



TO: THE CHAIRMAN AND MEMBERS OF
BABERGH DISTRICT COUNCIL

12 December 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, 20 December 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

Deputy 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 22 November 2016 as a correct record (copy attached).

4 CHAIRMAN'S ANNOUNCEMENTS

Paper
S93

In addition to any announcements made at the meeting, please see Paper S93 attached, detailing events attended by the Chairman and Vice-Chairman.

5 LEADER 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, 15 December 2016 (two clear working days before the meeting).

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

In accordance with Council Procedure Rule No. 10, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.

8 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

The Chairmen of Committees to answer any questions by the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule No. 11.

9 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Portfolio Holders 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 Rule No. 12.

10 DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION "THE APPLICATION" IN RESPECT OF LAND AT STAFFORD PARK, LISTON

Paper
S94

Report by the Senior Development Management Policy Officer – Key Growth Projects attached.

Business Growth and Increased Productivity Portfolio Holder – Simon Barrett

11 CHANGE OF GOVERNANCE – ADOPTING THE CABINET - LEADER MODEL

Paper
S95

Report by the Deputy Chief Executive attached.

Leader of the Council – Jennie Jenkins

12 DRAFT TIMETABLE OF MEETINGS 2017/18

Paper
S96

Members are asked to approve the draft Timetable (Paper S96) attached, prepared by the Interim Head of Democratic Services.

Enabled and Efficient Portfolio Holder – Peter Patrick

13 APPOINTMENTS

To elect Frank Lawrenson as Vice-Chairman of the Joint Audit and Standards Committee.

To appoint Sue Ayres as the Enabled and Efficient Organisation Member with Special Responsibility (replacing Lee Parker)

Leader of the Council – Jennie Jenkins

Note: The date of the next meeting is **Tuesday 24 January 2017** at 5.30 p.m.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 826610 or via email at committees@babberghmidsuffolk.gov.uk

Agenda Item 3

BABERGH DISTRICT COUNCIL

COUNCIL MEETING

MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 22 NOVEMBER 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Frank Lawrenson
Sue Ayres	James Long
Melanie Barrett	Margaret Maybury
Simon Barrett	Alastair McCraw
Tony Bavington	Mark Newman
Peter Beer	John Nunn
Sue Burgoyne	Adrian Osborne
Tom Burrows	Jan Osborne
Dave Busby	Lee Parker
Tina Campbell	Peter Patrick
Sue Carpendale	Stephen Plumb
Michael Creffield	Nick Ridley
Derek Davis	David Rose
Alan Ferguson	William Shropshire
John Hinton	Ray Smith
David Holland	Fenella Swan
Bryn Hurren	John Ward
Jennie Jenkins	Stephen Williams
Richard Kemp	

The following Members were unable to be present:

Siân Dawson, Barry Gasper, Kathryn Grandon, Michael Holt and Harriet Steer.

67 DECLARATION OF INTERESTS

None declared.

Councillor Frank Lawrenson subsequently referred to being an hotelier in connection with the Assets and Investment Strategy (Minute No 79). He was advised that he did not have a declarable interest at this stage in relation to the overarching Strategy, but during the period for questions prior to commencement of the debate on this item, he left the Council Chamber to avoid any possible conflict of interest which might arise.

68 MINUTES

RESOLVED

That the Minutes of the Meeting held on 31 October 2016 be confirmed and signed as a correct record.

69 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to Paper S79 outlining recent events attended by the Chairman and Vice-Chairman.

He reminded Members of the Carol Service on 7 December 2016.

70 LEADERS ANNOUNCEMENTS

Jennie Jenkins, Leader, provided Members with an update on the Public Access and Accommodation Programme. Work was progressing well, the new website was being rolled out and public views sought. The project had been re-branded as the "All Together" Project. The All Together Member Sub-Group had met, and was working with officers to review opportunities for public access points.

71 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

72 QUESTIONS FROM THE PUBLIC

None received.

73 QUESTIONS FROM MEMBERS

None received.

74 PETITIONS

None received.

75 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

Mid Year Report on Treasury Management 2016/17 (Joint Audit and Standards Committee – 14 November 2016)

William Shropshire, Chairman of the Audit and Standards Committee, introduced the Committee's recommendation to note the Mid Year position. The recommendation, having been proposed by Councillor Shropshire, was seconded by Councillor John Ward. Members had before them Paper JAC90 which was considered by the Committee on 14 November.

Melissa Evans, Corporate Manager – Financial Services responded to questions raised by Members on various matters, including short term debt and cashflow borrowing. She undertook to provide a written answer outside the meeting on the amount of funds remaining in the Reserves and the Capital Programme Budget.

RESOLVED

That it be noted that, as set out in Paper JAC90, Treasury Management activity for the first six months of 2016/17 was in accordance with the approved Treasury Management Strategy, and that both Councils have complied with all Prudential Indicators for this period.

76 DEVOLUTION FOR NORFOLK AND SUFFOLK

Members had before them Paper S80 which accompanied the Council agenda, together with Paper S80R (circulated prior to the commencement of the meeting) containing revised recommendations following the decision of the King's Lynn and West Norfolk Borough Council decision not to consent to being included in the process for implementing the Norfolk and Suffolk Devolution Deal.

Jennie Jenkins, Leader, introduced Paper S80R and explained the context in which the revised recommendations had been put forward. Jennie emphasised the commitment of the Suffolk Public Leaders to continue working with Suffolk's partners across Suffolk to pursue this generational opportunity to improve the life chances and quality of life of local people and form a new relationship with Government. She proposed recommendations 2.1 to 2.3 in Paper S80R, which were seconded by Councillor Simon Barrett.

Councillor Jenkins and Deborah Cadman, Interim Head of Paid Service, responded to matters raised by Members during their discussion and confirmed that the work that had been done to date would make a valuable contribution towards achieving economic growth and that other aspects of the Council's work had not suffered as a result of the time and effort put in to developing the Devolution Deal. Although the Government was expected to take the original Deal off the table, meaning that the recommendations in Paper S80 were no longer relevant, continuing to support the principle behind devolution was still valid. Members were aware that if they agreed the revised recommendations before them, any alternative deal would have to be approved by the Council in due course.

A demand for a recorded vote was received, in accordance with Council Procedure Rule 18.5.

The result of the recorded vote was as follows:-

<u>For the Motion</u>	<u>Against the Motion</u>	<u>Abstentions</u>
Clive Arthey	Tony Bavington	None
Sue Ayres	Dave Busby	
Melanie Barrett	John Hinton	
Simon Barrett	Richard Kemp	
Peter Beer	Alastair McCraw	
Peter Burgoyne	John Nunn	
Sue Burgoyne	Stephen Williams	
Tom Burrows		
Tina Campbell		
Sue Carpendale		
Michael Creffield		
Derek Davis		
Alan Ferguson		
David Holland		
Bryn Hurren		
Jennie Jenkins		
Frank Lawrenson		
James Long		
Margaret Maybury		

For the Motion

Against the Motion

Abstentions

Mark Newman
Adrian Osborne
Jan Osborne
Lee Parker
Peter Patrick
Stephen Plumb
Nick Ridley
David Rose
William Shropshire
Ray Smith
Fenella Swan
John Ward

Thirty one Members voted in favour of the revised recommendations as set out in Paper S80R. There were seven votes against, with no abstentions.

RESOLVED

- (1) That the Council reiterates the commitment, given at its June meeting, to Devolution as a means for delivering accelerated growth in the local and national economy and helping local people and places fulfil their potential;**
- (2) That the Leader and Chief Executive be authorised to:**
 - (a) seek an urgent meeting with the Secretary of State to discuss the Government's intentions around devolution;**
 - (b) work with Government and local partners to agree an alternative devolution deal as soon as possible.**
- (3) That further reports be presented to the Authority, as appropriate, as the Devolution process progresses.**

77 CONTRACT STANDING ORDERS

Peter Patrick, Portfolio Holder for An Enabled and Efficient Organisation, introduced Paper S81, asking Members to approve revised Contract Standing Orders, as detailed in Appendix A to the report.

Councillor Patrick referred to the Standing Orders forming part of the Council's Constitution and the purpose of the review as part of the Council's programme for strengthened and clear governance. He drew Members' attention to an error in item 5.3 of Appendix A, which should read 'The Principle of Proportionality' instead of '....Proportionately' and then proposed the recommendation of approval, which was seconded by Councillor David Holland.

Rachel Hodson-Gibbons, Corporate Manager – Commissioning and Procurement, responded to Members' detailed questions about the various thresholds applicable to goods, services and works, and the way in which the wording in relation to paragraph 8.4 might be clarified in a future review. She also confirmed that the evaluation criteria provided opportunities for local suppliers.

RESOLVED

That the revised Contract Standing Orders as set out in Appendix A to Paper S81 be approved.

78 APPOINTMENT OF COUNCILLORS TO COMMITTEES AND JOINT COMMITTEES AND PORTFOLIO HOLDERS

Jennie Jenkins, Leader, introduced proposed changes as set out in Paper S82, together with the appointment of Michael Holt to the Environment MSR vacancy.

RESOLVED

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

**Strategy Committee
John Ward (replacing Frank Lawrenson)**

**Joint Audit and Standards Committee
Frank Lawrenson (replacing John Ward)**

(2) That John Ward be appointed as Portfolio Holder for Environment (replacing Frank Lawrenson).

(3) That Tina Campbell be appointed to the vacancy for Member with Special Responsibility for Community Capacity Building and Engagement.

(4) That Michael Holt be appointed as Member with Special Responsibility for Environment (replacing John Ward).

79 ASSETS AND INVESTMENT STRATEGY

Members had before them Paper S83 together the wording of a revised recommendation 2.2(i), circulated prior to the commencement of the meeting, which made it clear that there would be a separate Holding Company for each of the two Councils.

The Chairman reminded Members that if they wished to discuss matters relating to the Confidential information under Item 16 of the agenda, it would be necessary to pass the standard resolution to exclude the public, as set out in Item 15. However, in the event, this was not considered to be necessary, and Paper S83 was considered in open session.

The Chairman then asked Lou Rawsthorne, Assistant Director – Investment and Commercial Delivery and Ian Winslet – Interim Investment and Development Executive to give a presentation on the two elements of the emerging approach to managing the Councils' assets and investment, as set out in the report. Both officers responded to Members' questions on aspects of the presentation.

Jennie Jenkins then introduced Paper S83 which sought Member approval to the three strands of the Strategy together with the recommended model and Implementation Plan for the proposed incorporated structure for investment in commercial property. She proposed the recommendations, including the revised wording of 2.2(i), which were seconded by Simon Barrett.

Before proceeding to the debate, Members were given the opportunity to ask questions about the detail of the proposed Strategy and officers clarified various matters including liability, status of the holding company, the legal framework for the proposals including powers held under the Localism Act, ways in which risk might be spread geographically, accountability and rates of borrowing from the Public Works Loan Board. Members noted that a skills audit would also be undertaken and that a number of other Councils were already operating similar models to that proposed in Paper S83.

RESOLVED

- (1) That the three strands of the Assets and Investment Strategy, as set out in Paper S83 be approved.**
- (2) That an incorporated structure for investment in commercial property, which will then be the subject of a business plan to be brought forward for approval in early 2017 be approved. Further that the incorporated structure be made up of:**
 - (i) A Babergh District Council Holding Company and a Mid Suffolk District Council Holding Company.**
 - (ii) A Joint Capital Investment Fund Special Purpose Vehicle owned 50-50 with Babergh District Council / Mid Suffolk District Council holding the fund for investment.**
- (3) That the Capital Investment Fund model and structure as set out in the business case (as contained in Confidential [Appendix 1 to Paper S83](#)), legal, tax and company structure advice all appended to the report, be approved.**

The business of the meeting was concluded at 8.00 p.m.

.....
Chairman

				S93
BABERGH DISTRICT COUNCIL CHAIRMAN'S ANNOUNCEMENTS				
COUNCIL - 20 DECEMBER 2016				
EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
DECEMBER 2016				
Bishop of St Edmundsbury's Christmas Drinks Party	Ipswich	09-Dec	✓	

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Agenda Item 10

BABERGH DISTRICT COUNCIL

From: Senior Development Management Officer – Key Growth Projects	Report Number: S94
To: Council	Date of meeting: 20 December 2016

DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION “THE APPLICATION” IN RESPECT OF LAND AT STAFFORD PARK, LISTON

1. Purpose of Report

To seek approval of Full Council to devolve the Council’s planning control functions to Braintree District Council to determine a cross-boundary planning application and to negotiate the terms of any necessary planning obligation, subject to this Council’s final approval, insofar as the land subject to the Application lies within Babergh District, thereby making Braintree District Council the sole determining planning authority for the Application. The significant majority of the land subject to the Application lies within Braintree District Council’s area.

2. Recommendation

- 2.1 That full Council devolve to Braintree District Council the discharge of Babergh District Council’s planning control functions under section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine a cross boundary planning application in relation to land at Stafford Park, Clare Road, Long Melford in respect of the land within the Babergh District Council administrative area and its functions under section 106 of the same Act to negotiate the terms of any necessary planning obligation subject to this Council’s final approval.

3. Financial Implications

- 3.1 Administrative costs associated with the commissioning of specialist consultee advice and all such other costs have been borne by Braintree District Council, which would receive the entirety of the planning fees. Council should note that no planning application fee is payable to Babergh District and in the event this Council decides not to delegate its decision making powers the full cost of the administration of the Application would fall to the Council.

4. Legal Implications

- 4.1 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. In this way it is possible for one Local Planning Authority to delegate its development control functions to another in respect of a specific cross-boundary planning application or site. In this way Braintree District Council would determine both planning applications.

5. Risk Management

- 5.1 This report is not directly linked with any of the Councils’ Significant Risks, but the following risks should be noted:

Risk Description	Likelihood	Impact	Mitigation Measures
Braintree District Council fail to take account of relevant policies in the Babergh Development Plan in making their decision leading to a decision that has not been made in accordance with the Development Plan and is therefore open to challenge.	Highly Unlikely - 1	Noticeable - 2	Babergh DC Officers will be inputting into the preparation and checking of reports to Braintree DC Committee.
That due process is not followed in the devolution of powers to Braintree DC to determine this planning application, leaving the process open to legal challenge.	Highly Unlikely - 1	Noticeable - 2	This report seeks to address this risk, by ensuring that the decision is taken by Full Council in accordance with the relevant statutory provisions.

6. Consultations

- 6.1 As part of the handling of this application to date, both Babergh DC and Braintree DC have carried out consultations with statutory consultees and local residents in accordance with the relevant statutory provisions. Each authority has shared consultation responses between them to ensure that both authorities have up to date information on which to consider the applications.

7. Equality Analysis

- 7.1 No issues

8. Shared Service / Partnership Implications

- 8.1 No issues

9. Links to Joint Strategic Plan

- 9.1 Whilst this is a proposal that primarily relates to the delivery of housing, the housing falls with the Braintree District area and would not directly contribute to the delivery of housing within Babergh despite its close proximity to Long Melford.
- 9.2 However, the proposed housing would enable the decontamination of the former landfill site to the north of the application site (which is, itself, subject to a separate application for planning permission for the remedial works needed to deal with that contamination). It is recognised in the Joint Strategic Plan that the protection and enhancement of the environment should be regarded as a priority in its own right. Because it is so pervasive, however, rather than elaborate it separately, it is mentioned throughout the Plan in those places where it is especially important.
- 9.3 In this regard, the proposal would deliver much needed decontamination works, providing protection to the environment.

10. Key Information

- 10.1 Planning application B/15/00649/OUT is an outline planning application which proposes a development of up to 100 dwellings and the change of use of existing buildings to create up to 22 apartments and a community centre, to enable remediation of the adjoining licensed landfill site to the north. Proposals also include the demolition of the other existing buildings, associated works to remediate the land on the Application site, flood attenuation measures, reinstatement of the River Stour to include the removal of the sluice gate and the creation of a series of rock riffle weirs and associated infrastructure improvements, landscaping and provision of public open space, on land at Stafford Park, Clare Road, Long Melford (also known as Stafford Park, Liston Lane, Liston). The land on the north side, and which forms part of the development area, is within the administrative area of Babergh District Council. However, the land to the south is within the administrative area of Braintree District Council. The significant majority of the application site is in Braintree District. The community centre and areas of open space are the only elements of the development which would be within Babergh District Council's area.
- 10.2 In circumstances where an application site crosses the administrative boundary between two Local Planning Authorities (LPAs) the Planning Practice Guidance states in the section "Fees for Planning Applications":
- "If an application site is on land that falls within the boundary of more than one local planning authority, then identical applications must be submitted to each local planning authority, identifying on the plans which part of the site is relevant to each. The planning fee is paid to the local planning authority whose area contains the largest part of the application site."
- 10.3 In this case, the significant majority of the application site falls within the administrative area of Braintree District Council, accordingly, the application fee is payable solely to Braintree District Council.
- 10.4 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions and entering into separate s106 agreements. This is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them and the obligation entered into the related s106 agreements. This is of course highly undesirable in terms of achieving a coordinated approach to delivering development. It is also contrary to Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers. Paragraph 178 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities, a concept that underpins the approach to strategic plan-making pursued jointly by Babergh District Council and Braintree District Council. Accordingly it is recommended that Babergh District devolve powers in order that Braintree District Council can determine the application in its entirety.

- 10.5 Pursuant to section 101(1) of the local Government Act 1972 a local authority may arrange for the discharge of any of its functions by a Committee, a Sub-Committee, an officer of the authority or by any other local authority.
- 10.6 Accordingly the Council could delegate its decision making powers to Braintree District Council in respect of the determination of this particular cross-boundary planning application, in respect of which Braintree District Council will be paid the full application fee in any event and would then determine both the applications. It could also delegate the function of agreeing the terms of any necessary planning obligation under section 106 of the 1990 Act, subject to this Council's final approval. This Council would be the enforcing authority for any planning obligation relating to that part of the development in the Council's area and if the obligation was in the form of an agreement this Council would need to be a party to the agreement.
- 10.7 As the proposed development within Babergh would involve only the community centre, some open space and works within the river only officers consider that it would be appropriate in this particular case for Babergh District Council to delegate its development control functions to Braintree District Council. This Council will be consulted on the application and the Planning Committee will be asked to agree comments to be sent to Braintree District Council. Any further applications relative to this matter, including any reserved matters applications, would be the subject of a further report to Council if further devolution of powers is required. It is not considered appropriate to seek devolution for future applications at this stage as it is not known what form any future applications may take.
- 10.8 Work on any necessary planning obligation under section 106 of the 1990 Act will also be delegated to Braintree District Council, subject to Babergh District Council's final approval.

11. Appendices

Title	Location
(a) Location Plan (showing County Boundary) ref: 13064 (OS) 001F	Attached
(b) Indicative Layout Plan ref: 13064 (PL) 002A	Attached

12. Background Documents

- 12.1 Planning application documents B/15/00671/OUT, available via the planning application search facility on the Council's website.

Authorship:

Ben Elvin

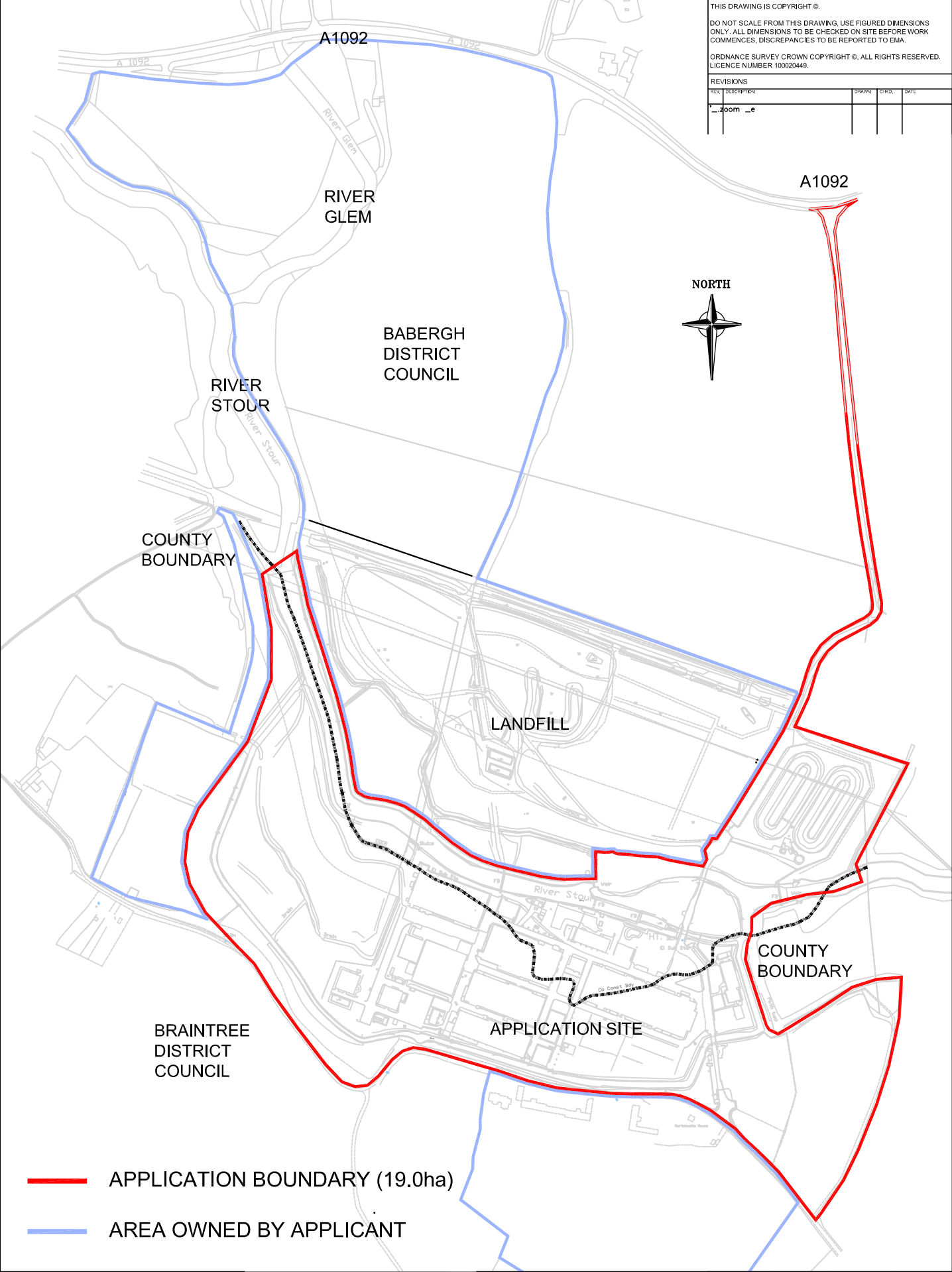
Senior Development Management Officer –
Key Growth Projects

01473 826638

ben.elvin@baberghmidsuffolk.gov.uk

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REVISIONS			
NO.	DESCRIPTION	ISSUED	DATE
1	zoom		



— APPLICATION BOUNDARY (19.0ha)
— AREA OWNED BY APPLICANT

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Agenda Item 11

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Deputy Chief Executive (in consultation with the incoming Chief Executive)	Report Number: S95
To: Babergh District Council Mid Suffolk District Council	Date of meeting: 20 December 2016 22 December 2016

CHANGE OF GOVERNANCE: ADOPTING THE CABINET - LEADER MODEL

1. Purpose of Report

- 1.1 To consider and determine the Councils' governance arrangements, and proposed programme of work to implement any change in such governance.

2. Recommendations to Council

- 2.1 Adopt the 'leader-cabinet' form of governance, effective from the May 2017 Annual Council meeting of the Council, in accordance with the provisions of the Localism Act 2011.
- 2.2 Approve the suggested implementation and approach as set out in Paragraph 6.1 - 6.8, the subsequent wider cultural change and new ways of working, in advance of the May 2017 Annual Council meetings.

3. Links to Joint Strategic Plan

- 3.1 Good governance is at the core of an enabled and efficient organisation. Adopting the "leader-cabinet" model will deliver a number of key objectives. In particular, it is noted that both Councils have adopted the desire, through their Joint Strategic Plan, to be smaller, smarter, and swifter; with the right people, doing the right things, in the right way, at the right time and for the right reasons. It is the Councils' responsibility to have in place clear and effective governance and be able to demonstrate successful outcomes of the Joint Strategic Plan.
- 3.2 This decision is also closely linked to the current work being undertaken by the two Councils with the Local Government Boundary Commission for England ('LGBCE'). As part of these electoral reviews the Councils will need to provide details of their governance arrangements to the LGBCE as part of each Council's 'council size' submission.

4. Background and Key Information

- 4.1 In Autumn 2016 the Leaders of both Councils set out their intention to pursue a move to the 'leader-cabinet' governance system.

4.2 Since then the Councils' well established joint cross-party 'Strengthening Governance' Task and Finish Group has convened on three occasions to consider this decision and its broader implications. The Task and Finish Group was originally established as part of the on-going Strengthening Governance work. The following Councillors are members of the Task and Finish Group:

BDC	MSDC
Jennie Jenkins	Nick Gowrley
Simon Barrett	Derrick Haley
Clive Arthey	Andrew Stringer
Sue Carpendale	Penny Otton
Margaret Maybury	John Levantis

4.3 The Centre for Public Scrutiny ('CfPS') has been providing the Councils, and their Councillors, with support to consider moving to a cabinet – leader governance model. The CfPS is a charity whose objectives are to promote and support good governance within public bodies. The CfPS receives funding from the Local Government Association (LGA), which it uses to provide support and advice to councils on corporate governance issues. The CfPS holds no brief for any particular governance system or approach over any other.

4.4 This support has been provided alongside assistance from the University Birmingham's Institute of Local Government Studies (INLOGOV).

Main Features of the Leader-Cabinet Model

4.5 The 'leader-cabinet' system involves decision-making powers being vested in up to a maximum of ten councillors who form a Cabinet. They are appointed by a Leader. Cabinet does not need to be politically proportionate. Cabinet may take decisions collectively, or individual members of cabinet may be empowered to make decisions themselves.

4.6 All decisions of cabinet (including decisions made by cabinet members individually) are subject to the usual local government requirements of being published five clear days before the decision is made. Notification of forthcoming cabinet key decisions is required to be published (on a 3 month rolling basis) at least twenty-eight days before a decision can be made, in a 'forward plan'. When any cabinet decision has been made, other councillors can, within a certain period, call that decision in for further discussion by an overview and scrutiny committee before the decision can be implemented. In some councils many key decisions will also be considered by the overview and scrutiny committee first, before coming to cabinet for decision. Collectively these systems are intended to provide a check and balance to the cabinet decision-making process.

4.7 Some councils with cabinets also supplement those bodies with informal bodies which assist with policy development. These bodies are often informal and do not meet in public, and can be called 'Cabinet Advisory Panels' or 'Policy Development Groups,' or similar. The choice available to councils on governance is not therefore a binary one, between committee and cabinet. There are hybrid models and also other governance models such as the mayoral system.

- 4.8 A selection of regulatory and quasi-judicial committees meet to decide issues such as planning, licensing and audit under both systems. The operation of these committees remains the same irrespective of the governance option adopted, as they operate under different legislation.

Rationale for change

- 4.9 By way of background, currently both Councils operate a committee system mode of governance. The committee system involves decisions being made by cross-party groups of councillors, by consensus and/or through the use of votes both in committee and council meetings. Where decisions cut across the terms of reference of more than one body or committee, they will often be passed to multiple bodies before the council formally decides to take action.
- 4.10 The Councils are proposing in May 2017, to move to the 'leader-cabinet' system (key features of such a governance model are set out above in paragraphs 4.5 to 4.8).
- 4.11 On 10 November 2016, the Strengthening Governance Task and Finish Group and the two Joint Scrutiny Chairs (Cllrs Eburne and Newman), attended a session facilitated by CfPS. The session focused on the development of design principles and a common understanding of the outcomes of any governance change. Members were invited to talk about what those design principles might be in practice, before considering what the barriers might be to the use and implementation of those principles.
- 4.12 The adoption of a 'leader-cabinet' model will deliver a number of the Councils' Joint Strategic objectives - it will achieve this in a number of ways, including:
- A more consistent, clearer, proportionate and efficient mechanism for decision making, ensuring increased officer and Councillor capacity for delivery;
 - Greater levels of openness, transparency and collaboration through a stronger Scrutiny Committee function, with legally enshrined mechanisms e.g. 'Key Decision' thresholds and 'Call-ins'
 - Increased responsibility, separation, and clarification of functions leading to increased accountability to Council and the electorate;
 - Parity and flexibility for the leaders and cabinets to represent and influence within the 'Suffolk system' through wider partnership working, particularly in the context of Devolution within Suffolk.

The development of design principles

- 4.13 The above rationale and objectives for change was not the view of all Councillors. In particular, for some, there are concerns that a cabinet system may lead to a decrease in consensus decision-making and an emphasis on speed over the quality of decision-making.

4.14 In order to avoid such a situation, CfPS recommended that the Councils agree a set of clear design principles to guide the development of the more detailed governance structures and cultures that support the 'leader-cabinet' model. The Strengthening Governance Task and Finish Group has therefore developed the following initial design principles:

- Streamlined. Any system needs to be focused, to allow for swift decision-making, to be easily understandable and to be proportionate (in terms of what is what is expected of both Councillors and Officers);
- Communication. This is about Councillors understanding the reasons for proposed decisions, and Councillors having plenty of notice of things happening so that they are in a position to influence decisions – formally or informally. More effective Member input into policy development could form part of this. This also incorporates the need for the Councils to engage in more depth with the public.
- A clear strategy / operations division. Whilst recognising that an absolute and pure division is impossible, Councillors will focus predominantly on strategy. Although sometimes it is right for Councillors to step into operational matters (particularly where they relate to issues of political controversy) a governance system will need to be designed to empower staff to act in accordance with the policy framework given to them by Councillors.
- Cultural Change. The kinds of cultural attitudes necessary to embed these design principles are ones of trust, openness, mutual positive challenge and the ability to be 'self-servicing' (for Councillors, this might mean taking additional responsibility for keeping up to speed on issues with fewer face to face officer briefings).

4.15 Councillors will have the opportunity to discuss these principles in more depth as part of the design and implementation phases of the cabinet-leader governance model. The suggested implementation process is set out in paragraphs 11.1-11.3 below.

5. Financial Implications

5.1 The decision will have financial implications associated with the resource that officers will need to put in place to manage the formal transition to a new governance option. Any additional one-off costs will be funded from the Transformation Fund.

5.2 In other local authorities, a key criterion for changing to different governance arrangements has been that they cost the same, or are cheaper, than the existing model. There is no evidence to suggest that any one form of governance option ('leader-cabinet', committee system, Mayor and cabinet) is intrinsically more or less expensive to operate than any other, but there are different ways of working within each of these systems that may well have such implications.

5.3 No on-going additional costs are anticipated as a result of adopting the 'leader-cabinet' model of governance. As set out in the report such a change will be designed to drive further efficiency and increase the officer capacity available to all Councillors.

6. Legal Implications

- 6.1 The Local Government Act 2000 put in place provision for the establishment of so-called “executive arrangements” for the operation of the majority of local authorities in England and Wales.
- 6.2 The 2000 Act required most councils to move from the committee system of governance, then universally used in local government, to one of three new governance options – the “leader-cabinet” option, the “mayor and cabinet” option, and the “mayor and council manager option” (the third of which was removed by subsequent legislation).
- 6.3 Following the introduction of executive arrangements, only district councils with a population of less than 85,000 retained the committee system method of decision-making. The Council retained the committee system by virtue of the size of the population being below 85,000.
- 6.4 The Localism Act 2011 introduced new legislation making it easier for local authorities in England to change their governance arrangements.
- 6.5 A local authority may change its governance arrangements to a different type however a resolution of the Council is required before a local authority is able to do so. A notice must also be published informing the public:
- That the local authority intends to change its governance arrangements and a council resolution has been passed in support of this.
 - The date that it intends to change the governance arrangements.
 - What the main feature of the change will be.
 - Where copies of any documents detailing the changes can be found, this should be at the local authority’s principal office and the address of its principal office should be provided.
- 6.6 The relevant legislation details the timeframe in which the governance changes must be made. This is called the ‘relevant change time’. A change in formal governance arrangements must occur at a specified ‘change time,’ which is at the Council’s Annual Meeting (May 2017). Prior to the change time, the Council needs to have resolved formally to make a governance change. There is no minimum period of time between resolution and the change time.
- 6.7 Alongside these legal requirements, the Council should consider any other practical issues. Some of these are set out in the Local Government Association and CfPS publication ‘Rethinking governance’ (2014), which is a ‘thinking tool kit’ which reflects the experiences of those councils which have undergone a governance change under the 2011 regime. They include:
- Although there is no statutory duty or formal requirement to carry out formal consultation with the public either in advance or following the Councils’ resolutions (other than to publish a notice as set out above in paragraph 6.5), the Councils may choose to carry out a form of consultation or engagement locally on the key features of the new governance arrangements;

- Changes to the Council’s constitution. This will include not only the changes necessary to reflect a move to cabinet governance (changes to committee structures and terms of reference), but also more detailed considerations such as the scheme of officer delegations;
- Changes to the Council’s financial procedures. A move to or from cabinet decision-making involves a shift in the way that major financial decisions are developed and agreed by officers and members;
- Relationships with partners. The way that the Council makes decisions are different under different governance arrangements. This has particular relevance both for formal and informal partnerships, and particularly for any further plans for devolution within Suffolk;
- Scrutiny. The ‘leader-cabinet’ system is designed to have robust and effective scrutiny at its heart. Thinking about what these systems will entail will be an important element of members’ discussions.

6.8 Once a local authority has passed a resolution to change its governance arrangements then it is prevented from doing so again for the next five years (unless a second resolution is approved following a referendum). However, this does not prevent the Council from reviewing and make further changes as necessary to its governance arrangements, such as a reconsideration of committee structures and delegations.

7. Risk Management

7.1 This report is most closely linked with the Council’s Significant Business Risk No. 5c – Failure to develop clear governance arrangements that enable the right decisions to be taken that are appropriate for the environment that we are operating in.

The key risk is set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Lose the opportunity to assess the effectiveness of our decisions making arrangements and the procedures we follow to meet the challenges facing our communities.	Unlikely	Bad	Councillors and officers working groups formed to develop design principles and support implementation of cabinet leader model.

8. Consultation

- 8.1 As stated in paragraph 6.7 above councils are not required to formally consult on any new governance arrangements but they may choose to carry out some form of engagement on the main features of the governance change.
- 8.2 The joint cross-party Strengthening Governance Task and Finish Group has been regularly consulted.

9. Equality Analysis

- 9.1 It is important that any decision-making and governance system be designed to take account of the needs of different individuals and groups, to engage with democracy and the decision-making process. An initial Equality Impact Assessment screening has been completed and is attached to the report at Appendix 1.

10. Shared Service / Partnership Implications

- 10.1 It is the stated view of the Leaders of the Babergh and Mid Suffolk Administrations, that the adoption of the 'leader-cabinet' governance option will strengthen local democracy, and make it more effective and efficient for the Councils to transact business.

11. Timescale for Implementation and suggested approach

- 11.1 It is recommended for reasons of time and capacity, that the implementation is divided into two elements.
- 11.2 Firstly, for the Council to agree those matters which must be in place prior to the formal change of governance arrangements (i.e. by May 2017). Which are :
- To make a formal resolution that the Council intends to change its governance arrangements (recommendation 2.1 of this report), and
 - To approve the following legal framework and approach (recommendation 2.2) that needs to be in place for the Council to be able to formally move from one governance option to another *i.e. from a committee structure to a cabinet-leader model at the Council's annual meeting in May 2017.*
 - Which are : the need to design and draft a new committee structure, financial procedures, the scheme of delegation, and any associated constitutional amendments that will be necessary to satisfy the terms of the Local Government Acts and to ensure that the Council is able to make decisions, under the 'leader-cabinet' governance option, in accordance with the law.
 - These will include a design in accordance with the rational and design principles as set out this report with the joint cross-party Strengthening Governance Task and Finish group taking the lead.
 - Wider Councillor engagement will also take place.

- 11.3 The second element is for continued discussion and agreement of the wider opportunities for governance reform and new ways of working beyond May 2017. Some of these have also been highlighted in this report and, although not discussed in detail, a significant factor in any governance change is that of cultural change and ensuring the continuation of fully open, transparent, and accountable ways of working.
- 11.4 This reflects advice that CfPS has given to other local authorities embarking on review and change of their governance arrangements. This approach will allow different methods and systems for decision-making to be discussed and experimented with, modified and refined over time.

12. Appendices

Title	Location
Appendix 1 Initial EIA screening	Attached.

13. Background Documents

None

Authorship:
Suki Binjal
Assistant Director - Law and Governance and
Monitoring Officer (interim)

01473 825811 or 01449 724854
suki.binjal@baberghmidsuffolk.gov.uk

Appendix 1

Equality Impact Assessment (EIA) Initial Screening Form



Screening determines whether the policy has any relevance for equality, ie is there any impact on one or more of the 9 protected characteristics as defined by the Equality Act 2010. These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

1. Policy/service/function title	Consideration for change of Governance for Babergh, Mid Suffolk District Councils'
2. Lead officer (responsible for the policy/service/function)	Suki Binjal Interim Head of Law and Governance and Monitoring Officer
3. Is this a new or existing policy/service/function?	New
4. What exactly is proposed? (Describe the policy/service/function and the changes that are being planned?)	The adoption of a 'leader-cabinet' form of governance, in accordance with the provisions of the Localism Act 2011
5. Why? (Give reasons why these changes are being introduced)	It is recommended that adopting the 'leader-cabinet' model will deliver a number of key objectives. In particular it is noted that both councils have adopted the desire through their Joint Strategic Plan. <i>(Further information can be found under the Rationale for change and the development of design principles)</i>
6. How will it be implemented? (Describe the decision making process, timescales, process for implementation)	The Councils are required to consult on any new governance arrangements. The "key features" will be publicised in line with the Councils' usual approach to consultation. Agreement of the following must be in place prior to the formal change of governance arrangements (May 2017) <ul style="list-style-type: none"> • The resolutions at full Council, for both authorities • The consultation on the key features of the new governance system • The implementation of the new governance system in May 2017

7. Is there potential for differential impact (negative or positive) on any of the protected characteristics?	No
8. Is there the possibility of discriminating unlawfully , directly or indirectly, against people from any protected characteristic?	No
9. Could there be an effect on relations between certain groups ?	No
10. Does the policy explicitly involve, or focus on a particular equalities group , i.e. because they have particular needs?	No

If the answers are 'no' to questions 7-10 then there is no need to proceed to a full impact assessment and this form should then be signed off as appropriate.

If 'yes' then a full impact assessment must be completed.

Authors signature

Date of completion

Any queries concerning the completion of this form should be addressed to the Equality and Diversity Lead.

* Public sector duty does not apply to marriage and civil partnership.

DRAFT TIMETABLE OF MEETINGS 2017-18

May-17										
M	1	BANK HOLIDAY	8	EXECUTIVE (10am)	15	JOINT AUDIT (10am-BDC)	22		29	BANK HOLIDAY
T	2		9		16		23	BDC ANNUAL COUNCIL (9.30)	30	
W	3	DEVELOPMENT CONTROL A (9.30) SI	10	PLANNING (9.30)	17	DEVELOPMENT CONTROL B (9.30) SI	24	PLANNING (9.30)	31	DEVELOPMENT CONTROL A (9.30) SI (Suffolk Show)
T	4	SCC Elections	11	STRATEGY (9.30)	18		25	MSDC ANNUAL COUNCIL (5.30)		
F	5		12		19		26			
Jun-17										
M			5	EXECUTIVE (10am)	12		19		26	
T			6		13		20		27	
W			7	PLANNING (9.30)	14	DEVELOPMENT CONTROL B (9.30) JOINT SCRUTINY (5.30-MSDC) SI	21	PLANNING (9.30)	28	DEVELOPMENT CONTROL A (9.30) SI
T	1	(Suffolk Show)	8	STRATEGY (5.30)	15		22		29	
F	2	MSDC REGULATORY (10am)	9	BDC REGULATORY (9.30)	16		23		30	
Jul-17										
M	3		10	EXECUTIVE (10am)	17	JOINT AUDIT (10am-MSDC)	24		31	
T	4	(LGA Conference)	11		18		25	BDC COUNCIL (5.30)		
W	5	PLANNING (9.30) (LGA Conference)	12	DEVELOPMENT CONTROL B (9.30) SI	19	PLANNING (9.30)	26	DEVELOPMENT CONTROL A (9.30) SI		
T	6	(LGA Conference)	13	STRATEGY (9.30)	20		27	MSDC COUNCIL (5.30)		
F	7		14		21		28			
Aug-17										
M			7		14		21		28	BANK HOLIDAY
T	1		8		15		22		29	
W	2	PLANNING (9.30)	9	DEVELOPMENT CONTROL B (9.30) SI	16	JOINT SCRUTINY (5.30-BDC)	23	DEVELOPMENT CONTROL A (9.30) SI	30	PLANNING (9.30)
T	3		10		17		24		31	
F	4	MSDC REGULATORY (10am)	11	BDC REGULATORY (9.30)	18		25			
Sep-17										
M			4	EXECUTIVE (10am)	11	JOINT AUDIT (10am-BDC)	18		25	MSDC AUDIT (10am) BDC AUDIT (6pm)
T			5		12	JH&S (2pm-MSDC)	19	BDC COUNCIL (5.30)	26	
W			6	DEVELOPMENT CONTROL B (9.30) SI	13	PLANNING (9.30)	20	DEVELOPMENT CONTROL A (9.30) SI	27	PLANNING (9.30)
T			7	STRATEGY (5.30)	14		21	MSDC COUNCIL (5.30)	28	
F	1	JSCC (9am-BDC)	8		15		22		29	
Oct-17										
M	2		9	EXECUTIVE (10am)	16		23		30	
T	3		10		17		24	BDC COUNCIL (5.30)	31	
W	4	DEVELOPMENT CONTROL B (9.30) SI	11	PLANNING (9.30)	18	DEVELOPMENT CONTROL A (9.30) JOINT SCRUTINY (5.30-MSDC) SI	25	PLANNING (9.30)		
T	5	STRATEGY (9.30)	12		19		26	MSDC COUNCIL (5.30)		
F	6	MSDC REGULATORY (10am)	13	BDC REGULATORY (9.30)	20		27			
Nov-17										
M			6	EXECUTIVE (10am)	13	JOINT AUDIT (10am-MSDC)	20		27	
T			7		14		21		28	
W	1	DEVELOPMENT CONTROL B (9.30) SI	8	PLANNING (9.30)	15	DEVELOPMENT CONTROL A (9.30) SI	22	PLANNING (9.30)	29	DEVELOPMENT CONTROL B (9.30) SI
T	2	STRATEGY (5.30)	9		16		23		30	
F	3		10		17		24			
Dec-17										
M			4	EXECUTIVE (10am)	11		18		25	BANK HOLIDAY
T			5		12		19	BDC COUNCIL (5.30)	26	BANK HOLIDAY
W			6	PLANNING (9.30)	13	DEVELOPMENT CONTROL A (9.30) JOINT SCRUTINY (5.30-BDC) SI	20	PLANNING (9.30)	27	
T			7	STRATEGY (9.30)	14		21	MSDC COUNCIL (5.30)	28	
F	1	MSDC REGULATORY (10am)	8	BDC REGULATORY (9.30)	15		22		29	

Jan-18										
M	1	BANK HOLIDAY	8		15	EXECUTIVE (10am)	22	JOINT AUDIT (10am-BDC)	29	BDC SCRUTINY (9.30)
T	2		9		16		23		30	
W	3	DEVELOPMENT CONTROL B (9.30) SI	10	PLANNING (9.30)	17	DEVELOPMENT CONTROL A (9.30) SI	24	PLANNING (9.30)	31	DEVELOPMENT CONTROL B (9.30) SI
T	4		11	STRATEGY (5.30)	18		25	MSDC SCRUTINY (5.30)		
F	5		12		19		26			
Feb-18										
M			5	EXECUTIVE (10am)	12		19		26	
T			6		13		20	BDC COUNCIL (5.30)	27	
W			7	PLANNING (9.30)	14	DEVELOPMENT CONTROL A (9.30) JOINT SCRUTINY (5.30-MSDC) SI	21	PLANNING (9.30)	28	DEVELOPMENT CONTROL B (9.30) SI
T	1		8	STRATEGY (9.30)	15		22	MSDC COUNCIL (5.30)		
F	2	MSDC REGULATORY (10am)	9	BDC REGULATORY (9.30)	16		23			
Mar-18										
M			5	EXECUTIVE (10am)	12	JOINT AUDIT (10am-MSDC)	19		26	
T			6		13	JH&S (2pm-BDC)	20		27	
W			7	PLANNING (9.30)	14	DEVELOPMENT CONTROL A (9.30) SI	21	PLANNING (9.30)	28	DEVELOPMENT CONTROL B (9.30) SI
T	1		8	STRATEGY (5.30)	15		22		29	
F	2	JSCC (9am-MSDC)	9		16		23		30	BANK HOLIDAY
Apr-18										
M	2	BANK HOLIDAY	9	EXECUTIVE (10am)	16		23		30	
T	3		10		17		24	BDC COUNCIL (5.30)		
W	4	PLANNING (9.30)	11	DEVELOPMENT CONTROL A (9.30) SI	18	PLANNING (9.30) JOINT SCRUTINY (5.30-BDC)	25	DEVELOPMENT CONTROL B (9.30) SI		
T	5	STRATEGY (9.30)	12		19		26	MSDC COUNCIL (5.30)		
F	6	MSDC REGULATORY (10am)	13	BDC REGULATORY (9.30)	20		27			
May-18										
M			7	BANK HOLIDAY	14	EXECUTIVE (10am)	21	JOINT AUDIT (10am-BDC)	28	BANK HOLIDAY
T	1		8		15		22	BDC ANNUAL COUNCIL (9.30)	29	
W	2	PLANNING (9.30)	9	DEVELOPMENT CONTROL A (9.30) SI	16	PLANNING (9.30)	23	DEVELOPMENT CONTROL B (9.30) SI	30	
T	3		10	STRATEGY (5.30)	17		24	MSDC ANNUAL COUNCIL (5.30)	31	
F	4		11		18		25			

When Licensing Act 2003, Licensing Sub and Regulatory Sub Committees are required these will, wherever possible be held on a scheduled Regulatory Committee day

SI - BDC Planning Committee site inspections

MSDC Planning Referrals Committee to meet as required

JHB - Joint Housing Board (Start time of 2.15pm)

JSCC - Joint Staff Consultation Committee

JH&S - Joint Health & Safety Committee