

## **MID SUFFOLK DISTRICT COUNCIL**

Minutes of the meeting of the **MID SUFFOLK CABINET** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Monday, 6 August 2018

### **PRESENT:**

Councillor: Nick Gowrley (Chair)  
John Whitehead (Vice-Chair)

Councillors:	Gerard Brewster	Rachel Eburne
	Julie Flatman	Glen Horn
	Penny Otton	Jill Wilshaw
	Suzie Morley	

### **In attendance:**

Councillor Roy Barker  
Councillor Diana Kearsley  
Councillor John Matthissen  
Councillor Keith Welham

Chief Executive (AC)  
Corporate Manager – Business Improvement (KC)  
Corporate Manager – Finance (ME)  
Assistant Director for Housing (GF)  
Corporate Business Coordinator (SM - Notes)  
Corporate Manager - Democratic Services (JR)  
Assistant Director for Finance (KS)  
Senior Environmental Health Officer (AT)  
Corporate Manager – Property Services (HW)  
Assistant Director for Law and Governance (EY)

### **27 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Burn.

### **28 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY COUNCILLORS**

There were none.

### **29 MCA/18/15 - CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 JULY 2018**

The minutes of the meeting held on 9 July 2018 were confirmed as a correct record.

### **30 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

## 31 QUESTIONS FROM COUNCILLORS

The following question was received:

### **Councillor John Matthissen to Councillor Glen Horn**

“Will you correct the media release (11/7/18) regarding the Annual Monitoring Report and 5 year housing land supply, which said “The Council has been unable to demonstrate this land supply since April 2017, .....”

Whereas Cllr Stringer was questioning the Administration on the point as long ago as June 2015? And will you issue a corrected media release?

<https://baberghmidsuffolk.moderngov.co.uk/Data/Executive%20Committee/20150608/Agenda/X-23-15%20Minutes%20of%208%20June%20meeting.pdf>

### **Response from Councillor Horn**

*“The press release issued on behalf of Mid Suffolk contained an unfortunate error where information relevant to Babergh District Council was carried over into the Mid Suffolk Press release. This has already been corrected on the website where you will now be able to see that it states that Mid Suffolk found itself unable to demonstrate a 5 year housing land supply from February 2015. (Available here: <https://www.midsuffolk.gov.uk/news/mid-suffolk-demonstrates-5-year-housing-land-supply/>)*

*The article carried by the Bury Free Press, which included quotes from three Green Party Councillors, stated that the 2017 date was disputed and Green Party Councillors claimed that developers had started to exploit the situation from 2015. With that in mind it is highly unlikely that any press would pick the story up again so we do not intend to re-issue the release to the media.”*

Councillor Matthissen then asked a supplementary question. He was still concerned as the East Anglian Daily Times had carried the press release as submitted. Therefore, the current status was it had been wrongly published and as such he considered the Council should be open and transparent. He was worried it would undermine future communications from the Council to the public. Councillor Horn responded that there would be no advantage of going back as the most relevant and up to date information had been provided on the website.

Councillor Otton had a few issues in relation to the recent staff survey and felt it was important these were seriously reviewed. She realised there had been a massive change for staff in relation to the move from Needham Market to Endeavour House and that this would take some time to settle down. However, she was concerned at some of the findings and responses. In particular the “lack of transparency”, “feeling undervalued” and that “Councillors were not engaging or Communicating with Staff”. She did recognise that “lone working” and “career progression” should have

appropriate policy or procedures in place and was not due to the impact of any move.

In response the Chief Executive explained there had been a series of engagement sessions with staff enabling them to help put forward solutions as well as Member Briefings giving the full results. All suggestions had been captured, an action plan was in place and team meetings were being held to discuss. The Council was working towards a single corporate action plan. The Senior Leadership Team had looked at all the responses and were holding an additional session in September where they would bring the findings back to members. This would be an ongoing annual exercise. Councillor Horn wished to point out that having recruited a number of new officers to the Council recently, one of the reasons cited for joining Mid Suffolk District Council was because of its agile and flexible services offered within Endeavour House.

**32        MATTERS REFERRED BY OVERVIEW AND SCRUTINY OR THE JOINT AUDIT AND STANDARDS COMMITTEE**

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

**33        MCA/18/16 - FORTHCOMING DECISIONS LIST**

The forthcoming decisions list was noted.

The absence of the Suffolk Chamber of Commerce item was questioned, however, this would now be brought into the September Cabinet meeting.

CAB76 – “Regulation 62 for CIL” required further explanation. It was agreed further clarity would be provided.

A concern was raised in respect of CAB60, The Suffolk Waste Partnership Inter Authority Agreement, as the report had slipped by two months. It was explained this was work in progress and was a countywide project. The Chief Executive pointed out the dates listed on the Forthcoming Decisions List were target dates and as such it should not necessarily be classed as slippage.

**34        MCA/18/17 - JOINT OVERVIEW AND SCRUTINY RECOMMENDATION TO CABINET IN RELATION TO JOINT COMPLIMENT, COMMENTS AND COMPLAINTS POLICY**

It was agreed this item would be deferred until Item 11 when the proposed amendments to the Joint Compliments, Comments and Complaints Policy was due to be discussed.

**35        MCA/18/18 - GENERAL FUND FINANCIAL MONITORING 2018/19 - QUARTER ONE**

Councillor Whitehead, the Cabinet Member with responsibility for Finance, introduced report MCA/18/18 and moved the recommendation which was seconded

by Councillor Brewster.

Councillor Whitehead pointed out there had been an error in paragraph 4.3 of the report as it included a reference to Babergh District Council's New Homes Bonus. Also, that the Business Rate Pilot information had not been included

A concern was raised over paragraph 4.3 as the agenda had been published indicating Mid Suffolk District Council had all but spent their New Homes Bonus, therefore was misleading. The Cabinet Member for Finance explained the figure quoted within the report was in relation to Mid Suffolk District Council but it was unfortunate that the transcript for Babergh District Council had been included. The Assistant Director for Law and Governance acknowledged there had been an unacceptable level of typographical errors in reports in recent months and as such interventions were now in place. This would include a proof reading service.

On page 27, paragraph 5.6a, it was questioned how many staff vacancies were no longer required or were considered essential? The Chief Executive explained there was never a full staff complement due to the time it took from an employee resigning and then filling that vacancy. An employment gap was necessary as otherwise it would mean an overspend on the budget. Members agreed that how the statement read at present was misleading, and as such required re-wording.

Appendix B was also questioned as being up to date as the Joint Local Plan stated August 2017 and should there be a more realistic date? The variance table shown on page 30 in relation to Building Control was questioned as Members had been informed that Building Control had been budgeted for. The Cabinet Member for Finance explained there were time pressures involved as Appendix B included expenditure from April to June. It was felt going forward there would be a cost saving due to the reduction in Councillor numbers. The Chief Executive explained it was a competitive market but Building Control was a statutory function ensuring buildings were safe. The Council was competing for staff but gave reassurance that the service would be maintained.

Page 27, paragraph 5.6 it was questioned whether recruitment commenced on the day the employee gave notice in order to minimise employment gaps. The Chief Executive confirmed this was normal procedure but that managers would look at the role and the process in terms of whether the environment or market had moved on. The importance was on obtaining the right candidate.

There was confusion in terms of the planning income figure shown, as to whether this was destined to become a major liability as it was a considerable sum of money. It was noted it was impossible to accurately forecast but it was regularly reviewed, and interest rates may well fluctuate, so Members should concentrate on the 12 month figure.

Also was recommendation 3.1 required as it was to note only? Historically the figures were noted but it was felt it would be better to say the figures had been considered. It was recognised the financial figures would continue to be reported on a quarterly basis in the future. Therefore, it would go into September Cabinet meetings in 2019, these would also be in line with the Performance report.

By a unanimous vote:

**It was RESOLVED:-**

- (1) That subject to any further budget variations that arise during the rest of the financial year, the surplus funds of £176k, referred to in Section 5.8 of report MCa/18/18, were considered.
- (2) That the revised 2018/19 Capital Programme referred to in Appendix C and section 5.15 of report MCa/18/18 be approved.

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

**36 MCA/18/19 - HRA FINANCIAL MONITORING 2018/19 - QUARTER ONE**

Councillor Whitehead, the Cabinet Member with responsibility for Finance, introduced report MCa/18/19 and moved the recommendation which was seconded by Councillor Wilshaw.

Members welcomed there being a separate report for the Housing Revenue Accounts as it made it far easier to read. They were pleased that the variances were going in the right direction and performance monitoring provided reassurance. It was felt to be innovative financial accounting.

There was an issue that as the number of void properties went down, the rental income would go up and as such it would be useful for a piece of work to be conducted showing the financial impact. The Assistant Director for Housing explained voids were being monitored on a weekly basis, however, it was agreed this detail would be taken into a future Overview and Scrutiny Committee.

By a unanimous vote:

**It was RESOLVED:-**

- (1) That the potential or likely variations in relation to the HRA both Revenue and Capital compared to the Budget be noted.
- (2) That subject to any further budget variations that arise during the rest of the financial year, the shortfall in funds of £322k, referred to in section 5.6 of report MCa/18/19 be noted.
- (3) That the revised 2018/19 Capital Programme referred to in Appendix A and Section 5.10 of report MCa/18/19 be approved.

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

**37 MCA/18/20 - PROPOSED AMENDMENTS TO THE JOINT COMPLIMENTS,**

## **COMMENTS AND COMPLAINTS POLICY**

Councillor Morley, the Cabinet Member with responsibility for Organisational Delivery, introduced report MCa/18/20 and moved the recommendation, to include a revised recommendation 3.2 to include the words “in accordance with paragraph 11.7 of the policy”. This was seconded by Councillor Flatman.

Councillor Morley explained that Paragraph 11.7 of the Policy had been amended to read “The requirement for additional information to be supplied would be introduced as part of a phased approach, that included training for all complaint responders and evidence being seen that the training has resulted in fewer complaints made and fewer progressing to a stage 2 investigation”.

**It was noted the policy contained a number of exclusions at paragraph 9.3, page 61 of the report, and Members requested that these were expanded in order for complainants to be aware that the complaints process could not be used to complain about formal decisions taken by committee, or those delegated to officers, but it could be used to complain about the process in reaching the decisions. The process could also be used if a contractor or the Council failed to meet the standard set in addition to any complaint made directly to the contractor.**

It was questioned whether having faster access to the Ombudsman would be inappropriate as it would be better to resolve in house. It was explained to refine the Stage 1 process, work needed to be done to improve Customer Service. Reassurance was given that this was being carefully monitored. It was noted the Policy would not come into force unless there was a real need.

On page 58 it was questioned whether the Deputy Leader should also be involved in any complaint against the Chief Executive. Also, on the Claim form it was agreed “behaviour” should be included.

It was noted Councillors were governed by the Code of Conduct and therefore only the Leader need be involved in complaints about the Chief Executive.

It was agreed the policy should be reviewed in six months, following training, and as such would be brought back into the Overview and Scrutiny Committee to review. They would assess whether a reduction in the number of complaints had been achieved as well as identifying any impact of training on the numbers and types of complaint received. This would be in advance of any decision to bring the revised Policy into force.

The Corporate Manager for Business Improvement was keen to work with Councillors to identify a process of change in order to capture part of future reporting.

**It was agreed a report on “lessons learnt” was to be brought to a future meeting. The report would also try to capture process changes which Members identified as part of their Ward role in helping to resolve issues or informal complaints.**

Cabinet recognised the complaints form was an electronic one and if a member of the public did not have access to the internet the Customer Services team would assist. However, Members remained unconvinced, at this point in time, whether the Council could go fully paperless on this issue as members of the public may not wish to come into the office. It was also agreed the comments form be amended to clarify that it could be used to comment on the Council or on behaviours.

In response to a question it was explained guidance was currently being prepared on how to deal with vexatious and persistent complainers to support the policy and as such would form part of Member development and induction training.

By a unanimous vote:

It was RESOLVED:-

- (1) That the revised Joint Compliments, Comments and Complaints Policy be agreed.**
- (2) That the need for customers who wish to complain to the Ombudsman having to request a stage 2 complaint, once the phased approach has been delivered be withdrawn in accordance with paragraph 11.7 of the Policy.**
- (3) That in consultation with the Council Leader and Cabinet Member, minor amendments to the policy be delegated to the Senior Leadership Team.**
- (4) That the Policy be reviewed after a period of six months following the completion of training.**

**Reason for Decision:** To improve the Joint Corporate Comments, Compliments and Complaints Policy so that the customer was at the heart of the process with complaints being dealt with effectively leading to more customers being satisfied at all stages of the process for the investigation of their complaints.

## **38 MCA/18/21 - HOUSES IN MULTIPLE OCCUPATION LICENSE FEES**

Councillor Wilshaw, the Cabinet Member with responsibility for Housing, introduced report MCA/18/21 and moved the recommendation which was seconded by Councillor Flatman.

Smoke alarms within properties was questioned and it was confirmed that Property Services inspected Houses in Multiple Occupation, as well as carrying out joint inspections with the Fire Service.

It was confirmed that a "Houses in Multiple Occupation" licence would be required in all circumstances. (This would apply to all properties where 5 or more people shared a property who were not related).

It was noted the actual regulations could not be amended.

It was proposed by Councillor Wilshaw and seconded by Councillor Flatman that recommendation 3.1 be amended to read “The proposed HMO Licence fee of £551 be adopted as per Appendix A”.

By a unanimous vote

**It was RESOLVED:**

- (1) That the proposed HMO Licence of £551, as per Appendix A of report MCa/18/21, be adopted.
- (2) That the fee be reviewed in six months' time.

**Reason for Decision:** To enable Babergh and Mid Suffolk to charge a fee to landlords to issue an HMO Licence.

**39 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

**Resolution to Exclude the Public**

*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 these items, it is likely that there would be the disclosure to them of exempt information as indicated against each item. The authors of the report 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.*

**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*

**40 MCA/18/22 - JOINT OVERVIEW AND SCRUTINY RECOMMENDATION TO CABINET REGARDING BMBS**

Councillor Welham, the Chairman of the Overview and Scrutiny Committee introduced report MCa/18/22 and explained how BMBS had learnt from past mistakes and were now both well managed and heading in the right direction.

Clarity was required in respect of paragraph 12.10 and the loss of income. It was explained that BMBS was no different from any other section within the Council, the key difference being all funds were retained within the Housing Revenue Accounts.

Members questioned whether recommendation 1.1 would apply just to BMBS or to any other service? The Chairman of Overview and Scrutiny explained there would be a request for a full and robust business case for each service which should be reviewed with the appropriate skills.

Cabinet felt they were in the best position to make judgements but were aware other



Members would wish to contribute. As such they supported the concept but did not wish to see Officers hands tied if it extended to every partnership arrangement. It was agreed a proportional balance should be struck.

It was questioned when the BMBS Business case would be brought back to Cabinet. The Assistant Director for Housing explained this would be in October 2018.

The Assistant Director for Law and Governance explained Cabinet Members could note, agree, disagree or adopt the recommendations but could not amend as they were the recommendations from the Overview and Scrutiny Committee to Cabinet.

It was proposed by Councillor Gowrley and seconded by Councillor Horn that recommendation 1.1 be noted and 1.2 and 1.3 be adopted.

By a unanimous vote:

**It was RESOLVED:**

- (1) That it be noted that full and robust business cases were prepared ahead of any commencement of joint working with any external companies, shared partnerships or changes to the delivery of in-house services and be reviewed by people with appropriate skills.
- (2) That the Business Plan contain a performance monitoring framework and ensures that any failure to meet these performance targets are dealt with immediately was endorsed.
- (3) That Cabinet reviewed financial figures in the BMBS Business Plan to ensure that they were robust and based on well evidenced assumptions rather than estimates.

**Reason for Decision:** That the Joint Overview and Scrutiny Committee requested that Cabinet ensure the BMBS updated Business was robust.

**41 DATE OF NEXT MEETING**

The next meeting would be held on Monday 10 September at 2:30pm in the King Edmund Chamber, second floor, Endeavour House.

The business of the meeting was concluded at Time Not Specified.

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Chair