

Thursday, 7 March 2019



BABERGH DISTRICT COUNCIL

DECISIONS NOTICE

**DECISIONS BY THE BABERGH CABINET
CALL IN DEADLINE 5:00PM ON 18 MARCH 2019**

The following decisions have been taken by the Cabinet and will come into effect on 19 March 2019 unless the call-in procedure is activated. For clarity, where an item is 'to be noted', 'received' or recommended to Council for a decision, this is deemed not to be a formal Executive decision and so the call-in provisions will not apply.

BCa/18/71 GENERAL FUND FINANCIAL MONITORING 2018-19 - APRIL TO DECEMBER 2018

It was RESOLVED:-

- 1.1 That subject to any further budget variations that arise during the rest of the financial year, the following net transfers of £829k be noted;
 - a) Transfer from reserves of £108k being the net amount, for the following specific earmarked reserves, referred to in section 5.8 and Appendix C of this report;
 - £108k **to** Joint Local Plan (a new earmarked reserve)
 - £31k **to** Waste
 - £10k **to** Elections
 - £115k **from** Commuted Maintenance Payments
 - £59k **from** Planning for appeal costs
 - £58k **from** Homelessness
 - £25k **from** Government Grants (Economic Development)
 - b) Of the remaining balance of the General Fund surplus £937k be transferred to the

Business Rates Equalisation reserve, as referred to in section 2.1 (c) of the report.

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

Alternative Options Considered and Rejected:

- 1.1 Transfer of surplus funds of £892k to the Transformation Fund.
- 1.2 Transfer of surplus funds of £829k to Business Rates Equalisation Reserve.
- 1.3 Transfer surplus funds of £937k to the Business Rates Equalisation Reserve and net transfers of £108k from specific earmarked reserves as detailed in 3.1 (a) below.
- 1.4 At this stage in the year, make no recommendations for the transfer of surplus funds to reserves.

Any Declarations of Interest declared: None

Any Dispensation Granted: None

BCa/18/72 HOUSING REVENUE ACCOUNT (HRA) FINANCIAL MONITORING 2018/19 - APRIL TO DECEMBER 2018

It was RESOLVED:-

- 1.1 The potential or likely variations in relation to the HRA both Revenue and Capital compared to the Budget be noted.
- 1.2 That, subject to any further budget variations that arise during the rest of the financial year, the increase in funds of £299k, referred to in section 5.6 of the report, be transferred to the Strategic Priorities reserve, as referred to in 2a.

Reason for Decision: To ensure that Members are kept informed of the current budgetary position for both the HRA Revenue and Capital Budgets.

Alternative Options Considered and Rejected:

- 1.1 Transfer funds of £299k to the Strategic Priorities reserve.
- 1.2 At this stage in the year, make no recommendation for the transfer of funds to reserves.

Any Declarations of Interest declared: None

Any Dispensation Granted: None

BCa/18/73 QUARTER 3 PERFORMANCE OUTCOME REPORTING

It was RESOLVED:-

That the performance report and the performance outcome information tabled at Appendices A to G of the report be agreed as adequately reflecting Babergh District Council's performance for October – December 2018.

Reason for Decision: To provide assurance that the Council is meeting its performance objectives.

Alternative Options Considered and Rejected:

It is a requirement to report this information to Cabinet, therefore there are no other available options.

Any Declaration of Interest declared: None

Any Dispensation Granted: None

BCa/18/74 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE BUSINESS PLAN MARCH 2019

It was RESOLVED:

- 1.1 That the CIL Expenditure Business Plan (March 2019) and accompanying technical assessments of the CIL Bids forming Appendices A and B and which include decisions on valid Bids for Cabinet to make and those for Cabinet to note be approved as follows:**

Decisions for Cabinet to take: Strategic Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid	Recommendation
B19-18 SUDBURY Kingfisher Leisure Centre	£100,000 Total Cost £2,456,000	Recommendation to Cabinet to approve CIL Bid for £100,000

Decisions for Cabinet to take: Local Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the Infrastructure	Delegated Decision
B06-18 EAST BERGHOLT East Bergholt High School Tiered Seating for Community and Education Use	£45,000 Total cost £539,222 (of bigger project including tiered seating)	Recommendation to Cabinet to approve CIL Bid for £45,000
B07-18 PRESTON ST MARY Preston St Mary Village Hall Provision of extension to provide kitchen and cooking facilities and inside toilets	£130,091 Total cost £130,091 (excluding VAT)	Recommendation to Cabinet to approve CIL Bid of £130,091
B12-18 LAVENHAM 2 Lady Street provision of	£30,000 Total cost £45,000	Recommendation to Cabinet to approve

Community facilities		CIL Bid for £30,000
B13-18 LAVENHAM Car Park to the rear of the Cock Inn	£33,455.99 Total Cost £33,455.99	Recommendation to Cabinet to approve CIL Bid for £33,455.99

Decisions for Cabinet to note and endorse: Local Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the Infrastructure	Delegated Decision
B14-18 COCKFIELD Restoration of twin brick culvert	£5,155.00 originally; subsequently revised to £3,440.00 Total Cost Originally £12,366.00 (including VAT); subsequently revised to £6,880.00 (excluding VAT)	Delegated decision. for Cabinet to note f £3,440.00

- 1.2 That Cabinet noted and endorsed that except for CIL Bids B18-18 which was not CIL 123 compliant respectively (such that the Bid could be progressed), all other non-determined valid or invalid Bids continue to be worked upon and all will be carried forward to the next CIL bid round 3 for consideration.
- 1.3 That Cabinet noted and endorsed this CIL Business Plan (which includes all those valid CIL Bids where offers of other sources of funding have been made for projects as part of the CIL process such that the value of that original CIL Bid is reduced).

Reason for Decision: Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11th April 2016. The CIL Expenditure Framework adopted in April 2018 requires the production of a CIL Business Plan for each District which contains decisions for Cabinet to make or note and endorse on CIL Bids for CIL expenditure. These decisions relating to the expenditure of CIL monies form the one of the ways which necessary infrastructure supporting growth is delivered.

Alternative Options Considered and Rejected: There is a diverse spectrum of approaches to CIL expenditure across the country from Unitary Authorities who have absorbed CIL into their individual Capital Programmes to others who ringfence all funds to be spent locally. A range of different approaches was identified in Appendix A of the Framework for CIL Expenditure report provided to Cabinet's on the 5th and 8th of February 2018 and discussed in full during the workshops with the Joint Member advisory panel. Members however adopted the documents set out in paragraph 1.1 above by Council decision in April 2018.

Any Declarations of Interest Declared: None

Any Dispensation Granted: None

BCa/18/75 AMENDMENTS TO THE PLANNING PRE-APPLICATION CHARGING ADVICE SERVICE AND CHARGING SCHEDULE

It was RESOLVED:-

- 1.1 That the proposed changes to the charged pre-application advice service and associated charges as set out in the attached draft Schedule at Appendix (a) of the report be approved.
- 1.2 That the Assistant Director Planning & Communities to, at least annually, review the Schedule of charges and as need be to amend the Schedule in consultation with the Cabinet Member for Planning to reflect current good business practice in pre-application charging.

Reason for Decision: The decision to agree the changes to the pre-application advice service and associated charges will refine and improve the service offered to users and the delegation of authority will enable continued service improvement in an iterative way.

Alternative Options Considered and Rejected:

- 1.1 Two clear options, other than that recommended, are available. The first is to cease charging for pre-application advice. This would remove a viable income stream arising from charging and would re-introduce a number of service pressures which led to the adoption of a charged advice scheme. It is likely that service quality would be undermined and adverse reputational impacts could result. This would also require further liaison with Suffolk County Council as to do so now would remove funding for their elements of the advice service. This is not recommended.
- 1.2 The second option is “do nothing”. The changes proposed are intended to make the charging arrangements more effective and sensitive to our support to local communities through other service areas so that the Councils approach is more obviously “joined up”. If these are not introduced then the Council will not be as obviously “joined up” in its work as it could be nor as clearly and coherently supportive of other interventions in local communities. Other changes are intended to better reflect actual time and resources impacts on related services when delivering cohesive pre-application advice. If these are not introduced then those costs and resources pressure will remain on the District and County Councils. This is not recommended.

Any Declarations of Interest Declared: None

Any Dispensation Granted: None

BCa/18/76 ADOPTION OF CONSERVATION AREA APPRAISALS FOR BRENT ELEIGH, NAUGHTON AND GREAT WALDINGFIELD

It was RESOLVED:-

- 1.1 That the Conservation Area Appraisal for Brent Eleigh (Appendix A) be adopted as non-statutory Supplementary Planning Guidance with immediate effect.

- 1.2 That the Conservation Area Appraisal for Naughton (Appendix B) be adopted as non-statutory Supplementary Planning Guidance with immediate effect.
- 1.3 That following appropriate public consultation, the Corporate Manager, Sustainable Environment be authorised to amend the Great Waldingfield Conservation Area boundary as is proposed in the Appraisal in Appendix C, and subject to other minor consequential amendments, the document be adopted as non-statutory Supplementary Planning Guidance.

Reason for Decision: To enable Planning decisions to be made with the best available background information.

Alternative Options Considered and Rejected:

- 1.1 The Council has a statutory duty to review its conservation areas 'from time to time' (section 69 of Planning (Listed Buildings and Conservation Areas) Act 1990). The Cabinet is being asked to approve the adoption of the three conservation area appraisals.
- 1.2 Option 1: Approve the appraisal documents as presented in Appendices A, B and C.
- 1.3 Option 2: Require further work to the appraisal documents in Appendices A, B and C prior to adoption.

Both options above have been considered and the recommended option within this report is Option 1, to approve the documents as presented in the Appendices. Option 2 has not been recommended because the appraisal documents have been properly prepared and amended appropriately following public consultation and so further work is not considered necessary

Any Declarations of Interest Declared: A non-pecuniary interest was declared by Cllr Lawrenson as a resident of the conservation area in Great Waldingfield.

Any Dispensation Granted: None

BCa/18/77 REGULATORY REFORM ORDER POLICY ON MINOR DISABLED ADAPTATION SCHEME

It was RESOLVED-

That the Regulatory Reform Order Policy on Minor Disabled Adaptation Scheme as described in Option 1 be adopted and reviewed in 12 months.

Reason for Decision: For a Regulatory Reform Order Policy on Minor Disabled Adaptation Scheme to be used legally, members need to have adopted such a scheme.

Alternative Options Considered and Rejected:

- 1.1 **Option 1:** Adopt a separate RRO Policy. The existing Disabled Facilities Grant (DFG) process can be long and complex and often comes at a time of crisis. The criteria for a DFG is very rigid and has remained relatively unchanged for 20 years. The introduction of an RRO enables greater flexibility around the use of DFG funding to ensure local authorities can target resources to tackle local issues which may be preventing people

being able to remain at home and live independently.

It gives power to an authority to provide "assistance in any form, to any person to repair, adapt or rebuild residential premises". There are a number of scenarios where removing the requirement to make a full Disabled Facilities Grant application would enable an application for an adaptation or provision of equipment to progress quickly. An RRO allows the provision of small-scale adaptations to fulfil needs not covered by mandatory DFG's. Below are the proposed changes to the current DFG process.

- Where the cost of the adaptation is £4,999.99 or less the requirement to undertake a means test will be removed. This figure is used, as above this, costs are registered as a local land charge and there is a requirement to repay monies if the property is sold within ten years. Adaptation work below £1000 are dealt with by the County Council. Keeping the figure at £4,999.99 simplifies matters and does not penalise applicants who have incurred a charge historically. By applying a financial ceiling, the risk of public funds being misappropriated is proportional to the benefit of the costs of administering a more complex process.

Examples of work that would be covered within this limit include ramps, bathing/washing facilities, additional heating, stairlifts, key safes, wash/dry toilets. The removal of the means test in these circumstances has received approval from Foundations (a body appointed by the Ministry of Housing, Communities and Local Government to oversee Home Improvement Agencies and offer advice on DFG's).

- Where works exceed £5,000 the standard DFG process will be followed which includes a means test.
- Where adaptations are straightforward, it can remove the requirement for an Occupational Therapist referral. This is often the bottleneck in the adaptation process therefore removing this should speed up the end to end journey. Further details can be found in the Key Information, 4.6 - 4.9.

1.2 Option 2 – No change to the existing RRO policy. This option keeps the provision of grants as statutory through the DFG process with the option to help people with physical disabilities. It follows a prescribed process which could be considered as equitable, however some residents will continue to be put off by the process and there is little risk to the Council in providing a DFG for people who could afford to pay for the adaptations themselves. However, this will mean the considerable underspend will continue and our vulnerable residents will not get the assistance they need.

Any Declarations of Interest Declared: None

Any Dispensation Granted: None

BCa/18/78 MEMBER LEARNING AND DEVELOPMENT POLICY AND MEMBER ROLE DESCRIPTIONS

It was RESOLVED:-

That the Member Learning and Development Policy and Role Profiles be approved to provide a framework for future Member training and development.

Reason for Decision: To provide a framework for future Member learning and development and to clarify the responsibilities and expectations for prospective Members, newly elected Members and existing Members, members of the public, partner organisations and officers.

Alternative Options Considered and Rejected: There are no statutory requirements to formally introduce a Member Learning and Development Policy or Member Role Profiles, the Council could choose not to adopt these and carry on with the current informal arrangements.

Any Declarations of Interest Declared: None

Any Dispensations Granted: None

BCa/18/79 BUSINESS RATES RETENTION PILOT - SUDBURY TOWN CENTRE PROJECTS - PART 1

It was RESOLVED:-

- 1.1 That use of £100,000 from the Business Rate Retention allocation for Sudbury Town Centre projects for supporting the St. Peter's 'Built for Exchange' Regeneration Project Heritage Lottery Funding Phase 2 application, due for submission by March 2020 be approved; and
- 1.2 That delegation be given to the relevant Strategic Director with responsibility for Economy and Business Growth, in liaison with the Cabinet Portfolio Holder for Finance, to resolve via agreement appropriate criteria and conditions to enable the grant funding to be released

Reason for Decision: To tangibly support significant town centre renaissance and investment in line with established priorities and strategies – benefitting local communities, the visitor economy and local businesses.

Alternative Options Considered and Rejected:

- 1.1 To decline the request for grant funding. This may leave a significant gap in the regeneration project team's ability to reach their match fund target for making a Stage 2 Heritage Lottery Funding (HLF) application by March 2020, and thus jeopardise the whole £2.5m project.
- 1.2 Explore other potential funding sources to raise the required amounts. We have sign-posted the Churches Conservation Trust (CCT) to New Anglia LEP and reviewed other possibilities for funding elements of the project. Many have already been reviewed by the CCT/Friends of St.Peter's (FoSP), may not be viable in the required timeframe nor meet requisite criteria. Appendix A (Confidential) makes further reference to funding sources.
- 1.3 Approve the request at a level which is gap funding up to the £100k requested, subject to suitable conditions or pre-requisite requirements being met to the satisfaction of the delegated officer, as contained within the recommendation at 3.2. Funders will be looking for strong governance structures with defined outcomes.

Any Declarations of Interest Declared: A non-pecuniary interest was declared by Councillor Barrett as Chair of Campaign Group for St Peters.

Any Dispensation Granted: None

EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

Resolution to Exclude the Public

That under section 100(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act in the paragraph registered against the item:

Note: *Information is exempt only if:*

It falls within one of the 7 categories of exempt information in the Act and; In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

BCa/18/80 SALE OF LAND IN SUDBURY (Exempt information by virtue of Paragraph 3 of Part 1)

It was RESOLVED-

1.1 That the recommendation set out in report BCa/18/80 be approved.

Reason for Decision: To bring forward the development of the new health centre and public sector service hub and subsequent capital receipt.

Alternative Option Considered and Rejected: As detailed in report BCa/18/80.

Any Declarations of Interest Declared: A non-pecuniary interest was declared by Cllr Osborne as a registered patient at Hardwick House Health Centre.

Any Dispensation Granted: None