

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH COUNCIL** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Thursday, 6 October 2022

PRESENT:

Councillors: Kathryn Grandon (Chair)
Derek Davis (Vice-Chair)

Councillors: Clive Arthey
Melanie Barrett
Peter Beer
Trevor Cresswell
John Hinton
Leigh Jamieson
Margaret Maybury
Mary McLaren
John Nunn
Jan Osborne
Lee Parker
John Ward

Sue Ayres
Simon Barrett
David Busby
Richard Hardacre
Michael Holt
Robert Lindsay
Alastair McCraw
Mark Newman
Adrian Osborne
Alison Owen
Stephen Plumb

Officers: Chief Executive (AC)
Monitoring Officer (EY)
Corporate Manager, Governance & Civic Office (JR)
Professional Lead Key Sites & Infrastructure (CT)
Director – Planning & Building Control (TB)
Director – Economic Growth & Climate Change (FD)
Sustainable Travel Officer (KD)

Apologies:

Sue Carpendale
Mick Fraser
Jane Gould
Bryn Hurren
Elisabeth Malvisi
Zachary Norman

Absent: Sian Dawson

1 DECLARATION OF INTERESTS BY COUNCILLORS

1.1 There were no declarations of interests from Councillors.

2 BC/22/17 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 JUNE 2022

It was RESOLVED:-

That the Minutes of the meeting held on 21 June 2022 be confirmed and signed as a true record.

3 BC/22/18 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

- 3.1 The Chair referred Councillors to report BC/22/18 for noting.
- 3.2 The Chair made reference to the recent sad death of Queen Elisabeth II and paid tribute to her for her long and loyal service.
- 3.3 The Chair invited Councillor Simon Barrett to take the opportunity to give an apology to Council as requested in a recent code of conduct complaint outcome from the Monitoring Officer.
- 3.4 Councillor Barrett apologised to Council for a lapse of behaviour, as requested.
- 3.5 The Chair invited the Leader of the Council to make his announcements.
- 3.6 Councillor Ward's announcements were as follows:

LGA Conference

The Leader reported that at the end of June, the LGA Conference was finally able to be held in person rather than the less than ideal virtual conferences of the past two years. It was particularly gratifying as this year the LGA was celebrating 25 years of supporting local government. The venue was the excellent Harrogate Conference Centre and the agenda was full of interesting and useful sessions. The only drawback was that it was, a super-spreader event and many from Suffolk returned with Covid.

The Leader highlighted a small part of the conference.

Chairman

The conference began with an address from the LGA chairman, who spoke about the impact that local government has had over the last two years - from responding to COVID to rapidly providing support for the newest and most vulnerable members of our society who have arrived from Ukraine.

His speech focused on the immediate cost pressures facing councils and the issue of abuse faced by councillors - and echoed newly re-elected LGA President Baroness Grey-Thompson saying that we cannot allow this behaviour to be normalised. He also called for local government to start a conversation about our long-term vision which addresses the challenges that our communities will be facing in the next five to ten years.

Michael Gove

In his keynote speech, Levelling Up Secretary Michael Gove outlined the principles underpinning the Government's Levelling Up and Regeneration Bill to deliver an irreversible commitment towards strengthening local leadership.

He committed to greater devolution by offering every part of England a new devolution deal by 2030. He also highlighted the need to improve the use of data to improve service delivery. He expressed his desire to strengthen innovation and the use of data by introducing a new Office for Local Government which would “shine a light” on performance and delivery.

He announced that, from next year, Government would introduce a two-year financial settlement to provide councils with certainty and confidence in planning budgets, whilst also promising to keep the financial situation facing councils under review. He also said he was “looking closely” at what the department could do to reduce the number of funding streams and associated burdens on councils.

However, as we all know, events can happen – have happened – and they do have a habit of derailing plans. We don’t yet know the new SoS’s views – since the Summer we are on the second new one now – but the Leader hoped that Suffolk would still be able to negotiate a County Deal.

Other Sessions

There were many sessions addressing topical themes such as levelling up, cost pressures on local government finances, the future of high streets, sustainable homes, the visitor economy, achieving net zero, cyber security, adult social care reform, support for care leavers, improving SEND, resilient communities and staff and community wellbeing.

And there were plenary sessions from Nadhim Zahawi, Lisa Nandy, Ed Davey and Baroness Lola Young.

Debate Not Hate - new LGA campaign

According to new research, seven in 10 councillors reported experiencing abuse and intimidation over the last 12 months. As a result of this statistic, the LGA launched its ‘Debate Not Hate’ campaign at the conference. This will work to challenge the toxicity of public debate and push for change. Kemi Badenoch and Jackie Weaver were on the panel at a plenary session that shared ideas on what can be done to tackle this. Hopefully, we will be hearing a lot more of this campaign and it can be followed via #debatenothate.

CoC Events

In July the Chairman and the Leader attended the annual Suffolk Chamber of Commerce garden party held on the rooftop garden of the Willis building. This was the first time it was held since 2019 and it was bigger and better than ever. And last month, along with the Deputy Leader, he attended the annual CoC Prestige Dinner at Wherstead Park. Again, it was great that this event was back in the calendar.

The Suffolk Chamber is vibrant and achieves a lot for the county. It was really good to talk to many people and hear how Suffolk businesses are recovering and looking forward to the future.

4 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

4.1 There were no petitions.

5 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Question 1

Mr Riley to Councillor Ward, Leader of the Council

At the last meeting you affirmed your belief that the redevelopment of Corks Lane would break even or make a profit. The draft minutes of the Council's last full meeting record your saying that "Babergh has never said that the project might make a slight loss". Yet, Report Number BCa/22/4 suggests that the range of outcomes would include losses. Please tell us why you have ignored the loss making potential of this project when your own officers were flagging up that possibility.

Response from Councillor Ward, Leader of the Council

As you will have seen from the Cabinet decision in June, six options were considered and, based on the evidence provided, the one chosen was the one that provided the best balance between risk and return for the council. The decision has been made and work has now commenced.

I have to disagree with your assertion that report BCa/22/4 suggests a range of outcomes including a loss for our chosen option and that we have ignored this. I think you have misread it. The report clearly states the following in section 2.2: 'On this basis Phase 1 and Phase 2a currently show a break-even development with the potential for a small profit (c. £50-100k), further profit could subsequently be available from Phase 2b.

I know you claimed at June's Council meeting that we/I have said that the development would break even or make a slight loss. This is surprising for I have never said any such thing and, I hope you don't mind my reminding you, you acknowledged that I did, in fact, say the opposite – that it would make a small profit – in your own blog written three weeks prior to that meeting.

Ultimately the profitability of any development is reliant on sale prices and the market at the time of sales occurring. Having said that, the most important thing is that this scheme will deliver positive outcomes for Hadleigh and the wider district, by providing high quality housing and investing in our district.

Question 2

Mr Ferguson to the Cabinet Member for Finance, Assets and Investments

I understand that Gipping Construction has been selected as Babergh's builder for the redevelopment of Corks Lane and that Gipping is a local company. Can the Cabinet Member for Finance, Assets and Investment tell me if Gipping was chosen through a competitive tender process, and if so, how many other companies bid for the work? Has the contract to Gipping been awarded on a firm/fixed price basis, and was it awarded to the lowest compliant bidder?

Finally, to fully understand the risks that Babergh potentially faces with completing this development on time and on cost, will you provide a copy of the Tender documents provided to bidders (not the responses as they are assumed to be "Commercial in Confidence"), and give me an indicative percentage of the differences in bid price between Gipping and the other compliant bidders?

Response from Councillor Busby, Cabinet Member for Finance, Assets and Investments

Yes, Gipping was chosen through a competitive tender process carried out by Babergh Growth Ltd who are delivering this project on behalf of the council.

The contract to Gipping has been awarded on a fixed price basis based on the specification and employers requirements.

Yes, the contract was awarded to the lowest compliant bidder.

The tender documents have now been superseded by the contract that Babergh Growth Ltd has with Gipping so the tender documents are not relevant in assessing risks with completing the development on time and on cost. This will be controlled through management of the contract (that has a set completion date of April 24) as well as robust programme and risk management by the professional team. As we all know, projects can and will be affected by outside influences such as inflation, global supply chain issues and other world events, however claims are limited to those recognised through the contract.

The percentage difference between the top bidder and bottom bidder was circa 14%.

Supplementary Question from Mr Ferguson

Looking at Gipping Constructions website, there are three things I picked up in particular. One is about 65 of the contracts that have been awarded to them are for less than one million so quite small and, by my calculation, the average value of all the listed contracts and there are about 79 of them if you take the total value and divide it by 79 it comes to just less than a million pounds. So, my concern really is that we're looking at relatively small numbers and they appear to have very limited experience of working on listed buildings. So, my question is against that company background, as Corks Lane is a high value project, did Babergh Council carry out a risk assessment of Gipping Constructions ability to deliver Corks Lane contract on time and on cost and if so, could I have sight of that risk assessment?

Response to supplementary question from Councillor Busby

Yes, Babergh Council did carry out a risk assessment and no sorry you cannot have sight of that risk assessment. Gipping Construction are a local company which is one of the things you were pleased to hear about, we have looked at the work they have done for the Council and for others and are happy with the quality of work, they provided a good tender at the lowest price and we feel we can work well with them. It's a Babergh Growth driven project and Babergh Growth will ensure that we get delivered on time, as for the profit I keep hearing about, the first phase is marginal which is the conversion of the original building, the overall project will deliver a profit.

6 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Councillor Beer to Councillor Ward, Leader of the Council

Could you please advise me and the tax payers of Babergh, if the surplus £1,400,000 pounds that you have found can be allocated to offset any council tax increase that you may be thinking of introducing in the forthcoming 2023/24 budget as our residents are already struggling with the high cost of living, energy and fuel price increases, we don't want to be seen as empire building or just increasing our reserves?

Response from Councillor Ward, Leader of the Council

We have started to consider the 2023/24 budget but it is far too early for me to make any comment about its contents. As you will see from the 2021/22 Outturn Report approved by Cabinet in July, we have made several transfers to reserves, including setting up a new £500k Inflationary Pressures Reserve. This will be used to mitigate the impact of inflation on our finances where this cannot be achieved through funding or other income. This is a one-off solution to help mitigate the pressure in the current year. The council is facing its own energy, fuel prices and inflationary pressures and in the current financial year are likely to overspend by £800k. These financial pressures will continue into 2023/24 and beyond and are likely to increase with diminishing reserves to cover this. This will need to be considered in the wider context of the cost of delivering essential services and the funding we have available will be a major factor in any budget considerations this autumn.

We are acutely aware of the impact of the cost of living crisis on our residents and in June Cabinet approved our Cost of Living Action Plan. This is a suite of personalised preventative measures which focuses on reaching those residents who are in most in need. These don't just focus on cost of living issues in isolation, but also on our residents' well-being. We will be appointing a Cost of Living Co-ordinator for 15 months, funded by a Government grant, and we are among the first districts in the country to do this.

We have provided Sudbury CA with a 30% uplift in funding this year so that they can respond effectively to increasing demand.

We are able to make Discretionary Housing Payments, funded by a Government grant of £85k, to assist those on benefits who are struggling with rent shortfalls. There is a £5.1m Household Support Grant across the Suffolk system to help households with the cost of essentials such as food, clothing and utilities.

SPSL has approved an additional £1m hardship costs support to the Collaborative Communities Board for the system-wide response in Suffolk.

Finally, you will know that we have the Local Council Tax Reduction Scheme which gives 100% reduction for low income pension age residents and up to 95% reduction in Council Tax for low income working age residents. Following the Cabinet decision on Monday, this will now be increased to 100% reduction – helping nearly 2,500 residents.

So, we are doing a huge amount to help those most in need. In respect of Council Tax, we always ensure that our annual increases are very modest: this year it was £3.48 pa, or less than 7p a week – less than a penny a day. Babergh's proportion of the overall council tax, excluding parish precepts, is only 9.5%.

Supplementary question from Councillor Beer

Can you confirm that you will not spend any of the circa £1.4 million to shore up private enterprises such as the doctors surgery which is rumoured to be struggling to find financial support.

Response to supplementary question from Councillor Ward

I explained that the surplus is being put into reserves. The medical centre in Sudbury is a completely different thing altogether and I cannot comment on the progress or otherwise of that project.

7 BC/22/19 COMMUNITY INFRASTRUCTURE LEVY (CIL) - EXPENDITURE FRAMEWORK - FOURTH REVIEW

- 7.1 The Chair invited Councillor Arthey to introduce paper BC/22/19.
- 7.2 Councillor Arthey detailed the purpose of the report and **PROPOSED** the recommendations contained in the report, which were **SECONDED** by Councillor Parker.
- 7.3 Councillor Maybury asked if galleries were able to apply for CIL funding, Councillor Arthey suggested that it should be explored as part of the next review.
- 7.4 Councillor Maybury also asked if funding restrictions for cycling and footpaths could be included in the next review, Christine Thurlow – Professional Lead Key Sites and Infrastructure stated that a pilot was ongoing to investigate LCWIP schemes and identify what was needed to develop those schemes and hopefully use CIL monies to attract match funding in order to bring those forward.

- 7.5 Councillor Maybury enquired if it was realistic to expect quotations for works and materials to be correct after 4 months as stated in the report. Councillor Arthey stated that the CIL team continued to be flexible in allowing bids to be revised and encourage groups who are bidding for CIL funding to be ready when they are awarded the funding so that quotes are as up to date as possible.
- 7.6 Councillor Lindsay asked if there was flexibility on the rule of only providing funding for spade ready projects. Councillor Arthey replied that the purpose of reviewing the CIL funding was to review what projects would benefit most.
- 7.7 Councillor Holt asked for assurance that there were processes in place to enable decisions to be made quickly to deal with fixed price quotations. Councillor Arthey stated that funding under £10,000 was able to be given under delegated decision, but larger funding amounts do take longer because of the administrative work needed to present them to Cabinet for approval.
- 7.8 Councillor Maybury asked if there had been any tightening in procedures regarding collecting CIL monies from developers and if it could be confirmed that the Council were debt controllers for CIL collection monies. Councillor Arthey confirmed that there was a CIL debt recovery officer in post who had been successful in recovering CIL monies from developers recently.
- 7.9 Councillor McCraw and Councillor Beer praised the success of the CIL programme and gave thanks to Christine Thurlow and her team for their work, Councillor Arthey also thanked the Councillors on the Joint Member Panel.

By a vote of 25 votes for

It was RESOLVED:

- 1.1 That Babergh Council approve the amendments to the CIL Expenditure Framework– July 2022 (arising from the fourth review) - (Appendix A) and the CIL Expenditure Framework Communications Strategy – July 2022 (Appendix B).(Appendix C comprises the yearly Key CIL Dates Calendar which is produced under delegated powers (to the Assistant Director of Planning and Building Control in consultation with the Cabinet Members for Planning and the Cabinet Members for Communities) each year (as part of the outcomes of the first review of the CIL Expenditure Framework.) Appendix C (Key CIL dates for 2022/23) together with Appendices E and F (which comprise the current annual Babergh and Mid Suffolk Infrastructure Funding Statements - Infrastructure List) accompany the CIL Expenditure Framework and the Communications Strategy and are for reference purposes only).**

1.2 That Babergh Council agree that the CIL Expenditure Framework and the CIL Expenditure Framework Communications Strategy be reviewed again (over Winter2022/Spring2023) and whilst Bid round 10 is being considered (from October 2022 onwards) so that any amended scheme can be in place before Bid round 11 occurs (May 2023).

1.3 That Babergh Council agree that the Joint Member Panel be retained to inform this (fifth) review.

8 **BC/22/20 BMSDC SUSTAINABLE TRAVEL VISION & LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN (LCWIP)**

8.1 The Chair invited Councillor Ward to Introduce report BC/22/20 in the absence of Councillor Gould which was for noting only.

8.2 Councillor Maybury asked for clarification of paragraph 7 on page 147 of the report and asked if the visitor numbers quoted were visitors to Suffolk, visitors to Babergh or just visitors to the consultation website? Councillor Ward confirmed the number was visitors to the consultation website only.

9 **BC/22/21 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS**

9.1 The Chair invited the Emily Yule – Monitoring Officer to introduce report BC/22/21.

9.2 The Monitoring Officer explained the purpose of the report and asked for a proposer and seconder for the recommendation detailed in the report.

9.3 Councillor Simon Barrett **PROPOSED** the recommendation which was **SECONDED** by Councillor Arthey.

9.4 Councillor Maybury queried why all the proposed Independent Persons were female. The Monitoring Officer stated that 20 applications had been received and the five candidates proposed were deemed the best five following the application process and then an interview which was undertaken by the Deputy Monitoring Officer and Monitoring Officers from other partner councils

By a vote of 24 votes for and 1 abstention

It was RESOLVED:

That the individuals listed in Appendix A of this report be appointed as the Council's Independent Persons pursuant to section 28(7) of the Localism Act 2011 for a term of two years with an option to extend the appointment for a further two years.

10 **BC/22/22 APPOINTMENT OF MONITORING OFFICER**

10.1 The Chair invited the Chief Executive to introduce report BC/22/22.

10.2 The Chief Executive explained that as Emily Yule was leaving it was necessary to appoint a replacement Monitoring Officer to the authorities and it had been hoped that the person named within the report would be recommended for appointment, however that person was no longer able to take up the appointment therefore this item was withdrawn by the Chief Executive.

10.3 The Chair paid tribute to the outgoing Monitoring Officer and on behalf of the Council wished her every success in the future.

11 BC/22/23 URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 2 OF THE CONSTITUTION

11.1 The Chair invited the Chief Executive to introduce report BC/22/23 which was for noting only.

11.2 The Chief Executive introduced the report which detailed that the urgent decision was needed to be taken in order to enable Freston Parish Council to continue to be able to make decisions.

It was RESOLVED:

That Council notes the Urgent Action taken under delegated powers by the Chief Executive as detailed in Appendix A.

12 COUNCILLOR APPOINTMENTS

12.1 There were no appointment changes.

13 MOTIONS ON NOTICE

14 TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR JAMIESON

14.1 The Chair invited Councillor Jamieson to introduce and **PROPOSE** his motion.

14.2 Councillor Jamieson elaborated on his motion that was in the agenda and Councillor Owen **SECONDED** the motion.

14.3 Councillor Jan Osborne confirmed that officers from Babergh Council had previously worked with the Suffolk Hub relating to grant-based claims for the green homes grant, business energy and industrial strategy funding and the funding bids had been successful across the partnering authorities. Babergh and Mid Suffolk had also requested that the Suffolk Housing Board investigate a method for decarbonizing social housing stock and a short descriptive paper had been completed which if agreed by the Suffolk Housing Board would be distributed to all councillors in due course.

- 14.4 Councillor Osborne also confirmed that officers would carefully review the paper which the Suffolk Housing board has prepared and complete any necessary research to assess if Babergh Council could work with other partners across Suffolk to deliver a similar stock investment approach to the proposed within the Lewes initiative.

By a vote of 22 votes for and 3 against

As set out in the recently approved HRA business plan, retrofitting insulation and other energy-saving measures to the council's housing stock is expensive, and progress is limited by the constraints of HRA funding. A group of seven councils in Sussex have set up a project, known as the Lewes Model, pooling resources, adopting a consistent approach and gaining economies of scale in order to facilitate the retrofitting of up to 40,000 social homes.

It was RESOLVED:

That Babergh agree to research this model and to start dialogue with other local authorities and external stakeholders, to investigate if a similar project could be initiated in Suffolk to improve the pace of retrofitting. This work should involve Council members.

15 TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR BARRETT

- 15.1 The Chair invited Councillor Simon Barrett to introduce and **PROPOSE** his motion as detailed in the agenda.
- 15.2 Councillor Barrett outlined his motion and gave his reasons for bringing it before council.
- 15.3 Councillor Beer **SECONDED** the motion and gave his reasons for doing so.
- 15.4 Councillor Davis apologised for any offence caused by his error of judgement but rejected that it affected his impartiality as Babergh Vice Chair.
- 15.5 The Chair allowed Councillor Ward as Leader of the Council to respond to the motion. Councillor Ward addressed the reference in the motion regarding his failure to respond to the post and clarified that the email drawing attention to the post was received while he was on holiday.
- 15.6 Councillor Beer objected to not being able to debate the motion.
- 15.7 The Monitoring Officer informed Councillors that the rules state that there is no debate on appointments and the motion being considered was effectively the reverse of an appointment so the same rule applied. The Chair had only allowed Councillor Ward to speak because he was mentioned in the motion.

By a vote of 7 votes for, 16 votes against and 2 abstentions

It was RESOLVED:

That Councillor Davis remain Vice-Chairman of Babergh District Council.

16 TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR LINDSAY

- 16.1 The Chair invited Councillor Lindsay to introduce and **PROPOSE** his motion as detailed in the agenda.
- 16.2 Councillor Lindsay explained his motion and informed council of an amendment to the recommendations.
- 16.3 Councillor Jamieson **SECONDED** the motion.
- 16.4 Councillor McCraw began the debate by discussing works undertaken at the Suffolk Flood Risk Management Scrutiny sub committee which he had been the council's representative on for some time and supported the motion especially that a request be made to the Suffolk Flood Management Scrutiny Sub-Committee about development impact.
- 16.5 Councillors agreed to the sentiment of the motion but thought the recommendations needed clarification.
- 16.6 The Monitoring Officer gave councillors the option to use Rule 15.1d of the constitution that allows the council to move to refer a matter to the appropriate body or an individual, in this case this could be referred to officers to do further work before coming back to council with a more complete and rounded proposal.

By a vote of 18 votes for

It was RESOLVED:

That, in accordance with rule 15.1d of the Constitution, this motion be referred to officers for clarification.

The business of the meeting was concluded at 7.51 pm.

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Chair