.

5.6 On a reporting by exception basis, a review of expenditure and income budget variances was undertaken. There are two corporate savings targets as detailed below:

- a) Working alongside Corporate Managers and Assistant Directors, the Finance Team has developed a new monitoring process for employee costs for 2018/19. Based on full year projections, it is currently anticipated that the vacancy management savings target of £186k will be achieved.
- b) Included within the 2018/19 budget is a generic savings target of £80k for non-pay expenditure, a reduction of £20k since 2017/18. This target will continue to reduce by £20k per year until it is completely removed in 2022/23, as savings are better identified and monitored in individual service areas rather than against a corporate target. Further details of the actual non-pay variances are outlined in section 5.8 below.

- 5.7 The overall net adverse variance of £223k means that the Council will be required to withdraw funds from reserves at the year end.
- 5.8 The table below shows the main items that are included in the overall net adverse variance of £223k. The forecast variances identified within this report will be taken into consideration when setting the budgets for 2019/20.

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
<p>Strategic Planning</p> <ul style="list-style-type: none"> An expected favourable variance of £126k for Professional fees and legal costs associated with the Joint Local Plan, of which £64k will be carried forward for use in 2019/20. Other items (net) – a favourable variance of £9k. 	(135)
<p>Housing Solutions (Homelessness)</p> <ul style="list-style-type: none"> Following the implications arising from the new legislation (Homelessness Reduction Act 2017) introduced in April 2017, the Council has again received a ringfenced grant of £131k to help support the provision of new prevention duties. <p>Dependent upon the final outturn position, it will be recommended to transfer any favourable variance to the earmarked reserve for use in 2019/20 and beyond.</p>	(131)
<p>Building Control</p> <ul style="list-style-type: none"> Income – based on application fees received to date, the service is anticipating a favourable variance of £93k. Other items (net) – a favourable variance of £2k. 	(95)
<p>Shared Legal Services</p> <ul style="list-style-type: none"> Legal expenses – a favourable variance of £36k is expected. Expenditure relating to the provision of legal services is charged directly to the service area in which the work took place meaning the budget is no longer required within the Shared Legal Service. This will be corrected in 2019/20. 	(36)
<p>Leisure Contract</p> <p>Following commencement of the Kingfisher Leisure Centre redevelopment and the replacement of the swimming pool at Hadleigh Pool and Leisure Centre, a favourable variance of £26k for repair costs is expected.</p>	(26)
<p>Waste</p> <ul style="list-style-type: none"> At this early stage in the year, a favourable variance for the Material Recycling Facility (MRF) of £28k is anticipated. The gate fee is re-calculated each year making it difficult to accurately reflect the price per tonne. It is currently anticipated that the basket price will increase to as much as £15/tonne, however, this is very much dependent on the world market. Dependent upon the final outturn position, it 	(25)

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
<p>will be recommended to transfer any favourable variance to the waste earmarked reserve (current balance £119k).</p> <ul style="list-style-type: none"> • Trade Waste – the number of subscribers to the trade waste service is expected to remain static for 2018/19. It is anticipated that the customer profile will change resulting in a number of expected service variations which could include a reduction to the number of bins per customer. The Council offers a discount to those customers who have multiple bins, should the number of bins reduce, the level of income generated will also reduce. Despite the number of trade waste bins in circulation, the cost of collection and disposal to the Council does not alter resulting in an expected adverse variance of £14k. • Glass collection – the number of days that glass recycle is collected has reduced from 5 days to 3 days resulting in decreased contract costs and a small favourable variance of £6k. • Garden Waste – a review of contract costs for the collection and disposal of garden waste has resulted in an adverse variance of £11k. This is despite an increase in the level of subscriptions. • Other items (net) – a favourable variance of £16k. 	
<p>Capital Financing Costs Minimum Revenue Provision (MRP) costs realised in 2018/19 are based on actual spend that took place in 2017/18. Capital expenditure for 2017/18 was lower than anticipated resulting in a small favourable variance of £20k.</p>	(20)
<p>Other items (net) – a favourable variance of £23k.</p>	(23)
<p>Development Management</p> <ul style="list-style-type: none"> • Planning income - an adverse variance of £176k is expected. The Council's Joint Strategic Plan places a clear priority on the delivery of more of the right type of housing, of the right tenure, in the right places. It is seeking to significantly increase supply and expand our 'market making' role in terms of creating the right conditions for developers to work with communities to deliver more housing. Following this commitment, the Council continues to see an increase in planning applications for the first quarter, this however, is not expected to continue following recent announcements regarding the recovery of a 5-year housing land supply. • Other items (net) – an adverse variance of £28k. 	204
<p>Car Parks</p> <ul style="list-style-type: none"> • Business Rates – the car park in Sudbury (Roys) which is maintained by the Council has been identified as never been valued for Business Rates, the legal documents are 	129

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
<p>being reviewed to ascertain whose responsibility this is. It is currently assumed that the Council will be responsible and so an adverse variance of £100k which covers both 2017/18 and 2018/19 Business Rates is anticipated. The budget for 2019/20 will also be amended to reflect a £50k ongoing cost if required.</p> <ul style="list-style-type: none"> • Repairs – an adverse variance of £15k is expected. In April 2018, one-off costs for urgent repairs to the wall at the rear of North Street Car Park were required at a cost of £9k. The remaining £6k is anticipated for ad hoc repairs across all the Councils car park sites. • Other items (net) – an adverse variance of £14k. 	
<p>Street and Major Road Cleansing</p> <ul style="list-style-type: none"> • Grounds Maintenance Contract - an adverse variance of £50k is anticipated. As highlighted in the 2017/18 outturn report the grounds maintenance contract was reviewed and an assumption made regarding a 10% saving. This did not materialise in 2017/18 and it was too late to correct the budget for 2018/19. It will be amended for 2019/20. 	50
<p>Health and Safety</p> <ul style="list-style-type: none"> • An adverse variance of £44k is expected. This is made up of a number of items including Skyguard training (£5k), MYSOS smartphone app - Skyguard lone working (£24k) and CRB check, Hepatitis B vaccinations, Hand Arm Vibration testing (£15k). 	44
<p>Democratic Services</p> <p>The Independent Remuneration Panel (IRP) was appointed to review and make recommendations to the Council regarding members allowances following the introduction of a Leader/Cabinet Governance Model in May 2017 and in accordance with legal requirements under the Local Authorities (Members' Allowances) (England) Regulations 2003. Following a review in May 2018, it was recommended that the Basic Allowance be increased by £1k to £5k per member and the Special Responsibility Allowance becomes a multiplier of the new Basic Allowance. In anticipation of the review, the 2018/19 budget was increased by £70k, however, despite the budget increase an adverse variance of £15k is expected.</p>	15
<p>Borehamgate Rental Income</p> <ul style="list-style-type: none"> • Despite supplementary work by the Finance Team to include a vacancy factor in the 2018/19 income budget, a further income shortfall of £13k is anticipated. The Council is actively working with the Management Agent to promote and enhance the small number of vacant units in order to maximise rental income. 	13

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
Business Rates	259
<ul style="list-style-type: none"> 2018/19 Baseline business rates less Government tariff and levy is expected to result in an adverse variance of £317k. Business Rates Pooling Benefit – an estimated pooling benefit of £264k is anticipated. This is a favourable variance of £58k. <p>Further analysis of the Business Rates Pilot is being undertaken by the Finance Team. Early indications show that there may be an additional benefit to the Council over and above the earmarked growth. An update will be provided at Quarter 2.</p>	
TOTAL ADVERSE VARIANCE	223

Transformation Fund

- 5.9 The table below provides a high-level summary of the anticipated movement in the Transformation Fund during 2018/19. A more detailed breakdown is shown in Appendix B.
- 5.10 Commitments in 2018/19 will continue to be reviewed to ensure the key priorities are supported.

BABERGH	£'000
Balance at 31st March 2018	606
New Homes Bonus Allocation *	866
Business Rates Grant *	797
Total contributions 2018/19	1,663
Revised Balance Available	2,269
LESS;	
New Homes Bonus to balance the budget *	(1,194)
Business Rates Grant to balance the budget *	(797)
Actual spend - April to June 2018	(39)
Balance at 31st March 2019	184
Current future commitments to be reviewed	(241)

Medium Term Financial Strategy (MTFS) Update

5.11 Following approval of the MTFS by Full Council in February 2018, it was proposed that regular to the medium term financial position would be provided as part of quarterly budget monitoring. This update includes any known cost pressures or savings that are likely to affect the budgeted deficit position for 2019/20 onwards. Full details are shown in Appendix A.

Capital

5.12 Use of capital and one-off funds is critical and needs to be linked into our future delivery plans A zero based approach was adopted for the capital programme for 2018/19 to ensure that resources are aimed at delivering the council's strategic priorities.

5.13 With complex capital schemes it is difficult to accurately assess the level of payments that will be made during the financial year. The Council continues to embark on new projects e.g. building new homes where it is difficult to accurately predict at the planning stage how payments will fall. Members should therefore focus on whether overall outcomes are being achieved as a result of the capital investment rather than variances against the plan for a particular year.

5.14 Following approval by Full Council in April 2017 to set up a holding company, activity to invest the £25m for the Capital Investment began with its first purchase in December 2017. During 2017/18, £12.3m of the £25m has been spent, with the remainder expected to be invested by December 2018.

5.15 Capital expenditure for the period April to May 2018 totals £0.2m, against a revised programme (including carry forwards) of £10.4m, excluding the £12.7m, as set out in Appendix C. The anticipated spend for 2018/19 (excluding the £12.7m) is £9.1m resulting in a favourable variance of £1.3m. The main variances that contribute to the £1.3m favourable position are set out below:

- **Leisure Centres** – a favourable variance of £1,251k anticipated. This budget will be carried forward to 2019/20 to support the ongoing work surrounding the Leisure Strategy. When the budget was set for 2018/19 it was not known exactly when expenditure would occur.
- **Recycling Bins** – a favourable variance of £60k is expected. The majority of variance (£45k) can be attributed to a carry forward from 2017/18 which is no longer required.

6. LINKS TO JOINT STRATEGIC PLAN

6.1 Ensuring that the Councils make best use of their resources is what underpins the ability to achieve the priorities set out in the Joint Strategic Plan. Specific links are to financially sustainable Councils, managing our corporate and housing assets effectively, and property investment to generate income.

7. FINANCIAL IMPLICATIONS

7.1 These are detailed in the report.

8. LEGAL IMPLICATIONS

8.1 There are no specific legal implications.

9. RISK MANAGEMENT

9.1 This report is closely linked with risk numbers 5e and 5f of the Council's Significant Risk Register – If we do not understand our financial position and respond in a timely way, then we will be unable to deliver the entirety of the Joint Strategic Plan. Other key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If the forecast savings and efficiencies are not delivered, then it will have a detrimental impact on the resources available to deliver services and the strategic priorities	3 - Probable	2- Noticeable	Monitored throughout the year by Finance Teams, Corporate Managers and Assistant Directors
If economic conditions and other external factors change for the worse then it could have an adverse effect on the Councils financial position	3 - Probable	2 - Noticeable	Focus is on monitoring key income and expenditure streams – but Government changes and economic conditions continue to affect costs and income for a number of services
If the Capital Programme delivery is not on target, then the strategic priorities will not be delivered as anticipated	3 - Probable	2 - Noticeable	Regular monitoring by key officers

10. CONSULTATIONS

10.1 Consultations have taken place with Assistant Directors, Corporate Managers and other Budget Managers as appropriate

11. EQUALITY ANALYSIS

11.1 An equality analysis has not been completed because there is no action to be taken on service delivery as a result of this report.

12. ENVIRONMENTAL IMPLICATIONS

12.1 There are no specific environmental implications.

13. APPENDICES

Title	Location
APPENDIX A – MTFS Summary	Attached
APPENDIX B – Transformation Fund	Attached
APPENDIX C – Capital Programme	Attached

14. BACKGROUND DOCUMENTS

20 February 2018 Budget Report 2018/19 – BC/17/29

Appendix A

BABERGH MTF5 SCENARIO 2019/20 – based on minimum New Homes Bonus

Line	Description	2018/19	2019/20	2020/21	2021/22	2022/23
		Budget	Budget	Forecast	Forecast	Forecast
		£000	£000	£000	£000	£000
	<u>Expenditure</u>					
1	Employees	7,970	8,113	8,446	8,853	9,256
2	Premises Costs	807	879	901	920	938
3	Supplies & Services	3,577	3,553	3,482	3,522	3,531
4	Transport Costs	279	280	241	169	169
5	Contracts	4,244	4,380	4,468	4,557	4,648
6	Transfer Payments	20,202	20,202	20,202	20,202	20,202
7	Income (incl.S31 B/Rates Grant)	(26,873)	(26,767)	(26,797)	(26,803)	(26,810)
8	New Homes Bonus Income	(866)	(680)	(716)	(864)	(864)
	<u>Capital Financing Charges</u>					
9	Debt Management Costs	3	3	3	3	3
10	Interest Payable (Pooled Funds)	9	9	8	8	8
11	Interest Payable (CIFCo)	594	617	612	608	608
12	MRP	933	1,109	1,261	1,261	1,261
	<u>Investment Income</u>					
13	Pooled Funds	(421)	(416)	(411)	(406)	(406)
14	Interest Receivable (Cash Surplus)	(8)	(8)	(8)	(8)	(8)
15	Interest Receivable (CIFCo)	(1,064)	(1,147)	(1,143)	(1,139)	(1,139)
16	Charge to HRA	(1,106)	(1,128)	(1,150)	(1,173)	(1,197)
17	Charge to Capital	(227)	(232)	(237)	(241)	(246)
	<u>Transfers to Reserves</u>					
18	New Homes Bonus	866	680	716	864	864
19	S31 Business Rates Grant	797	797	797	797	797
20	Other	27	20	20	20	20
21	Net Service Cost	9,744	10,263	10,695	11,151	11,635
	Funding:					
22	Other Earmarked Reserves	(1,038)	(95)			
23	Transformation Fund - DP Project (Staffing)	(50)				
24	Transformation Fund- to balance the budget	(329)				
25	New Homes Bonus - to balance the budget	(866)	(680)	(716)	(864)	(864)
26	S31 Business Rates Grant	(797)	(797)	(797)	(797)	(797)
27	Government Support					
28	(a) Baseline business rates	(2,488)	(2,148)	(2,148)	(2,148)	(2,148)
29	(b) B/Rates – growth/pooling benefit	(206)	(206)	(206)	(206)	(206)
30	(c) B/Rates prior yr deficit	1,256				
31	(d) RSG Tariff	-	131	131	131	131
32	(e) Rural Services Delivery Grant	-	(182)	(182)	(182)	(182)
33	Collection Fund surplus	(12)	(12)	(12)	(12)	(12)
34	Council Tax (£5 increase to Band D)	(5,125)	(5,381)	(5,628)	(5,881)	(6,141)
35	Growth in taxbase	(89)	(78)	(82)	(86)	(90)
36	Total Funding	(9,744)	(9,447)	(9,640)	(10,045)	(10,309)
37	2018/19	0	816	816	816	816
38	2019/20			240	240	240
39	2020/21				50	50
40	2021/22					221
41	Shortfall in funding / (Surplus Funds) - cumulative	0	816	1,056	1,105	1,326
42	Estimated New Homes Bonus (5 year average of No of houses built)		(517)	(414)	(423)	(423)
43	Estimated New Homes Bonus (projected completions)		(948)	(1,299)	(1,629)	(1,629)
44	Minimum New Homes Bonus		(680)	(716)	(864)	(864)
45	Council Taxbase	1.03%	1.50%	1.50%	1.50%	1.50%
46	Band D Council Tax	3.25%	3.15%	3.05%	2.96%	2.88%
47	Band D Council Tax	£158.86	£163.86	£168.86	£173.86	£178.86

BUDGET GAP BASED ON OTHER NHB SCENARIOS

Description	2018/19	2019/20	2020/21	2021/22	2022/23
	Budget	Budget	Forecast	Forecast	Forecast
	£000	£000	£000	£000	£000
Expenditure	-	10,263	10,695	11,151	11,635
Funding	-	(9,284)	(9,337)	(9,604)	(9,867)
(Surplus) / Deficit - 5 year average No of houses built	-	979	1,358	1,547	1,768
Expenditure	-	10,263	10,695	11,151	11,635
Funding	-	(9,716)	(10,223)	(10,810)	(11,073)
(Surplus) / Deficit - projected completions	-	548	473	341	562

Note; further analysis and scenario planning has not yet to been undertaken in relation to MTFS planning at this stage.

MOVEMENT FROM FEBRUARY 2018 MTFS to CURRENT POSITION

Description	2019/20	2020/21	2021/22
	Forecast	Forecast	Forecast
	£000	£000	£000
MTFS FEBRUARY 2018			
Shortfall in funding / (Surplus Funds) - cumulative	838	1,136	1,169
MTFS CURRENT 2018			
Shortfall in funding / (Surplus Funds) - cumulative	816	1,056	1,106

Cumulative Movement	(22)	(80)	(64)
----------------------------	-------------	-------------	-------------

Waste - recycling performance payments	(140)	(140)	(140)
Market Forces Payments - Development Management and Strategic Planning	41		
Shared Legal Services (SLS) - legal expenses	(36)	(36)	(36)
Grounds maintenance contract	50	50	50
Ill Health costs - removal of utilisation of 3 year allowance (from 2018/19)	(12)		12
SCOLT membership for 2 yrs from 18/19	20		
Business Rates - Sudbury Car Park (Roys)	50	50	50
Inflation	5	(4)	

Cumulative Movement	(22)	(80)	(64)
----------------------------	-------------	-------------	-------------

Transformation Fund

	Project	Responsible Officer	Date of Approval	Amount Sought	Budget	Cumulative spend to 2017/18		Apr 18 - June 18		Total Spend	Variance - favourable / + adverse	Outcomes
						BDC	MSDC	BDC	MSDC			
CONTINUING PROJECTS												
Assets & Investments												
1	Strategic Leisure Review - comprehensive condition survey of all 4 leisure facilities to understand future costs requirements. Additional Resources for: Phase 1 - will be informed by the evidence from the strategic review of our built sports facilities and playing pitches (which is due to complete in October 2015), and will allow us to undertake a joint leisure strategy and investment plan for both Councils. Phase 2 - to undertake an independent review of the current contractual arrangements (with SLM and SSL) and deliver future delivery options in line with the strategy. This will involve a review of all existing legal and contractual documentation, leases and management agreements, options appraisal, and our capital investment strategy for these assets and for making recommendations Funding to pay for two Leisure Industry specialists (Project Manager for phase 1, external consultant for phase 2)	Chris Fry	May-16	40,000	126,100	58,500	57,910	4,316	4,316	125,042	-1,058	The initial phase of completing a strategic leisure review is complete with the adoption of a Joint Physical Activity Strategy for both Councils and a completed audit of our own leisure facilities. Phase 2 is currently underway reviewing all of our sport and recreation policies, processes and procedures e.g. open space strategy, local plan policies, S106 funding, planning application responses, major community projects, funding and project proposals.
2	Capital Investment Strategy (CIS) – external professional advisers to support the development of the Capital Investment Strategy, as well as the associated governance framework and delivery model to support	Louise Rawsthorne	Aug-16	60,000	136,285	88,658	88,658	67	67	177,449	41,164	A wide range of contribution to outcomes have been achieved including: the set-up of an Incorporated Company Structure including CIFCO Capital Ltd and
3	To make best use of our corporate assets to include a financial appraisal of the current GF property assets	Jill Pearmain	Aug-16		9,805	4,495	4,495	0	0	8,991	-814	
Business Growth												
4	To support the installation of one or more Electric Vehicle (EV) charging points - Sudbury. Babergh only - Capital	James Buckingham	Mar-17		44,000	25,225		2,424	0	27,649	-16,351	2 installations located in key market towns at locations where there are 'gaps' in the national network.
5	Hadleigh Market - consultancy costs to test whether it is possible to develop and grow Hadleigh Market into a successful town market. BDC Only	Lee Carvell	Apr-16	10,000	22,000	11,428	0	2,000	0	13,428	-8,572	The town centre has seen an increase in footfall, leading to more visitors supporting the local economy. Stall numbers have risen from 3 to 12 regular traders. Most if not all of this investment will be recouped through increased revenue by end of the project.
6	Additional Economic Development capacity to support a number of initiatives aimed at increasing economic growth e.g. key sites, market towns and engaging businesses - 18 month extension	Lee Carvell	Feb-17	100,000	427,770	143,395	143,301	6,851	6,851	300,398	-127,372	Significant deliverables towards Joint Strategic Plan and business growth priorities including visioning work in Sudbury and Stowmarket, Economic
7	Town Visioning Engagement Project - the Open For Business Team will lead the work with local communities to deliver a Vision that can be used to inform later policy-making and decisions that affect the towns. The Vision is intended to establish a high-level aspiration for the towns, setting out the community's key desires and wishes for the town they would like to live in and for businesses to operate from. This is a new way for the communities to be involved in Strategic Planning of the towns (the innovation).	Lee Carvell	May-17		8,500	0	0	0	0	0	-8,500	Place shaping and regeneration work in consultation with stakeholders and communities in our market towns and greater areas. Will lead to tangible delivery/action plans and tangible outputs and investment to stimulate growth and place identity.
8	To support the development of a Technology Hub / Innovation Centre with the District by providing a project co-ordinator and for the fusing of a feasibility study. MSDC only	Lee Carvell	Oct-17		50,000	0	0	0	0	0	-50,000	Enabling MSDC to lead in this area to develop a 'tech hub offer' in the districts to retain, attract and grow SMEs. Business rates, jobs and place shaping benefits. Supports Enterprise Zone and Investment Strategy work.

Transformation Fund

	Project	Responsible Officer	Date of Approval	Amount Sought	Budget	Cumulative spend to 2017/18		Apr 18 - June 18		Total Spend	Variance - favourable / + adverse	Outcomes
						BDC	MSDC	BDC	MSDC			
	CONTINUING PROJECTS											
	Community Capacity Building											
9	Delivery of the Public Realm Review which will transform the management and utilisation of our public realm assets which include Open Spaces, Amenity areas, car parks and Countryside assets.	Peter Garrett	Jul-16	240,000	60,000	22,880	22,880	0	0	45,761	-14,239	To provide expertise to carry out an options appraisal to assess the delivery of public realm service for both Councils. This is now complete and a separate report will be presented to cabinet.
10	New engagement post within Communities to support the development of key sites	A Hunter	Apr-18		35,000	0	0	4,266	4,266	8,533	-26,467	
	Efficient Organisation											
11	To extend the current room rental agreement with The Mix in Stowmarket from it's current end date of 31 March 2017 to match the final end of contract date of 31 December 2017. This will enable the delivery of the current Mygo contract to continue from the current location ensuring continuity for service users to the end of the project lifetime. MSDC only	Lee Carvell	Apr-17		9,257	0	0	0	0	0	-9,257	Support for young people in employability and skills, helping them into jobs, improving their wellbeing and confidence and reducing pressure on benefits system. Supporting vital local facilities.
12	ALL TOGETHER - majority of costs at this stage relate to scanning - to improve accessibility to both officers and members of the public by going 'paperless'. Ensure that all information is accessible electronically. The amount sought will be increased as part of the overall one-off costs of moving to Endeavour House when they are finalised. INCLUDES TPMS	Melissa Evans	Sep-16		889,000	425,538	427,462	16,439	43,629	913,068	24,068	Move to Endeavour House (EH) completed December 2017. Customer Access Points and Touch Down Points commenced use November 2017. Still decommissioning former HQ offices and finalising lease payments for EH. Full actual cost picture expected for Outturn
	Efficient Organisation											
13	To commissioning telephone polling (subject to Cabinet decisions) to explore the issue of Babergh and Mid Suffolk dissolving and becoming a new council.	Emily Yule	Oct-17		60,000	31,410	31,410	0	0	62,820	2,820	Polling initiated. Awaiting feedback on the responses.
	Housing Delivery											
14	Additional resources to enable Senior Planning Officer level to be released to support delivery of the planning transformation programme	Phil Isbell	Oct-16		205,000	47,509	47,551	0	0	95,061	-109,939	The planning transformation projects including Project 3 (Improving the pre-application process) Project 4 (A Fit for purpose staff resource) Project 5 (Making Growth Happen) Project 7 Ensuring Quality Development remain important projects which need to evolve and be delivered
	Housing Delivery/Business Growth											
15	Commissioning of external specialist feasibility / viability work on key sites as required, to be able to move them forward for approval and development to support economic and housing growth	Lou Rawsthorne	Jan-15	500,000	475,000	194,159	132,050	0	29,094	355,303	-119,697	A wide range of contribution to outcomes has been achieved including; the set-up of an incorporated Company Structure including CIFCO Capital Ltd and progression of a range of key housing and regeneration projects which include the affordable housing programme and other commercial projects
	Housing Delivery/Business Growth											
16	External support to undertake Local Housing Needs Surveys	Robert Hobbs	Feb-16	20,000	20,000	2,709	8,449	0	0	11,158	-8,842	Has enabled the Councils and been really important in determining housing mix when considering planning applications.
17	Additional staffing capacity to migrate historic and future developer contribution information to the new ICT system supporting the Community Infrastructure Levy	Robert Hobbs	Jun-16	48,000	98,000	40,744	39,339	1,599	1,599	83,281	-14,720	The CIL team continued the work and entered this into Exacom. Phase one of the project is complete with a further four phases to complete.
18	Building the evidence base for the Joint Local Plan - the requirement to hold and maintain accurate baseline information within GIS underpins the preparation of the Joint Local Plan and land allocation strategy.	Robert Hobbs	Aug-16		44,000	26,286	27,688	0	0	53,975	9,975	Published draft SHELAA in August 2017. Joint Local Plan consultation document published in August 2017. Neighbourhood plan designation maps produced. Improved data and knowledge on infrastructure.
	General Transformation - other projects											
19	- Other	Melissa Evans				16,643	185,271	608	1,388	203,910	203,910	Cumulative to 2017/18 included Loan write off for Museum of East Anglian Life (£150k)
	CONTINUING PROJECTS SUB-TOTAL				1,365,678	3,111,385	1,384,883	1,461,588	38,571	91,209	2,967,778	-233,893
	COMPLETED PROJECTS SUB-TOTAL -SEE BELOW					3,267,638	600,359	2,591,416	0	0	0	
					6,379,023	1,985,243	4,053,004	38,571	91,209	2,967,778	-233,893	

Appendix C

BABERGH CAPITAL PROGRAMME 2018/19 GENERAL FUND	Original Budget £'000	Carry Forwards £'000	Current Budget £'000	Actual Spend Apr - May £'000	Full Year Forecast £'000	Full Year Forecast LESS Budget £'000
Supported Living						
Mandatory Disabled Facilities Grant	409	13	422	39	422	0
Discretionary Housing Grants	100	0	100	0	100	0
Empty Homes Grant	100	199	299	19	297	-2
Total Supported Living	609	212	821	58	819	-2
Planning for Growth						
Grants for Affordable Housing	0	400	400	0	400	0
Total Planning for Growth	0	400	400	0	400	0
Environment and Projects						
Replacement Refuse Freighters - Joint Scheme	185	0	185	0	195	10
Recycling Bins	65	45	110	2	50	-60
LED Streetlights	0	44	44	0	44	0
Total Environment and Projects	250	89	339	2	289	-50
Communities and Public Access						
Community Development Grants	117	175	292	8	292	0
Play Equipment	50	100	150	0	150	0
Planned Maintenance / Enhancements - Car Parks	36	0	36	0	36	0
Total Community Services	203	275	478	8	478	0
BABERGH CAPITAL PROGRAMME 2018/19 GENERAL FUND						
	Original Budget £'000	Carry Forwards £'000	Current Budget £'000	Actual Spend Apr - May £'000	Full Year Forecast £'000	Full Year Forecast LESS Budget £'000
Leisure Contracts						
Kingfisher Leisure Centre -planned maintenance plant and other capital	391	0	391	32	41	-350
Kingfisher Leisure Centre Refurbishment	627	0	627	21	38	-589
Hadleigh Pool and Leisure Refurbishment	351	0	351	13	24	-328
Hadleigh Pool and Leisure - Planned Maintenance	43	0	43	16	59	16
Total Leisure Contracts	1,412	0	1,412	82	161	-1,251
Capital Projects						
Planned Maint / Enhancements - Other Corp Buildings	48	0	48	0	44	-4
Carbon Reduction	0	0	0	-5	-5	-5
PV Panels	0	0	0	3	0	0
Total Capital Projects	48	0	48	-2	39	-9
Investment and Commercial Delivery						
Land assembly, property acquisition and regeneration opportunities	2,973	3,595	6,568	16	6,568	0
Total Investment and Commercial Delivery	2,973	3,595	6,568	16	6,568	0
Corporate Resources						
ICT - Hardware / Software costs	200	150	350	23	350	0
Total Corporate Resources	200	150	350	23	350	0
Delivery Programme Investment Opportunities	0	12,667	12,667	0	12,667	0
Total General Fund Capital Spend	5,696	17,388	23,083	186	21,772	-1,311

This page is intentionally left blank

Agenda Item 9

BABERGH DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: BCa/18/23
FROM: Councillor John Ward, Portfolio Holder for Finance	DATE OF MEETING: 9 August 2018
OFFICER: Gavin Fisk, Assistant Director, Housing Melissa Evans, Corporate Manager - Finance	KEY DECISION REF NO. CAB73

HRA FINANCIAL MONITORING 2018/19 – QUARTER 1

1. PURPOSE OF REPORT

- 1.1 Based on the financial performance of the Council during the first 2 months of this financial year and latest information, a reporting by exception approach has been adopted to reviewing income and expenditure budget variances in the first quarter of the year.

2. OPTIONS

- a) Transfer funds of £252k from the Strategic Priorities reserve to support the deficit.
- b) At this early stage in the year, make no recommendation for the transfer of funds from reserves.

3. RECOMMENDATIONS

- 3.1 The potential or likely variations in relation to the HRA both Revenue and Capital compared to the Budget be noted.
- 3.2 That, subject to any further budget variations that arise during the rest of the financial year, the shortfall in funds of £252k, referred to in section 5.5 of the report, be noted
- 3.3 The revised 2018/19 Capital Programme referred to in Appendix A and section 5.9 be approved.

REASON FOR DECISION

To ensure that Members are kept informed of the current budgetary position for both the HRA and Capital.

4. KEY INFORMATION

Strategic Context

- 4.1 The financial position of the HRA for 2018/19 should be viewed in the context of the updated 30-year business plan. A balanced budget has been achieved for 2018/19 by reducing both capital and revenue budgets. A fundamental review of the housing

service was undertaken during 2017/18 to identify savings, efficiencies and income generation opportunities that will achieve a sustainable business plan into the future. The business plan, made possible by the change in funding for HRAs in April 2012, sets out the aspiration of the Council to increase the social housing stock by either buying existing dwellings or building new ones.

- 4.2 The Welfare Reform and Work Act 2016 includes a requirement for all social landlords to reduce rents by 1% each year from 2016 to 2019. However, following the announcement by the Government that rents can be increased by CPI +1% for five years from 2020/21 will reduce the impact of this on the 30-year plan.
- 4.3 With the Council's housing stock at 3,411 homes there will always be unplanned events that affect the level of income and expenditure in any one financial year. Members should therefore consider annual variances in the context of the medium-term outcomes that the Council wishes to achieve.

5. Quarter 1 Position

5.1 Based upon financial performance and information from April to May (with emerging trends extrapolated to the end of the financial year) and discussions with budget managers, key variations on expenditure and income compared to budget have been identified.

5.2 The report covers:

- The Housing Revenue Account (HRA) Revenue Budget
- The HRA Capital programme

5.3 Budget monitoring is a key tool and indicator on the delivery of the council's plans and priorities for the year. There will, of course, always be reasons why there are variances such as:

- Economic conditions and those services that are affected by demand
- Base budgets being over or understated (a number were identified in the 2017/18 financial outturn report to Members)
- Uncertainties relating to funding or other changes that were not known at the time the budget was approved.

5.4 Taking each area in turn, the position on key aspects of the 2018/19 budget is summarised below:

Revenue

5.5 The table below shows the main items that are included in the overall net adverse variance of £252k. The forecast variances identified within this report will be taken into consideration when setting the budgets for 2019/20.

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
Rental Income	
<ul style="list-style-type: none"> Following the work that has been undertaken to maximise our lettings income by reducing the number of days that void properties remain empty, a nominal increase to income is expected. A favourable variance of £23k is anticipated. 	(23)
Property Services	
<ul style="list-style-type: none"> Due to the nature of its work Disabled Facilities Adaptations is very difficult to predict. It is expected at this stage in the year that BMBS will carry out fewer adaptations that is budgeted for resulting in a favourable variance of £27k. 	(27)
BMBS	
<ul style="list-style-type: none"> The voids project was implemented in November 2017 to reduce the number of days that Council Houses remain empty and to ensure that we maximise our potential lettings income. To ensure this happens, it has been necessary to use external contractors to carry out essential works to those properties involved. The Void Project will be scrutinised by Babergh's Overview and Scrutiny Committee during August. As at the time of this report being written, the overall number of voids days has reduced by 37 days, from 54 in September 2017 to 17 days in June 18. BMBS will now have less reliance on external contractors to complete void works in the future. An adverse variance of £298k is anticipated. Other items (net) – an adverse variance of £4k. 	298
Other items (net) – an adverse variance of £3k	3
TOTAL ADVERSE VARAINCE	252

5.6 The net £252k adverse position means that the total HRA balances as at 31 March 2019 are forecast to be £12.655m. This includes a minimum working balance of £1m, £11.555m in the Strategic Priorities Reserve and £100k 'Big 20' earmarked reserve as approved by Cabinet in March 2018.

Capital

5.7 Use of capital and one-off funds is critical and need to be linked into our future delivery plans A zero based approach was adopted for the capital programme for 2018/19 to ensure that resources are aimed at delivering the council's strategic priorities.

5.8 With complex capital schemes it is difficult to accurately assess the level of payments that will be made during the financial year. The Council continues to embark on new projects e.g. building new homes where it is difficult to accurately predict at the planning stage how payments will fall. Members should therefore focus on whether overall outcomes are being achieved as a result of the capital investment rather than variances against the plan for a particular year.

5.9 Actual capital expenditure for the period April to May 2018 totals £1.2m, against a revised programme (including carry forwards) of £14m, as set out in Appendix A. At this early stage in the year, the current forecast position remains on budget.

6. LINKS TO JOINT STRATEGIC PLAN

6.1 Ensuring that the Councils make best use of their resources is what underpins the ability to achieve the priorities set out in the Joint Strategic Plan. Specific links are to financially sustainable Councils, managing our corporate and housing assets effectively, and property investment to generate income.

7. FINANCIAL IMPLICATIONS

7.1. These are detailed in the report.

8. LEGAL IMPLICATIONS

8.1 There are no specific legal implications.

9. RISK MANAGEMENT

9.1 This report is closely linked with risk numbers 5e and 5f of the Council’s Significant Risk Register – If we do not understand our financial position and respond in a timely way, then we will be unable to deliver the entirety of the Joint Strategic Plan. Other key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If the forecast savings and efficiencies are not delivered, then it will have a detrimental impact on the resources available to deliver services and the strategic priorities	3 - Probable	2- Noticeable	Monitored throughout the year by Finance Teams, Corporate Managers and Assistant Directors
If economic conditions and other external factors change for the worse then it could have an adverse effect on the Councils financial position	3 - Probable	2 - Noticeable	Focus is on monitoring key income and expenditure streams – but Government changes and economic conditions continue to affect costs and income for a number of services
If the Capital Programme delivery is not on target, then the strategic	3 - Probable	2 - Noticeable	Regular monitoring by key officers

Risk Description	Likelihood	Impact	Mitigation Measures
priorities will not be delivered as anticipated			

10. CONSULTATIONS

10.1 Consultations have taken place with Assistant Directors, Corporate Managers and other Budget Managers as appropriate

11. EQUALITY ANALYSIS

11.1 An equality analysis has not been completed because there is no action to be taken on service delivery as a result of this report.

12. ENVIRONMENTAL IMPLICATIONS

12.1 There are no specific environmental implications.

13. APPENDICES

Title	Location
APPENDIX A – Capital Programme	Attached

14. BACKGROUND DOCUMENTS

20 February 2018 Budget Report 2018/19 – BC/17/29

Appendix A

BABERGH CAPITAL PROGRAMME 2018/19 HOUSING REVENUE ACCOUNT	Original Budget £'000	Carry Forwards £'000	Current Budget £'000	Actual Spend Apr - May £'000	Full Year Forecast £'000	Full Year Forecast LESS Budget £'000
Housing Maintenance						
Planned maintenance	4,587	1,875	6,462	452	6,462	0
ICT Projects	300	59	359	25	359	0
Environmental Improvements	50	0	50	0	50	0
Disabled Facilities work	200	59	259	39	259	0
Horticulture and play equipment	23	0	23	0	23	0
				0		
New build programme inc acquisitions	3,415	3,426	6,841	680	6,841	0
Total HRA Capital Spend	8,575	5,419	13,994	1,197	13,994	0

Agenda Item 10

BABERGH DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: BCa/18/24
FROM: Derek Davis, Cabinet Member for Organisational Delivery	DATE OF MEETING: 12 July 2018
OFFICER: Ben Staines, Project and Research Officer, Business Improvement	KEY DECISION REF NO. CAB41

PROPOSED AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of some proposed changes to the Joint Compliments, Comments and Complaints Policy and seek approval for those changes.
- 1.2 To advise Cabinet of the training programme that will be put in place to mitigate the risks if the proposed changes are accepted.

2. OPTIONS CONSIDERED

- 2.1 The options considered were whether to retain the existing policy or to propose the revised policy and undertake the training referred to in this report.

3. RECOMMENDATIONS

- 3.1 Cabinet is asked to support the proposed revisions to the Joint Corporate Compliments, Comments and Complaints policy
- 3.2 Cabinet is asked to note that the Senior Leadership Team are provided regular updates on the numbers and types of complaints that are being received and the Customer Experience Manager will inform the relevant Portfolio Holders if there is an increase in the numbers of complaints being received or being upheld.

REASON FOR DECISION

That Cabinet agree the change and delegate authorisation for minor changes to the Senior Leadership Team and Leaders.

4. KEY INFORMATION

Background

- 4.1 The existing Joint Corporate Comments, Compliments and Complaints Policy was approved by the two Councils in April 2014.

- 4.2 In the years following the approval of the Policy it was identified that there was an increasing number of complaints from a small number of individuals that were seen as being unreasonable, persistent and/or vexatious. The existing Policy was not seen as being sufficiently robust to effectively deal with these.
- 4.3 An external Barrister was asked by the Monitoring Officer to review the Policy and suggest changes to address the impacts these complainants were having on the resources of the councils and also any other areas where they observed that the operation of the Policy could be improved.
- 4.4 The recommendations from the external Barrister were received in early 2016 but due to other commitments, and changes in personnel, they were not fully actioned.
- 4.5 When the Constitutions of the two Councils were amended in 2016 the Joint Corporate Comments, Compliments and Complaints Policy was removed. Revisions to the Policy therefore no longer need to be approved by Full Council.

Proposed change to the Joint Corporate Comments, Compliments and Complaints Policy and procedures

- 4.6 The most significant change will be that for a complaint to be accepted as a stage 2 investigation, the complaint will have to 'provide additional information or evidence for consideration at stage 2'.
- 4.7 This change was recommended by the Barrister. When making that recommendation the Barrister referred to this practice as being used by the Local Government Association. This is still the case.
- 4.8 The purpose of this change is not to stop people making stage 2 complaints. The change is proposed merely to stop some complainants asking for their complaint to be investigated as a stage 2 complaint when they have made it very clear that they are only doing this to satisfy the requirement from the Local Government Ombudsman (LGO) or Housing Ombudsman (HO) that this has been done before referring the complaint to them. This change would not stop complainants taking their complaint to the LGO or HO, merely stop them referring a complaint for a stage 2 investigation when they are not providing any additional information or evidence to justify the resource needed for the same issues to be looked at a second time.
- 4.9 In 2017/18 339 stage 1 complaints were received. 9.4% of these (32) went on the stage 2 investigations. Just over a quarter (27%) were either partially or fully upheld as stage 2 complaints, but these decisions were often the same as had already been given at the stage 1 level.
- 4.10 To mitigate the potential effects of the recommended changes, refresher training will be given at a dedicated workshop for all those who respond to stage 1 complaints. One aim of the workshop is that it will result in fewer complainants not being satisfied with the results of the stage 1 investigations.

- 4.11 To provide some background to the resource costs of this, the Business Improvement (BI) team, who investigate stage 2 complaints, estimate stage 2 complaints require, on average, between 2 and 4 days each in BI officer's time, some a lot more. This is at least doubled when service officers' time is included. Seventeen stage 2 complaints were investigated in the first 2 months of 2017/18. Using a middle estimate of 3 days this equates to 51 days. Although the work is spread through the team, to ensure other BI team work is not adversely affected, this means time equal to more than one full time officer from the BI team has been spent investigating stage 2 complaints, with at least the same number of days spent by officers from other teams participating in the investigations.
- 4.12 As already stated, the aim of this change is not to stop stage 2 complaints from being made. However, looking at the complaints investigated in April and May this year, at least eight, more than a third of those received, made it clear when they submitted the stage 2 complaint, before they had received the results of second investigation by BI, that they intended taking it to the LGO. Most of these did not include any additional information or evidence. If this change is accepted it will mean that the complainants will be able to refer their complaints to the LGO quicker and thereby receive the LGO decision at an earlier date than under the current process.
- 4.13 For complaints that are related to the social housing stock of the Councils, this change would mean that a tenant would be able to ask for a designated person to look at their complaint at an earlier stage and, if that did not resolve the complaint, refer it to the Housing Ombudsman sooner than if a stage 2 complaint investigation had to be made.
- 4.14 For your information, The LGO investigated 13 complaints about BDC and MSDC in 2017/18. Some of these would have been complaints started in 2016/17. The LGO found the council was at fault in 4 of their decisions. For one of these the council was told to make a £100 compensation payment. For the other three the LGO said the Councils had already recognised any faults that had occurred and, where appropriate, had already offered the appropriate level of compensation.
- 4.15 In addition to the point discussed above, the policy now includes a paragraph, as recommended by the Barrister, to offer additional protection to staff or contractors where complainants are rude, abusive or aggressive (paragraph 8 of the Joint Corporate Comments, Compliments and Complaints Policy).
- 4.16 Some operational parts to the Policy have been removed as the public do not need to be told details such as how we register or record complaints, or how complaint performance is monitored.
- 4.17 The removed operational notes will be put into a new guidance document that will be made available to all staff and will be part of the training to complaint responders included in the operational risk table above and noted in 8.11 below.
- 4.18 A practice trialled in Housing, where stage 1 Complainants were sent a survey to assess how satisfied they were with the Complaints process, will be extended to all stage 1 and stage 2 complaint investigations. The effectiveness of this, in terms of adding value to the complaints investigation process, will be monitored at the end of the year.

5. LINKS TO JOINT STRATEGIC PLAN

5.1 Effective management of complaints enables the effective delivery of the JSP.

6. FINANCIAL IMPLICATIONS

6.1 There are no immediate financial impacts from this report. Effective complaint management has a positive impact on the Councils.

7. LEGAL IMPLICATIONS

7.1 There are no legal implications identified.

8. RISK MANAGEMENT

8.1 This report is most closely linked with the operational risks set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If these changes are not introduced this could lead to the councils continuing to receive more stage 2 complaints.	High	Additional demand on resource to investigate the stage 2 complaints.	The recommended change to the criteria for escalating complaints to stage 2 should reduce the number at this level.
If training is not given to stage 1 complaint responders this may lead to an increased number of complaints being taken to the Ombudsman and an increased proportion of those being upheld	Medium	An increased number of complaints being taken to, and potentially upheld by, the Ombudsman would cause reputational risk to the councils, and would demand increased officer time to respond to Ombudsman requests for information.	Training will be provided to all complaint responders to reduce the risk of complaints being taken to the Ombudsman, and of those that are taken being upheld.

9. CONSULTATIONS

9.1 The amended policy was examined at a Joint Overview and Scrutiny meeting on 21 May 2018 (Draft minutes attached to the Cabinet agenda) and the Senior Leadership Team was consulted.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) not required because one was done on the current policy and only subtle changes are proposed.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications arising from this report.

12. APPENDICES

Title	Location
Draft revised Joint Compliments, Comments and Complaints Policy	Attached

This page is intentionally left blank



JOINT POLICY FOR BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL

Endeavour House, 8 Russell Road, Ipswich IP1 2BX
Tel: 0300 123 4000

DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

Including
Unreasonable, Unreasonably Persistent or Vexatious Complainant Behaviour
A guide for staff, the public, and other providers of the councils' services

Department: Business Improvement
Document Owner: Ben Staines
Document Author: Ben Staines
Version: 1

CONTENT	PAGE
Purpose of this Document	3
Why Have a Corporate System	3
A Summary of the Principles for dealing with Compliments, Comments and Complaints	3
1. Definition of a Complaint	4
2. Informal Complaints	6
3. Formal Complaints	6
Stage 1	6
Stage 2	7
4. Complaints received in connection with the Shared Revenues Partnership	7
5. Comments and Compliments	8
6. Unreasonable or Unreasonably Persistent Complainants	8
7. Informing Members of Complaints	8
8. Equality Monitoring	8
Appendices	
Appendix 1 – Examples of Complaints & Observations	9
Appendix 2 – Paying a Compliment or Making a Complaint	10 - 14
Appendix 3 – Making a Comment	15 - 17

PURPOSE OF THIS DOCUMENT

1. The purpose of this document is to inform staff, the public, and other providers of council services of the mechanisms in place for capturing customer feedback, in particular through the corporate complaints system. All sub-contractors, contractual partners and providers of services to the Councils will also be asked to adopt this methodology.

The policy is made and operated by the Councils under its general power of competence (section 1, Localism Act 2011) or its statutory incidental powers (section 111(1), Local Government Act 1972).

WHY HAVE A CORPORATE SYSTEM FOR COMPLIMENTS, COMMENTS AND COMPLAINTS?

2. The main benefits of a council-wide system are:
 - *It is better for the public* – everyone knows the way to register a compliment, comment or complaint and how that will be handled;
 - *It is better for staff* – we can be confident about how a compliment, comment or complaint should be handled;
 - *It is better for Councillors* – they can see on a regular basis if there are any issues and how they are being resolved;
 - *It is fairer* – everyone is treated equally;
 - *It helps us to improve services* – because the issues have gone through the same system, they can be analysed and we can see how to make the services better.

A SUMMARY OF THE PRINCIPLES FOR DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

3. The principles on which this policy is based are:
 - (i) We will make our organisations accessible to receiving compliments, comments and complaints and will act on them appropriately.
 - (ii) When we receive notification of a matter concerning our services, we will deal quickly, effectively and appropriately with it.
 - (iii) At all stages, customers will be safeguarded and protected, and we will consider the wishes and feelings of the customer.
 - (iv) We will be mindful of an individual's ability to complain effectively and will ensure that we assist wherever required to process genuine complaints. If we believe that it is necessary, we will recommend that an individual has an advocate to process their complaint.
 - (v) In rare instances, however, where a complainant acts unreasonably or is vexatious or unreasonably persistent, we will respond robustly, in the interests of the proportionate use of the Councils resources on behalf of the community as a whole (see Appendix 4).

(vi) We will seek to resolve issues at an early stage, through discussion and taking appropriate steps to implement any necessary changes to the way in which we deliver services in the future.

(vii) We will endeavour to respond to compliments, comments and complaints by taking appropriate action and letting the customer know what we have done and the reasons why. If appropriate, we will discuss the issue raised with the customer before deciding on the outcome.

4. We will deal under this policy only with complaints concerning matters by which the complainant (or a person on whose behalf the complaint is made) claims to have been adversely personally affected. This policy does not apply to:
 - a. complaints about the policies of the Councils,
 - b. complaints against Councillors;
 - c. service or other issues affecting most, or a significant number, of people in its area; or,
 - d. matters otherwise falling within paragraph 9.3 below.
5. In exceptional circumstances, should the issue affect a group of individuals, the Councils would consider representation by an individual on behalf of a group.
6. Definition of adverse personal effect

We will treat an individual as likely to have been adversely personally affected where they, or another individual on whose behalf the complaint is made, appear (when the complaint is made) to have reasonable grounds to claim that they have suffered an injustice (in terms of financial, reputational or other loss, or distress), as a result of an act or omission of the Councils, or the operation of a council procedure, in relation to them; and where the matter is not one affecting most, or a significant number of, people in the area or in similar circumstances to the complainant.

DEALING WITH COMPLAINTS

7. It is the Councils' intention to operate a complaints procedure which provides a satisfactory resolution of complaints from members of the public as soon as practicable.
8. However, the Councils reserve the right to terminate communications with any person who is rude, abusive or aggressive to (or about) its staff or contractors. The Councils also reserve the right to return any communication of that character, or which makes derogatory remarks about them, and to take no action on the matter complained of, until the communication (or another) is re-submitted which does not contain such language or remarks.

9. DEFINITION OF A COMPLAINT

9.1 For the purposes of this procedure, a complaint is defined as:

“Any expression of dissatisfaction or concern about the way in which a service is provided, the standard of that service, or any action or lack of action on the part of the Councils, their employees or another body delivering a service on the behalf of the Councils; or about the operation of the procedure or processes of the Councils”.

- 9.2 For the purposes of this policy, a reference to the “Councils” is a reference to Babergh District Council and Mid-Suffolk District Council.
- 9.3 It should be noted that, in addition to the matters excluded under paragraph 4 above, the complaints procedure is **not** intended to cover:
- a. Requests for a service (whether generally, or in respect of an individual);
 - b. Requests for information about, or an examination or explanation of, council policy or practice;
 - c. Complaints about formal decisions taken by committees of the council, or those delegated to officers;
 - d. Complaints about the level or standard of service set by or on behalf of the Councils. A complaint can be made if the Councils, or a contractor, has failed to meet the standard set;
 - e. Matters for which there is an existing right of appeal (either within the council itself or to an independent tribunal) or a legal remedy;
 - f. Matters where there is already active or pending litigation;
 - g. Complaints about Councillors, or co-opted Members of the Councils;
 - h. Complaints made more than 12 months after the event, unless there are exceptional reasons as to why the complaint could not have been brought within this time (in which case any complaint should be accompanied by a statement of those reasons);
 - i. Complaints by officers about services provided by other officers.
- 9.4 In line with the approach taken by the Local Government Ombudsman, the Councils are unable to investigate complaints made by “any other body delivering public services”. (see 11.11 below).
- 9.5 Requests for information will be dealt with under the Freedom of Information Act 2000, Environmental Information Regulations 2004, or Data Protection Act 1998, as appropriate.
- 9.6 Anonymous complaints will not be accepted for investigation.
- 9.7 Complaints about Councillors’ disclosable pecuniary interests should be pursued with the police. Other complaints about Councillors’ conduct should be directed to the Monitoring Officer of the relevant authority, who has a duty under the Local Government Act 2000 (as amended) to deal with such matters. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor which are covered by the Council's Code of Conduct See the following website for more information
<http://www.midsuffolk.gov.uk/the-council/compliments-comments-and-complaints/suffolk-local-code-of-conduct/>
- 9.8 A copy of the Procedure and an e-mail link are available on the Babergh District Council (BDC) and Mid Suffolk District Council (MSDC) joint website (www.babergh.gov.uk or www.midsuffolk.gov.uk).
- 9.9 If an officer decides that an issue is not a formal complaint, they must ensure that the enquiry is channelled through the appropriate office procedure to deal with the enquiry, and inform the customer accordingly. They should also notify the Customer Services Team.

2. INFORMAL COMPLAINT

- 10.1 All officers are responsible under these procedures, and in the first instance they should endeavour to resolve issues or requests for action informally, before an individual feels the need to submit a formal complaint.
- 10.2 If the matter cannot be resolved informally, the customer should be advised to make a formal complaint, which should be in writing where possible – either on a Complaints Form (which is available through the websites www.babergh.gov.uk; or www.midsuffolk.gov.uk; or by contacting the Customer Services Team); or by letter to the relevant council; or by e-mail to Customer.services@babermidsuffolk.gov.uk which covers both Councils). However, officers will need to be alert to situations where the customer may not be able to put his/her complaint into writing, and they should offer assistance so as not to allow obstacles to prevent the customer from putting in a complaint.

3. FORMAL COMPLAINTS

3.1 STAGE 1

- 11.1 The complaint will be investigated by the relevant Corporate Manager for the service the complaint is about.
- 11.2 Complaints about the performance of the Chief Executive will be referred to the Leader of the relevant Council.
- 11.4 The investigation is expected to be completed within 10 working days following the receipt of the complaint.
- 11.5 If for any reason the investigation cannot be completed within 10 working days, the investigating Corporate Manager will give notification to the complainant by that date that there will be a delay, with an estimated date by which they can expect to receive a response.
- 11.6 At the end of stage 1, the complainant will be given information concerning any further steps they can take if they still remain dissatisfied. If they have no additional information or evidence to justify a referral for a stage 2 complaint investigation this may include referring them to the Local Government Ombudsman or Housing Ombudsman, or their seeking independent legal advice.

3.2 STAGE 2

- 11.7 If, after the completion of Stage 1, and within a period of 20 working days, the complainant indicates that he/she is not satisfied with the response, **and** they are able to provide additional information or evidence for consideration at Stage 2, the Complaints Team will refer the matter to the Corporate Complaints Officer for a further investigation at Stage 2.
- 11.8 The Corporate Complaints Officer is expected to complete an independent investigation, and respond to the complainant, within 20 working days of receipt of the Stage 2 complaint, with a full and clear explanation of the results of their investigation.

- 11.9 If for any reason the investigation cannot be completed within 20 working days, the Corporate Complaints Officer will give notification to the complainant within that time of the delay, and of when they can expect to receive a response.
- 11.10 As part of the stage 2 response, the complainant will be given information concerning any further steps they can take if they remain dissatisfied. This may include referring them to the Local Government Ombudsman or Housing Ombudsman or their seeking independent legal advice.
- 11.11 The Local Government Ombudsman is unable to investigate complaints made by “an authority constituted for the purposes of the public service”. This effectively means that the Ombudsman will not accept or investigate complaints from Town or Parish Councils. As an alternative, the Parish or Town Council, or a parish or town councillor, may assist a group of individuals to make a complaint jointly, if they have been affected together.

3.3 Reviewing complaints

- 11.12 When a stage 1 or stage 2 complaint investigation has been completed the Customer Services Team will check that customers are satisfied with the complaints process, the way the investigation has been carried out and the outcome decision.

4 COMPLAINTS RECEIVED IN CONNECTION WITH THE SHARED REVENUES PARTNERSHIP (SRP)

12. The following arrangements will apply to complaints under this policy in connection with the Shared Revenues Partnership (SRP):
- i) Complaints received by the Councils in connection with the SRP will be passed to the Complaints Team who will log all the relevant information and forward the complaint to SRP;
 - ii) Stage 1 complaints received in connection with the partnership will be dealt with by SRP in accordance with the above outlined procedures.

Stage 2 complaints will follow the procedure laid out in 3.2 above.

5. COMMENTS AND COMPLIMENTS

- 13 Any comments and compliments received should be recorded by the Complaints Team. All relevant such information, letters, e-mails etc. received by service departments should be forwarded to the Complaints Team for recording and storage.

6. UNREASONABLE, UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS

- 14 If, in the opinion of a Strategic Director or the Chief Executive, the actions or behaviour of a complainant are unreasonable or vexatious, or they have unreasonably persisted with their complaint, the Director or Chief Executive may (in a case which has already been addressed under this policy) terminate the correspondence on the specific complaint; or, in relation to a complaint at any stage, refer the matter for consideration under the “Policy and Guidance on Unreasonable, Unreasonably Persistent or Vexatious Complainant Behaviour” (which is available through the websites www.babergh.gov.uk; or www.midsuffolk.gov.uk) (See Appendix 4 below)

7. INFORMING MEMBERS OF COMPLAINTS

- 15 If Councillors receive complaints from their constituents, they should forward these to the Corporate Complaints Team, so that they can be processed in line with this policy, and can be managed and monitored effectively.

8 EQUALITY MONITORING

- 16 The Complaints Procedure is intended to uphold the Councils' legal responsibilities in relation to the Equality Act 2010. This requires both Councils to make a conscious effort to ensure that we treat everyone who wishes to complain with the highest standards of fairness and Equality. Adhering to these standards will ensure that any decisions made by either Council are legally sound and best meet the needs of our diverse communities. Every effort should be made to assist anyone who has special requirements

DRAFT

APPENDIX 1

EXAMPLES OF COMPLAINTS AND OBSERVATIONS

In some cases, it can be difficult to distinguish complaints from observations and comments. This can cause some issues raised by customers to be unnecessarily progressed through the corporate complaints procedure. This can result in frustration for both the complainant and staff dealing with the issue concerned.

Set out below are some examples of complaints and observations to help staff decide whether it is necessary to progress a complaint through the corporate procedure.

EXAMPLES OF COMPLAINTS

- 'I contacted you three weeks ago asking for advice on how I apply for planning permission and you have not replied to me'
- 'When I phoned to report that you had not emptied my black bin you said this would be collected within 24 hours. You failed to do this'
- 'Although you repaired the roof on our leased industrial unit we continue to have problems with water leaks'
- 'The Council Officer I spoke to was rude and didn't fully answer my query'

EXAMPLES OF OBSERVATIONS

- 'I am very concerned about the proposals for the site'
- 'I don't like this new refuse collection system. The Council should empty my black bin on a weekly basis'
- 'I only overstayed my time by five minutes in the car park and you issued me with a ticket. This is unfair'
- 'The bus shelters should be cleaned on a more regular basis'

APPENDIX 2

PAYING A COMPLIMENT OR MAKING A COMPLAINT

Please complete all the relevant sections of this form (if you require assistance in completing this form please contact our Complaints Co-ordinator on 0300 1234000) An On-line version is available at either www.midsuffolk.gov.uk or www.babergh.gov.uk or you can e-mail your complaint to customerservices@baberghmidsuffolk.gov.uk (this e-mail address is for both Babergh and Mid Suffolk District Councils) The Council is always happy to receive Compliments or Comments.

If you complete a paper copy then please return it to either:

BABERGH DISTRICT COUNCIL
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

MID SUFFOLK DISTRICT COUNCIL
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

The Council is unable to accept anonymous complaints.

Title:	First Name:	Surname:
Address		
	Postcode:	

Daytime Phone Number	
Evening Phone Number	
E-Mail Address	

1. What do you consider the Council has done right / wrong or failed to do? Please give us as much detail as possible including times and dates where you have them. If you know the names of any officers involved in the matter, please include these as it will assist us in passing on your compliment/comment or investigating your complaint

--

2. Please explain the circumstances which you are complimenting on or the harm or inconvenience you feel that you have suffered as a result.

3. What do you think the Council did right or can do to sort things out?

4. Please list any contacts you may already have had with the Council about this matter.

Signed (or returned by E-mail):		Date:
Name of Ward Member notified		

Babergh and Mid Suffolk District Councils want to make sure that they are dealing with all people correctly. You can help us with this by answering the following questions about yourself.

This information will be kept secure and only used for the purposes of monitoring the complaints received by the Council to ensure that no discrimination is occurring. It will only be viewed by those officers dealing with your complaint and the team that oversee this activity. It will not be shared with Ward members unless you let us know you have told them.

You may choose the “Do not wish to answer” option (please tick the box), in which case there is no need to complete the Equality and Diversity Information below and you may either submit your form online or send a paper copy.

Do not wish to answer	<input type="checkbox"/>
-----------------------	--------------------------

Please tick all the relevant boxes, or feel free to mark the “Prefer not to say” on any questions.

1. How would you describe your gender?

Man	<input type="checkbox"/>	Woman	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
-----	--------------------------	-------	--------------------------	-------------------	--------------------------

Is your gender different to that assigned to you at birth?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

2. How old are you?

Under 15	<input type="checkbox"/>	16 – 24	<input type="checkbox"/>	25 – 34	<input type="checkbox"/>	35 – 44	<input type="checkbox"/>	45 - 54	<input type="checkbox"/>
55 – 64	<input type="checkbox"/>	65 – 74	<input type="checkbox"/>	75 – 84	<input type="checkbox"/>	Over 85	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

3. Do you have a disability or long-standing health problem that affects your day to day activities?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
-----	--------------------------	----	--------------------------	-------------------	--------------------------

If yes, which of the following best describes your disability or health problems?

I have sight problems	<input type="checkbox"/>
I have hearing problems	<input type="checkbox"/>
I use a wheelchair	<input type="checkbox"/>
I have problems getting around	<input type="checkbox"/>
I have learning difficulties	<input type="checkbox"/>
I have a mental health problem	<input type="checkbox"/>
I have a medical condition that will get worse as I get older	<input type="checkbox"/>
I have a long term illness or condition	<input type="checkbox"/>
I have a condition that is not described above (please give details in the box below)	<input type="checkbox"/>
I prefer not to disclose the nature of my disability	<input type="checkbox"/>

4. What is your ethnic origin?

Asian or Asian British?

Bangladeshi	
Indian	
Pakistani	
Any other Asian background (please give details below)	

Bi-racial / dual heritage background

White and Asian	
White and Black African	
White and Black Caribbean	
Any other bi-racial background (please give details below)	

Black or Black British

African	
Caribbean	
Any other Black / African / Caribbean background (please give details below)	

Chinese

Chinese	
---------	--

Other ethnic group

Any other ethnicity (please give details below)	

White

British	
Irish	
Irish Traveller	
Romany	
Any other White background (please give details below)	

Prefer not to say	
-------------------	--

What is your religion?

Atheist	
Buddhist	
Christian	
Hindu	
Jewish	
No religion	
Muslim	
Sikh	
Any other religion (please give details below)	
Prefer not to say	

5. How would you describe your sexual orientation

I am Bi-sexual	
I am a Gay man	
I am a Gay woman / Lesbian	
I am Heterosexual	
None of the categories above describe my sexual orientation (please give details below)	
Prefer not to say	

Please return this form to the Complaints Co-ordinator.

You can complete this form on-line on either of the Council Websites, at www.midsuffolk.gov.uk or www.babergh.gov.uk or you can e-mail your details directly to the Council's at customer.services@babermidsuffolk.gov.uk

APPENDIX 3

MAKING A COMMENT

Please use this form to feed your comments back to us, they allow us to review the service we provide, and to ensure the service is meeting your needs, they give us an idea on how we might be able to improve services, save money and provide you with better information

You do not have to provide your contact information, but we would find it useful if we need to contact you to clarify any details. If you would like to be contacted with an update about your comments, please let us know. It is our aim to contact you within 10 working days

Title:	First Name:	Surname:
Address		
		Postcode:

Daytime Phone Number	
Evening Phone Number	
E-Mail Address	
Would you like us to contact you to update you on your comments?	Yes <input type="checkbox"/> No <input type="checkbox"/>

5. What would you like to comment on?

- do you consider the Council has done right?
- do you consider the council has done something wrong or failed to do something?
(Please give us as much detail as possible)

6. Please explain the circumstances which you are commenting on

7. What do you think the Council did right or can do to sort things out?

8. Please list any contacts you may already have had with the Council about this matter.

Signed (or returned by E-mail):

Date:

Thank you for taking the time to let us have your thoughts and views. If you have asked for feedback on this matter we will respond within 10 Working days

DRAFT

APPENDIX 4



**POLICY AND GUIDANCE ON UNREASONABLE,
UNREASONABLY PERSISTENT, OR VEXATIOUS
COMPLAINANT BEHAVIOUR**

DRAFT

POLICY AND GUIDANCE ON UNREASONABLE, UNREASONABLY PERSISTENT, OR VEXATIOUS COMPLAINANT BEHAVIOUR

[ALSO APPENDIX 4 OF “DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS”]

Generally

Babergh and Mid Suffolk District Councils are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make such complaints. As part of this service, we do not normally limit the contact complainants have with us. This may be necessary on occasion, however, where a complainant acts unreasonably or in a vexatious manner, or unreasonably persists with their complaint. In such cases, the Councils will act robustly to maintain the proportionate and balanced use of resources, in the interests of the community as a whole; or to protect its staff (or those of its contractors) from unreasonable or distressing behaviour.

NB. References in this document to the Councils’ “main policy” on complaints are to: “Dealing with Compliments, Comments and Complaints”, to which this policy also forms Appendix 4.

Definition

1. Complainants who behave unreasonably, or are unreasonably persistent, are those complainants who, because of the frequency or nature of their contacts with the Councils, or their persistence with their complaint beyond a normal process of investigation and consideration, hinder the Council’s consideration of their own or other people’s complaints, or the efficient conduct of the Councils business.
2. Vexatious complainants are those whose complaints appear to be designed to irritate or cause distress (rather than to address a proper ground of complaint), which would unnecessarily waste resources, or which are based on insufficient grounds to warrant investigation. Their complaints may be unduly burdensome, cause harassment or distress to staff, appear to have no proper purpose or value, or raise questions about the motive of the complainant. All complainants under the council’s complaints policy are expected to be able to show that they have personally been adversely affected by the matter complained of, and suffered an injustice (see main policy, paragraph 6); and vexatious complainants may include those who cannot do so. Examples of unreasonable or vexatious behaviour, or of unreasonable persistence with a complaint, are given in paragraph 4 below, and the descriptions may overlap in a particular case.
3. Complainant behaviour which is unreasonable or vexatious may include one or two isolated incidents. Unreasonably persistent behaviour is usually an accumulation of incidents or behaviour over a longer period.

Examples of actions or behaviour of unreasonable, unreasonably persistent or vexatious complainants.

4. The following, non-exhaustive list, sets out examples of the action or behaviour of unreasonable, unreasonably persistent, or vexatious complainants which may cause the policy to be invoked.
 - a) Making or pursuing a complaint on a matter by which they (or another individual on whose behalf they are complaining), have not been personally adversely affected (as defined in the councils’ Complaints policy), after this requirement has been explained to them;
 - b) Refusing to specify the grounds of a complaint, despite offers of assistance with this from council staff;

- c) Refusing to co-operate with the complaints investigation process, while still wishing their complaint to be resolved;
- d) Refusing to accept that a matter is not within the remit of the complaints procedure, where this is not correct, and despite having been provided with information about the procedure's scope;
- e) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- f) Making what appear to be groundless complaints about the staff who are the subject of the complaint, or who are dealing with it, or seeking to have them replaced;
- g) Using derogatory language about staff or other persons, denigrating staff (of the Councils or a contractor) or those providing a service, or repeatedly adopting a belligerent or unduly critical tone about individuals, in discussion or correspondence;
- h) Seeking to coerce, intimidate or threaten staff or other people involved (or actually coercing, intimidating or threatening them, whether or not intentionally), whether by use of threats, language, tone of voice, or behaviour, including body language;
- i) Changing the basis of the complaint as the investigation proceeds, and/or denying statements made at an earlier stage;
- j) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented upon; or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- k) Electronically recording meetings and conversations, where the complainant has no right to do so, and without the prior knowledge and consent of the other persons involved;
- l) Making unreasonable or excessive demands on the time, information or resources of staff, whilst a complaint is being looked into (eg by excessive telephoning, sending emails to numerous council staff, making repeated or unexpected visits to the Council, writing lengthy or complex letters every few days, or expecting immediate responses to correspondence);
- m) Making demands which are unnecessary, or which appear to be designed to overwhelm the system (or which threaten to have that effect);
- n) Adopting an excessively 'scattergun' approach (for instance, by pursuing the complaint to the Council at the same time as with a Member of Parliament, councillors, government departments, other public agencies, solicitors, or the Local Government Ombudsman);
- o) Refusing or failing to co-operate with reasonable arrangements made (or suggested) to manage their complaints or correspondence;
- p) Seeking to encourage council staff, or those of contractors, to comment on each other's statements or decisions, or to criticise each other;
- q) Submitting repeat complaints or correspondence (either while a complaint is being processed, or after the complaints process has been completed), essentially about the same issues; or, producing additions/variations to the complaint, which the complainant insists make it into a 'new' complaint which should separately be put through the full complaints procedure;

- r) Refusing to accept the decision – repeatedly arguing the point or complaining about the decision;
- s) Escalating issues without seeking constructive dialogue; or
- t) Combinations of some or all of the above examples.

Considerations prior to taking action

5. Different considerations may apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. If the complaint has been concluded and the complainant is simply refusing to accept the answer, the Councils clearly have the option of ending all communication with the complainant. Where appropriate, the complainant may also be referred to the Ombudsman. However, where the complaint is ongoing, and there needs to be some continuing contact with the complainant, steps in this policy to manage contact with the complainant may be applied (see paragraph 12).
6. Termination of contact without designation. The Councils also reserve the right, however, exceptionally to terminate communications immediately with a complainant who acts wholly unreasonably, continues to be rude or abusive towards staff after being asked to desist, or who otherwise makes demands on the Councils that a Director or the Chief Executive consider to be unacceptable. A decision to terminate contact in this way may only be made by a Strategic Director or the Chief Executive. In that event, the Councils would notify the person (including whether the ending of contact was permanent or for a period), and give its reasons. Any further correspondence received from that person (or received from them during that period) would be placed on file, but receive no response. In these exceptional circumstances, the process of designation described below would not apply.

Designation of a complainant

7. A decision to designate someone as an unreasonable, or unreasonably persistent or vexatious complainant could have significant consequences for the individual. Before deciding whether the policy should be applied, the Councils should be satisfied that:
 - a) the complaint is being, or has been, investigated properly;
 - b) any decision that has been reached as to the outcome of the complaint is the right one;
 - c) communications by the Councils with the complainant during the complaint have been adequate;
 - d) the complainant has not provided, and is not now providing, any significant new information that might affect the Council's view of the proper outcome of the complaint.
8. If the Councils are satisfied on these points, a Strategic Director or the Chief Executive may take the decision to designate the complainant as unreasonable, unreasonably persistent or vexatious, in the light of behaviour or actions of the types outlined above, or a combination of them; or on any other similar grounds in the particular case which that officer may consider to be relevant and appropriate. Any such decision, and the reasons, shall be recorded in writing, and shall otherwise be in accordance with the requirements of the following paragraphs.

9. Alternatively, the Councils may, before moving to a decision to designate, consider whether any further steps may be desirable or likely to assist the course of the complaint, before considering at a later stage whether to designate. Examples of such further steps include:
- a) If no meeting has taken place between the complainant and an officer/officers (and provided that the Councils know nothing about the complainant which would make this inadvisable), offering the complainant a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution;
 - b) If more than one directorate is being contacted by the complainant, agreeing a cross-departmental approach, and appointing a key officer or officers to act as a single point of contact, or otherwise to co-ordinate the Council's response(s);
 - c) If the complainant has special needs, considering making an offer to help the complainant to find an independent advocate, which might be helpful to both parties;
 - d) giving the complainant a formal warning that, if their actions continue, the Councils may decide to treat them as an unreasonable, unreasonably persistent or vexatious complainant, and explaining why.
10. For the avoidance of doubt, however, none of these possible further actions in paragraph 9 need prevent a decision to designate at that point under paragraph 8, if the Director or Chief Executive is satisfied that to do so at that time would be conducive to the efficient or proper operation of the Council's service.

Possible arrangements under designation

11. The precise nature of the action to take in relation to **an** unreasonable or unreasonably persistent or vexatious complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Councils at that time.
12. The following is a list of possible options for managing a complainant's involvement with the Councils, from which one or more might be chosen and applied, if warranted. It is not an exhaustive list and there may be other options in a given case, or particular factors which would be relevant in deciding what might be appropriate action:
- a) Placing time limits on telephone conversations or personal contacts;
 - b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week), or limiting numbers of letters or emails;
 - c) Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff, or a small team of officers (a "Single Point of Contact");
 - d) Limiting the complainant to booked and agreed appointments, rather than allowing ad-hoc "drop in" meetings when the complainant demands to see someone;.
 - e) Requiring any personal contacts to take place in the presence of a witness; or

- f) Refusing to register or process further complaints about the same matter.
13. As already indicated (paragraph 5), where a decision on the complaint has already been made, the authority may decide to provide the complainant with acknowledgements only of letters, faxes, or emails; or, ultimately, it may inform the complainant that future correspondence will be placed on the file, but not acknowledged. In those circumstances, the authority may (but is not required to) appoint a specific officer to read future correspondence before it is filed.

Informing the complainant

14. If a decision is taken to designate the complainant as unreasonable, unreasonably persistent or vexatious, staff should write to inform the complainant that:
- a) the decision has been taken;
 - b) what it means for their contacts with the Councils;
 - c) advice about which officers/Councillors of the authority are being informed that contact with the named complainant is being restricted, and why; and who will have access to that information;
 - d) the period during which the restriction will apply (subject to internal review – see below);
 - e) how the complainant may appeal against the decision, and within what period; and
 - f) the potential consequence of any continued unreasonable, unreasonably persistent, or vexatious behaviour by the complainant during the period of the designation (see paragraph 25).
15. A copy of this policy should be enclosed with the decision letter.

Who needs to be notified of decisions taken under the policy?

16. Every time a person is designated, pursuant to the policy, their details should be entered on to the Corporate Persistent Complainers list, managed by the Corporate Complaints Co-ordinator. This should ensure that people who have been designated under the policy are not able to continue pursuing their complaint via other officers. All members of the Extended Leadership Team will be notified.
17. For the same reason, ordinarily (and unless there are any overriding confidentiality considerations), the relevant local ward councillor should also be notified of a designation affecting one of his or her constituents. Exceptionally, individual leading members may also be informed, to any extent that this is considered necessary and relevant in a particular case for the exercise of the council's functions.

Appeal against designation

18. A complainant may appeal against their designation. Any appeal should be addressed to the Customer Support Transformation Officer, Babergh and Mid Suffolk Councils, Endeavour House, 8 Russell Road, Ipswich IP1 2BX. An appeal letter should set out the complainant's

reasons for resisting designation. Appeals against designation must be made to the relevant officer within 2 months of the date of the letter designating them.

19. In the event of an appeal, the Customer Support Transformation Officer will co-ordinate an independent review of the designation by a member of the Senior Management Team who was not involved in the original decision. The officer conducting the review will complete it within 20 working days, unless the scale of the issues involved or other circumstances, make this impracticable. In that event, the officer will notify the complainant within that period of the date by which he or she expects to complete the review. The reviewing officer may request such further information from the complainant, or from other officers, as he or she may consider necessary. The complainant, however, will have no right to make further representations to the reviewing officer, beyond those contained in his or her appeal letter, unless invited by the reviewing officer to do so.
20. The reviewing officer may: confirm the designation on the terms originally determined; confirm it with revised terms (including the period during which it will remain in force); or, lift the designation.
21. During the period of any appeal and review, the designation shall remain in force, and the complainant shall adhere to the terms and conditions stated in their designation letter. Any failure to do so may lead to forfeiture of the right to the appeal.
22. Following the results of the review, the complainant will be notified of the outcome. If the original or other restrictions are to continue to be applied, the complainant will be informed in the decision letter of the date by which they will next be reviewed.

Keeping adequate records of all contacts with complainants

23. Adequate records of all contacts with unreasonable, unreasonably persistent or vexatious complainants must be maintained, for example:
 - a) when a decision is taken not to apply the policy during a period of designation (eg in circumstances where a member of staff asks for this to be done, or to make an exception to the policy once it has been applied); or
 - b) when a decision is taken not to put a further complaint from such a complainant through the complaints procedure for any reason; or
 - c) when a decision is taken not to respond to further correspondence (whether or not ensuring that any further communications from the complainant are checked to pick up any significant new information);
24. Records of the details of the course of the designation should be maintained by a named officer.

Terminating contact with a designated complainant

25. Where a complainant has been designated, but continues to behave in a way which is vexatious or unreasonable, a Strategic Director or the Chief Executive may, after giving due consideration to the behaviour in question, alter the terms of the designation, or decide to terminate contact completely with that complainant with immediate effect. In such cases, any

further correspondence from the complainant will be placed on the file without acknowledgement.

Keep any restrictions under review

26. Any designation under this policy, and any arrangements made in relation to such a designation, will be reviewed on a six-monthly basis by the Customer Support Transformation Officer and a Strategic Director. They will consider whether there has been any communication to the Councils from the complainant in the previous 6 months; and, if so, review the correspondence or any other relevant information. If a complainant has had no contact with the Councils over that period, or if communications or contact from the complainant have not had the character of being unreasonable, unreasonably persistent or vexatious, a decision may be taken on whether any restrictions placed on the complainant's contacts should be cancelled, reduced or phased out. The Councils will not expect to take this course, however, unless its officers are reasonably satisfied that the future course of any contact or communication from the complainant will be reasonable and constructive in tone and volume. Any phasing-out of restrictions over a period may be made conditional during that period. The outcome of this review should be noted on the Council's records.
27. In the event that any restrictions are reduced, phased-out or cancelled, but unreasonable behaviour recurs (whether during or after that time), the same restrictions may be reintroduced with immediate effect by the Customer Support Transformation Officer with a Strategic Director, or the Chief Executive; or, different restrictions may be imposed by Customer Support Transformation Officer with a Strategic Director (subject to an appeal under paragraphs 18-22); or, contact with the complainant may be terminated summarily by a Strategic Director or the Chief Executive.

What about complaints about new issues?

28. When a designated complainant makes a complaint about a new issue, unconnected to the subject matter of the previous complaint, this should be treated on its merits, unless contact with the complainant has been terminated (in which case the matter will be filed only). Decisions will need to be taken, by a Strategic Director or the Chief Executive, as to whether any restrictions which have been applied before are still appropriate and necessary, either generally or in relation to the new matter.
29. Where a designated complainant continues to raise new complaints or issues during the period of designation, however, a review will be undertaken as to whether these amount to behaviour constituting a continuation of the reasons for the complainant's designation. The review will be undertaken at Strategic Director level. If it is considered that the communications fall within the criteria that were the reason for the original designation, or other criteria justifying designation, contact may be terminated by a Strategic Director or the Chief Executive under paragraph 25 above. Alternatively, no acknowledgement will be given and no further action may be taken on the complaint or issue raised.

What happens if the complainant then complains to the Ombudsman?

30. A complainant who has been designated under this policy may (where the decision has been confirmed on appeal) make a complaint to the Ombudsman about the way in which he or she considers that they have been treated.

Referring unreasonable or unreasonably persistent or vexatious complainants to the Local Government Ombudsman

31. If relations between the Councils and a complainant who has been designated, break down badly while complaints are under investigation, or during a period of designation, and there appears to be little prospect of achieving a satisfactory or sustainable outcome, there may be little purpose in following through all stages of the Council's complaints procedure, or this policy.
32. Where this occurs, the Ombudsman has indicated that he may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures. In that event, a Strategic Director or the Chief Executive may determine that the complainant should be referred by the Councils to the Ombudsman without awaiting the conclusion of any remaining part of the complaints process.

Extreme unreasonable behaviour

33. Where the behaviour of a complainant is so extreme that it threatens the immediate safety or welfare of the Council's staff (or the staff of a contractor), or any other person, the Councils will consider other options, such as reporting the matter to the police, or taking legal action. In such cases, the Councils need not give a complainant prior warning of such action.

Route for Complaints to Stage 2 investigations

Is contact from a persistent or vexatious complainer?



Is the contact a new complaint or a further contact on existing complaint?

Is the complaint on the subject that has been designated?



Further contact on existing complaint



Is it a new complaint or a request for a stage 2 investigation?



Confirm receipt and forward to person investigating.

Respond to complainant as has been specified in designation process. No investigation.



Request for a stage 2 investigation



Complaints team acknowledge receipt and forward to Business Improvement Corp Manager.

Complaints team acknowledge receipt and forward to relevant Corp Manager.



Actions by BI team to investigate stage 2 complaints:

- Contact complainant to clarify what complaint is; Identify why they were not happy with stage 1 response.
- Meet with relevant Corp Manager(s) and officers to investigate complaint;
- Research policies and procedures to ensure actions complained about supported by these;
- If compensation to be offered, research precedent set by Ombudsman.
- Check with Legal Services legality of actions/responses.
- Outcome sent to complainant.



Actions by Corp Manager to investigate stage 1 complaints:

- Contact complainant to clarify complaint.
- Meet with other Corp Managers and team to investigate matters complained about.
- Check with Legal Services legality of actions/responses.



Regardless of whether the complaint is upheld or not, the complainant may ask for it to be looked at by the Local Government or Housing Ombudsman.

This page is intentionally left blank

Agenda Item 11

BABERGH DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: BCa/18/25
FROM: Cabinet Member for Housing	DATE OF MEETING: 9 August 2018
OFFICER: Heather Worton Corporate Manager - Property Services	KEY DECISION REF NO. CAB63

HOUSES IN MULTIPLE OCCUPATION LICENCE FEE POLICY

1. PURPOSE OF REPORT

- 1.1 To agree the fee payable for Houses in Multiple Occupation (HMO) Licence applications.

2. OPTIONS CONSIDERED

- 2.1 An 'early bird' fee reduction was considered for landlords who applied for a licence by October 1st. However, implementing this new legislation will be resource intensive and therefore it was felt that this was not appropriate.

3. RECOMMENDATIONS

- 3.1 The proposed HMO Licence fee is adopted.
- 3.2 The fee is reviewed in six months' time

REASON FOR DECISION

To enable Babergh and Mid Suffolk to charge a fee to landlords to issue a HMO Licence. This fee is not for generating income but to cover the cost of the additional staff resource required for implementing the new legislation.

4. KEY INFORMATION

- 4.1 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 comes into force on 1st October 2018.
- 4.2 The legislation requires all landlords of HMO's to acquire a licence from the local authority.
- 4.3 Previous legislation only required HMO's to be licensed where there were 3 or more storeys. Within Babergh and Mid Suffolk only a few HMO's required a licence. The new legislation will hugely increase the number of licences Property Services will need to administer and will have staff resource implications.
- 4.4 Due to the low number of HMO's with 3 or more storeys, Babergh and Mid Suffolk have previously not charged a fee for a licence. All the other Suffolk District and Borough Councils currently charge a fee. Introducing a fee brings us in line with the rest of Suffolk.

- 4.5 The proposed fee is based on the average staffing cost of issuing a licence. Each application and inspection will vary depending on size of the HMO and number of issues found. However, a flat fee is easier to administer and provides clarity for property owners.
- 4.6 The fee amount will be reviewed in six months' time when we will have a clearer picture of the nature of the HMO's within Babergh and Mid Suffolk and to ensure the fee is proportionate and reasonable.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 HMO's form a vital part of the private rented sector, often providing cheaper accommodation for people where housing options are limited. The most vulnerable people often occupy them. This can give opportunities for rogue landlords to exploit these vulnerable tenants and rent sub-standard, overcrowded and potentially dangerous properties. Licensing of these properties ensures the quality of the existing housing stock within Babergh and Mid Suffolk is maintained. Charging a fee to cover the staffing cost ensures we can adequately resource this area of work.

6. FINANCIAL IMPLICATIONS

Revenue/Capital/ Expenditure/Income Item	Total	2017/18	2018/19	2019/20
Net Effect				

It is not possible to accurately predict the income or expenditure of enforcing this new legislation. We will have a much clearer picture at the end of the year when applications are received, and inspections begin.

7. LEGAL IMPLICATIONS

- 7.1 None

8. RISK MANAGEMENT

- 8.1

Risk Description	Likelihood	Impact	Mitigation Measures
Unable to provide sufficient staff resource to implement and enforce the new HMO legislation.	Unlikely – not expected to occur but potential exists	Noticeable- local media coverage and/or potential for harm to tenants of HMO's	Recover costs by charging a fee for HMO licence.

9. CONSULTATIONS

- 9.1 Babergh and Mid Suffolk are part of a Suffolk HMO Group which includes all Suffolk District and Borough Councils and Suffolk Fire and Rescue Service. The proposed

fee structure is in line with the other Suffolk authorities. The actual amount varies due to differences in staff costs.

9.2 Housing Portfolio Holders have been consulted on the proposals and the rationale behind the proposals.

10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) not required as the Report will have no impact on persons covered by the protected characteristics.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications.

12. APPENDICES

Title	Location
Houses in Multiple Occupation Licence Fee Policy	Attached

This page is intentionally left blank

APPENDIX A

HOUSES IN MULTIPLE OCCUPATION LICENCE FEE POLICY.

1. INTRODUCTION

The law relating to Houses In Multiple Occupation (HMO) is changing. The Licensing Of Houses In Multiple Occupation (Prescribed Description) (England) Order 2018 comes into force on October 1st 2018. Landlords of HMO's that house five or more people living as two or more households will require a licence from the local authority.

This includes any flat which has not been purpose built to multiple occupant standards.

A 'household' is classed as an immediate family (parent and children), partners or an individual.

A landlord who fails to apply for a licence by the 1st October is committing a criminal offence.

If landlords already have a licence, as their HMO required a licence under the previous legislation, then the licence will continue to be valid until the expiration date which is usually five years from the date of issue.

New requirements for minimum bedroom size have also been introduced.

- Bedrooms for one adult must be no smaller than 6.51 square metres.
- Bedrooms for two adults must be no smaller than 10.22 square metres.
- Ceiling height must be no less than 1.5 m

Each licence will specify the maximum number of people who may occupy each room.

Additional conditions have been added regarding household waste. The licence holder must 'comply with any scheme which is provided by the local authority which relates to the storage and disposal of household waste at the HMO pending collection'

Licences are usually issued for a period of 5 years.

2. FEES CHARGED FOR LICENCES.

	Action	Time in minutes	Officer
1.	Enquiry received, or informed licence required; worksheet created. Application form/notes/letter sent	60	Admin

APPENDIX A

2.	Officer site meeting; pre-application check and advice	120	SEHO
3.	On receipt of forms check application, certificates (gas safety and electrical inspection), fit & proper person. Update database	60	Admin
4.	Contact applicant if not complete returning documents	60	Admin
5.	Check returned documents and update database	30	Admin
6.	Prepare proposed licence/notice/covering letter and serve on applicant and relevant person(s)	90	SEHO
7.	Consider any representations	60	SEHO
8.	Amend proposed licence, if necessary, reserve on relevant person	60	SEHO
9.	Prepare final licence/notice/letter	90	SEHO
10.	Check and sign licence and serve and update database	60	SEHO
	Total time	690	

Total time for administration = 210 minutes @ £34 an hour

Total time for Senior Environmental Health Officer = 480 minutes @ £54 an hour

Cost to licence an HMO = £551

3. ADDITIONAL ASSISTANCE FOR LANDLORDS.

As part of the licence application scaled floorplans will be required detailing room layouts, escape routes, location of smoke detectors etc. If landlords are unable to provide this or require assistance, an Architectural Technician from Property Services can offer a service. The cost to the landlord for this service will be **£41 per hour or part thereof.**

Agenda Item 13

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank