



TO: THE CHAIRMAN AND MEMBERS OF  
BABERGH DISTRICT COUNCIL

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18 July 2016

## PLEASE NOTE TIME OF MEETING

Dear Sir/Madam

A Meeting of the Babergh District Council will be held in the Council Chamber, Council Offices, Corks Lane, Hadleigh on **Tuesday, 26 July 2016 at 5:30 p.m.**

For those wishing to attend, prayers will be said at 5:25 p.m. prior to the commencement of the Council meeting.

Yours faithfully

Chief Executive

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk who will instruct that they are not included in the filming.





## PART I

1 APOLOGIES FOR ABSENCE

To receive apologies for absence.

2 DECLARATION OF INTERESTS

**Members to declare any interests as appropriate in respect of items to be considered at this meeting.**

3 MINUTES

To confirm and sign the minutes of the meeting held on [28 June 2016](#) as a correct record (copy attached).

4 CHAIRMAN'S ANNOUNCEMENTS

Paper  
[S46](#)

In addition to any announcements made at the meeting, please see Paper S46 attached, detailing events attended by the Chairman and Vice-Chairman.

5 LEADER'S ANNOUNCEMENTS

6 PUBLIC PARTICIPATION SESSION

Members of the public are able to ask a question or make a statement during this item – please refer to the 'Guide to the Procedure' – copy available on request.

Prior written notice of the intention to speak must be given to the Monitoring Officer by no later than 5.00 p.m. on Thursday, 21 July 2016 (two clear working days before the meeting).

7 QUESTIONS FROM THE PUBLIC IN ACCORDANCE WITH [COUNCIL PROCEDURE RULE NO. 15](#)

The Chairmen of Committees to answer any questions from the public of which notice has been given no later than midday two clear working days before the day of the meeting in accordance with Council Procedure Rules.

8 QUESTIONS FROM MEMBERS IN ACCORDANCE WITH [COUNCIL PROCEDURE RULE NO. 16](#)

The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Lead Members to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rules.

9 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO. 14

In accordance with Council Procedure Rules, the Chief Executive will report the receipt of a petition as detailed below. There can be no debate or comment on this matter at the Council meeting.

Planning Application No B/16/00750/FUL

Full application – erection of 2 detached 2-story dwellings. Erection of detached double garage serving Plot 1 and alterations to existing vehicular access (following demolition of existing buildings) barn and land on north west side of Gents Lane, Shimpling.

Petition signed by 56 residents of the Babergh District asking the Council to determine the outcome of the above application at an open session of the Planning Committee. The petition included a reference to the proposed development being 'highly controversial' as the reason given for this request. Receipt of the petition was reported to the Planning Committee on 13 July when Members were informed that the Ward Member has called for a decision on the application to be referred to Planning Committee. It is currently anticipated that the application will be determined by Committee on 24 August 2016 and the lead petitioner has been advised accordingly.

Members are asked to note the position.

10 PRESENTATION BY THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

Richard Buck, Review Manager for the Local Government Boundary Commission for England will provide a short presentation outlining the context for an Electoral Review along with a detailed explanation of the statutory process and indicative timeline for a review. This will be followed by a question and answer session.

11 ELECTORAL REVIEW FOR BABERGH DISTRICT COUNCIL

Paper  
[S47](#)

Report by the Chief Executive attached.

Leader – Jennie Jenkins.

12 DESIGNATION OF HEAD OF PAID SERVICE

Paper  
[S48](#)

Report by the Assistant Director – Corporate Resources – to follow

Leader – Jennie Jenkins.

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 this items, it is likely that there would be the disclosure to them of exempt information as indicated against the item.**

The author of the report proposed to be considered in Part II of the Agenda is satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **PART II**

14 RECOMMENDATION AND REPORT FROM STRATEGY COMMITTEE  
(14 July 2016)

New Anglia 'Space to Innovate' Enterprise Zone – Sproughton Enterprise  
Park Site (Exempt information by virtue of Paragraph 3 of Part 1)

Papers  
[S44](#) and  
[S49](#)

At its meeting on 14 July 2016, the Strategy Committee accepted the recommendations contained in Paper S44, attached as Paper S49.

Business Growth and Increased Productivity Portfolio – Simon Barrett.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 826610 or via email at [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk)

MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 28 JUNE 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Jennie Jenkins
Sue Ayres	Frank Lawrenson
Melanie Barrett	Margaret Maybury
Simon Barrett	Alastair McCraw
Tony Bavington	Mark Newman
Sue Burgoyne	John Nunn
Tom Burrows	Adrian Osborne
Dave Busby	Jan Osborne
Tina Campbell	Lee Parker
Sue Carpendale	Peter Patrick
Michael Creffield	Stephen Plumb
Derek Davis	Nick Ridley
Siân Dawson	David Rose
Alan Ferguson	William Shropshire
Barry Gasper	John Ward
Kathryn Grandon	Stephen Williams
David Holland	

The following Members were unable to be present:

Peter Beer, John Hinton, Michael Holt, Bryn Hurren, Richard Kemp, James Long, Ray Smith, Harriet Steer and Fenella Swan.

13 DECLARATION OF INTERESTS

None declared.

14 MINUTES

**RESOLVED**

**That the Minutes of the Annual Meeting held on [26 April 2016](#) be confirmed and signed as a correct record.**

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to [Paper S28](#) outlining recent events attended by the Chairman and Vice-Chairman.

Civic Events

The Chairman's Reception will be held at Wherstead Hall on 7 September and there will be a carol service in Boxford on 7 December. The Chairman is also looking at a possible event in the Sudbury area.

16 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

17 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule No. 15, Michael Evans asked the following question:

*“Local plan policy HS17 states that approximately 4.4 hectares of land east of Carsons Drive is to be allocated for about 170 dwellings and that this housing site is deleted from the special landscape area.*

*Officers now state that 4.8 hectares is now the area proposed for residential development. The extra land is due to the inclusion of the open space in the definition of development area (see Paper R6 planning meeting 27 May 2015).*

*Does this mean that there could be planning applications for additional housing on this open space?”*

Simon Barret, Portfolio Holder for Business Growth and Increased Productivity, responded as follows:

*“The allocation set out in policy HS17 provides for approximately 4.4 hectares of land to be allocated for about 170 dwellings. The scheme that was brought forward was for 166 dwellings across 4.8 hectares of the site (the total site area being 12.7 hectares), although this also included open space within this area. These variances are considered to be reasonable within the terms of the approximation provided for in the policy which does not provide finite figures. The open space is an important part of the layout of the approved scheme and is integral to the development. It is designated for such use within the approved documents and controlled for such use by virtue of planning conditions and the associated legal agreement. It would, therefore, be highly undesirable for the use of this area to be lost for further housing and we are not aware of any proposals to do so. Such a change would require planning permission and, as such, the Local Planning Authority would retain control over any such proposal”.*

As provided for by Council Procedure Rules, Michael Evans then asked a supplementary question as follows:

*“This redefinition looks like an unauthorised manipulation of the Local Plan. The areas, i.e. the woodland, the public open space, the improved habitat, the farm track and some land between the track and the building site are all in the Special Landscape Area as defined in the Local Plan. Therefore any development in this area – such as upgrading the track, tree planting, lighting, signs, play areas etc, must blend in with the landscape and avoid any suburbanisation effect – visitors to Abbas Hall should not be aware that they are passing a housing estate or see views of unnatural play equipment, neat rows of tree planting or an upgraded tarmacked farm track. All development in the SLA must be done in accordance with the regulations set out in the Local Plan. Will this be done?”*

Simon Barrett stated that a formal response would follow outside the meeting.



Note: the response which was subsequently sent to Mr Evans is reproduced below:-

*The Committee report makes clear that the development is partly within, and would affect, the Special Landscape Area (SLA). Indeed, the report makes reference to the SLA and to saved Local Plan Policy CR4 at a number of points, most notably at paragraphs 261-269 which deals specifically with this issue. Paragraph 174 of the committee report also draws attention to how the Planning Inspector considered the impact on the SLA within the preceding appeal. Conditions have been imposed to deal with a number of the specific issues raised by Mr Evans, most notably conditions 3 (Materials), 7 (Levels), 8 (Construction Management), 9 (External Lighting), 11, 12, 13 (All Landscaping), 14 (Play Equipment and Surfacing), 15 (Boundary Treatments), 16 (Road Surfacing) and 18 (Tree Protection). The Planning Committee considered these conditions to be necessary with regards to ensuring suitable control over the details of these elements of the proposal, and is satisfied that sufficient controls are in place to ensure an acceptable scheme is delivered.*

18 QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule No. 16, Derek Davis asked the following question:

*“While Babergh’s Open For Business initiative is to be applauded, surely it can’t be right that street vendors are free to trade in our district without the need to pay anything towards our economy, therefore providing unfair competition to those outlets that pay what are already crippling business rates, now without retail rate relief, so what will this council do to address this?”*

Simon Barret, Portfolio Holder for Business Growth and Increased Productivity, replied to Councillor Davis’ question as follows:

*“Babergh District Council adopted street trading legislation back in 1992, primarily at the request of Sudbury Town Council/local town centre businesses, due to the cumulative impact of uncontrolled street vendors on static businesses/business rate payers, and the impact on the designated Thursday/Saturday Sudbury Market.*

*Whilst most of the district is not restrictively controlled for street trading purposes, there are various resolutions in effect in Babergh to designate controls, licensing arrangement or prohibitions specifically in Sudbury, and some other areas of the district where there have been similar cumulative impact or disproportionate impact from street trading. The Council website gives further information at <http://www.babergh.gov.uk/business/licensing/street-trading/>. Street trading resolutions are costly and time-consuming to create and are mainly a tool, where proportionate, to address cumulative impact rather than the isolated problematic individual trader issues that may arise from time to time and be addressed by other means. Some late night businesses are also regulated by the Licensing Act 2003 where they sell hot food or drink between 11pm and 5am.*

*Any business wishing to trade in the street would also need consent from the landowner/controller (which is often SCC Highways) as a precursor to considering whether any street trading permissions are required. Without prior consent to pitch, or use a legitimate or legal/insured/taxed vehicle, the consideration of street trading authorisation (or prohibition) may not arise.”*

As provided for by Council Procedure Rules, Derek Davis then asked the following supplementary question:-

*“Will the administration and their Officers ensure all businesses affected, especially on the Shotley peninsula, are given discretionary business rate discount with immediate effect?”*

Simon Barrett responded as follows:-

*“The suggested approach would not be practicable because a policy would need to apply across the whole District and this matter would have to be addressed through any Business Rate relief review.”*

19 PETITIONS

None received.

20 RECOMMENDATIONS AND REPORTS FROM JOINT AUDIT AND STANDARDS COMMITTEE

Joint Annual Treasury Management Report 2015/16 (Joint Audit and Standards Committee – 20 June 2016)

John Ward, Vice-Chairman of the Joint Audit and Standards Committee, introduced the Committee’s recommendation to note the Treasury Management activity for the year 2015/16, as set out in [Paper JAC82](#).

Katherine Steel, Assistant Director – Corporate Resources confirmed that the Council’s Treasury Management advisers were proactively monitoring the situation but their current advice to the Council in relation to the situation following the recent EU referendum was that the prudent strategy followed by the Council remained appropriate.

**RESOLVED**

**That the Treasury Management activity for the year 2015/16 as set out in Paper JAC82 and its Appendices be noted. Further, that it be noted that performance was in line with the Prudential Indicators set for 2015/16.**

Note: It is a requirement of the legislation that the Annual Treasury Management Report is submitted to the Full Council for noting.

21 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES AND JOINT COMMITTEES

Jeanette McGarry, Interim Head of Democratic Services, introduced [Paper S32](#) seeking Member approval of the revised numerical allocation of seats as set out in Appendix 1 to Paper S32.

**RESOLVED**

- (1) That the Committees' size and numerical allocation of seats as detailed in Appendix 1 to Paper S32 be approved.**
- (2) That Committee seats as set out in Appendix 2 to Paper S32 be allocated.**

22 APPOINTMENT OF MEMBERS TO JOINT GROUPS

Jeanette McGarry, Interim Head of Democratic Services, introduced [Paper S33](#) seeking Member approval of the revised appointment of Members to joint bodies.

**RESOLVED**

- (1) That the political representative calculations for the bodies referred to in Paragraph 8.2 as contained in Appendix 1 to Paper S33 be approved.**
- (2) That the membership of the groups as detailed in Appendix 2 be approved.**

Note: Peter Quirk, Interim Head of Democratic Services, confirmed that the names of the Independent Conservative Group members in relation to Papers S32 and S33 had yet to be advised by the Group Leader.

23 DEVOLUTION FOR NORFOLK AND SUFFOLK

Prior to asking Jennie Jenkins to introduce this item, Peter Burgoyne, Chairman of the Council, gave the following statement:-

“I have received advice about amendments on this item.

All authorities in Norfolk and Suffolk have now published their reports and all Council meetings are taking place this week.

The short window available for Council meetings, which had to take place after the EU Referendum and before the public consultation deadline of 4 July, means that it will not be possible to make individual amendments to the Deal Document or the Scheme (other than minor amendments of a typographical or correcting nature) at the Council meetings. So please bear that in mind in this debate.

That is not to rule out other amendments to the recommendations which will be considered in line with our Constitution.”

Members had before them [Paper S29R](#), which replaced Paper S29 previously circulated and included an additional Appendix E – Summary of Consultation Responses to Suffolk’s survey on Devolution (May-June 2016).

Jennie Jenkins, Leader of the Council, introduced Paper S29R which set out the Suffolk and Norfolk approach to the East Anglia Devolution Deal and sought Member support for various aspects of the Deal to date.

The Leader and Officers provided replies to Members’ questions, including in relation to human resources implications and the related service delivery, election of a single Mayor and establishment of a Mayoral Combined Authority, the consultation process and how the feedback would be communicated, potential effect on the housing needs, house building and infrastructure in Babergh and any effect of the recent EU referendum on the devolution plans.

Members also expressed their thanks to Jennie Jenkins for her hard work and leadership on the devolution proposal.

## **RESOLVED**

- (1) That the Authority endorses the signing of the Norfolk and Suffolk Devolution Agreement by the Leader.**
- (2) That, on the basis of the Governance Review, and having regard to any impact on equalities explored in the Equalities Impact Assessment (EqIA) at Appendix D, the Authority concludes that the establishment of a Mayoral Combined Authority for Norfolk and Suffolk is the option which most fully permits the effective discharge of the functions that Government is prepared to devolve to this area.**
- (3) That the Authority endorses and supports the publication of the draft Scheme for a Norfolk and Suffolk Mayoral Combined Authority as at Appendix C to this report for consultation purposes, subject to such final revisions as may be approved by the Chief Executive in consultation with the Leader, and prior to the commencement of the formal consultation exercise. Such formal consultation, on the Scheme, to commence once all Norfolk and Suffolk Councils have considered the matters in this report and, in any event, no later than the 4 July 2016. In the event that a Constituent Authority named in the attached Scheme does not agree to endorse the Deal Agreement and/or the Scheme, the Authority authorises, through its Chief Executive, the relevant/any necessary changes to be made to the Deal Agreement, the Scheme and the Governance Review to reflect that Authority’s non-participation.**
- (4) That the outcome of the consultation exercise is submitted to the Secretary of the State by the Chief Executive in consultation with the Leader, by early September.**
- (5) That Council meets no later than the 28 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Norfolk and Suffolk.**

- (6) That, insofar as any of the matters referred to in this report concern the discharge of functions related to the endorsing and signing of the Norfolk and Suffolk Devolution Agreement and the publication of the Scheme, authority is delegated to the Chief Executive in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in this report.
- (7) That in the event that any technical changes are required to reflect legislative requirements and the contents of the Deal Agreement, authority be delegated to the Chief Executive, in agreement with the other Chief Executives and Managing Directors across Norfolk and Suffolk to make the necessary changes to the Scheme.
- (8) That further reports be presented to the Authority as appropriate as the Devolution process develops.

24 CONSTITUTIONAL UPDATE – PHASE 1

Suki Binjal, Interim Assistant Director – Law and Governance, introduced Paper [S30](#) seeking Member approval to adopt the Constitution as contained in Appendix A to Paper S30. Members also had before them revised pages 77-80 which covered minor corrections to be made to the draft Constitution in Appendix A.

The recommendation in 2.1 of Paper S30 was moved, following which Councillor McCraw proposed an additional recommendation, as follows:-

“That the Members Allowances section, the Compliments/Complaints Policy, the Petitions and Public Participation Scheme, the Filming and Videoing Guidance and the Whistleblowing Policy, along with the Planning Charter, be published as a supplement to the Constitution and available in the same places.”

Councillor McCraw subsequently withdrew his proposal on the basis that further consideration would be given in Phase 2 of the Review as to how items withdrawn from the main Constitution document might best be made available in an appropriate and transparent way.

Further matters identified during the course of the debate for consideration in Phase 2 included:-

- Recommendations from Joint Audit and Standards Committee
- Role and responsibilities of Deputy Leader
- Clarification on voting by ballot/recorded means.

**RESOLVED**

**That the Draft Constitution (Appendix A to Paper S30) be adopted, subject to minor corrections including those identified in revised pages 77 to 80.**

25 RECRUITMENT OF THE NEW JOINT CHIEF EXECUTIVE

Jennie Jenkins, Leader and Portfolio Holder for Assets and Investments, introduced [Paper S31](#) and asked Members to approve its recommendations to set up a cross-party Task and Finish group to oversee the recruitment process. Katherine Steel, Assistant Director – Corporate Resources, confirmed that relevant Officers, Members and stakeholders would be involved in the process.

Members noted that the group would be a joint arrangement with Mid Suffolk.

**RESOLVED**

**That a Joint Task and Finish group be established to work with officers to select and make a recommendation to Council on the recruitment of a new Joint Chief Executive in accordance with the details set out in Appendix A to Paper S31.**

26 AMENDED PAY POLICY STATEMENT FOR 2016/17

Jennie Jenkins, Leader, introduced [Paper S34](#) asking Members to approve the amended Pay Policy Statement for 2016/17 as set out in Appendix A to Paper S34, the main adjustment being the Chief Executive's salary range, which was linked to the recruitment process as outlined in Paper S31.

During the course of the debate, reference was made to various related matters including the Focussed Management Review and the use of temporary staff.

**RESOLVED**

**That the amended Pay Policy Statement for 2016/17 as contained in Appendix A to Paper S34 be approved.**

27 CONSTITUTIONAL UPDATE – PHASE 2

Suki Binjal, Interim Assistant Director – Law and Governance, introduced Paper S35, seeking Member approval to update the Constitution as set out in [Paper S35](#), which would be brought back to Council for approval.

Members noted that the roles of Councillors in the implementation of the Joint Strategic Plan and roles of Portfolio Holders and Members with Special Responsibilities would be taken into account in Phase 2 together with the matters identified for further consideration in Minute No. 24 above.

**RESOLVED**

- (1) That the Constitution be updated as set out in Paper S35 and the changes to be carried out be delegated to the Monitoring Officer.**
- (2) That on completion of the proposed changes the Monitoring Officer to report back to the Council with a revised Constitution for further approval.**

28 ACTION OUT OF MEETING

Suki Binjal, Interim Assistant Director – Law and Governance, referred to Paper [S36](#) and asked Members to note the Urgent Action authorised on 19 May 2016 to appoint a temporary Parish Councillor to Raydon Parish Council to ensure it was quorate and able to act.

**RESOLVED**

**That the contents of Paper S36 be noted.**

The business of the meeting was concluded at 7.25 p.m.

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Chairman

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EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
<b>APRIL 2017</b>				
<b>ANNUAL COUNCIL MEETING</b> Council Chamber				






## BABERGH DISTRICT COUNCIL

<b>From: Chief Executive</b>	<b>Report Number: <span style="font-size: 1.5em; font-weight: bold;">S47</span></b>
<b>To: Council</b>	<b>Date of meeting: 26 July 2016</b>

### ELECTORAL REVIEW FOR BABERGH DISTRICT COUNCIL

#### 1. Purpose of Report

- 1.1 The Local Government Boundary Commission for England (LGBCE) will be carrying out an intervention Electoral Review of Mid Suffolk District Council, which will seek to deliver electoral equality for voters in local government elections. The aim of the review will be to recommend ward boundaries which mean that each Councillor represents approximately the same number of electors.
- 1.2 For Babergh District Council there is currently some degree of electoral inequality across the area, at present some Councillors represent more electors than other elected members elsewhere in the district. This is likely to be exacerbated by future growth projections for the area and will lead to a future review.
- 1.3 The report provides an officer perspective on the rationale for and opportunities offered by carrying out an Electoral Review alongside Mid Suffolk District Council at this time, and a summary of the key stages of the electoral review along with an indicative timetable (Appendix 1).
- 1.4 At the Council meeting on 26 July 2016 the Local Government Boundary Commission for England will provide a detailed explanation of the context for an Electoral Review and the statutory process undertaken including the role of Councillors. There will also be the opportunity to ask questions and seek clarification on key aspects of the review.

<b>2. Recommendation</b>
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- |  |
|--|
| 2.1 That Council considers a request to The Local Government Boundary Commission for England to carry out an Electoral Review for Babergh District Council alongside Mid Suffolk District Council. |
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#### 3. Financial Implications

- 3.1 These are no direct costs to the Council in relation to the work of LGBCE in carrying out this review, as all Electoral Reviews and the work of the LGBCE is funded through the Consolidated Fund. At this stage it is envisaged that the project can be resourced by the Council without additional cost, however this may depend on the nature of data requirements and level of scenario planning required.

#### 4. Legal Implications

- 4.1 The LGBCE will conduct the review working to the relevant provisions of the Local Democracy, Economic Development and Construction Act 2009.

## 5. Risk Management

- 5.1 This report is closely linked with a number of the Council's Significant Business Risks. Key risks are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
Babergh Communities are not engaged with the review	Unlikely	Bad	Developing an effective engagement and consultation programme alongside the review process
The review does not deliver Electoral Equality or an effective governance model for the Council	Unlikely	Bad	The LGBCE are very experienced in carrying out a very robust review process to deliver the outcomes of electoral equality and effective governance models for Councils
Councillors are not provided with timely information and opportunities to contribute to the process	Unlikely	Bad	Developing an effective Communications and Engagement plan to ensure Councillors are provided with timely updates on all aspects of the review and have the opportunities to engage in developing the Councils responses to the LGBCE

## 6. Consultations

- 6.1 With Council Leaders and Deputy Leaders for Babergh and Mid Suffolk District Councils and the Local Government Boundary Commission for England.

## 7. Equality Analysis

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

## 8. Shared Service / Partnership Implications

- 8.1 Both authorities continue to work closely together with particular attention given to effective governance and robust decision making processes. It is recommended that the reviews are carried out separately for each sovereign Council however in tandem recognising the unique nature of the shared services model.



## **9. Links to Joint Strategic Plan**

- 9.1 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. This review will aim to align the Officer and Councillor resources to achieve the best outcomes for our communities.

## **10. Key Information**

### **Why carry out an Electoral Review?**

- 10.1 Carrying out an Electoral Review at this time will allow the Council to analyse the discharge of its functions at this time of significant change for local government. The added value of LGBCE as “critical friend” in this process will ensure an objective assessment of the issues and an outcome grounded in our communities.
- 10.2 Mid Suffolk District Council are required through an intervention to carry out an Electoral Review as the level of electoral inequality in some areas has triggered the review process. The unique nature of the shared service arrangement with Mid Suffolk including a shared workforce and aligned governance arrangements means that not having a review could impact on the current equilibrium within the overall relationship.
- 10.3 As both Councils last reviewed the size and shape of the Council in 2001, it is likely that the Babergh review will follow in the future as part of the LGBCE periodic review programme. However taking the opportunity at this time allows Babergh control the timing of the review.
- 10.4 The review will require both officer and Councillor time and resource commitment in carrying out the review and providing information and data for the LGBCE. However the added value of the review process will inform the work of the Council and help to further align resources to support the achievement of Council priorities.

### **Oversight of the Electoral Review process**

- 10.5 It is proposed that the Strengthening Governance Group be tasked with providing regular oversight of the Electoral Review process as the group consists of Group Leaders and Scrutiny Committee members .The Current Membership of this group is as follows, Councillors:
- Jennie Jenkins
  - Simon Barrett
  - Sue Carpendale
  - Clive Arthey
  - Margaret Maybury

## **Electoral Reviews**

- 10.6 Babergh District Council last carried out an Electoral Review in June 2001. Since that time the pattern of settlement development and population growth has changed the overall electoral equality across the district.
- 10.7 The Local Government Boundary Commission for England (LGBCE) was established by Parliament with the objective of providing electoral arrangements for English principal local authorities that are fair and deliver electoral equality of votes.
- 10.8 An Electoral Review is a review of the electoral arrangements for principal local Councils (in this case District Councils). The review will consider the number of Councillors along with the names, number and boundaries of wards and the number of Councillors to be elected to each ward.

## **Electoral Review procedure**

- 10.9 The Electoral review procedure undertaken by LGBCE is based on adherence to certain rules contained in primary legislation and the Commissions guidance and procedures based on experience in conducting reviews over of significant time.
- 10.10 The review procedure for requested and intervention reviews is very similar consisting a range of statutory steps culminating in the Commission drafting a statutory instrument which will implement the new electoral arrangements which will then be used as the basis for future Council elections.
- 10.11 In determining Council size the LGBCE will be considering the key elements of how the Council functions, including the nature of our interaction with communities and the role of the local Councillor as an advocate and representative for the area. The developing community leadership role will also be a significant factor along with the nature of the Councils governance architecture and decision making processes.
- 10.12 The key stages of the Electoral Review process are outlined below with an indicative timetable for the review at Appendix 1:

### **Stages for electoral reviews**

#### **Preliminary period –**

Initial informal dialogue between the Council and the Commission, gathering information, initial meetings with key stakeholders. Council develops a proposed model for Council size based on range of factors and community needs, followed by submission to the Commission.

#### **Council size decision-**

Commission analysis of submissions and “minded” decision on Council size.

#### ***Formal review process***

#### **Consultation on future warding arrangements-**

Commission publishes initial conclusions on Council size, initial invitation to the Council to submit warding proposals.

**Development of draft recommendations-**

Commission determines draft recommendations.

**Consultation on draft recommendations –**

Public consultation on draft recommendations.

**Further consultation (if required)-**

Usually only following significant changes to the recommendations.

**Development of final recommendations-**

Analysis of representations and development and publication of final recommendation.

**Evidence based approach**

10.13 A key element of the approach that the LGBCE will take in undertaking the Electoral Review is that that any recommendations will be based on a robust analysis of information and intelligence. The Council will provide the Commission with a range of information on the current and projected electorate for each ward, parish and polling district (projections through to 2022).

10.14 In considering the size of the Council the Commission will review information on Council governance and scrutiny arrangements and the representational role of Councillors. However the key focus will be a fundamental review of the role of the Councillor in a 21<sup>st</sup> century Council which may or may not result in reduction of number of Councillors.

10.15 The legislation provides rules on the nature of and format for consultation on the overall process and individual elements of the review including the draft recommendations. Parish and Town Councillors are seen as valuable consultees in the process and their active involvement is encouraged.

**11. Appendices**

Title	Location
APPENDIX A - Indicative Timetable for the Electoral Review	Attached

Authorship:

Charlie Adan  
Chief Executive

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**Electoral Review Indicative Timetable Babergh District Council**

<b>Stage</b>	<b>Date</b>
Local Government Boundary Commission for England (LGBCE) presentation to Full Council	26 July 2016
Preliminary Period – Including information gathering and developing Council size proposals	Up to six months
Council size decision	5 weeks
Warding Patterns Consultation (LGBCE)	12 weeks
Development of Draft Recommendations	12 weeks
Draft Recommendations Consultation	8 weeks
Further consultation ( if required)	Up to 5 weeks
Development of final recommendations	12 weeks

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## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

<b>From: Assistant Director – Corporate Resources</b>	<b>Report Number: S48</b>
<b>To: Babergh Council Mid Suffolk Council</b>	<b>Date of meeting: 26 July 2016 28 July 2016</b>

### DESIGNATION OF THE HEAD OF PAID SERVICE ROLE

#### 1. Purpose of Report

- 1.1 To designate an officer to be the acting Head of Paid Service for Babergh and Mid Suffolk District Councils for the intervening period before a permanent Joint Chief Executive is appointed.

#### 2. Recommendations

- 2.1 That the candidate recommended by the Task and Finish Group for designation as the Acting Head of Paid Service for Babergh and Mid Suffolk District Councils be considered and approved to undertake the statutory role pending the appointment of a permanent Joint Chief Executive.
- 2.2 That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from the resolution under recommendation 2.1 above.
- 2.3 That any designated Acting Head of Paid Service be approved as Proper Officer under S270(3) of the Local Government Act 1972.
- 2.4 That the Deputy Chief Executive be designated as the Returning Officer and Electoral Registration Officer.

#### 3. Financial Implications

- 3.1 There will be financial implications dependent on the recommendation from the Task and Finish Group. These will be considered by the S151 Officer to ensure that they fall within the Council's 2016/17 approved budget and reported to the Council meeting.

#### 4. Legal Implications

- 4.1 Section 4 of the Local Government and Housing Act 1989 provides that it is the duty of every relevant authority to designate one of their officers as the head of paid service and to provide that officer with such staff, accommodation and other resources as are, in their opinion sufficient to allow their duties under this section to be performed.
- 4.2 Section 7 of the Local Government and Housing Act 1989 provides that all appointments of officers are made on merit.

## 5. Risk Management

- 5.1 This report is not closely linked with the Council's Corporate / Significant Business Risk register. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to appoint a Head of Paid Service to undertake the role	Highly Unlikely	Bad	Designate a Head of Paid Service
Failure to appoint a Returning Officer and Electoral Registration Officer	Highly Unlikely	Bad	Designate an Officer as the Returning Officer and Electoral Registration Officer. This need not be the Council's Head of Paid Service.

## 6. Consultations

- 6.1 Not applicable

## 7. Equality Analysis

- 7.1 Not applicable

## 8. Shared Service / Partnership Implications

- 8.1 The Head of Paid Service is a joint role across the two Councils.

## 9. Links to Joint Strategic Plan

- 9.1 The Head of Paid Service role ensures that the Councils have the right skills and capacity to deliver the Joint Strategic Plan.

## 10. Key Information

- 10.1 The current Joint Chief Executive will be leaving her position on 31 July 2016, having secured a new role. Babergh and Mid Suffolk District Councils are seeking to designate an Officer as the Councils' Acting Head of Paid Service. The Acting Head of Paid Service is intended to be in position pending the outcome of the permanent recruitment process which was reported to both Councils on 28 and 29 June 2016 respectively.
- 10.2 That report set out the timeline and process for the recruitment including the fact that a Task and Finish Group has been established comprising the six main group leaders across both Councils to recruit to the permanent post of Joint Chief Executive.



10.3 The timeline that was proposed has subsequently been revised following discussion with the appointed recruitment agency. The revised timetable shows appointment of a specialist recruitment agency in June 2016, candidate search during August and early September, drawing up a long list in September, a shortlist and overseeing the final elements of the process in October 2016 and making a recommendation to Council in October 2016 to appoint the successful candidate. The report to the respective Councils was silent on any interim arrangements to cover the statutory role of Head of Paid Service.

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