

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **BABERGH CABINET** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 6 March 2023

### **PRESENT:**

Councillor: John Ward (Chair)

Councillors: Jan Osborne  
David Busby  
Mary McLaren  
Clive Arthey  
Elisabeth Malvisi

### **In attendance:**

Councillor(s):

Guest(s):

Officers:

### **Apologies:**

Jane Gould  
Alastair McCraw

### **101 DECLARATION OF INTERESTS BY COUNCILLORS**

There were no declarations of interests made.

### **102 BCA/22/43 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 FEBRUARY 2022**

**It was RESOLVED: -**

**That with the following amendments the minutes of the meeting held on the 6 February 2022 be confirmed and signed as correct record.:**

**Paragraph 92: amend 'conformed' to 'confirmed'  
Paragraph 97.7 amend 'assists' to 'Assets'**

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

None received.

### **104 QUESTIONS BY COUNCILLORS**

None received.

**105 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES**

There were no matters referred.

**106 FORTHCOMING DECISIONS LIST**

There were no comments made.

**107 BCA/22/44 GENERAL FUND FINANCIAL MONITORING 2022/23 - QUARTER 3**

107.1 The Chair, Councillor Ward invited the Cabinet Member for Finance, Assets and Investments to introduce the report.

107.2 Councillor Busby introduced the report and moved the recommendations 3.1 and 3.2 in the report which was seconded by Councillor Malvisi.

107.3 Councillor Arthey queried the gas charges for leisure centres and asked for an overview of how the recharge system work.

107.4 The Director for Corporate Resources responded that when the budget was set the Council paid for the gas bill for the Leisure Centre which was then recharged with a fee to Abbeycroft, However this process had now change and Abbeycroft now paid the gas bill directly to the supplier. There was no impact on the Council's budget by this change.

107.5 The Director Economic Growth & Climate Change added that this was a unique situation and had come from the car port funding, as due to government requirements the bid maker had to be the one to pay the bills, however this had now been negotiated out.

107.6 During the debate Councillor Ward commented that the effect of the overspend was clear and the £500,000 in the inflationary pressures reserve was achieving what it needed to.

By a unanimous vote.

**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, 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.

**108 BDC/22/45 HOUSING REVENUE ACCOUNT (HRA) FINANCIAL MONITORING 2022/23**

108.1 The Chair, Councillor Ward invited the Cabinet Member for Finance, Assets and Investments to introduce the report.

108.2 Councillor Busby introduced the report and moved recommendations 3.1 and 3.2 in the report. Councillor McLaren seconded the recommendations.

108.3 Councillor McLaren questioned the installation of air source heat pumps in 2020, whether there had been an evaluation of the cost and efficiency. The Director for Housing responded that this was an ongoing piece of work and that there was no current data. Councillor Osborne added that the work on the efficiency of heat pumps would start in the next municipal year.

108.4 In response to questions from other Members attending the meeting the Director for Planning and Building Control clarified that heat pumps were not allowed as permitted development and would need planning permission.

108.5 During the debate Councillor Osborne drew Members attention to point 11.6 of the report which outlined the Retrofit Co-ordinators Diploma being undertaken by surveyors to aid retrofitting existing properties.

108.6 Councillor Malvisi commented that it was encouraging to see the progress in green practices with the installation of air source heat pumps and retrofitting of existing properties. Additionally, whilst it will be a year until there is any data, it was still a move in the right direction.

By a unanimous vote.

**It was RESOLVED: -**

**1.3 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.**

**1.4 The 2022/23 revised Capital Programme referred to in Appendix A, section 3 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.

## **109 BCA/22/46 QUARTER 3 PERFORMANCE**

- 109.1 The Chair, Councillor Ward introduced the Quarter 1 Performance item on behalf of the Cabinet Member for Customers, Digital Transformation and Improvements, who had forwarded his apology for the meeting.
- 109.2 Councillor Ward outlined that under the Economy portfolio there had been 160 attendees at the innovation awards, 70 stakeholders had attended workshops relating to the Culture, heritage and Visitor Economy Strategy, and that the virtual high street now exceeded 400 businesses.
- 109.3 Councillor Ward added, on behalf of the Cabinet Member for Climate Change, Biodiversity and Sustainable Transport, that there had been a new water filtration system, and solar car ports installed at the Kingfisher Leisure Centre, and the tree planting strategy was underway and would aid with biodiversity aims.
- 109.4 The Chair invited other Members of the Cabinet to provide an overview of work undertaken in their portfolios.
- 109.5 Councillor McLaren, Cabinet Member for Communities & Wellbeing, highlighted that in response to the cost of living crisis, 30 warm spaces grants had been issued, with further warm spaces being provided without the grant. Officers had been monitoring the warm spaces to see what was being provided for residents and any that had been unsuccessful had their grants stopped.
- 109.6 Councillor Osborne, Cabinet Member for Housing, outlined that 51 cases of homelessness had been prevented or relieved, 8 households facing homelessness had been given temporary accommodation, and that the new Houses for Homes initiative had been launched to bring empty homes back into use.
- 109.7 Councillor Malvisi, Cabinet Member for Environment, summarised that fly tipping had dropped to pre-pandemic levels but that rejected recycled waste remained at the same level, meaning further reminders to residents were needed. Additionally Public Realm officers had changed their mowing methods to encourage wildflower growth and had been issued with new tablets to aid with scheduling and data management.
- 109.8 Councillor Ward, on behalf of the Cabinet Member for Customers, Digital Transformation & Improvement, highlighted that call wait times had decreased and were 3.44 minutes on average, with the average number of abandoned calls also dropping to 18%. Also there had been a 3% increase in customer access point visits with a total of 520, however this was still 50% less than pre Covid-19 figures.
- 109.9 During the debate Councillor Arthey praised the decrease in call wait times and abandonment rates. Additionally, Councillor Arthey suggested that in

future reports Community Infrastructure Levy should be covered more in the Communities' section as it provided funding for many community projects.

- 109.10 Councillor Busby raised concern that the Council was tackling too many projects simultaneously and ran the risk of not doing the important things as quickly due to stretched resources.
- 109.11 Councillor Ward thanked Councillor Busby for raising the issue of projects and highlighted that due to the peer review, tighter evaluation was being used on projects.
- 109.12 Councillor McLaren suggested that it would be useful for Members to see a list of the current projects to see what they all were.
- 109.13 Councillor Busby raised further concern regarding the tree works as he felt that the canopy survey and tree planting strategy did not give enough importance to old trees that may not have a Tree Protection Orders (TPO) and that this should be addressed.
- 109.14 Councillor Malvisi responded that town and parish councils could be encouraged and educated on the TPO process for trees in their area.

The Quarter 3 Performance report was noted.

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

- 110.1 The Chair, Councillor Ward invited the Cabinet Member for Planning to introduce the report.
- 110.2 Councillor Arthey introduced the report and moved recommendations 3.1 and 3.2 as detailed in the report. Councillor Osborne seconded the recommendations.
- 110.3 Councillor Busby raised concern that Monks Eleigh parish council had not put any of their own funding in and that the CIL funding made up the whole bid. Councillor Arthey responded that CIL payment for this application was being chased and the money was currently not available to them. The Professional Lead – Key Sites and Infrastructure added that Monks Eleigh had neighbourhood CIL underspent in a S106, and this project was brought forward to aid the community ahead of future neighbourhood CIL that was being chased.
- 110.4 During the debate Councillor Osborne praised CIL funding for being able to support communities and expressed her support for the Sudbury bid.
- 110.5 Councillor McLaren raised that the CIL Funding review group had increased the amount to £100,000 and was pleased to see three applications using

the increased amount. Additionally, she expressed support for the Sutton bid.

110.6 Councillor Arthey thanked the CIL team for their work and highlighted that sessions over the Autumn were well attended and were well presented and successful sessions.

By a unanimous vote.

**It was RESOLVED: -**

- 1.5 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) 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)**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B22-11 STUTTON</b>  Extension to the Village Hall. New Activity Room	Amount of CIL Bid £100,000.00  Total cost of the project £135,732.12  Total of other funding Valencia Community Funding or Parish Council £35,732.12	Recommendation to Cabinet to approve CIL Bid B22-11 for £100,000.00 from the Ringfenced Infrastructure Fund (Stutton)
<b>B22-03 CAPEL ST MARY</b>  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 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**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B22-10 MONKS ELEIGH</b>  <b>Play Area Improvements</b>	<b>Amount of CIL Bid £51,068.35</b>  <b>Total cost of the project £78,078.00</b>  <b>Total of other funding</b>  <b>S106 £27,009.65</b>	<b>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</b>
<b>B22-16 SUDBURY</b>  <b>Artificial Pitch and site development</b>	<b>Amount of CIL Bid £100,000.00</b>  <b>Total cost of the project £1,013,272.68</b>  <b>Total of other funding</b> <b>Club Funds £65,000</b> <b>Anglian Water £150,000</b> <b>Football Foundation £698,272.68</b>	<b>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</b>

**Decisions for Cabinet to approve: - Infrastructure Fund**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B22-14</b>	<b>Amount of CIL Bid</b>	<b>Recommendation to Cabinet to</b>

<b>EDWARDSTONE</b>	<b>£11,445.29</b>	<b>approve CIL Bid</b>
<b>Millennium Green Play Equipment Upgrade</b>	<b>Total cost of the project £15,298.38</b>	<b>B22-14 for £11,445.29 from the Local Infrastructure Fund</b>
	<b>Total of other funding</b>	
	<b>S106 Funding £2,249.96</b>	
	<b>Edwardstone Parish Council £1,353.13</b>	
	<b>Edwardstone Millennium Green Trust £250.00</b>	

**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) together with details of emerging infrastructure /CIL Bids (Appendix A Section C).**

#### **REASON FOR DECISION**

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11<sup>th</sup> 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 21<sup>st</sup> July 2022 (Mid Suffolk) and by Babergh on the 6<sup>th</sup> 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.

#### **111 BCA/22/48 PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY**

**111.1 The Chair, Councillor Ward invited the Cabinet Member for Housing to introduce the report.**

**111.2 Councillor Osborne introduced the report and proposed recommendations 3.1, 3.2, 3.3, 3.4, and 3.5 as set out in the report. Councillor Busby seconded the recommendations.**

**111.3 During the debate Councillor Busby stated that he was uneasy about putting pressure on private landlords when there were still issues within the Council's housing stock that needed resolving.**



- 111.4 **Councillor Ward outlined that the private renting sector made up 17% of the District's housing and residents needed to be ensured that private sector homes were of a good quality. The policy also allowed for the use of civil penalties ahead of prosecution, which could be more effective for enforcement.**
- 111.5 **Councillor Osborne highlighted that with diagnostic work and transformation plans in place both the Council's housing stock and the private sector were both being reviewed to ensure both were at a high standard. Additionally, the private sector played a major role in working with the Council to prevent homelessness and this would ensure that these were too a high standard.**
- 111.6 **Councillor McLaren queried whether the Council had the knowledge, resources and skills to undertake this work. Councillor Osborne responded that the policy would not put this forward if the resource was unavailable. The Senior Environmental Health Officer added that there was the resource in place, and whilst the service was currently mostly reactive there was the ability to work on situations as they develop, with referrals from the police and fire service being worked with proactively.**
- 111.7 **Councillor Arthey highlighted that there was little in the report on what help and support could be offered to landlords. Councillor Osborne responded that the approach of the policy was to be supportive and not forceful, however there were no loans available for improvements. The Senior Environmental Health Officer added that within the Enforcement Policy there was a theme of collaboration with powers being used as a last resort. Additionally, landlords did receive support and could approach the Council for advice. Officers also engaged with landlords in areas such as Energy Performance Certificates to get homes up to standard.**

By a unanimous vote.

**It was RESOLVED: -**

- 1.1 To agree Option 1 above – approve and adopt the private sector housing enforcement policy (Appendix 1) with consideration to the feedback from Overview & Scrutiny held on 20<sup>th</sup> February 2023. (Appendix 5).
- 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), Electrical Safety Regulations (Appendix 3) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4).
- 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.

## **112 BCA/22/49 UPDATE ON SOCIAL HOUSING REGULATION AND THE OUTCOME OF THE REFERRAL TO THE REGULATOR OF SOCIAL HOUSING**

112.1 The Chair, Councillor Ward invited the Cabinet Member for Housing to introduce the report.

112.2 Councillor Osborne introduced the report and proposed recommendations 3.1, 3.2, 3.3, and 3.4 as set out in the report. Councillor Malvisi seconded the recommendations.

112.3 Councillor Arthey queried the figures in the report and asked for an update.

112.4 The Cabinet Member for Housing responded that these figures change daily, however non-compliant properties had reduced from 5% to 3%. The 3% represented approximately 100 properties and were due to access issues, which the housing team was working on to resolve.

112.5 The Director for Housing added that compliance data was being generated on a weekly basis and provided a verbal update to Members as follows for the overdue inspections: gas 59 overdue, electrical testing 105, fire safety 2 outstanding, smoke detectors 1002, water testing 17 overdue and all CO detectors now completed. She referred to the figures for smoke detectors and that it was not because properties did not have smoke detectors but that they required updating or additional detectors needed to be installed.

112.6 In response to Councillor Arthey's question referring to gaining access to properties, the Director for Housing clarified that there had not been had any injunctions yet and that work was being undertaken with the neighbourhood officers to progress access to properties. Further that the Tenant Board received regular updates on the issues.

112.7 During the debate the Cabinet Member for Housing, Councillor Osborne

stated that the situation had improved in the past few week since the Regulator first reported the breach. Going forward a monitoring and reporting process had been put in place and Cabinet would be updated in due course.

112.8 The Cabinet Member for Housing, Councillor Osborne, thanked the Housing team for their work, and Councillor Ward concurred and stated that progress had been excellent, and that this ensured that the social housing stock was up to standard and safe.

112.9 Councillor Arthey praised Councillor Osborne for how the self-referral had been handled and how she had been helpful throughout the process.

By a animous vote

**It was RESOLVED: -**

- 1.6 **To note the update on recent changes to the regulation of social housing, including for stock-holding Local Authorities.**
- 1.7 **To note the outcome of the Council's recent referral to the Regulator of Social Housing.**
- 1.8 **To agree the future governance and monitoring arrangements set out at paragraph 7 of this report.**
- 1.9 **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.

#### **113 BCA/22/50 BABERGH AND MID SUFFOLK CULTURE, HERITAGE AND VISITOR ECONOMY STRATEGY**

113.1 The Leader and Cabinet Member for Economy Councillor Ward introduced the report and proposed recommendations 3.1, 3.2, and 3.3 as set out in the report, which was seconded by Councillor Malvisi.

113.2 In response to other Members attending the meeting the Arts and Culture Lead clarified that a larger piece of work to create an visitor itinerary for the area would be undertaken and would be included in the action plan.

113.3 Councillor Osborne queried why it had not been established that lack of suitable and affordable accommodation was a threat in the risk section. The Director for Economic Growth and Climate Change clarified that this included in the report and that the action plan would include an action for an evidence base for accommodation needs for the area.

113.4 Councillor Malvisi referred to Spotlight on Colchester and how hotels and accommodation were included there.

113.5 Councillor McLaren queried how stories about people and heritage sites were going to be harnessed for the area and whether parish councils would be involved in this process. To which the Director for Economic Growth and Climate Change responded that this would be part of the action plan.

113.6 Councillor Ward stated that that the Strategy had a great evidence base, and that there had been input from many sources which gave the Strategy strength and credibility.

By a unanimous

**It was RESOLVED: -**

- 1.10 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**
- 1.11 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.**
- 1.12 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.

The business of the meeting was concluded at 4.02 pm.

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Chair