

MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON MONDAY, 31 OCTOBER 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Frank Lawrenson
Sue Ayres	James Long
Simon Barrett	Margaret Maybury
Tony Bavington	Alastair McCraw
Peter Beer	Mark Newman
Sue Burgoyne	Adrian Osborne
Dave Busby	Jan Osborne
Tina Campbell	Lee Parker
Sue Carpendale	Peter Patrick
Michael Creffield	Stephen Plumb
Derek Davis	David Rose
Alan Ferguson	William Shropshire
Barry Gasper	Ray Smith
Kathryn Grandon	Fenella Swan
David Holland	John Ward
Michael Holt	Stephen Williams
Jennie Jenkins	

The following Members were unable to be present:

Melanie Barrett, Tom Burrows, Siân Dawson, John Hinton, Bryn Hurren, Richard Kemp, John Nunn, Nick Ridley and Harriet Steer.

55 ADDITIONAL ITEM OF BUSINESS

The Local Government (Access to Information) Act 1985 provides that an item of business may not be considered by a Committee unless it is included on an Agenda. The Act does, however, make provision for an exception to this general rule to be made where by reason of special circumstances, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

The Chairman advised that a situation had arisen where it had become necessary for the Committee to consider an item not included on the Agenda (Appointment of Councillors to Committees, Joint Committees and Joint Groups and Portfolio Holders) and that he was satisfied that there were good reasons for dealing with this at this meeting.

Details of the item had been circulated to Members as [Paper S73](#) prior to the commencement of the meeting.

56 DECLARATION OF INTERESTS

None declared.

57 MINUTES

RESOLVED

That the Minutes of the Meeting held on [20 September 2016](#) be confirmed and signed as a correct record.

58 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to [Paper S70](#) outlining recent events attended by the Chairman and Vice-Chairman.

59 LEADER'S ANNOUNCEMENTS

Jennie Jenkins, Leader, provided a brief update on the work of the Public Access and Accommodation Project Board which is well under way in relation to the key issues identified to date. A Communications Plan is being prepared and Focus Groups are being held on a regular basis. Other areas being addressed include the joint website, face to face locations and IT. Familiarisation tours of Endeavour House are being planned for Members and the Communications Team is drafting a FAQ sheet for Members to help them with any questions that might arise. Regular updates on progress will be provided.

60 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

61 QUESTIONS FROM THE PUBLIC

None received.

62 QUESTIONS FROM MEMBERS

None received.

63 PETITIONS

None received.

64 APPOINTMENT OF JOINT CHIEF EXECUTIVE ROLE TO BE DESIGNATED AS THE JOINT HEAD OF PAID SERVICE

Jennie Jenkins, Leader, introduced [Paper S71](#) and outlined the process that had been followed to recruit the new joint Chief Executive. She proposed the

appointment of Arthur Charvonia, the candidate recommended by the Joint Recruitment Task and Finish Group, as set out in paragraph 2 of the report, which was duly seconded. Councillors Sue Carpendale and Clive Arthey, Opposition members on the Task and Finish Group, endorsed the Task Group's recommendation of Arthur Charvonia who was present at the meeting and was welcomed on behalf of the Council.

RESOLVED

- (1) That Arthur Charvonia is designated and appointed to undertake the statutory role as the Head of Paid Service for Babergh and Mid Suffolk District Councils and is also appointed as the Joint Chief Executive for both Councils.**
- (2) That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from the resolution under Resolution (1) above.**
- (3) That the designated Head of Paid Service (Arthur Charvonia) be approved as the Proper Officer under Section 270(3) of the Local Government Act 1972, for both Councils.**
- (4) That Arthur Charvonia also be the Officer designated as the Returning Officer and Electoral Registration Officer for both Councils.**

65 CONSTITUTIONAL UPDATE

Jennie Jenkins, Leader, introduced [Paper S72](#) seeking Member approval to adopt revised Procedure Rules for Council, Committee and Sub-Committee meetings and to authorise the Monitoring Officer to make the necessary consequential changes to the Constitution. She moved the recommendations in paragraph 2 of the report which were seconded by Councillor Simon Barrett.

Councillor Tony Bavington then proposed an amendment to paragraphs 13.6 and 13.7 of Part 3 of the Constitution – Notices on Motion – which was circulated to all Members at the meeting, as set out below:-

- “13.6 If the subject matter of any motion in respect of which notice has been duly given falls within the terms of reference of any Committee it shall, upon being duly moved and seconded, stand referred without discussion for consideration and recommendation to the next or future Council meeting, when any discussion or debate shall take place and a decision shall be made; save only that if in the opinion of the Chairman the motion merits an immediate decision s/he may allow the motion to be dealt with at the Council meeting at which it is first moved.*
- 13.7 If the motion stands referred to a Committee and the member who moved the original motion is not an ordinary member of the Committee then s/he shall be invited to attend and address the relevant Committee*

meeting. A member who is not an ordinary member of a committee shall not have a vote at the Committee meeting.”

The motion was seconded by Councillor Alastair McCraw but lost when put to the vote.

During the debate that ensued Members considered various related matters, including voting on appointments by ballot. A motion to reinstate the previously available provision for a ballot when voting on appointments only was then moved and seconded by Councillors Bavington and McCraw respectively but lost when put to the vote.

In response to a query about the lack of a prescribed procedure to remove Chairman of the Council, Officers confirmed that there was provision elsewhere in the Constitution for a vote of no confidence. Members were aware that any consequential amendments to the Constitution could be dealt with by the Monitoring Officer, as specified in Recommendation 2.2 of Paper S72, or could, if necessary, be referred to the Task and Finish Group.

RESOLVED

- (1) That Appendix A attached to Paper S72 be adopted as the revised Procedure Rules for Council, Committee and Sub-Committee meetings (to replace pages 74 to 99 - Part 3 of the Council’s Constitution).**
- (2) That responsibility be delegated to the Monitoring Officer to carry out any consequential changes to the Constitution that will be necessary following approval of Resolution (1) above.**

66 APPOINTMENT OF COUNCILLORS TO COMMITTEES, JOINT COMMITTEES AND JOINT GROUPS AND PORTFOLIO HOLDERS

Members had before them [Paper S73](#), which set out proposed changes to Portfolio Holder appointments and confirmed changes made by political groups to the membership of various Committees.

RESOLVED

- (1) That the following appointments be made to Committees, Joint Committees and Joint Groups:**

Strategy Committee
Margaret Maybury (replacing Alan Ferguson)

Joint Scrutiny Committee
Alan Ferguson (replacing Margaret Maybury)

Joint Audit and Standards Committee
Alastair McCraw (replacing Tony Bavington)
Stephen Williams (Independent Conservative seat)

**Planning Committee
John Hinton (Independent Conservative seat)**

**Joint Health and Safety Committee
John Hinton (Independent Conservative seat)**

**Joint staff Consultative Committee
Tony Bavington (replacing Alastair McCraw)**

**Shared Revenues Partnership Committee
Peter Burgoyne (replacing Alan Ferguson)**

- (2) That the following changes to the Portfolio Holders be made as notified by the Leader of the Council:**

Housing Delivery: Jan Osborne (replacing Alan Ferguson)

**Community Capacity Building and Engagement: Margaret Maybury
(replacing Jan Osborne)**

The business of the meeting was concluded at 10.30 a.m.

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Chairman