

## **BABERGH AND MID SUFFOLK DISTRICT COUNCILS**

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 19 July 2021 -09:30

### **PRESENT:**

Councillors:	Simon Barrett	James Caston
	Siân Dawson	Paul Ekpenyong
	Jane Gould	Kathryn Grandon
	Sarah Mansel	Mary McLaren (Co-Chair)
	David Muller BA (Open) MCMI	Keith Scarff
	RAFA (Councillor)	
	Keith Welham (Chair)	

### **In attendance:**

Officers: Corporate Manager- Governance and Civic Office (RC)  
Assistant Director- Environment and Commercial Partnerships (CC)  
Corporate Manager – Strategic Property (SC)  
Governance Officer (RC)

### **Apologies:**

Terence Carter  
Margaret Maybury BA (Hons) Ch Th

## **79 APOLOGIES AND SUBSTITUTES**

Apologies of absence were received from Councillors Terence Carter and Margaret Maybury.

Councillor Sarah Mansel substituted for Councillor Terence Carter.

## **80 DECLARATION OF INTERESTS**

None declared.

## **81 JOS/21/6 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 28 JUNE 2021**

It was resolved that the Minutes of the meeting were confirmed and signed subject to the amendments and clarifications below:

- 70.13 – the word County be corrected to “Country”.
- 70.35 – that the word “posed” is replaced by “discussed”.

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

None received.

**83 QUESTIONS BY THE PUBLIC**

83.1 The Governance Officer reported that one question had been received from Thomas Morelli which the Chair read out as follows:

“The Joint Overview and Scrutiny Committee last scrutinised the Shared Legal Service in July 2018.

Since that time, there have been a number of occasions relating to successful (or conceded) legal challenges against Babergh and/or Mid Suffolk District Council, most recently the claim for judicial review brought by Boxford Parish Council, which was part-conceded by Babergh. This raises the potential issue of the quality of advice being provided by the Shared Legal Service.

In addition, given the time that has elapsed since the Committee’s last review of the Shared Legal Service, it would seem prudent for updated scrutiny by the Committee to be conducted.

Given all of this, will the Overview and Scrutiny Committee commit to carrying out a full review of the work undertaken by the Shared Legal Service, to ensure that it is still performing in line with expectations, and is providing good value for council tax-payers?”

It was noted that this question had been read at the previous meeting and would be dealt with under items 10 and 11.

**84 QUESTIONS BY COUNCILLORS**

None received.

**85 INFORMATION BULLETIN**

85.1 The Assistant Director – Environment and Commercial Partnerships introduced the information bulletin on the Land Adoption Policy to the Committee alongside the Corporate Manager for Strategic property.

85.2 Councillor Paul Ekpenyong asked what were the requirements for developers taking on responsibilities of maintaining land and how was this monitored to ensure the agreements and works were being undertaken as agreed.

85.3 The Corporate Manager for Strategic Property responded that this would be monitored through the planning process and where Section 106 Agreements had been made and that if agreements were not being adhered to then it could

be reported to the Council's Planning Enforcement Team.

85.4 Councillor Mary McLaren asked whether there was a map to view the open spaces and whether Parish Councils and District Councillors would be asked to participate in providing information.

84.5 The Corporate Manager for Strategic Property responded that the Councils online mapping software was being updated to include open spaces and that key stakeholders would be asked to provide information.

84.6 Councillor Mary McLaren queried who was responsible for the maintenance of roadside verges and how this would affect the planning committees and their decision-making process.

84.7 The Corporate Manager for Strategic Property responded that the responsibility of the roadside verges was a mixture of the County Council and the District Council, and that a policy document was being created to support the decision-making process.

84.8 Councillor Sarah Mansel queried whether the mapping software would show only Council owned land, and that Public open space was discussed at the Council's Planning Committees, and how were Planning Enforcement getting involved.

84.9 The Corporate Manager for Strategic Property responded that the mapping software would show planning uses as well as Council owned land, and that this was a joined-up piece of work being involved in the Local Plan.

84.10 The Chair, Councillor Keith Welham asked whether issues such as open space and Section 106 Agreements included time limited management arrangements as they could lead to many issues including the use of verges and questions being raised over their ownership and use.

84.11 The Corporate Manager for Strategic Property responded that the review was intended to capture points such as those and identify what needed to be managed.

#### **85.12 – Insourcing Public Realm Project Information Bulletin**

85.13 Councillors Simon Barrett and Kathryn Grandon outlined their concerns with the current provision of service, management structure, and queried the possibility of flexibility in the future for undertaking public realm works.

85.14 The Assistant Director for Environment and Commercial partnerships responded to Members questions that there was 1 operational manager under the current Babergh contract with the remainder of the team being operational workers, that the current service being provided was unacceptable to the Council, that informal 1 to1 meetings with staff would begin shortly to communicate the standard required as well as the cultural change joining the Councils insourced team.

85.15 Councillor Paul Ekpenyong commented that Mid Suffolk would not want to see a dilution of its own services' effectiveness from the insourcing of the Babergh contract.

85.16 Councillor Sian Dawson queried the data within the Information Bulletin and whether enough information had been provided.

85.17 The Assistant Director for Environment and Commercial Partnerships clarified that this update did not include the full data of the changes as this had previously been presented to the Committee and this was an update to Members.

85.18 Councillor James Caston questioned how the Council would be procuring services as well as the Councils environmental impact on futureproofing the service.

85.19 The Assistant Director for Environment and Commercial Partnerships responded that the Commissioning and procurement process would be conducted by the Councils in house team and that they would be looking to use electric vehicles where possible. The Assistant Director added that all hand tools used by the Public Realm Team were now electric or used alternatives to fossil fuels, and that journeys were planned to minimise vehicle movements.

85.20 Councillor Kathryn Grandon raised concerns regarding the changeover of staff and what would be done to mitigate staff shortages.

85.21 In response to the question the Assistant Director for Environment and Commercial Partnerships outlined that this had been considered and had been identified on the Council's risk register, and that the terms being offered by the Council were superior to the current operators, that agencies had been informed that extra operators could be needed at short notice as well as possibly using the Kickstart programme for staff which supported people on Universal Credit.

85.22 Councillor Kathryn Grandon commented that any new operators would need to be trained to a high standard and that Members would like to see the organisational structure of the service.

85.23 The information Bulletins were noted by the Committee.

## **86 TASK AND FINISH GROUP FOR SCOPING OF TRANSPORT IN THE DISTRICTS**

86.1 The Chair introduced the item for a Task and Finish Group to scope a potential item for scrutinising transport in the Babergh and Mid Suffolk districts with the possibility of co-opted officers providing professional advice and guidance.

86.2 Councillor Simon Barrett outlined how he did not feel that it was a worthwhile exercise considering that the County Council controlled this area.

86.3 The Chair responded that the Group did not have to be limited to formal services but that there were many different informal services and the Task and Finish Groups role would be to look at what would be achievable and whether there was anything worth scoping.

86.4 Councillor Sarah Mansel commented on the poor transport services across Mid Suffolk and that there needed to be a joined-up approach to this issue.

86.5 Members of the Committee debated whether this would be a good use of the Council's resources when they had no power over the final decision being taken and whether a countywide approach would be better suited to this topic.

86.6 The Chair reminded Members that the role of this proposed Task and Finish Group was to scope out whether it was worthwhile to conduct a full scrutiny and that the Group could return their findings that it was not worth undertaking.

86.7 Members debated their role in representing their residents on this issue and that this was not a purely transport related issue, that all areas had community transport networks and it could identify support where it was needed and provide an input into the County Council's Bus Back Better Campaign.

86.7 Councillors continued to debate on the issues including: the what the expectation was from residents considering that the Councils had declared a Climate Emergency, and that this was more of a responsibility of County Councillors to raise as an issue.

86.8 Councillor Simon Barrett proposed that the Overview and Scrutiny Committee did not create a task and finish group for the scoping of transport in the districts as it is outside of the District Councils remit.

86.9 Councillor Sian Dawson seconded the motion.

86.10 By 5 votes to 6.

86.11 the motion was lost

86.12 Councillor Sarah Mansel proposed that the Overview and Scrutiny Committee does create a task and finish group for the scoping of transport in the districts

86.13 Councillor Keith Scarff seconded the motion.

86.14 By 7 votes to 4

86.15 **RESOLVED**

**That the Joint Overview and Scrutiny Committee does create a task and finish group for the scoping of transport in the districts.**

86.15 Members debated and took advice from the Corporate Manager -Governance and Civic Office on the Membership of the Committee including the co-option of

Members as well as the calling of Key witnesses to task and finish group meetings and could include other Members of the Council.

86.16 Councillor Keith Welham proposed that the Chairs of BDC and MSDC Overview and Scrutiny Committees formulate the task and finish Group with 2 Members from each Council excluding the Chairs.

86.17 Councillor Jane Gould seconded the motion.

86.18 By 10 votes to 1

#### **86.19 RESOLVED**

**That the Chairs of BDC and MSDC Overview and Scrutiny Committees formulate the task and finish group with 2 members from each Council excluding the Chairs.**

### **87 FORTHCOMING DECISIONS LIST**

87.1 The Forthcoming decisions list was noted by the Committee.

### **88 JOS/21/4 BABERGH OVERVIEW AND SCRUTINY WORK PLAN**

88.1 The Chair referred to the question that had been received by Thomas Morelli and asked that Members include a review of the Shared Legal Service.

88.2 Members debated the benefits of possible scrutiny and made it clear that Legal advice was subjective and was outside the scope of the Committee's remit.

88.2 Members agreed that it would be worthwhile to scrutinise the quality of service, the value for money, the structure of the service and the responsiveness of the Shared Legal Service and that this should be brought before the Committee in November.

88.2 Members discussed the timetable for the land adoptions policy being reported to Committee and that this should come forward in November as well.

88.3 Councillor Mansel queried the timing of the West Suffolk Community Safety Partnership review and whether the timing of this could be reviewed so that officers did not have to create multiple reports.

88.4 The Corporate Manager for Governance and Civic Office advised Members that the BDC Overview and Scrutiny Committee had been asked to conduct a Joint Scrutiny Committee with Suffolk County Council regarding Stella Maris and asked that this was added to the Councils workplan for the winter months.

88.5 Councillor Caston raised the topic of online Complaints which had been overhauled in the past 3 years and whether an information bulletin on this could be presented to the Committee on the current situation and progress of this area.

88.6 Councillor McLaren raised the topic of SALC (Suffolk Association of Local Councils) and their support for Parish Council's within the Districts. The Corporate Manager for Governance and Civic Office advised Members that the scope of any scrutiny would be limited as SALC was a private organisation and not under the control of the Council.

88.7 By a unanimous vote.

88.8 **RESOLVED**

**That the BDC Workplan was noted and updated with the following additions:**

- **That the Shared Legal Service be reviewed in November 2021**
- **That the Land Adoptions Policy be reviewed in November 2021**
- **That the review of Stella Maris be added to the BDC workplan only for December 2021**
- **That an information bulletin be brought before Members on the Electronic Complaints process.**
- **That a review of the Support given by the Suffolk Association of Local Councils (SALC) be added to the workplan.**

## **89 JOS/21/5 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN**

89.1 As the debate on items for the items on the workplan was joint please refer to minute 88 for full details.

89.2 By a unanimous vote:

89.3 **RESOLVED**

**It was Resolved that the MSDC Workplan was noted and updated with the following additions:**

- **That the Shared Legal Service be reviewed in November 2021**
- **That the Land Adoptions Policy be reviewed in November 2021**
- **That an information bulletin be brought before Members on the Electronic Complaints process.**
- **That a review of the Support given by the Suffolk Association of Local Councils (SALC) be added to the workplan.**

The business of the meeting was concluded at 11.23 am.

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Chair