

Public Document Pack



COMMITTEE	MID SUFFOLK CABINET
PLACE	King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich
DATE	Monday, 6 August 2018 at 2.30 pm

PLEASE NOTE START TIME OF MEETING

Conservative and Independent Group	Green Group	Liberal Democrat Group
Cllr N Gowrley – C Cllr J Whitehead – VC Cllr G Brewster Cllr D Burn Cllr J Flatman Cllr G Horn Cllr S Morley Cllr J Wilshaw	Cllr R Eburne	Cllr P Otton

A G E N D A

Page(s)

- 1 **Apologies for absence**
- 2 **To receive any declarations of pecuniary or non-pecuniary interest
by Councillors**
- 3 **MCA/18/15 - Confirmation of the Minutes of the meeting held on 9 July 2018** 1 - 10
- 4 **To receive notification of petitions in accordance with the Council's
Petition Scheme**
- 5 **Questions from Councillors**
- 6 **Matters referred by Overview and Scrutiny or the Joint Audit and
Standards Committee**

7	MCa/18/16 - Forthcoming Decisions List	11 - 18
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Please note the most up to date version can be found via the website:

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

8	MCa/18/17 - Joint Overview and Scrutiny Recommendation to Cabinet in relation to Joint Compliment, Comments and Complaints Policy	19 - 24
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9	MCa/18/18 - General Fund Financial Monitoring 2018/19 - Quarter One	25 - 40
----------	--	----------------

10	MCa/18/19 - HRA Financial Monitoring 2018/19 - Quarter One	41 - 46
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11	MCa/18/20 - Proposed Amendments to the Joint Compliments, Comments and Complaints Policy	47 - 80
-----------	---	----------------

12	MCa/18/21 - Houses in Multiple Occupation License Fees	81 - 86
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13 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

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 are satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14	MCa/18/22 - Joint Overview and Scrutiny Recommendation to Cabinet regarding BMBS	87 - 92
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15 Date of Next Meeting

The next meeting will be held on Monday 10 September at 2:30pm, in the King Edmund Chamber, 2nd Floor, 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

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- Cold water is also available outside opposite the room.
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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.
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Agenda Item 3

MCa/18/15

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, 9 July 2018 at 2:30pm

PRESENT:

Councillor: Nick Gowrley (Chair)

Councillors:	Gerard Brewster	David Burn
	Rachel Eburne	Julie Flatman
	Glen Horn	Jill Wilshaw

In attendance:

Councillor Roy Barker
Councillor Diana Kearsley
Councillor Suzie Morley

Chief Executive (AC)
Corporate Manager – Communications (ZB)
Corporate Manager – Countryside and Public Realm (PG)
Corporate Business Coordinator (SM - Notes)
Strategic Director (KN)
Project and Research Officer (KP)
Corporate Manager - Democratic Services (JR)
Strategic Director (JS)
Assistant Director for Customer Services (SW)

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Otton, Councillor Whitehead and Councillor Whybrow.

15 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY COUNCILLORS

There were none.

16 MCA/18/07 - CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 4 JUNE 2018

The minutes of the meeting held on 4 June 2018 were confirmed as a correct record.

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

None received.

18 QUESTIONS FROM COUNCILLORS

The following questions were received:

18.1 Question 1

Councillor John Matthissen to Councillor Jill Wilshaw

“What is the most recent estimate available for empty homes (all tenures) in the District, and what are comparable figures over the last 5 years?.”

Response from Councillor Wilshaw

“The following statistics are those that we have available, in relation to those properties that have been empty in excess of 6 months:

May 2018: 302, 79 of which empty in excess of 2 years.

May 2017: 314, 79 of which empty in excess of 2 years.

May 2016: 270, 69 of which empty in excess of 2 years.

May 2015: 297, 88 of which empty in excess of 2 years.”

18.2 Question 2

Councillor John Matthissen to Councillor David Burn

“When will Council take any effective action to save Fisons Warehouse, bearing in mind that my questions to March Cabinet were either rejected as “a planning matter” or as “submitted too late – written answer to follow” which I cannot trace ever receiving, and that councillor Field’s question at June Council was rejected as not arising from the Leader’s report, while the emphasis of Council media statements has been on securing the perimeter of the site, not ensuring the survival of the magnificent listed building?”

Response from Councillor Burn

“The Council continues to work in both a proactive and robust way with the owners of the Fison’s building. There are two main issues the Council is dealing with, a sustainable planning proposal and the management of a potentially dangerous structure. The Council is currently in detailed discussion with the owners of the site on a revised pre-application proposal. The Council has also been undertaking significant action on an enforcement front. A detailed structural report has been commissioned and received. The Council has taken legal advice and is progressing with actions against the owners of the site to ensure the building’s ongoing safety.”

18.3 Question 3

Councillor John Matthissen to Councillor Suzie Morley

“Why has a proposed “Customer” Strategy come forward when:

- **As long ago as 2011 over 60 members of Mid Suffolk and Babergh decided in a joint meeting to use the term “Citizens” in future mission statements etc**
- **There has been no consultation of all members regarding the strategy**
- **Research has repeatedly shown that residents respond significantly less positively to be called “customers” thus imposing greater demands on hard-pressed public bodies**
- **There are many more accurate terms to describe those who live and work in Mid Suffolk, depending on their particular interaction with the council’s staff**
- **The Council is not a business but uniquely an elected public body, answerable to its residents?”**

Response from Councillor Morley

“Thank you for your question Cllr Matthissen. I am not aware of the context or the discussions that took place some 7 years ago in respect of using the term ‘Citizens’. We recognise that indeed, there are lots of different terms that describe those who live and work in Mid Suffolk and additionally who visit our District and who have a variety of different interactions with the Council. We have outlined in the report at paragraph 4.6 the reasons why we are using the term ‘customer’. I note the other comments you have made.”

18.5 Question 4

Councillor John Matthissen to Councillor Nick Gowrley

“What progress has been made in implementing the MSDC Executive Committee decision (5/10/2015) to delegate X/45/15 (Development in Victoria Road) and the subsequent update provided at Council 21 November 2016 in answer to my question to councillor Gowrley? What are the implications for the MSDC-owned land of the adjacent planning permission 2896/15 which is currently being built?

The relevant minutes are appended below:

From confidential minutes of Oct 15 Executive :

1.Resolution One -*That the intention to submit a request for change of use of the council owned land marked red on the plan attached to Report X/45/15 be noted.*

2. Resolution Two -*That the Strategic Director be delegated authority to:*

- i) Implement the recommendation of the best option available for the Council (following an options appraisal as mentioned in paragraph 1.3 to be exercised within the annual approved budget levels and within the***

approval levels for the Strategic Director).

- ii) ***Subject to legal advice, to complete the appropriate legal documents to secure the acquisitions and / or disposals required for the implementation of the option appraisal.***

Update:

The proposal continues to be developed with Mr Porch the private landowner.

- **Negotiations took place with the neighbouring land owner, Mr Porch. Both sides agreed that negotiations would be re-established after Mr Porch had his planning permission for his site. Permission for 3 units has now been given. The agent has recently contacted (23.11.16) and Anne Bennett will be arranging to meet them in the New Year.**

What next:

- **We will meet with the agent of Mr Porch to start discussions around making any proposed development a viable proposal for both sides.**
- **If discussions give grounds for further work:**

We will seek specialist advice around release of covenant, values of land and easement; and change of use.”

Response from Councillor Gowrley:

“Further to your question at Council in November 2016 and your most recent question, with regards to the land on Victoria Road, Mr Porch has only recently (24th April 2018) discharged his planning obligations and is currently on site (since the beginning of July 2018) developing the 3 dwellings, as per planning application ref 2896/15.

The Council’s property department will now open further dialogue, in the first instance, with Mr Porch to discuss the opportunity around the site, currently owned by the Council on Victoria Road, as per the agreement at Executive in 2015.”

18.6 Question 5

Councillor Rachel Eburne to Councillor Gerard Brewster

“Many high-street retail companies have recently been closing stores and issuing profit warnings. Given that Mid Suffolk District Council’s investments (via CIFCO Capital Limited) are in commercial property, which has retail tenants (such as Marks & Spencer), has the risk of tenant default been assessed? When was this done and how is this information provided to the Council?”

Note that I wanted to ask this at Council and got the following response (see below). This response, however, did not answer my question fully which was “when was this done” (meaning I expected a date to be provided) and “how is this reported to Council” (as in when are all members of the Council, and hence the public, aware of this).”

Response from Councillor Gerard Brewster

“Tenant default is a risk we take when investing in commercial property for rental income. To mitigate this risk we do have limits in place for sector and individual tenant exposure and always look at the quality of the tenant when deciding on investing or re-letting. Jones Lang LaSalle Ltd (Fund Manager and Acquisitions adviser) provides quarterly advice on the economic, investment market and property market outlook upon which the Board, in part, can base its investment decisions. In the most recent financial quarter JLL reported on the national outlook and on individual sector attributes and the strength of each tenant covenant. In the case of Marks and Spencer, the tenant still represents a strong covenant, and the lease has strong unexpired lease term.

The risks of investment in individual asset classes such as high street retail and the effects of ‘clicks not bricks’ are implicit in the strategy and the limits imposed on exposure across the fully invested portfolio. The Board undertakes due diligence on all potential assets as and when they arise in the marketplace. Fund managers JLL independently review the portfolio covenant and provide quarterly reports to the Board. It was always the intention through the setup of the incorporated company structure for it to be the role of the Board and its appointed professional Non-Executive Directors to manage the due diligence and potential risks associated with any acquisition opportunities.

The Chair of CIFCO Capital Ltd reports into the Holding Companies on a quarterly basis to provide them with a comprehensive performance report of the portfolio, and the Holding Companies provide a Performance and Risk report to the Councils on a twice-yearly basis.

Risks are reviewed quarterly in line with the Board’s approved Risk Management Strategy and reported in to the Council’s Corporate Risk Team quarterly or by exception, if required.”

- 18.7 Councillor Eburne then asked a supplementary question. She was still very concerned about retail investments, how this was being reported, and whether there would be full report presented to Council on risk with investments, especially retail. Councillor Brewster explained questions dealing with this matter, around Governance and Risk, were asked at the recent Overview and Scrutiny Committee. These had been fully answered after debate by Members and were accepted by the Committee. CIFCO had taken all possible measures and were doing an excellent professional job. He was sure if Councillor Eburne had been present at the meeting she would have had her concerns fully answered.

18.8 **Question 6**

Councillor Wendy Marchant to Councillor Suzie Morley

“Now that a new library is planned for Needham Market, would it be possible to have public access, face to face, say just one day a week, for ‘customers’ of Mid Suffolk District Council who have any queries”

Response from Councillor Morley

“Thank you for your question Cllr Marchant. Within Mid Suffolk District Council, we do provide a public access point in Stowmarket, where customers can access self-service facilities as well as speak to one of our customer service staff in person. Within our refreshed Customer Strategy, we state that we will explore further opportunities to work in partnership with other organisations to provide self-service facilities including the provision of scanning information. We are already in discussions with Suffolk Libraries to pilot an approach where customers could potentially access self-serve facilities in Library locations. We will consider this provision where we can identify that a customer need exists”.

19 MATTERS REFERRED TO BY THE OVERVIEW AND SCRUTINY OR THE JOINT AUDIT AND STANDARDS COMMITTEE

There were none.

20 MCA/18/08 - FORTHCOMING DECISIONS LIST

20.1 The forthcoming decisions list was noted.

20.2 A concern was raised over CNL11, Local Development Plan, as originally it had been scheduled for April 2018. It was hoped that the overall timing of the plan had not slipped. Members noted the full report, including the timetable, would be presented at July's Council meeting.

21 MCA/18/09 - RESPONSE TO QUESTIONS RAISED AT CABINET OR SUBMITTED POST CABINET ON THE END OF YEAR PERFORMANCE REPORT

21.1 Members noted report MCA/18/09.

21.2 Councillor Horn, as the Cabinet Member with responsibility for Organisational Delivery, was happy to continue conversations on performance. Councillor Eburne felt in future that it would be helpful to have the opportunity to discuss any concerns prior to the publication of the report. This was agreed.

22 MCA/18/10 - REFRESHED CUSTOMER STRATEGY

22.1 Councillor Morley, the Lead Member for Customer Service, introduced report MCA/18/10 and the Assistant Director for Customer Service gave an overview of the document.

22.2 Councillor Horn, the Cabinet Member for Organisational Delivery, thanked the Assistant Director for Customer Service for an excellent document and moved the recommendation which was seconded by Councillor Gowrley.

22.3 The use of the word “customer” was questioned due to there not being a choice in services, although the Council could be a customer focussed organisation. There was a lack of context included in the report for the public to see. It appeared there

was only background information, rather than any form of consultation. There was a concern as to whether the document gone through the “Plain English” group to ensure what it is trying to say was understandable? Also, there did not appear to be any timescales listed within the strategy.

- 22.4 Members noted the Customer Strategy would ensure a consistent level of service delivery as being overarching. It was acknowledged it would be useful to have further information about the background and challenges in terms of the context. An action plan would be part of a further document and would be different across service areas. Councillor Horn, the Cabinet Member with responsibility for Organisational Delivery had consulted with his Babergh District Council Cabinet colleague, as well as speaking with Parish councillors, citizens and tax payers, of which he had received positive feedback.
- 22.5 Members were pleased that customers who did not use digital services had been recognised, as well as improving the skills of the customer services staff, in order for them to direct people more quickly.
- 22.6 Members considered this to be a good document, which covered all of the points required. It was refreshing to see a more user-friendly presentation which caught the eye and encouraged people to read it. The use of graphics was well chosen. It acknowledged it would be an ongoing “live” document which would be reviewed, adapted and evolved over time as services continued to be developed.

By 6 votes to 1.

It was RESOLVED:-

- (1) That the Refreshed Customer Strategy be agreed.
- (2) That in consultation with the Cabinet Member and Lead Member, 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 will ensure the Customer Strategy is widely shared across the organisation and provides for an opportunity to engage with our staff, embedding a customer focused organisational culture.

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

23 MCA/18/11 - PUBLIC CONVENIENCES

- 23.1 Councillor Burn, the Cabinet Member with responsibility for the Environment, introduced report MCA/18/11 and moved the recommendation which was seconded by Councillor Brewster.

- 23.2 Members welcomed the report, but felt the bigger problem was business rates on public toilets, and as such Central Government should be lobbied on the issue. The Community Toilet Scheme should be actively promoted, and community groups encouraged to take these on.
- 23.3 Congratulations were given to the Task and Finish Group, especially Councillor Maybury as the Chair, it was recognised they had done a lot of excellent work in a short space of time.

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, where possible, third parties are encouraged to manage public conveniences currently in the ownership of Mid Suffolk District Council.

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

24 MCA/18/12 - FORMER HQ REGENERATION PROJECT - APPROVAL OF RECOMMENDED OPTION

- 24.1 Councillor Gowrley, the Cabinet Member for Assets and Investments, introduced report MCA/18/12 and moved the recommendation which was seconded by Councillor Wilshaw.
- 24.2 A small change was made to the recommendation as 3.1 should read (Option 1), not (Option 2).
- 24.3 Members welcomed the proposal and felt the sooner the development took place the better. The public now wanted to see something being done on the site. They were keen that as many examples of energy efficiency methods as possible were included. It should be an exemplar development of which the Council could showcase.

By a unanimous vote:

It was RESOLVED:-

- (1) That the comments made by Full Council on 19 June 2018 were considered and as a result no recommendations were made to the preferred option

(Option 1) and development scheme.

- (2) That Option 1 of Report MCA/18/12 be approved and responsibility be delegated to the Strategic Director, with responsibility for Assets and Investments, 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 and Hurstlea Road Carparks in Needham Market.

Reason for Decision: This option provides for the comprehensive and sympathetic regeneration of the site enhancing the significance and setting of the important listed building and preserving the character and appearance of the Conservation Area, whilst retaining an element of employment.

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 MCA/18/14 - TO CONFIRM THE CONFIDENTIAL MINUTE OF 4 JUNE 2018 MEETING

The confidential minute of the 4 June 2018 meeting was confirmed as a correct record.

The business of the meeting was concluded at 3:15pm.

.....Chair (date)

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

July to March 2019 (Published 24 July 2018)

MCa/18/16

Agenda Item 7

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
CAB72	Cabinet 9 August 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 Branch in Central Suffolk	Simon Barrett	Lee Carvell 01449 724685 lee.carvell@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@babberghmidsuffolk.gov.uk	No	No
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

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
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@baberghmidsuffolk.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@babberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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@baberghmidsuffolk.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	Nick Gowrley Nick Ridley	Jonathan Stephenson 01449 724704 Jonathan.stephenson@baberghmidsuffolk.gov.uk	No	In Part. as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act

			of April 2018 to September 2018				
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@babberghmidsuffolk.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@babberghmidsuffolk.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@babberghmidsuffolk.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@babberghmidsuffolk.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@babberghmidsuffolk.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	John Whitehead John Ward	Melissa Evans 01473 296320 Melissa.evans@babberghmidsuffolk.gov.uk	Yes	No

			Council Tax for 2019/20 recommending to Council.				
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

Key:

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

If you have any queries regarding this Forward Plan, please contact Sophie Moy on 01449 724682 or Email: Sophie.moy@baberghmidsuffolk.gov.uk

If you wish to make any representations as to why you feel an item that is marked as an “exempt” or confidential item should instead be open to the public, please contact the Monitoring Officer on 01449 724694 or Email: emily.yule@baberghmidsuffolk.gov.uk. Any such representations must be received at least 10 working days before the expected date of the decision.

Arthur Charvonia - Chief Executive

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Agenda Item 8

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: MSDC Cabinet	REPORT NUMBER: MCa/18/17
FROM: The Joint Overview and Scrutiny Committee	DATE OF MEETING: 6 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.

JOS/17/15 Proposed Updates to the Joint Compliments, Comments and Complaints Policy

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

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THE MINUTE RELATING TO THE RECOMMENDATION TO MID SUFFOLK 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 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.**

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Agenda Item 9

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/18/18
FROM: Councillor John Whitehead, Portfolio Holder for Finance	DATE OF MEETING: 6 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 CONSIDERED

- 2.1 The options that have been considered are;
- a) Transfer surplus funds of £176k to the Growth and Efficiency (GEF) reserve.
 - b) Transfer surplus funds of £176k to the Business Rates Equalisation reserve.
 - c) At this early stage in the year, make no recommendation 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 surplus funds of £176k, 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 Mid Suffolk 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 £0.9m. 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, Mid Suffolk has seen a 69% 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 £11.1m, most of which has been used to balance the budget and the rest transferred to the Growth and Efficiency Fund (GEF) reserve or in 2017/18 the Business Rates Equalisation Reserve. From 2018/19 Mid Suffolk 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:

Revenue

5.5 In relation to funding:

- (a) Council Tax (£5.9m): at the end of June, collection rates were 29.94%, compared with 30.05% 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 (£2.7m) and New Homes Bonus (£1.5m) 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 30.93% compared with 31.10% for the same period last year.
- (d) Based on current projections from Suffolk County Council it is estimated that the Business Rates Pool position will be £274k, a favourable variance of £123k.

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 £210k 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 specific savings are 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 favourable variance of £176k means that the Council will be able to make a number of contributions to the relevant reserves at the year end.

- 5.8 The table below shows the main items that are included in the overall net favourable variance of £176k. 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
Capital Financing Costs <ul style="list-style-type: none"> Minimum Revenue Provision (MRP) – a favourable variance of £390k is predicted. The budget for 2018/19 included an allowance for other commercial investments i.e. Gateway14. MRP expenditure materialises the year after the capital expenditure has taken place, so given that there was no spend in 2017/18, any spend in 2018/19 will generate MRP in 2019/20. 	(390)
Strategic Planning <ul style="list-style-type: none"> An expected favourable variance of £78k for Professional fees and legal costs associated with the Joint Local Plan, will be carried forward for use in 2019/20. Commercial printing – a small underspend of £5k is expected in this area, again associated with the Joint Local Plan. This will be carried forward for use in 2019/20. Other items (net) – an adverse variance of £12k. 	(71)
Housing Solutions (Homelessness) <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 £65k to help support the provision of new prevention duties. Other items (net) – a favourable variance of £2k. <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>	(67)
Waste <ul style="list-style-type: none"> At this early stage in the year, a favourable variance for the Material Recycling Facility (MRF) of £31k 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. Mid Suffolk already has an earmarked waste reserve containing £159k. Dependent upon the final outturn position, it will be recommended to transfer any favourable variance to the waste earmarked reserve. Refuse Sacks – a favourable variance of £24k is anticipated. A supply of these has subsequently built up since setting the 2018/19 budget, so additional spend in this financial year is expected to be minimal. 	(48)

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
<ul style="list-style-type: none"> Trade Waste – the number of days that glass recycle is collected has reduced from 5 days to 3 days resulting in decreased contract costs and a favourable variance of £23k. Garden Waste – a review of contract costs for the collection and disposal of garden waste has resulted in an adverse variance of £13k. This is despite an increase in the level of subscriptions and can be offset against the favourable variance highlighted above for Trade Waste. Other items (net) – an adverse variance of £17k. 	
Leisure Contract <ul style="list-style-type: none"> A favourable variance of £25k is expected and can be attributed to an inflationary increase for the management fee that was included in the 2018/19 budget which is now no longer required. Other items (net) – a favourable variance of £12k. 	(37)
Shared Legal Services <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)
Community Development – Countryside <ul style="list-style-type: none"> A favourable variance is expected within a number of budget areas including £5k for grounds and site maintenance, £8k on tools and equipment and £5k for miscellaneous supplies and services. Other items (net) – a favourable variance of £6k. 	(24)
Car Parks <ul style="list-style-type: none"> Grounds and Site Maintenance - a favourable variance of £15k is anticipated. Similarly, to Open Spaces, this budget is used for miscellaneous ad hoc works. For example, in 2017/18, the Council installed cycle stands in Wilkes Way Car Park. Other items (net) – a favourable variance of £6k. 	(21)
Open Spaces <ul style="list-style-type: none"> Supplies and Services – a favourable variance of £14k for tools and equipment is currently anticipated. This budget is used to support ad hoc equipment purchases as well as any unexpected emergency costs that the service may be called out for. Other items (net) – an adverse variance of £2k. 	(12)
Development Management <ul style="list-style-type: none"> Planning income - an adverse variance of £231k is expected. The Council's Joint Strategic Plan places a clear 	269

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
<p>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.</p> <ul style="list-style-type: none"> • Consultants and Professional Fees – an increase in the need to obtain professional ecology and landscape advice for planning applications has resulted in an expected adverse variance of £21k. • Other items (net) – an adverse variance of £17k. 	
<p>Democratic Services</p> <ul style="list-style-type: none"> • 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. Backdating of these allowances (£75k) to May 2017 and the agreed increase compared to budget (£14k) has resulted in an expected adverse variance of £89k. • Other items (net) – an adverse variance of £4k. 	93
<p>Other items (net) – an adverse variance of £62k.</p>	62
<p>Building Control</p> <ul style="list-style-type: none"> • Income – due to an approximate 40% loss of the market share and based on application fees received to date, the service is anticipating an adverse variance of £54k. Work is currently being undertaken across Suffolk to address how this position may be improved. • Other items (net) – a favourable variance of £2k. 	52
<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

Explanation	Quarter 1 Amount (£,000) (Favourable) / Adverse
Business Rates <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 £133k. Business Rates Pooling Benefit – an estimated pooling benefit of £274k is anticipated. This is a favourable variance of £123k. <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>	10
TOTAL FAVOURABLE VARIANCE	(176)

Growth and Efficiency Fund (GEF)

- 5.9 The table below provides a high-level summary of the anticipated movement in the GEF 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.

MID SUFFOLK	£'000
Balance at 31st March 2018	9,139
18/19 surplus *	1,109
Business Rates Grant *	764
Total contributions 2018/19	1,873
Revised Balance Available	11,012
LESS;	
Regal Theatre *	(2,575)
New Homes Bonus to balance the budget *	(354)
Community Capacity Building *	(259)
Planning (Stalled Sites) / DFGs & Tree Planting *	(110)
Delivery Plan projects - Staffing *	(52)
Fisons - dangerous structure	(610)
Other commitments	(275)
Actual spend - April to June 2018	(91)
<i>* identified in 2018/19 budget</i>	
Balance after full spend (current projects)	6,686
<u>New projects Allocated</u>	
Battery storage	(223)
Vision for Stowmarket	(200)
Shop front & access improvement grants	(350)
Strategic Investment Fund	(3,000)
Strategic Purchase - Stowmarket	(1,484)
Total new projects allocated	(5,257)
Remaining unallocated GEF Balance	1,429

Medium Term Financial Strategy (MTFS) Update

5.11 Following approval of the MTFS by Full Council in February 2018, it was proposed that regular updates 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 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 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.
- 5.13 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 £9.3m, excluding the £12.7m, as set out in Appendix C. The anticipated spend for 2018/19 (excluding the £12.7m) is £8.8m resulting in a favourable variance of £1.3m. The main variances that contribute to the £500k favourable position are set out below:
- **Leisure Centres** – a favourable variance of £326k 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.
 - **Planned Maintenance and Enhancements (Car Parks)** – a favourable variance of £100k is expected, the priority for this budget is to carry out any urgent works. It is recommended that the £100k be carried forward at the end of 2018/19 for use in 2019/20.
 - **Other items (net)** – a favourable variance of £74k is anticipated.

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

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 – Growth and Efficiency Fund	Attached
APPENDIX C – Capital Programme	Attached

14. BACKGROUND DOCUMENTS

22 February 2018 Budget Report 2018/19 – MC/17/35

Appendix A

MID SUFFOLK MTFS SCENARIO 2019/20 – based on minimum New Homes Bonus

Line	Description	2018/19 Budget £000	2019/20 Budget £000	2020/21 Forecast £000	2021/22 Forecast £000	2022/23 Forecast £000
	Expenditure					
1	Employees	9,045	9,444	9,820	10,265	10,446
2	Premises Costs	772	683	698	710	720
3	Supplies & Services	7,137	4,436	4,346	4,384	4,390
4	Transport Costs	438	440	403	332	334
5	Contracts	3,297	3,363	3,431	3,499	3,569
6	Transfer Payments	16,964	16,964	16,964	16,964	16,964
7	Income (incl. s31 B/Rates Grant)	(24,515)	(24,312)	(24,255)	(24,211)	(24,276)
8	New Homes Bonus Income	(1,463)	(1,165)	(966)	(939)	(939)
	Capital Financing Charges					
9	Debt Management Costs	3	3	3	3	3
10	Interest Payable (Pooled Funds)	130	130	130	130	130
11	Interest Payable (CIFCo)	594	617	613	610	610
12	Interest Payable (Other Commercial Investments)	435	614	743	765	765
13	MRP	1,211	1,374	1,540	1,540	1,540
	Investment Income					
14	Pooled Funds	(430)	(425)	(420)	(415)	(410)
15	Interest Receivable (Cash Surplus)	(7)	(7)	(7)	(7)	(7)
16	Interest Receivable (CIFCo)	(1,064)	(1,147)	(1,143)	(1,139)	(1,139)
17	Interest Receivable (Other Commercial Investments)	(470)	(860)	(1,452)	(1,258)	(1,258)
18	Charge to HRA	(1,016)	(1,036)	(1,057)	(1,078)	(1,100)
19	Charge to Capital	(271)	(276)	(282)	(288)	(293)
	Transfers to Reserves					
20	New Homes Bonus	1,463	1,165	966	939	939
21	S31 Business Rates Grant	764	764	764	764	764
22	Other	42	20	20	20	20
23	Net Service Cost	13,060	10,787	10,857	11,590	11,772
	Funding:					
24	Other Earmarked Reserves	(1,229)	(123)			
25	Growth and Efficiency Fund - DP Project (Staffing)	(52)				
26	Growth and Efficiency Fund - Community Capacity Building	(250)	(250)	(250)	(250)	(250)
27	Growth and Efficiency Fund - contribution to capital for Regal Theatre Regeneration	(2,575)				
28	New Homes Bonus - to balance the budget	(354)	(1,165)	(966)	(939)	(939)
29	S31 Business Rates Grant - to balance the budget	(764)	(764)	(764)	(764)	(764)
	Government Support					
30	(a) Baseline business rates	(2,657)	(2,322)	(2,322)	(2,322)	(2,322)
31	(b) B/Rates – growth/pooling benefit	(151)	(151)	(151)	(151)	(151)
32	(c) B/Rates prior yr deficit	957				
33	(e) RSG Tariff		337	337	337	337
34	(f) Rural Services Delivery Grant		(347)	(347)	(347)	(347)
35	Collection Fund surplus	(70)	(70)	(70)	(70)	(70)
36	Council Tax (0.5% increase in 18/19, 0.66% increase in 19/20, 1.15% in 20/21 and 1.75% in 21/22)	(5,826)	(5,955)	(6,102)	(6,290)	(6,483)
37	Growth in taxbase	(89)	(77)	(78)	(80)	(83)
38	Total Funding	(13,060)	(10,886)	(10,713)	(10,876)	(11,071)
39	2018/19	(0)	(99)	(99)	(99)	(99)
40	2019/20			243	243	243
41	2020/21				570	570
42	2021/22					(13)
43	Shortfall in funding / (Surplus Funds) - cumulative	(0)	(99)	144	714	701
44	Estimated New Homes Bonus (5 year average of No of houses built)		(1,134)	(967)	(971)	(971)
45	Estimated New Homes Bonus (projected completions)		(1,391)	(1,471)	(1,627)	(1,627)
46	Minimum New Homes Bonus		(1,165)	(966)	(939)	(939)
48	Council Taxbase	1.54%	1.30%	1.30%	1.30%	1.30%
49	Band D Council Tax	0.50%	0.66%	1.15%	1.75%	1.75%
50	Band D Council Tax	£162.78	£163.85	£165.74	£168.64	£171.59

Appendix A Continued

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	-			10,787				10,857				11,590				11,772
Funding	-			(10,855)				(10,714)				(10,908)				(11,103)
(Surplus) / Deficit - 5 year average No of houses built	-			(68)				144				683				669
Expenditure	-			10,787				10,857				11,590				11,772
Funding	-			(11,112)				(11,218)				(11,563)				(11,759)
(Surplus) / Deficit - projected completions	-			(325)				(361)				27				13

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	9	318	888
MTFS CURRENT			
Shortfall in funding / (Surplus Funds) - cumulative	(99)	144	714
Cumulative Movement	(108)	(174)	(174)
Waste - recycling performance payments	(140)	(140)	(140)
Market Forces Payments - Development Management and Strategic Planning	47		
Shared Legal Services (SLS) - legal expenses	(36)	(36)	(36)
SCOLT membership for 2 yrs from 18/19	20		
Inflation	1	2	2
Cumulative Movement	(108)	(174)	(174)

Appendix B

Growth and Efficiency 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.

Appendix B

Growth and Efficiency 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 ClFCO 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			
					6,379,023	1,985,243	4,053,004	38,571	91,209	2,967,778	-233,893	

Appendix C

MID SUFFOLK 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	376	71	447	64	447	0
Discretionary Housing Grants	100	35	135	0	135	0
Empty Homes Grant	100	144	244	12	244	0
Total Supported Living	576	250	826	76	826	0
Planning for Growth						
Grants for Affordable Housing	0	500	500	50	500	0
Total Planning for Growth	0	500	500	50	500	0
Environment and Projects						
Replacement Refuse Freighters - Joint Scheme	0	0	0	0	0	0
Recycling Bins	80	63	143	22	143	0
LED Streetlights	0	44	44	0	44	-0
Electric Vehicle Charging Points	396	0	396	2	396	0
Total Environment and Projects	476	107	583	23	583	-0
Communities and Public Access						
Planned Maintenance / Enhancements - Car Parks	162	0	162	2	62	-100
Streetcare - Vehicles and Plant Renewals	44	0	44	0	0	-44
Play Equipment	25	25	50	0	50	0
Community Development Grants	189	150	339	9	339	0
Total Communities and Public Access	420	175	595	10	451	-144
Leisure Contracts						
Mid Suffolk Leisure Centre - roofing	300	0	300	0	159	-141
Mid Suffolk Leisure Centre - general repairs	95	0	95	0	0	-95
Mid Suffolk Leisure Centre - car park	60	0	60	0	0	-60
Stradbroke Pool - general repairs	30	0	30	0	0	-30
Total Leisure Contracts	485	0	485	0	159	-326
Capital Projects						
Planned Maintenance - Corporate Buildings	80	0	80	0	80	0
PV Panels	0	0	0	3	0	0
Total Capital Projects	80	0	80	3	80	0
Investment and Commercial Delivery						
Open for Business	30	0	30	0	0	-30
Regal Theatre Regeneration	2,575	0	2,575	0	2,575	0
Land assembly, property acquisition and regeneration opportunities	1,925	1,391	3,316	20	3,316	0
Total Investment and Commercial Delivery	4,530	1,391	5,921	20	5,891	-30
Corporate Resources						
ICT - Hardware / Software costs	200	150	350	37	350	0
Total Corporate resources	200	150	350	37	350	0
Delivery Programme Investment Opportunities						
	0	12,667	12,667	0	12,667	0
Total General Fund Capital Spend	6,766	15,240	22,007	219	21,507	-500

Agenda Item 10

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/18/19
FROM: Councillor John Whitehead, Portfolio Holder for Finance	DATE OF MEETING: 6 August 2018
OFFICER: Gavin Fisk, Assistant Director, Housing Sharon Bayliss, Senior Finance Business Partner	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 £322k 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 £322k, referred to in section 5.6 of the report, be noted;
- 3.3 The revised 2018/19 Capital Programme referred to in Appendix A and section 5.10 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 3,274 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 June (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 original budget set for the HRA for 2018/19 shows a deficit of £662k. The forecast position at Quarter 1 is deficit of £984k, an adverse variance of £322k.
- 5.6 The table below shows the main items that are included in the overall net adverse variance of £322k. 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 early stage in the year that BMBS will carry out fewer adaptations that is budgeted for resulting in a small underspend 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 Mid Suffolk'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 17 days, from 54 in September 2017 to 34 days in June 18. BMBS will now have less reliance on external contractors to complete void works in the future. An adverse variance of £368k is anticipated. 	368
<ul style="list-style-type: none"> Other items (net) – an adverse variance of £4k 	4
TOTAL ADVERSE VARAINCE	322

- 5.7 The net £322k adverse position means that the total HRA balances as at 31 March 2019 are forecast to be £4.2m. This includes a minimum working balance of £1m and £3.2m in the Strategic Priorities Reserve.

Capital

- 5.8 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.
- 5.9 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.

- 5.10 Actual capital expenditure for the period April to May 2018 totals £371k, against a revised programme (including carry forwards) of £10.6m, as set out in Appendix A. At this early stage in the year, the current forecast position remains on budget.

LINKS TO JOINT STRATEGIC PLAN

- 5.11 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.

6. FINANCIAL IMPLICATIONS

These are detailed in the report.

7. LEGAL IMPLICATIONS

- 7.1 There are no specific legal implications.

8. RISK MANAGEMENT

- 8.1 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

Risk Description	Likelihood	Impact	Mitigation Measures
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

9. CONSULTATIONS

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

10. EQUALITY ANALYSIS

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

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no specific environmental implications.

12. APPENDICES

Title	Location
APPENDIX A – Capital Programme	Attached

13. BACKGROUND DOCUMENTS

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

Appendix A

MID SUFFOLK 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
Capital Projects						
Planned maintenance	3,552	1,444	4,996	308	4,996	0
ICT Projects	300	17	317	24	317	0
Environmental Improvements	40	0	40	0	40	0
Disabled Facilities work	200	28	228	19	228	0
New build programme inc acquisitions	4,945	28	4,973	20	4,973	0
Total HRA Capital Spend	9,037	1,516	10,554	371	10,554	0

Agenda Item 11

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/18/20
FROM: Councillor Suzie Morley, Cabinet Member for Organisational Delivery	DATE OF MEETING: 6 August 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 seek approval from Cabinet for changes to the Joint Compliments, Comments and Complaints Policy and advise Cabinet of the proposed phased approach to implementing those changes alongside training to deliver an improved customer experience for complainants.

2. OPTIONS CONSIDERED

- 2.1 The options that have been considered are:

- a) To retain the existing policy which extends the time taken for complainants to access the Ombudsman and which is resource intensive.
- b) To agree the changes identified in the revised Joint Compliments, Comments and Complaints Policy through a phased approach, ensuring an improved customer focused experience.

3. RECOMMENDATIONS
3.1 The revised Joint Compliments, Comments and Complaints Policy be agreed.
3.2 Withdraw 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.
3.3 In consultation with the Council Leader and Cabinet member, minor amendments to the policy are delegated to the Senior Leadership Team.
REASON FOR DECISION
To improve the Joint Corporate Comments, Compliments and Complaints Policy so that the customer is 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.

4. KEY INFORMATION

Background

- 4.1 The existing Joint Corporate Comments, Compliments and Complaints Policy was approved at meetings of the full Councils in April 2014.
- 4.2 An external Barrister was asked by the Monitoring Officer to review the policy, highlighting areas for improvement as well as recommending changes to address an increase in the number of complaints from a small number of individuals who were seen as being unreasonable, persistent and/o vexatious.
- 4.3 The recommendations from the barrister were received in early 2016, and in respect of the persistent and vexatious complainants were actioned. However due to other commitments and changes in personnel the other recommendations were not implemented. The recommendations contained in this report are made to remedy this.
- 4.4 In addition, 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. Recommendation 3.3 is included to approve an approach that was discussed by the Councils at the 2016 meetings but was not recorded as having been formally voted upon

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

- 4.5 The most significant proposed change to the Policy, as recommended by the Barrister, is that complainants will have the right to access the Ombudsman after receiving a stage 1 response. Alternatively they can provide additional information or evidence to the Council which will be reviewed by an independent member of the Business Improvement team, commonly referred to as a stage 2 complaint. When making this recommendation the Barrister referred to this practice as being used by the Local Government Association. This is still the case and is also common practice across the social housing sector.

Benefits from the change to the policy

Customer service improvement

- 4.6 Through the proposed change complainants will have faster access to the Ombudsman due to not being obliged to have a stage 2 investigation undertaken in addition to the stage 1 as required in our existing policy. Evidence shows that between April and May 2018, eight complainants asked for a stage 2 purely as a route to the Ombudsman.
- 4.7 For those complainants who have new evidence that was not considered at stage 1, they may still request that a stage 2 investigation be undertaken to ensure that all information is considered by an independent person when reaching a conclusion.

- 4.8 In 2017/18, 339 stage 1 complaints were received with 32 (9.4%) escalated to a stage 2 investigation. Through a review of the stage 1 responses it is evident that they proceed to an independent stage 2 investigation for a number of reasons namely: a failure to demonstrate an understanding of the reasons for the complaint – poor communication; missing the deadline to respond; and poor customer services such as not providing an apology when appropriate.
- 4.9 It is evident that the customer services experience could be improved and there is greater scope for a more effective resolution of issues, without the need for the complaints process to be triggered. This policy supports our Customer Strategy; encouraging our people to think customer first, and aiming to resolve issues at the first point of contact.
- 4.10 A training programme has been planned for all those who respond to stage 1 complaints. The aim of the programme will be to address the points raised in **4.9** so that more complainants will be satisfied with the Councils' response to issues and complaints, with fewer proceeding to stage 2.

Officer resource

- 4.11 An independent stage 2 investigation has a very important part to play due to the detailed objective assessment of the complaint and consideration of all the evidence. Currently the Business Improvement (BI) team investigate stage 2 complaints. There were 32, stage 2 investigations last year, with 4, stage 1 outcomes overturned.
- 4.12 Regardless of the outcome, each investigation is unique and complex in its own way. Complaint investigations often require legal advice and/or legislative or policy research to ensure that each issue the complainant has raised, is responded to accurately and completely. The BI team estimate stage 2 complaints require, on average, between 2 and 4 days to investigate and complete. A reduction in the number of times that a complainant feels they need a stage 2 investigation not only saves them time but will allow officer resource to be redirected.
- 4.13 Appendix 2 shows a flowchart depicting the complaints process.

The phased approach

- 4.14 The change to the policy will only be implemented when we are assured that the training has had the desired effect. This will be assessed and monitored in a number of ways. The Senior Leadership Team will monitor on a monthly basis an analysis of the type and frequency of complaints received through a performance scorecard. Once they see an impact in the reduction in both the number of complaints received and those escalated and are satisfied that there is no negative impact on the customer, a recommendation will be made to the Cabinet Member and Leader to confirm implementation of the policy. Alongside this regular monitoring by the Senior Leadership Team, Cabinet Members will receive regular data on the numbers and types of complaints and any underlying trends. Where significant Ward or service delivery concerns become apparent through the complaints process, the specific Ward member or Cabinet member will be informed, or, where appropriate, both.

- 4.15 In addition, 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 Complaints and lessons learned sit under the intelligence and performance hexagon/project underpinning 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.	6 - Medium	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	6 - 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 improve consultation and engagement with customers 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.
- 9.2 The changes to the policy are not assessed as having an impact of a significance that would mean any form of public consultation is required.

10. EQUALITY ANALYSIS

- 10.1 Equality Impact Assessment (EIA) not required. There are no equality and diversity implications arising from this report.

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
Flowchart of the route for investigation of stage 2 complaints	Attached

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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

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'

PAYING A COMPLIMENT OR MAKING A COMPLAINT

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

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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	
-----------------------	--

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

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

Yes		No		Prefer not to say	
-----	--	----	--	-------------------	--

2. How old are you?

Under 15		16 – 24		25 – 34		35 – 44		45 - 54	
55 – 64		65 – 74		75 – 84		Over 85		Prefer not to say	

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

Yes		No		Prefer not to say	
-----	--	----	--	-------------------	--

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

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

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	
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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@baberghmidsuffolk.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"/>

<p>5. What would you like to comment on?</p> <ul style="list-style-type: none">- do you consider the Council has done right?- do you consider the council has done something wrong or failed to do something? <p>(Please give us as much detail as possible)</p>

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:
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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

APPENDIX 4



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

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



Complaints team acknowledge receipt and forward to relevant Corp Manager.



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.

Further contact on existing complaint



Confirm receipt and forward to person investigating.

----- Request for a -----
stage 2 investigation



Complaints team acknowledge receipt and forward to Business Improvement 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.



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.



Is the complaint on the subject that has been designated?



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

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Agenda Item 12

MID SUFFOLK DISTRICT COUNCIL

COMMITTEE: Cabinet	REPORT NUMBER: MCa/18/21
FROM: Cabinet Member for Housing	DATE OF MEETING: 6 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.

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

- 6.1 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.
- 6.2 However, we can expect there to be at least 80 HMO's to licence. The expenditure will be variable depending on the size, condition and management of the property.
- 6.3 Income, based on the proposed fees, will be £44,000. This will not be an annual fee income as a HMO licence lasts 5 years.

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
(a) Houses in Multiple Occupation Licence Fee Policy	Attached

13. BACKGROUND DOCUMENTS

- 13.1 None

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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

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 14

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

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