

Monday, 6 March 2023



BABERGH DISTRICT COUNCIL

DECISIONS NOTICE

**DECISIONS BY THE BABERGH CABINET
CALL IN DEADLINE 5:00PM ON 15 MARCH 2023**

The following decisions have been taken by the Babergh Cabinet and will come into effect on 16 March 2023 unless the call-in procedure is activated. For clarity, where an item is 'to be noted', 'received' or recommended to Council for a decision, this is deemed not to be a formal Executive decision and so the call-in provisions will not apply.

BCa/22/44 GENERAL FUND FINANCIAL MONITORING 2022/23 - QUARTER 3

It was **RESOLVED**: -

- 1.1 That, subject to any further budget variations that arise during the rest of the financial year, the net expenditure overspend position of £667k and forecast reserve movements, referred to in Appendix A, section 2 of the report, be noted.
- 1.2 The revised 2022/23 Capital Programme referred to in Appendix A of the report section 5 be noted.

REASON FOR DECISION

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

Alternative Options Considered and Rejected:

At this stage in the year, the financial position is for noting only.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

BDc/22/45 HOUSING REVENUE ACCOUNT (HRA) FINANCIAL MONITORING 2022/23

It was **RESOLVED**: -

- 1.1 That, subject to any further budget variations that arise during the rest of the financial year, the adverse variance of £1.713m, referred to in Appendix A, section 2 of the report, be noted.**
- 1.2 The 2022/23 revised Capital Programme referred to in Appendix A, section 3 of the report be noted.**

REASON FOR DECISION

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

Alternative Options Considered and Rejected:

At this stage in the year, the financial position is for noting only.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

BCA/22/47 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE PROGRAMME MARCH 2023

It was **RESOLVED**: -

- 1.1 That the CIL Expenditure Programme (March 2023) and accompanying technical assessment of the five CIL Bids B22-11, B22-03, B22-10, B22-16 and B22-14 (forming Appendices A and B of the report) which include decisions on these CIL Bids for Cabinet to make as follows: -**

Decisions for Cabinet to approve: - Ringfenced Infrastructure Funds (Stutton and Capel St Mary)

| CIL Bid, Location and Infrastructure Proposed | Amount of CIL Bid and total cost of the infrastructure | Cabinet Decision |
|--|--|---|
| B22-11 STUTTON Extension to the Village Hall. New Activity Room | Amount of CIL Bid £100,000.00 Total cost of the project £135,732.12 | Recommendation to Cabinet to approve CIL Bid B22-11 for £100,000.00 from the Ringfenced |

| | | |
|--|---|---|
| | Total of other funding Valencia Community Funding or Parish Council £35,732.12 | Infrastructure Fund (Stutton) |
| B22-03 CAPEL ST MARY Play Area Improvements at the Playing Field | Amount of CIL Bid £100,000.00 Total cost of the project £187,916.13 Total of other funding S106 Funding £25,483.23 Parish Council £41,590.83 Capel Community Trust £20,842.07 | Recommendation to Cabinet to approve CIL Bid B22-03 for £100,000.00 from the Ringfenced Infrastructure Fund (Capel St Mary) |

Decisions for Cabinet to approve: - Ringfenced Infrastructure Fund (Monks Eleigh and Sudbury) and Local Infrastructure Fund

| CIL Bid, Location and Infrastructure Proposed | Amount of CIL Bid and total cost of the infrastructure | Cabinet Decision |
|--|--|---|
| B22-10 MONKS ELEIGH Play Area Improvements | Amount of CIL Bid £51,068.35 Total cost of the project £78,078.00 Total of other funding S106 £27,009.65 | Recommendation to Cabinet to approve CIL Bid B22-10 for £51,068.35, £25,656.00 from the Ringfenced Infrastructure Fund (Monks Eleigh) and £25,412.35 from Local Infrastructure Fund |
| B22-16 SUDBURY Artificial Pitch and site development | Amount of CIL Bid £100,000.00 Total cost of the project £1,013,272.68 Total of other funding Club Funds £65,000 Anglian Water £150,000 Football Foundation £698,272.68 | Subject to the grant of planning permission, recommendation to Cabinet to approve CIL Bid B22-16 for £100,000, £5,416.21 from the Ringfenced Infrastructure Fund (Sudbury) and £94,583.79 from the Local Infrastructure Fund |

Decisions for Cabinet to approve: - Infrastructure Fund

| CIL Bid, Location and Infrastructure Proposed | Amount of CIL Bid and total cost of the infrastructure | Cabinet Decision |
|---|---|--|
| <p>B22-14 EDWARDSTONE</p> <p>Millennium Green Play Equipment Upgrade</p> | <p>Amount of CIL Bid £11,445.29</p> <p>Total cost of the project £15,298.38</p> <p>Total of other funding</p> <p>S106 Funding £2,249.96</p> <p>Edwardstone Parish Council £1,353.13</p> <p>Edwardstone Millennium Green Trust £250.00</p> | <p>Recommendation to Cabinet to approve CIL Bid B22-14 for £11,445.29 from the Local Infrastructure Fund</p> |

That Cabinet noted and endorsed this CIL Expenditure Programme which includes the position in respect of approved CIL Bids from Rounds 1 to 9 inclusive (including September and November 2022), (Appendix A Section B of the report) together with details of emerging infrastructure /CIL Bids (Appendix A Section C of the report).

REASON FOR DECISION

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11th April 2016. The CIL Expenditure Framework (originally adopted in April 2018) has been reviewed with amendments adopted in March 2019, April 2020, March 2021, and 21st July 2022 (Mid Suffolk) and by Babergh on the 6th October 2022. The CIL Expenditure Framework requires the production of at least two CIL Expenditure Programmes for each District (per year) and contains decisions for Cabinet to make or note on CIL Bids for CIL expenditure. These decisions relating to the expenditure of CIL monies form one of the ways in which necessary infrastructure supporting growth is delivered.

Alternative Options Considered and Rejected:

There is a diverse spectrum of approaches to CIL expenditure across the country from Unitary Authorities who have absorbed CIL into their individual Capital Programmes to others who ringfence all funds to be spent locally. A range of different approaches was identified in Appendix A of the Framework for CIL Expenditure report provided to Cabinet's on the 5th and 8th of February 2018 and discussed in full during the workshops with the Joint Member advisory panel. Members adopted the documents set out in paragraph 1.1 above by Council decision in April 2018 which were subsequently reviewed and adopted on the 19th March 2019 (Babergh) and 18th March 2019 (Mid Suffolk) and then reviewed for the second and third time and adopted by both Councils on the 20th April 2020 and 23rd March 2021 (Babergh) and 25th March 2021 (Mid Suffolk) respectively. The fourth review took place in May 2022 and the changes were approved

by Mid Suffolk on the 21st July 2022 and by Babergh on the 6th October 2022.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

BCa/22/48 PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY

It was RESOLVED: -

- 1.1 To agree Option 1 in the report – approve and adopt the private sector housing enforcement policy (Appendix 1 of the report) with consideration to the feedback from Overview & Scrutiny held on 20th February 2023. (Appendix 5 of the report).**
- 1.2 To approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2 of the report), Electrical Safety Regulations (Appendix 3 of the report) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4 of the report).**
- 1.3 To agree to charge for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.**
- 1.4 To agree for the Director for Housing in consultation with the Portfolio Holder for Housing to have delegated authority to make minor amendments to the enforcement and civil penalties policies.**
- 1.5 To agree for the Director of Housing to delegate powers to Officers to carry out the enforcement powers.**

REASON FOR DECISION

To ensure that the Council has a consistent and effective policy to tackle poor conditions in private sector housing.

To make full use of housing enforcement powers available, including civil penalties and ensure effective enforcement.

To recover enforcement costs incurred.

Alternative Options Considered and Rejected:

- 1.2 The Council could decide not to adopt a private housing enforcement policy. This would leave it having to rely on the corporate policy which does not include the specific approaches required in the complex housing regulatory regime. There would be a greater risk of a successful challenge to any formal action taken either by legal appeal or judicial**

review.

- 1.3 The Council could decide not to approve the use of the civil penalty powers as part of the enforcement policy. This would mean that some powers could not be used, limiting the Council's impact on improving housing standards. Reliance would be solely on prosecution. Any fines would not be recoverable and lengthy proceedings in Court would be required. Other than its legal costs, the Council cannot currently retain any fines imposed in Court through prosecutions.
- 1.4 Not approving the use of the civil penalty powers and other financial penalties referred to in the enforcement policy would lead to the Council failing to make the most efficient use of enforcement resources available and would limit the enforcement options available.
- 1.5 The Council could decide to continue to offer a free service to non-compliant landlords by not charging for enforcement action taken in the service of statutory notices. There is a strong argument that where non-compliant landlords do not comply with the law and the Council has to intervene, the landlord should be responsible for the costs incurred by the Council having to take action where minimum legal requirements are not being met.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

BCa/22/49 UPDATE ON SOCIAL HOUSING REGULATION AND THE OUTCOME OF THE REFERRAL TO THE REGULATOR OF SOCIAL HOUSING

It was RESOLVED: -

- 1.1 **To note the update on recent changes to the regulation of social housing, including for stock-holding Local Authorities.**
- 1.2 **To note the outcome of the Council's recent referral to the Regulator of Social Housing.**
- 1.3 **To agree the future governance and monitoring arrangements set out at paragraph 7 of this report.**
- 1.4 **To agree the new set of key performance indicators for the Housing Service set out at paragraph 6 of this report.**

REASON FOR DECISION

To ensure that the Cabinet have oversight of the critical performance information they require to monitor and scrutinise the Housing Service effectively.

To provide assurance, through good governance, that the Councils comply with the Regulator for Social Housing's Consumer Standards and the broader regulatory framework.

Alternative Options Considered and Rejected:

Option 2 of the report – To continue with the current performance reporting system, which doesn't provide sufficient focus and visibility of the new regulatory requirements and compliance.

Any Declarations of Interests Declared: None

Any Dispensation Granted: None

BCa/22/50 BABERGH AND MID SUFFOLK CULTURE, HERITAGE AND VISITOR ECONOMY STRATEGY

It was RESOLVED: -

- 1.1 That the Culture, Heritage and Visitor Economy Strategy, attached as Appendix 1, is adopted and that Members endorse the clear long-term vision and accompanying set of ambitions, aims and objectives set out in this strategy**
- 1.2 The Director for Economic Growth & Climate Change, in consultation with the relevant Cabinet Member, be delegated authority to make amendments and updates to the Strategy, in response to changing needs.**
- 1.3 The Director for Economic Growth & Climate Change, in consultation with the relevant Cabinet Member, be delegated authority to develop a delivery plan to be completed by June 2023.**

REASON FOR DECISION

That the Council has a clear strategy and delivery plan to set the ambition to shape the future growth and resilience of the Cultural, Heritage and Visitor Economy sectors across the districts and to provide a prospectus for conversations about future investment with national and regional funders.

Alternative Options Considered and Rejected:

- 1.1 Do nothing, but these sectors which have already been hugely impacted by the pandemic will continue to suffer and struggle to progress and develop.**
- 1.2 Encompass a review of this sector within the emerging Economic Strategy rather than commission a separate piece of work. It was felt that this sector has specific opportunities, strengths and challenges that warrant the development of a tailored, specific strategy.**

Any Declarations of Interests Declared: None

Any Dispensation Granted: None