



AGENDA

COUNCIL MEETING

TUESDAY, 24TH OCTOBER, 2023 – 5.30 PM

Members of the Council are summoned to a meeting of the Babergh District Council at King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Tuesday, 24th October, 2023 at 5.30 pm.

For those wishing to attend, there will be time for reflections 5 minutes prior to the commencement of the Council meeting.

Arthur Charvonja
Chief Executive



BABERGH COUNCIL	
DATE:	TUESDAY, 24 OCTOBER 2023 5.30 PM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

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**PART 1
MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

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| 1 APOLOGIES FOR ABSENCE | |
| To receive apologies for absence. | |
| 2 DECLARATION OF INTERESTS BY COUNCILLORS | |
| 3 BC/23/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2023 | 7 - 18 |
| 4 BC/23/19 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER | 19 - 20 |
| In addition to any announcements made at the meeting, please see Paper BC/23/19 attached, detailing events attended by the Chairman and Vice-Chairman. | |
| 5 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES | |
| In accordance with Council Procedure Rule No. 11, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting. | |
| 6 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES | |
| The Chairman of the Council 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. 12. | |

7	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. 13.	
8	BC/23/20 OVERVIEW AND SCRUTINY COMMITTEE REPORT	21 - 30
	Chairman of Overview and Scrutiny Committee	
9	BC/23/21 COMMUNITY GOVERNANCE REVIEWS 2022/23	31 - 34
	Community Governance Review Working Group	
10	BC/23/22 CHANGES TO THE CONSTITUTION	35 - 58
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11	BC/23/23 DRAFT TIMETABLE OF MEETINGS 2024/25	59 - 62
	Leader of the Council	
12	BC/23/24 APPOINTMENT OF INTERIM MONITORING OFFICER	63 - 64
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13	COUNCILLOR APPOINTMENTS	
14	MOTIONS ON NOTICE	

Date and Time of next meeting

The next meeting is scheduled for Tuesday, 21 November 2023 at 5.30 pm.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils YouTube page:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296472 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH COUNCIL** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Tuesday, 19 September 2023

PRESENT:

Councillor: Elisabeth Malvisi (Chairman)

Councillors:	Peter Beer	Jane Carruthers
	Jessie Carter	Paul Clover
	Helen Davies	Sallie Davies
	Derek Davis	Simon Dowling (Vice-Chair)
	Kathryn Grandon	Ruth Hendry
	Michael Holt	Bryn Hurren
	Margaret Maybury	Alastair McCraw
	Mary McLaren	Mark Newman
	John Nunn	Adrian Osborne
	Alison Owen	Lee Parker
	Daniel Potter	Isabelle Reece
	Tim Regester	Brian Riley
	Laura Smith	John Ward

In attendance:

Guest(s): Sir Christopher Haworth – Chair of CIFCO Capital Ltd
Henry Cooke – Director of CIFCO Capital Ltd
Mark Sargeantson – Director of CIFCO Capital Ltd
Nigel Golder – Director Strategic Asset Management JLL

Officers: Chief Executive (AC)
Deputy Chief Executive (KN)
Director Corporate Resources (ME)
Director Customers', Digital Transformation & Improvement (SW)
Director Assets and Investments (EA)
Interim Director Law & Governance and Monitoring Officer (IA)
Corporate Manager Strategic Policy (JH)
Corporate Manager Communications & Engagement (BJ)
Research and Insight Officer (CH)

Apologies:

David Busby
Leigh Jamieson
Stephen Plumb
Deborah Saw
John Whyman

33 DECLARATION OF INTERESTS BY COUNCILLORS

33.1 The Monitoring Officer had granted dispensation to councillors who were on the Board of the Council's companies.

33.2 There were no declarations from Councillors.

34 BC/23/12 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 JULY 2023

34.1 Councillor Maybury queried paragraph 27.8 of the minutes and commented that her request that Suffolk County Council be lobbied to encourage better use of Endeavour House with regard to the heat exchange system and green house gases had not been included.

34.2 The Chairman confirmed that this would be checked and the minutes amended as necessary.

34.3 Councillor Maybury then raised a question regarding paragraph 31.3 of the minutes and advised that she had stated at the meeting that she was inclined to endorse the main body of the motion but not the second part relating to UK100.

It was RESOLVED:-

That subject to agreed changes, the Minutes of the meeting held on 18 July 2023 be confirmed and signed as a true record.

35 BC/23/13 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

35.1 The Chairman referred Councillors to Paper BC/23/13 for noting.

35.2 The Chairman asked Members of the Council to join her in sending their best wishes to Councillor Busby.

35.3 The Chairman then invited the Acting Leader of the Council to make his announcements.

35.4 Councillor Ward made the following announcements:

“You have all been informed of the changes to the cabinet as a result of Cllr Busby’s decision to step back temporarily from the leadership and his portfolio responsibilities while he undergoes treatment for cancer. I have spoken to Dave a lot and he is receiving prompt medical attention. He is in hospital this week and underwent surgery yesterday afternoon. He sent a message afterwards to say it all went well. I intend to visit him there in the next few days – I know others do too. I hope that we will see him back here soon and benefit from his unique insights and style of leadership.

The Police & Crime Panel met on 14th July 2023 where it elected a new Chair, Cllr Mansell from Mid Suffolk District Council, and Vice Chair, Cllr Ellesmere from Ipswich Borough Council, for the year. Following the May 2023 elections there has been some turnover on the Panel, with 7 new members joining.

I am pleased to report work to modernise the ageing public toilets at Gaol Lane in Sudbury is now under way. This work is expected to take just over four weeks to complete, and temporary toilets will be available during the build. It will include a complete face-lift to provide modern and vastly improved facilities for the town. Babergh District Council has committed over £50k on this important project and we have worked alongside Sudbury Town Council, who own the toilets.

It is part of wider plans to improve public toilets in the town – as you know, funding was also approved this month to progress plans for new toilets, including a changing places facility, at Belle Vue Park.

In the last month, we have been pleased to announce two initiatives to support small and new businesses, which are the lifeblood of our communities.

Babergh has teamed up with MENTA to offer start-up businesses free expert support and guidance. As part of the UK Shared Prosperity Fund, the council was given funding to deliver this scheme, and the programme is open to those in Babergh who are thinking of starting a business, are in the process of starting a business or have recently started their business venture. Meanwhile, businesses in our district can also potentially benefit from a new round of funding thanks to the Rural England Prosperity Fund.

Small businesses and community organisations across the districts will have access to three grants under the fund: the Rural Business Growth Fund, the Rural Culture & Creativity Fund and the Rural Communities Fund.

Eligible projects include net-zero developments, agriculture and farm diversification, visitor economy business expansion, SME investment and diversification, and investment in community facilities in our rural areas.

Small businesses are so important to our district, and I would encourage them to visit our website to check eligibility and explore details of these grants.”

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

36.1 None received.

37 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

37.1 None received.

38 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

38.1 None received.

39 RECOMMENDATIONS FROM CABINET / COMMITTEES

40 BC/23/14 ANNUAL TREASURY MANAGEMENT REPORT - 2022/23

40.1 The Chairman invited Councillor Bryn Hurren, Co-Chair of the Joint Audit and Standards Committee, to introduce Paper BC/23/14 which was for noting.

40.2 Councillor Hurren explained the purpose of the report which covered the 2022/23 financial year, and **PROPOSED** the recommendations as detailed in the report.

40.3 Councillor McLaren **SECONDED** the recommendations.

40.4 Councillor Riley asked for an explanation of why the Council was spending more money than it received, as detailed in table number 7 on page 39 of the report. The Director for Corporate Resources responded that certain assumptions were made regarding interest receivable when setting the budget, and that the rates fluctuate throughout the year leading to variances in the interest rates received. Variances are reported through the Treasury Management Half Year Report.

40.5 Councillor Riley then asked what action would be taken to ensure the situation was not repeated the following year. The Director for Corporate Resources responded that the Treasury Strategy would be presented to Council in January or February 2024, and advised that the Housing Revenue Account (HRA) had performed better than what was detailed in the budget.

40.6 In response to a further question from Councillor Riley regarding the reason why bad debts had been incurred in respect of Funding Circle performance, the Director for Corporate Resources clarified that an element in the portfolio is set aside for this as detailed in the agreement with Funding Circle.

40.7 Following a request from Councillor Davis, Councillor Hurren provided reassurance to residents and Members that the Council was not in a similar financial position as other Local Authorities.

- 40.8 Councillor Riley asked for clarification on whether the bad debts to date figure was a reserve figure or debts which had been written off. The Director for Corporate Resources confirmed that the figure related to debts which had been written off.
- 40.9 Councillor Ward referred to recommendation 3.3 in the report relating to the net upper limit of interest rate exposure and asked what the implications of exceeding the £15,000 limit would be. The Director for Corporate Resources advised that there would be penalties, and the indicator was set by the Council at a time when interest rates were lower. This would be reviewed as part of the Treasury Strategy. The Director went on to confirm that interest costs as a ratio to net expenditure were monitored and reported regularly.
- 40.10 Councillor Riley enquired whether there was any intention to improve lending standards in respect of bad debts. Councillor Hurren assured Members that every effort would be made to manage and recover debts where possible.
- 40.11 Councillor Riley asked what the Ninety-One Series i Performance was and why the valuation was being downgraded. The Director for Corporate Resources advised that the valuation was set by the markets and reviewed annually. Additional details of the fund would be provided outside of the meeting.
- 40.12 In response to a question from Councillor McCraw regarding the significance of the figures discussed at the meeting to the overall budget, the Director for Corporate Resources advised that the interest payable was looked at as a proportion of net expenditure and, although subjective, the debt figure was not disproportionate in terms of the overall balance sheet.
- 40.13 Councillor Maybury commented that due diligence and questioning within the Council helped to keep the finances in order.
- 40.14 Councillor Hurren expressed thanks to the officers.
- 40.15 Councillor Ward supported the report and commented that the report should be considered in its entirety.

By a vote of 26 For and 1 Abstention the motion was **CARRIED**.

It was RESOLVED:

- 1.1 That the treasury management activity for the year 2022/23 as set out in report BC/23/14 and appendices be noted.**
- 1.2 That it be noted that both Councils activity was in accordance with the approved Prudential Indicators for 2022/23.**

1.3 That it be noted that Babergh District Council's treasury management activity for 2022/23 was in accordance with the approval Treasury Management Strategy, and that, aside from exceeding the new upper limit of interest rate exposure at the end of 2022/23, as mentioned in Appendix C, paragraph 4.1, the Council has complied with all the Treasury Management Indicators for this period.

41 **BC/23/15 CAPITAL INVESTMENT FUND COMPANY (CIFCO CAPITAL LTD) BUSINESS TRADING AND PERFORMANCE REPORT**

- 41.1 The Chairman welcomed Sir Christopher Haworth, Chair of CIFCO Capital Ltd, Henry Cooke, Director of CIFCO Capital Ltd, Mark Sargeantson, Director of CIFCO Capital Ltd, and Nigel Golder, Director of Strategic Asset Management at JLL to the meeting.
- 41.2 The Chairman invited Councillor John Ward, Cabinet Member for Finance, Assets and Investments to introduce paper BC/23/15.
- 41.3 Councillor Ward introduced the report which provided details of the trading activity for CIFCO Capital Ltd (CIFCO) for 2022/23, and **PROPOSED** the recommendations as detailed in the report.
- 41.4 Councillor Davis **SECONDED** the recommendations.
- 41.5 Councillor Regester asked whether CIFCO would consider using BREEAM (Building Research Establishment Environmental Assessment Methodology) to better assess environmental and energy standards, and potential for carbon reduction, in its portfolio of assets. The Director for Assets and Investments advised that currently EPC (Energy Performance Certificates) were used as they were a requirement for all Council properties and considered to be the most robust method of assessment, however they remain open to how to best measure the work being done to meet environmental standards.
- 41.6 Councillor Riley referred to the annual accounts and asked why they had not yet been filed. The Director for Assets and Investments advised that the accounts were awaiting final sign off and were expected to be published within the next month and confirmed that the details had been shared within the business plan.
- 41.7 Councillor Holt asked whether the board were comfortable with the current valuation of the portfolio, and also if they were confident that the portfolio was heading in the right direction in the long term. Sir Christopher Haworth provided assurance that the board were focussed on the security of the income and were not concerned about the fluctuations of assets in terms of the sustainability of the investments.

- 41.8 Councillor Holt then asked a question regarding the efficiencies of the properties and queried if enough finance was available to reinvest in existing properties to bring them to a standard where rental income could be maximised. The Director for Assets and Investments confirmed that the business plan set out short, medium, and long term approaches towards capital for reinvestment. In terms of improvements to sustainability of the properties, the portfolio was currently being worked through on an incremental basis.
- 41.9 In response to a further question from Councillor Holt regarding the number of empty void properties in Basingstoke, Nigel Golder advised that this was circumstantial, and 50% of the space had now been re-let at a higher rate than was previously received.
- 41.10 Councillor Parker enquired to what extent the rising interest rates have on CIFCO's ability to provide income for the Council both now and in the future. The Director for Assets and Investments commented that debt repayments were made to the Council from CIFCO, and that a sensitivity analysis of rising interest rates had been carried out to assess the impact on the net income of the cost of borrowing increases. The Director for Corporate Resources added that some of the debt financing the CIFCO loan was at a fixed rate and would therefore not be affected by changes in interest rates.
- 41.11 Councillor Holt commented that with regard to the refurbishment of Council owned properties, the installation of solar panels was key and would be hugely beneficial to the Council and lead the way for other Companies to follow.
- 41.12 Councillor McCraw drew Members attention to the CIFCO summary update on page 82 of the report, and the five-year cashflow update, and noted that the net yield had risen steadily throughout the past five years. Councillor McCraw commented on the high level of scrutiny undertaken at Overview and Scrutiny Committees since the inception of CIFCO and expressed his support for the report.
- 41.13 Councillor Regester agreed with Councillor Holt's comments regarding the installation of solar panels on properties and felt that the benefits to tenants would encourage them to remain in the properties longer term.
- 41.14 Councillor Ward thanked the Director for Assets and Investments and the non-executive directors of the CIFCO Board for their time and effort to ensure that CIFCO delivers its promises.

By a unanimous vote the motion was **CARRIED**

It was RESOLVED:

- 1.1 That Council notes CIFCO Capital Ltd trading activity and performance for the year to 31st March 2023.**

1.2 That Council approves CIFCO Capital Ltd's 2023/24 business plan for adoption by CIFCO Capital Limited.

42 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

It was RESOLVED:-

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public be excluded from the meeting for the business specified below on the grounds that if the public were present during discussion of this item, it is likely that there would be disclosure to them of exempt information as indicated in the report.

43 RESTRICTED APPENDIX - CIFCO CAPITAL LTD BUSINESS PLAN (Exempt information by virtue of Paragraph 3 of Part 1)

44 RE-ADMITTANCE OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

It was RESOLVED:

To re-admit the public (which term included the press)

45 BC/23/16 BABERGH STATE OF THE DISTRICT REPORT 2023

45.1 The Chairman invited Councillor McCraw, the Cabinet Member for Customers, Digital Transformation and Improvement, to introduce paper BC/23/16.

45.2 Councillor McCraw introduced the report which provided information to Members on the District, and **PROPOSED** the recommendations detailed in the report.

45.3 Councillor Ward **SECONDED** the recommendations.

45.4 Councillor Riley asked what actions would be taken to improve the average earnings for employees across the District. Councillor McCraw responded that the information in the report would be used to inform future policies and these would be addressed within the revised Corporate Plan.

45.5 Councillor Davis, Cabinet Member for Economic Growth, added that work was being undertaken to provide skills and opportunities to people of all ages across the District to help improve earnings.

45.6 Councillor Holt commented on the financial challenges facing younger residents in the District and expressed concern over the lack of housing and high rent charges. He went on to say that economic growth was key, and that action needed to be taken quickly.

- 45.7 Councillor Maybury raised the issue of an ageing population in the District and commented on the number of young people needing to move out of the District to pursue education, employment and housing opportunities.
- 45.8 Councillor Hurren commented on the importance of agriculture and tourism to the area and the danger these could face from over development. He went on to comment on the need for affordable housing for young people.
- 45.9 Councillor Ward commented on the need to attract small and medium sized businesses to the area to provide employment opportunities.
- 45.10 Councillor Beer highlighted the discrepancy between male and female salaries and felt this should be addressed. He then stated that there was a need for developers to build the right type of housing.
- 45.11 Councillor Regester stated that there was a need for homes offering affordable rent, as well as affordable houses to buy, to attract high skilled workers to the area.

By a unanimous vote the motion was **CARRIED**.

It was RESOLVED:

To note the content of the Babergh State of the District Report 2023 and endorse its publication on the Council's website during October 2023.

46 BC/23/17 RECOMMENDATION FROM THE INDEPENDENT REMUNERATION PANEL

- 46.1 The Chairman invited the Corporate Manager for Governance and Civic Office, Jan Robinson, to introduce report BC/23/17.
- 46.2 The Corporate Manager for Governance and Civic Office introduced the report which contained a recommendation to Council from the Independent Remuneration Panel (IRP) regarding the Political Deputy Leader's Role.
- 46.3 Councillor McLaren **PROPOSED** the recommendations in the report. Councillor Regester **SECONDED** the recommendations.
- 46.4 Councillor Holt asked whether a Member would be able to receive both the Cabinet Member and Deputy Political Leader allowance. The Corporate Manager for Governance and Civic Office advised that it had previously been agreed by Council that Members would be able to receive two Special Responsibilities Allowances.
- 46.5 Councillor Maybury referred to the research which been carried out and commented that the Local Authorities who were consulted were not comparable to Babergh District Council in size.

- 46.6 Councillor Beer asked whether a job share had been considered for the role so that the allowance could be split between both Political Deputy Leaders.
- 46.7 The Corporate Manager for Governance and Civic Office advised Members that the research was undertaken following information provided by the Local Government Association (LGA) and the Local Authorities consulted were those which had different styles of leadership. The Corporate Manager went on to confirm that the recommendations in the report were provided by the IRP after consideration of the evidence provided to them.
- 46.8 Councillor Maybury asked a question regarding why the LGA specifically chose the Councils they did to make a comparison with. The Corporate Manager for Governance and Civic Office stated that the councils had been chosen because they had different political leadership arrangements with a statutory and non-statutory leader.
- 46.9 Councillor Maybury then asked whether consultation had taken place with the Chief Executive and the Monitoring Officer regarding the research. The Chief Executive commented that the recommendations in the report were from the IRP, and not Members or Officers, and confirmed that he had been consulted.
- 46.10 In response to a question from Councillor McCraw, the Corporate Manager for Governance and Civic Office advised that IRP had been consulted and the recommendations were from the IRP and not Political Group Leaders.
- 46.11 Following a question from Councillor Maybury, the Interim Director for Law and Governance advised that there was nothing in statute to say that a Member could not decline an allowance, however it would need to be created first in order to be declined.
- 46.12 In response to a comment from Councillor Maybury, Councillor Ward stated that he had been a Cabinet Member since May 2017 and had received an allowance throughout that time. He went on to say that the new leadership arrangement was unique in Babergh District Council's history, and the workload, which is shared between himself, Councillor Busby, and Councillor Saw, had increased significantly. He then stated that the proposed remuneration was not excessive for the workload and was reasonable and proportionate.
- 46.13 Councillor Holt stated that the role had been created out of political reasons and the workload was the same as for previous cabinets. He went on to comment that the increase would not be appreciated by residents, and taxpayers should not be burdened with the additional costs.
- 46.14 Councillor Riley **PROPOSED** an amendment to the recommendation to change the multiplier.

46.15 Following a discussion between Members regarding the Leaders positions and the percentage multipliers, the Chief Executive confirmed that there was one Statutory Deputy Leader which attracts a multiplier of 1.25% which is equivalent to £8,137. In addition, there was one Deputy Political Leader which does not currently attract a Special Responsibility Allowance. The recommendation from the IRP proposed an allowance for this position.

46.16 Councillor Riley confirmed the proposed amendment to split the current multiplier between the two Deputy Political Leaders. Councillor Beer **SECONDED** the proposal.

46.17 Councillor McCraw commented that there were currently eight Members of the Cabinet, and the Leader was entitled to appoint up to ten Cabinet Members, therefore the additional cost of appointing the Deputy Political Leaders could be a cost of appointing an additional Cabinet Member under existing powers.

46.18 Councillor Beer stated that the allowances were paid from Council Tax payers money and that there was no justification for the additional payments.

By a vote of 11 votes For, 11 votes Against and 5 Abstentions and the Chairman's casting vote.

The motion was **LOST**

46.19 Councillor McCraw **PROPOSED** that the question be now put. Councillor Dowling **SECONDED** the proposal. The motion was **CARRIED** by a show of hands.

46.20 The recommendations in the report were **PUT** to the meeting.

By a vote of 11 votes Against, 10 votes For and 6 Abstentions the motion was **LOST**.

It was RESOLVED:

That the recommendations from the Independent Remuneration Panel were rejected.

47 COUNCILLOR APPOINTMENTS

47.1 Councillor Maybury, Councillor Beer, Councillor Clover, Councillor Holt, Councillor Reece and Councillor Riley left the meeting at 8:00pm, before the commencement of item 15.

By show of hands.

It was RESOLVED:

That Cllr Elisabeth Malvisi be appointed to Joint Advisory Committee and Partnership to Suffolk Coasts and Heaths.

That Cllr Tim Register be appointed to East West Main Line Partnership.

That Cllr Deborah Saw be appointed to Suffolk Safer and Stronger Communities Board.

48 MOTIONS ON NOTICE

48.1 There were no motions on notice.

The business of the meeting was concluded at 8.03 pm.

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Chair

BABERGH DISTRICT COUNCIL - 24 OCTOBER 2023

CHAIRMAN'S ANNOUNCEMENTS

EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
SEPTEMBER 2023				
Sudbury Mayor's Civic Service	St. Gregory's Church, Sudbury	24-Sep	✓	
Sudbury Mayor's Fund Raising Dinner	The Secret Garden, Sudbury	27-Sep	✓	
Afternoon Tea with the Ipswich Mayor	Chef's Whites, Suffolk New College, Ipswich,	28-Sep	✓	
Official opening of affordable rural housing scheme	Underwood Close, Stoke by Nayland	29-Sep	✓	
OCTOBER 2023				
Stowmarket Mayor's Civic Service	St. Peter & St. Marys Church, Stowmarket	01-Oct	✓	
Charity Funding Fair	Sudbury Town Hall	06-Oct	✓	
Alpheton Village Hall re-opening	Alpheton Village Hall	06-Oct	✓	
Sudbury & South Suffolk Citizens Advice AGM	Sudbury & District Citizens Advice	11-Oct	✓	
Trafalgar Day Parade of Suffolk & Norfolk Sea Cadets	The Athenaeum, Bury St Edmunds	15-Oct	✓	
Ipswich Mayor's Civic Service	St Mary Le Tower Church, Ipswich	15-Oct		✓

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Agenda Item 8

BABERGH DISTRICT COUNCIL

TO: Council	REPORT NUMBER: BC/23/20
FROM: Chair of Overview and Scrutiny Committee	DATE OF MEETING: 24 October 2023

OVERVIEW & SCRUTINY COMMITTEE REPORT TO BABERGH DISTRICT COUNCIL

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Babergh District Council on the business conducted and the recommendations made at the Joint Overview and Scrutiny Committees on the 24th July, 21st August, and the 18th September.

2. RECOMMENDATION

- 2.1 This report is for noting.

3. ITEMS FROM THE JOINT COMMITTEE ON 24TH JULY

- 3.1 The Joint Overview and Scrutiny Committee met on the 24th July 2023 and considered the following items:

3.2 Western Suffolk Community Safety Partnership

- 3.2.1 Councillor Derek Davis, Chair of the Western Suffolk Community Safety Partnership, introduced the report to the Committee outlining before Members the purpose of the Partnership, the priorities of the Partnership, how issues in our communities are identified, the teams and organisations that work collaboratively to form the Partnership, and commended the Officers involved in running the Partnership for their work.

- 3.2.2 For many members of the Committee who were relatively new to both the Council and Overview and Scrutiny, the level of detail of the work of the Partnership was not apparent in the report which would have helped in their understanding of the complexity of the different actions of the Partnership, both as a collective and as individual specialists.

- 3.2.3 More comprehensive training for Members and more detailed case studies that demonstrate the value of each agency were regarded as essential for the future. The Corporate Manager for Communities reassured Members that a schedule of training on the work of the Partnership would be organised and circulated.

- 3.2.4 The costs of involvement in the Partnership are not available currently as the time spent by Officers from each agency is not recorded as a Partnership cost.

The Suffolk County Council Head of Community Safety advised that any additional statutory responsibilities assigned to the Partnership would result in increased financial costs for recruiting external officers to undertake these duties and that there would be significant risks regarding the capacity of existing Officers to fulfil their standard responsibilities within their own organisations.

- 3.2.5 Criminal incidents relating to hate crime are currently dealt with by the Police under a new national delivery plan. In regard to radicalisation, this is the responsibility of each local authority to establish a PREVENT delivery programme which is dedicated to identifying and stopping radicalisation in their areas.
- 3.2.6 Members queried the level of communication from the Partnership to local community groups ranging from schools to parish councils and to grassroots organisations. The Superintendent reassured that each locality has a designated Community Engagement Officer dedicated to communicating with different community groups at a local level. The Corporate Manager for Communities responded that for schools there is a co-opted education member on the Partnership and that the Suffolk Association of Local Councils (SALC) are responsible for the dissemination of information to parish councils.
- 3.2.7 The Assistant Manager for Community Safety and Resilience presented a separate report about anti-social behaviour (ASB) and introduced the Councils' Community Safety Officers. It was clarified that the five guiding principles of the ASB Strategic Board are there to ensure there is a uniform approach to tackling anti-social behaviour across both Districts. Questions were asked about the accessibility and effectiveness of the current ASB reporting system and could be reviewed further if a request was made.
- 3.2.8 The following recommendations were made:
- That the Joint Overview and Scrutiny Committee notes the report and commends the Officers involved for their work within the Partnership.
 - That an All Member Briefing and further training be delivered for all Councillors regarding the topics covered by the Western Suffolk Community Safety Partnership, including how to report anti-social behaviour and an updated contact list.
 - That a review of the current costs of Babergh and Mid Suffolk resources, and the potential impact of further statutory responsibilities, is undertaken and reported back to the Joint Overview and Scrutiny Committee.
 - That the level of engagement with community groups within the Districts is incorporated into the next review of the Western Suffolk Community Safety Partnership and is reported to the Joint Overview and Scrutiny Committee.
 - That a review is undertaken of the Western Suffolk Community Safety Partnership's position within the Babergh and Mid Suffolk Significant Business Risk Register.

- That more formal communication procedures are put in place between the Western Suffolk Community Safety Partnership and our parish / town Councils.

4. ITEMS FROM THE JOINT COMMITTEE ON 21ST AUGUST

4.1 The Joint Overview and Scrutiny Committee met on the 21st August 2023 and considered the following items:

4.2 CIFCO Performance Report (2022/23) and Business Plan (2023/24)

4.2.1 Councillor John Ward, Babergh's Cabinet Member for Finance, Assets, and Investments, introduced the item to the Committee and Emily Atack, Director for Assets and Investments, presented the item to the Committee outlining before Members the purpose of the business plan, the structure of the trading companies, an overview of the UK property market, the CIFCO property investment portfolio, the five-year cashflow forecast, the CIFCO Board key performance indicators (KPIs), an overview of the 2023/24 business plan, the Energy Performance Certificate (EPC) improvement plan, an overview of deferred debt repayments, and introduced Henry Cooke (CIFCO Capital) and Neville Pritchard (JLL) to the Committee.

4.2.2 Members asked questions on the reasons for stopping the purchasing of more properties and whether the new KPIs and targets were too low. The Director for Assets and Investments responded that the further acquisition of properties was concluded in 2021 and that the current KPIs were reasonable due to market uncertainty.

4.2.3 The EPC targets for the Portfolio were aligned to legislation, however Members were keen to ascertain how quickly the improvement plan to achieve "B" ratings across the portfolio could be achieved. The Director for Assets and Investments responded that the outset ambition was to achieve a B rating for all properties as quickly as possible. Achieving Net Zero earlier than 2030 would be considered once the entire Portfolio had undergone an EPC Assessment.

4.2.4 Members' concerns in relation to certain debt repayments were reassured by the knowledge that power to defer debt repayments had been decided at Full Council for a three-year period. However, since then it had been decided by the CIFCO Board to implement the deferred payments each year.

4.2.5 Members were keen to ascertain how assets were sold to provide the best financial return and were advised that these were reviewed and considered regularly by the CIFCO Board.

4.2.6 The following recommendations were made:

- That the Joint Overview and Scrutiny Committee notes the CIFCO Business Trading and Performance Report and asks that the minutes of the meeting be taken into account when CIFCO is next considered at Full Council.

4.3 **Cost of Living: Review of 6 Month Plan and Beyond**

- 4.3.1 Councillor Alastair McCraw, Babergh's Cabinet Member for Customers, Digital Transformation, and Improvement, introduced the item to the Committee. The Corporate Manager for Customer Services and the Cost of Living Co-ordinator presented the item to the Committee outlining before Members a look-back at the last 6 months of work, the development of a long-term approach to deal with issues, the different kinds of support delivered directly to residents, improving communication, both internally and externally, regarding the services available to support residents, digital inclusion, collaboration with Community Action Suffolk (CAS) to hire a new Food Network Co-ordinator, plans to launch a data SIM pilot to help residents get online, and communication with Town and Parish Councils.
- 4.3.2 Given that the reality of the cost of living crisis has affected all our communities and residents, Members were looking for proactive and positive action from the Customer Services team to their concerns. The following questions were raised at the meeting and the responses are helpful to all Ward Members.
- 4.3.3 Members queried what communication was sent out to residents. Officers responded that general communication was sent out to all residents but that Officers responsible for Income, Building Services, and Customers had all been trained on identifying residents that are struggling and how to signpost them to further support. Customer Access Points (CAPs) throughout the Districts could be utilised further to bring services and support directly into our communities based on a review of need in certain areas. Currently, there are banners on the main website directing residents to cost of living support and there will be a review of the effectiveness of this after the launch of the new website.
- 4.3.4 Members questioned what support was available for residents in rural areas and older residents who both may not be able to easily access online services. Officers responded that the Communities department assess and map the level of need across the Districts and use this to identify rural hotspots that might require more face-to-face support, and that digital inclusion and literacy schemes were being actioned to help support older residents to access online services confidently. Suffolk Libraries work collaboratively with the Councils to help deliver these digital inclusion sessions and have, through grant funding, been able to allocate isolated residents with iPads to help them get online.
- 4.3.5 Members asked what support was being provided to residents specifically regarding food security. Officers responded that tackling food insecurity, and making sure that residents have access to nutritional food, was a top priority and one that was being collaboratively managed with various food banks across the districts. A Food Network Co-ordinator would be hired, using the funds from the Shared Prosperity Fund re-directed from initial plans to develop a "community supermarket", who would ensure that food banks in our districts are operating sustainably, efficiently, and are appropriately meeting the needs of residents in their areas.

4.3.6 The following recommendations were made:

- To note phase 3 of the Cost-of-Living Action Plan and endorse the commitment to develop a longer-term approach to preventing poverty which seeks to understand the underlying drivers of poverty across both Districts at a hyper local level through continued work with internal and external stakeholders and to include wider engagement with Town and Parish Councils

5. ITEMS FROM THE JOINT COMMITTEE ON 18TH SEPTEMBER

5.1 The Joint Overview and Scrutiny Committee met on the 18th September 2023 and considered the following items:

5.2 Review on Current Levels of Untreated Sewage Discharges to Waters in Babergh and Mid Suffolk

5.2.1 The Director of Operations introduced the item to the Committee outlining before Members the approved motion from both Councils in November 2022, stakeholder responsibilities, and the background information provided by internal officers in the information bulletin.

5.2.2 Anglian Water provided a presentation to the Committee outlining before Members the operational background of the organisation, the current strategic goals, the five “Get River Positive” commitments, investment into the reduction of storm spills, water recycling programmes, storm overflows and their designated permits, and event duration monitors (EDMs) installation and maintenance. Representatives from the Environment Agency, Natural England, and the River Stour Trust introduced themselves to the committee and outlined before Members their organisation’s purpose in managing rivers in the districts.

5.2.3 Given the intense interest and the very wide and specific concerns of the Committee it is impossible to reflect the specific and wide questioning that was generated by members. It resulted in a very long session before recommendations were agreed. The following responses to questions have been divided by the Agencies present.

5.2.4 Anglian Water

5.2.4.1 Frequency of storm spills are not determined by the amount of rainfall in an area. External factors such as fats in the sewage system and blockages were affecting activation of storm spills and a third of activations were false events.

5.2.4.2 Verification checks are now taking place to improve the accuracy of storm spill devices, however there is always a risk that not all would be identified.

5.2.4.3 Anglian Water are not statutory consultees in the Planning Process and there are legislative restrictions to the information they can provide.

- 5.2.4.4 Hadleigh Water Recycling Centre was due for the delivery of a phosphorous scheme which would reduce levels of phosphates in the system therefore reducing plant growth and encouraging wildlife to return. If necessary, an aerator would be added to the water supply to increase oxygen levels to improve the habitat of wildlife.
- 5.2.4.5 Educating the public about the inappropriate disposal of wet wipes into the sewage system had resulted in consultations to consider banning the use of plastic in wet wipes. Currently running a “Keep it Clear” communications campaign to remove “unflushables” from the sewage system.
- 5.2.4.6 Sudbury Water Recycling Centre and the installation of phosphorous removal equipment is already planned and would be concluded by 2024.
- 5.2.4.7 Anglian Water are not paying more in dividends than is invested in improved infrastructure. Their annual public report is provided annually for the public to review.

5.2.5 Environment Agency

- 5.2.5.1 Raising the status of water quality from poor to good is subject to regulations to make improvements with a deadline of 2027. However, it was possible that only one measurable aspect of the river was resulting in its “poor” status rather than the whole river being below standard quality.
- 5.2.5.2 Storm spill records are provided by Anglian Water to the Environment Agency and their subsequent investigation and tests are carried out dependent of frequency and risk.
- 5.2.5.3 Should an application for bathing water status be granted then the area will go into a monitoring programme where the water will be tested regularly for pathogens and that improvement measures could be made to the quality of the water once it has received a classification from the government.
- 5.2.5.4 The EA has legal powers to bring pig farms into compliance with the Nitrate Vulnerable Zone Regulations should there be a run-off from farms (e.g. open pig farms) and there was a dedicated team for such pollution incidents. Natural England are also able to get involved if the pollution is affecting protected sites.
- 5.2.5.5 Some collaboration is taking place with DEFRA regarding certain chemicals and their impact on the river system (e.g. by-products of drugs in the sewage system)

5.2.6 Natural England

- 5.2.6.1 Natural England have agreed to assist with the provision of education and training for Councillors regarding catchment sensitive farming so that Members can work collaboratively with farmers in their Wards to protect water quality.

5.2.7 The following recommendations were made:

- That the Joint Overview and Scrutiny Committee thank Anglian Water, the Environment Agency, Natural England, and the River Stour Trust for their attendance and for the answers provided.
- That the Chairs of Overview and Scrutiny provide a report and verbal update on the contents and outcomes of the Committee meeting at the next Full Council meetings in October.
- That the Joint Overview and Scrutiny Committee requests for more information from the external representatives, specifically including the phosphate reducing programme, and asks that this be fed back to the Committee via an Information Bulletin.
- That the Joint Overview and Scrutiny Committee requests for a wider publicity campaign for residents, staff, and Councillors regarding materials that cannot be put into the sewage system.
- That the Joint Overview and Scrutiny Committee requests for Cabinet to investigate the possibility of running a campaign regarding the provision of water butts for residents.
- That the Joint Overview and Scrutiny Committee requests for Council to consider supporting “citizen science” projects.

6. STATUTORY DOCUMENTS

6.1 At each meeting of the Overview and Scrutiny Committees, the action tracker and the future work plans are considered by Members and adjustments made as appropriate. The Work Plans can be found on the Councils’ websites. The Action Tracker has been attached to this report.

7. ATTACHMENTS

Title	Location
(a) Overview and Scrutiny Work Plans	https://www.babergh.gov.uk/web/babergh/w/overview-and-scrutiny
(b) Overview and Scrutiny Action Tracker	Attached

8. REPORT AUTHORS

Councillor Mary McLaren – Chair of Babergh Overview and Scrutiny

Alicia Norman – Lead Officer for Overview and Scrutiny

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JOINT OVERVIEW AND SCRUTINY ACTION TRACKER

Updated 13th October 2023 - AN

The purpose of this action tracker is to document and track the progress of all recommendations made by the Joint Overview and Scrutiny Committee. This tracker seeks to inform committee members on the implementation of their recommendations and the subsequent decisions reached by Cabinet if required. This tracker is updated ahead of and following each meeting of the Committee.

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
18.09.23	JOS/23/15	Review on Current Levels of Untreated Sewage Discharges to Waters in Babergh and Mid Suffolk	1.1 That the Joint Overview and Scrutiny Committee thanks Anglian Water, the Environment Agency, Natural England, and the River Stour Trust for their attendance and for the answers provided.	N/A		Completed
			1.2 That the Chairs of Overview and Scrutiny provide a report and verbal update on the contents and outcomes of the Committee meeting at the next Full Council meetings.	AN	18/09 AN: Will be presented to Council on 24th/26th October.	Not Started
			1.3 That the Joint Overview and Scrutiny Committee requests for more information from the external representatives, specifically including the phosphate reducing programme, and asks that this be fed back to the Committee via an information bulletin.	AN	27/09 AN: No further information requested by the Committee. Information on the phosphate reducing programme will be requested and fed back to the committee via email rather than an information bulletin.	Completed
			1.4 That the Joint Overview and Scrutiny Committee requests for a wider publicity campaign for residents, staff, and Councillors regarding materials that cannot be put into the sewage system.	N/A		Not Started
			1.5 That the Joint Overview and Scrutiny Committee requests for Cabinet to investigate the possibility of running a campaign regarding the provision of water butts for residents.	N/A		Not Started
			1.6 That the Joint Overview and Scrutiny Committee requests for Council to consider supporting "citizen science" projects	N/A	18/09 AN: Will be presented to Council on 24th/26th October.	Not Started
			1.7 That Mid Suffolk District Council receives an update on their concerns over water quality in the District from OFWAT.	AN		Ongoing

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
21.08.23	JOS/23/08	CIFCO Performance Report (2022/23) and Business Plan (2023/24)	1.1 That the Joint Overview and Scrutiny Committee notes the CIFCO Business Trading and Performance Report and asks that the minutes of the meeting be taken into account when CIFCO is next considered at Full Council.	EA	21.08.23: CIFCO will be presented to Full Council week beginning 18th September 2023 with the minutes from the O&S meeting included as an appendix.	Completed
	JOS/23/09	Cost of Living: Review of 6 Month Plan and Beyond	1.1 To note phase 3 of the Cost of Living Action Plan and endorse the commitment to develop a longer term approach to preventing poverty, which seeks to understand the underlying drivers of poverty across both districts at a hyper-local level, through continued work with internal and external stakeholders and to include wider engagement with Town and Parish Councils.	SL		Completed

Date	Item Ref	Item Title	Recommendations	Key Officer	Progress	Status
24.07.23	JOS/23/02	Western Suffolk Community Safety Partnership	1.1 That the Joint Overview and Scrutiny Committee notes the report and commends the Officers involved for their work within the Partnership.	N/A		Completed
			1.2 That an All Member Briefing and further training be delivered for all Councillors regarding the topics covered by the Western Suffolk Community Safety Partnership, including how to report ASB and an updated contact list.	VM		Ongoing
			1.3 That a review of the current costs of Babergh and Mid Suffolk resources and the potential impact of further statutory responsibilities is undertaken and reported back to the Joint Overview and Scrutiny Committee.	VM		Ongoing
			1.4 That the level of engagement with community groups within the Districts is incorporated into the next review of the Western Suffolk Community Safety Partnership and is reported to the Joint Overview and Scrutiny Committee.	VM		Ongoing
			1.5 That a review is undertaken of the Western Suffolk Community Safety Partnership's position within the Babergh and Mid Suffolk Significant Business Risk Register.	VM		Ongoing
			1.6 That more formal communication procedures are put in place between the Western Suffolk Community Safety Partnership and our Parish / Town Councils.	VM		Ongoing

Agenda Item 9

BABERGH DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: BC/23/21
FROM: Community Governance Review Working Group	DATE OF MEETING: 24 October 2023
OFFICER: Ifty Ali - Interim Director Law and Governance & Monitoring Officer	KEY DECISION REF NO. N/A

COMMUNITY GOVERNANCE REVIEWS 2022/23

1. PURPOSE OF REPORT

- 1.1 The Council is asked to approve the draft recommendations of the Community Governance Review Working Group.

2. OPTIONS CONSIDERED

- 2.1 In March 2022 the Council agreed to conduct a Community Governance Review of the Parish and Town Councils in the District as well as the Parish areas that do not have an elected Parish Council.
- 2.2 Stage one was completed at the beginning of 2023 and now proceeding to Stage two.
- 2.3 The Council delegated consideration of the CGR to the Community Governance Review Working Group which is comprised of Cllr Liz Malvisi, Cllr Jane Carruthers, Cllr Margaret Maybury and Cllr Lee Parker.
- 2.4 The review invited the Town Council affected, together with the relevant County and District Councillors and Members of Parliament, to make further and updated submissions to the review in order to prepare the draft recommendations.

3. PARTIAL SUBMISSION WITHDRAWAL EFFECT

- 3.1 During the review there were submissions from Sudbury Town Council for boundary changes that would have also affected the District Ward and County Division Boundaries and associated Electoral Arrangements. Those submissions and request relating to the amalgamation of wards have been withdrawn. There is therefore no longer a need for further consultation on the proposed changes as there are no implications to the LGBCE protected boundaries.

Recommendations

1. That the draft recommendations, as set out in Appendix A be approved.
2. That the Monitoring Officer be authorised to complete the CGR process and any required Orders.

4. KEY INFORMATION

- 4.1 A community governance review is a legal process that provides an opportunity for principal councils to review and make changes to community governance within their areas. It involves consulting those living in the area and other interested parties and making sure they have a say in how their local communities are represented.
- 4.2 The Review can consider one or more of the following options:
- 4.2.1 Creating, merging, altering or abolishing parishes
 - 4.2.2 The naming of parishes and the style of new parishes and the creation of town councils
 - 4.2.3 The electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding)
 - 4.2.4 Grouping parishes under a common parish council or de-grouping parishes
 - 4.2.5 Consider other types of local arrangements, including parish meetings
- 4.3 The Review cannot:
- change the number of councillors on Babergh Council
 - change the amount of money that a parish council raises through council tax (known as 'precept')

5 LINKS TO CORPORATE PLAN

- 5.1 The Review is linked to the Communities outcomes in the Corporate Plan as an effective Community Governance Structure enables communities to be “engaged in decision making.”

6 FINANCIAL IMPLICATIONS

- 6.1 The costs of conducting a CGR must be borne by the District Council however there are limited financial implications associated with this review.

7 LEGAL IMPLICATIONS

- 7.1 Failure to agree the recommendations could result in the Council breaching its statutory duties under the Local Government and Public Involvement in Health Act 2007. If, at the conclusion of the review, the Council decides to alter any parish boundary or electoral arrangements a Community Governance Order will need to be made to effect the change. This order will be drafted by the Council's legal team.

8 RISK MANAGEMENT

8.1 This report is not linked with any of the Council's Corporate/Significant Business Risks.

Risk Description	Likelihood	Impact	Mitigation Measures
If the Council does not undertake the review it could be in breach of its statutory responsibilities.	1 – Highly Unlikely	2 – Noticeable	Report to Council recommends that the draft recommendations for review are agreed.
If the review uses inaccurate or incorrect assumptions or electorate projections the recommendations may not be future-proofed or fit for purpose.	2 – Unlikely	2 – Noticeable	The second stage of the review is a desktop exercise to gather and test relevant data (notably the 5 year land supply data)
If the review does not take into account, the views of local communities they may become disengaged and disappointed with the Council.	2 – Unlikely	2 – Noticeable	The terms of reference sets out the proposals for consultation. The Council must demonstrate how it has considered the views of consultees.

9 CONSULTATIONS/CONSENT

9.1 Formal communication will be sent to all Parish and Town Councils affected. Updated submissions have been sought. The District Council has also sought the views of the relevant County and District Councillors, and MPs, in regard to the draft recommendations. There were no responses to consultation received apart from the submissions from Sudbury Town Council.

10 EQUALITY ANALYSIS

10.1 The CGRWG have considered any equality impacts when formulating their draft recommendations. A full Equality Impact Assessment will be undertaken, and presented to Council, if any of the protected grounds may be affected as a result of the CGRWG's final recommendations.

11 ENVIRONMENTAL IMPLICATIONS

11.1 There are no Environmental Implications.

12 APPENDICES

Title	Location
(a) Recommendations	Attached

Recommendations

Name of Parish/Town Council	Number of Members	Number of Electors	Issue/Recommendations/ Reasons for Recommendation
Sudbury Town Council	16	8225	<p>ISSUE 1</p> <p>Sudbury Town Council proposed Sudbury South has 3 councillors for 1,295 electors for the councillor number to be reduced from 3 to 2 and that Sudbury South West that currently has 2 councillors be increased to 3 for 2,005 electors.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Council is asked to agree the request for the number of councillors in Sudbury South to be reduced from 3 to 2 and that Sudbury South West be increased from 2 to 3. 2. Any Community Governance Order so made to take effect from the next elections in 2027. <p>Reasons:</p> <ol style="list-style-type: none"> 1. The ratio of number of electors to councillors is improved and in line with best practice. 2. The overall number of councillors at Sudbury Town Council remains the same. 3. Should the Community Governance Order have immediate effect that would require a councillor in Sudbury South to stand down and a requirement for an election to the additional councillor number in Sudbury South West. If the effective date is in 2027 then the change can be dealt with as part of the normal electoral cycle.

Agenda Item 10

BABERGH DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: BC/23/22
FROM: Constitution Working Group	DATE OF MEETING: 24 October 2023
OFFICER: Ifty Ali- Interim Director of Law and Governance	KEY DECISION REF No: N/A

CHANGES TO THE CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 This report seeks approval from full Council to make the changes to the Constitution put forward by the Constitution Working Group.

2. OPTIONS CONSIDERED

- 2.1 It is a statutory requirement under the Local Government Acts 1972 and 2000 (as amended) for all Local Authorities to have in place and maintain an updated Constitution.

3. RECOMMENDATION

- 3.1 That Council approves the Schedule of amendments to the Constitution at Appendix A and the inclusion of the reviewed Contract Standing Orders at Appendix B.
- 3.2 That the Monitoring Officer makes all consequential changes to the Constitution to give effect to the decision of the Council to amend the Constitution.

REASON FOR DECISION

To enable the Council to meet its obligations under the Local Government Act 1972 and 2000 (as amended) to have in place and maintain an updated Constitution.

4. KEY INFORMATION

- 4.1 The Constitution has been amended to update and use more equality compliant and inclusive descriptors. The other changes (if adopted) are:
- 4.2 That the Overview and Scrutiny Committee Chair is not appointed from the administration group unless there is a “full coalition administration or standing in for the Chair”. The definition of “full coalition” is taken to mean a coalition where the opposition comprises ungrouped councillors. There is no legal requirement to prevent the Chair appointment from the administration but it is considered best practice in single group administrations.
- 4.3 To remove an inconsistency in the constitution and confirm the established position that the Licensing and Regulatory Committee membership is not subject to substitutions.

4.4 To bring into effect the reviewed Contract Standing Orders (attached at Appendix B)

5. LINKS TO JOINT STRATEGIC PLAN

5.1 The core of an Enabled and Efficient organisation is Good Governance. The Constitution is a key document reflecting the strength of our Governance.

5.2 It is recognised that the purpose of the Constitution is to set out clearly how the Council operates, how decisions are made and the procedures it follows to ensure it is well organised, transparent and accountable to local people.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial consequences of adopting these revisions to the Constitution.

7. LEGAL IMPLICATIONS

7.1 The Local Government Acts 1972 and 2000 (as amended) require all Local Authorities to have in place and maintain an updated written Constitution.

7.2 A Local Authority must prepare and keep up to date a document (referred to as its Constitution), which contains –

- (i) a copy of the authority's Standing Orders (to govern the general function of that authority),
- (ii) to maintain Contract Standing Orders,
- (iii) a copy of the authority's Code of Conduct for Members (under section 28 of the Localism Act 2011),
- (iv) such information as the Secretary of State may direct, and
- (v) such other information (if any) as the Authority considers appropriate.

8. RISK MANAGEMENT

8.1 The key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
It is a high risk not to regularly review the Constitution and ensure it reflects current practice and Legislation	Unlikely - 2	Bad - 3	The Monitoring Officer will ensure that the Council will keep its Constitution under regular review and amend it, both to reflect experience and changing circumstances.

9. CONSULTATION

9.1 N/A

10. EQUALITY ANALYSIS

- 10.1 Some of the changes to the Constitution are to use more equality compliant and inclusive descriptions. Apart from that there are no equality or diversity implications arising directly from this report. An Equality Impact Assessment (EqIA) is not required.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no environmental implications arising directly from this report.

12. APPENDICES

Title	Location
(A) Schedule of amendments	Attached
(B) Contract Standing Orders	Attached

13. BACKGROUND DOCUMENTS

The existing version of the Constitution can be found here:

[Babergh Constitution: Babergh and Mid Suffolk District Councils \(modern.gov.co.uk\)](http://modern.gov.co.uk)

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APPENDIX A – BABERGH SCHEDULE OF SUGGESTED CHANGES

Constitution	Location	Changes made/effect
Babergh	page 9 /15	addition 2.2 and 6.3.1(a) "or as the council shall decide" / no 4 year restriction on Term of Leader
Babergh	page 17	reference to Article 12.7 should be "12.9.1" Key decisions
Babergh	pages 18 to 29	Header Should read "Part 1 The Articles"
Babergh	page 18/51	Overview and Scrutiny Committee at end 7.2.1 include "and the chair will not be from the Administration unless a full coalition administration or standing in for the Chair". Same wording to be added to NOTE at bottom of page 51/ Best practice adds independence to O&S
Babergh	Page 9	Complaints Procedure link takes you to intranet log in page Local Citizen's Advice Bureau link missing in paragraph 2
Babergh	page 55/119	Licensing and Regulatory Committee -Substitutes- Can sub for main committee inconsistent with Part 3 Cmtee/Sub/Cmtee procedure page 119 which says "None". To be consistent delete under substitutes at page 55 "Any member from the same political group providing requisite training undertaken". EFFECT IS NO SUBSTITUTIONS
Babergh	page 191	Part 3 :Contract Standng Orders - Reviewed (Attached as Appendix B)
Babergh	page 15, 3.1	d) (i) - Complaints scheme link needs to be added
Babergh	page 21, 6.5.1	(b) - procedure rules in part 3 needs hyperlink added
Babergh	page 28, 12.4	link for Article 6 of the European convention on Human Rights
Babergh	page 33, 15.2	hyperlinks needs to be added to "article 1"
Babergh	page 39, 2.8	iv and v - links to legislation need to be added
Babergh	page 45	general role (i) and (ii) - protocol for use of planning officer delegations links don't work - take you to intranet page
Babergh	page 56	Overview and scrutiny procedure rules link doesn't work
Babergh	page 68, 3.3	extended leadership team structure chart link doesn't work
Babergh	page 70	paragraph 7.1 - needs to be re-worded
Babergh	page 97, 11.1	petitions scheme link doesn't work
Babergh	Page 126	protocol link doesn't work
Babergh	page 131, 2.3	(C) - petitions scheme link doesn't work - takes you to intranet log in page
Babergh	page 7	"he or she" to be changed to "they"

Babergh	page 16	4.1 - 2x "chairman" to be changed to "chair"
Babergh	page 17	4.3 - 2x "his or her" to be changed to "their" 3x "chairman" to be changed to "chair"
Babergh	page 18	5x "chairman" to be changed to "chair" 5.1 (g) "he/she" to be changed to "they"
Babergh	page 19	6.2.5 - 2x "chairman" to be changed to "chair" 6.3.1 3x "he/she" to be changed to "they"
Babergh	page 20	6.3.3 2x "he or she" to be changed to "they" 6.3.4 and 6.4.5 - "his/her" to be changed to "their" 6.3.4 - "him or her" to be changed to "them"
Babergh	page 26	11.3 - 2x "his/her" to be changed to "their"
Babergh	page 31	3x "him/her" to be changed to "them"
Babergh	page 33	15.2 - "chairman" to be changed to "chair" 15.3 - "him/her" to be changed to "them"
Babergh	page 39	2.6 - 6x "chairman" to be changed to "chair"
Babergh	page 40	vi - "him or her" to be changed to "them"
Babergh	page 48	(f) - 2x "his or her" to be changed to "their"
Babergh	page 49	4.3 - "chairman" to be changed to "chair"
Babergh	page 50	5x "he or she" to be changed to "they" 3x "him or her" to be changed to "them" 5.1 (f) - "his or her" to "their"
Babergh	page 51	9.2 "he or she" to "they"
Babergh	page 54	5x "his or her" to "their"
Babergh	page 56	"chairmen" to be changed to "chairs"
Babergh	page 61	2x "his/her" to be changed to "their"
Babergh	page 67	1.3 - "his/her" to be changed to "their"
Babergh	page 68	3.2 - 2x "his/her" to be changed to "their" 3.3 - 2x "he/she" to be changed to "they" 4.2 - "he/she" to be changed to "they" and "his/her" to be changed to "their" 4.4 - "himself/herself" to be changed to "themselves"
Babergh	page 69	4.5 - "his/her" to be changed to "their" 5.4 - "chairman" to be changed to "chair"
Babergh	page 70	7.1 - "his/her" to be changed to "their" 7.2 "chairman" to be changed to "chair" 7 - "chairman" and "vice-chairman" to be changed to "chair"

Babergh	page 73	11.2 - "his or her" to be changed to "their"
Babergh	page 74	"he/she" to be changed to "they"
Babergh	page 76	2x "his/her" to be changed to "their" "chairman" to be changed to "chair"
Babergh	page 85	4x "chairman" to be changed to "chair"
Babergh	page 87	"chairman" to be changed to "chair"
Babergh	page 91	2x "chairman" to be changed to "chair"
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Babergh	page 96	6x "chairman" to be changed to "chair" 8.2 - "he/she" to be changed to "they"
Babergh	page 97	3x "chairman" to be changed to "chair"
Babergh	page 98	5x "chairman" to be changed to "chair" 12.7 - "his/her" to be changed to their. 2x "he or she" to be changed to "they"
Babergh	page 99	12.8 - "his or her" to be changed to "their" 5x "chairman" to be changed to "chair"
Babergh	page 100	13.3 (a) - "he/she" to be changed to "they" 4x "chairman" to be changed to "chair" 13.6 - "his/her" to be changed to "their", 2x "he/she" to be changed to "they"
Babergh	page 101	14.2 "he/she" to be changed to "they"
Babergh	page 102	"she/he" to be changed to "they" 2x "chairman" to be changed to "chair" 14.9 - "he/she" to be changed to "they"
Babergh	page 103	2x "he/she" to be changed to "they" "chairman" to be changed to "chair"
Babergh	page 105	"chairman" to be changed to "chair"
Babergh	page 106	16.3 "he/she" to be changed to "they" 4x "chairman" to be changed to "chair" 17.5 "his/her" to be changed to "their" 2x "him/her" to be changed to "them" 17.10 - "him/her" to be changed to "them"

Babergh	page 107	4x "chairman" to be changed to "chair" 3x "he/she" to be changed to "they" "his/her" to be changed to "their" or she" to be changed to "they" "he
Babergh	page 108	4x "chairman" to be changed to "chair"
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Babergh	page 113	4x "chairman" to be changed to "chair"
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Babergh	page 118	4x "chairman" to be changed to "chair" (n)" him or her" to be changed to "them"
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Babergh	page 137	13.2 - "he/she" to be changed to "they" 11.1 - "his or her" to be changed to "their"
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Babergh	page 150	4.1 - "he/she" to be changed to "they"
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Babergh	page 157	13.7 2x "chairman" to be changed to "chair"
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Babergh	page 160	5x "chairman" to be changed to "chair" (d) - "he or she" to be changed to "they"
Babergh	page 162	1.4 - "him/her" to be changed to "them"

Babergh	page 164	2x "chairman" to be changed to "chair"
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Babergh	page 179	(E) - "he/she" to be changed to "they"
Babergh	page 188	A.14 - "he/she" to be changed to "they"
Babergh	page 203	3.1 "he/she" to be changed to "they"
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Babergh	page 210	5(a) - "his/her" to be changed to "their"
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Babergh	page 228	3x "his/her" to be changed to "their"
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Babergh	page 238	16.1 - "This quote applies equally to women", changed to "this quote applies equally to all genders"
Babergh	page 239	16.6 - "him/her" to be changed to "them" and "his/her" to be changed to "their"
Babergh	page 240	(V) - "chairman" to be changed to "chair"
Babergh	page 242	2.3 "his/her" to be changed to "their" and "he/she" to be changed to "they"
Babergh	page 244	"he/she" to be changed to "they" 5.2 - "chairman" and "chairmen" to be changed to "chair(s)"
Babergh	page 47	2x "chairman" to be changed to "chair"
Babergh	page 81	"his/her" to be changed to "their"
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Appendix B

CONTRACT STANDING ORDERS

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1. INTRODUCTION
2. COMPLIANCE WITH CONTRACT PROCEDURE RULES
3. PROBITY
4. DELEGATED AUTHORITY
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6. PERSONAL INTERESTS
7. MANAGEMENT OF RECORDS
8. PRINCIPLES
9. SOURCING PROCESSES
10. EXEMPTIONS TO UNDERTAKING A COMPETITIVE SOURCING PROCESS
11. EXTENSION OF CONTRACTS
12. PURCHASE AND WORKS ORDERS
13. CONTRACT MANAGEMENT
14. PREVENTION OF BRIBERY & CORRUPTION

CONTRACT STANDING ORDERS

1. INTRODUCTION

1.1 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972 and the purpose is to provide a framework within which commissioning and purchasing decisions are undertaken to enable the Council to:

- deliver its priorities
- use its resources efficiently
- commission quality goods, services and works
- operate in a fair, open and transparent manner
- safeguard its reputation from the implication of dishonesty or corruption.

1.2 These Contract Standing Orders provide the minimum standards and requirements that shall be met on all occasions when the Council enters into an agreement for the supply of goods, services or the execution of works. Further guidance that shall also be applied is provided in the Council's Commissioning and Procurement Manual.

1.3 These Contract Standing Orders apply to all contracts, leases, concessions and agreements entered into by or on behalf of the Council; except where:

- The goods, services or works are provided by a wholly owned subsidiary of the Council or where the Council controls the subsidiary in a similar way to which control is exercised over their own departments, more than 80% of the subsidiary's activities are undertaken for the Council and there is no direct private capital participation in the subsidiary.
- The Council collaborates with other Public Authorities to deliver a public service with a view to achieving objectives that they have in common, and the collaboration is implemented in a manner governed solely by considerations relating to the public interest.
- The Council has established a Mutual Organisation delivering a service contract in relation to education, healthcare and housing, health and social work services, or library and other cultural services. A contract may be awarded for no more than 3 years.
- Circumstances where purchases are made or services rendered as a consequence of a contract made by another Local Authority, Government Department, Government Body or Agent, the benefits of which the Council obtains as a result of participation in a consortium.

- Goods are purchased by public auction.
- The lending or borrowing of money.
- The appointment of any Officer directly employed by the Council.
- The sale or purchase of any land or buildings.
- The provision of services by Legal Counsel.
- Agreements setting out the conditions which the Council will provide funding to particular voluntary sector bodies.
- The goods or services are supplied at a fixed price or the prices are wholly controlled by trade organisations or Government order and no satisfactory alternative is available.

1.4 The Rules do not apply to contracts of employment, contracts for the acquisition or disposal of interests in land, and contracts for unique artistic performances or unique art work. Exemption is also permissible where work of an emergency nature is required or where only one supplier could carry out the work.

1.5 Where the Council acts in partnership with another organisation then, if agreed with The Director of Corporate Resources, the contractual and tendering procedures of the partner organisation may be used in substitution, in whole or in part, for the Rules. Where the Council is the lead authority these Rules are to be followed.

1.6 Directors are responsible for ensuring that all employees in their departments receive any required training and guidance and fully comply with these Rules.

2 COMPLIANCE WITH CONTRACT PROCEDURE RULES

2.1 The provisions contained in the Rules are subject to the statutory requirements of both the European Union (EU) and the United Kingdom (UK) Government. The letting and content of contracts shall conform to all statutory requirements and be subject to any over-riding directives of the EU relating to contracts and procurement. This cannot be waived, since a failure to comply with European legislation may result in a legal challenge with consequent reputational and financial risk. In estimating relevant contract values, officers shall have regard to the principle of aggregation. Repeat purchases of the same set of goods over a sustained period may exceed the EU or the Council's thresholds.

2.2 In estimating relevant contract values, officers may be unsure as to which banding category the procurement will fall. When a project may be close to two bandings, the higher banding of the two shall be chosen.

3. PROBITY

3.1 In every instance there shall be a record of the process which will include, subject to the limits set out in Table 1, the following:

- (a) The officer(s) undertaking the procurement process and taking the decisions and appropriate delegated decision reports and notices
- (b) The rationale for the procurement route taken (including open or restricted procedure if above EU thresholds). See Procurement Manual for thresholds.
- (c) A copy of the specification
- (d) Copies of all tenders & completed supplier questionnaires
- (e) A copy of the evaluation process and reasons for the decisions as to acceptance or rejection for every tender
- (f) A copy of the award letter (including the “standstill” and other notification letters)
- (g) A copy of the final contract
- (h) A copy of the contract review and management process including the officer responsible for on-going contract management

3.2 Segregation of duties

The activities relating to the contracting and procurement processes are segregated in particular between the following phases:

- requisition
- authorisation
- purchase Order
- receipt
- payment

4. DELEGATED AUTHORITY

4.1 All commissioning and procurement activity by the Council shall be undertaken in compliance with the Council’s Procurement Scheme of Delegation which is provided in Table 1.

4.2 Delegation of Authority to Approved Officers

Corporate Managers have responsibility to delegate authority to Approved Officers and shall ensure that they have the appropriate levels of capability and understanding to undertake the role.

4.3 Recording of Delegations

Effective records of delegations shall be maintained in the Council's Authorised Signatory List which the Council's Section 151 Officer or his/her nominee has responsibility for the compilation of. Corporate Managers (or the role which succeeds this role) have responsibility to ensure that details of Approved Officers are maintained in the Authorised Signatory List.

4.4 Variation from the Procurement Scheme of Delegation

Where requirements for high value contracts and purchase orders occur on a regular basis the Section 151 Officer may approve a variation from the Standard Procurement Scheme of Delegation for requirements up to £250k. Any such variations shall be recorded in the Council's Authorised Signatory List.

4.5 Key Decisions

Where the spend is £150k or more please refer to the constitution Part 1, 12.7.1. you will be required to complete a proforma (link below) to add the item on the forthcoming decisions list advice should be sought from

committee@baberghmidsuffolk.gov.uk

<https://suffolknet.sharepoint.com/sites/connect/democraticservices/SitePages/BMSDC%20Corporate%20WorkPlan%20-%20Proforma.aspx>

Key decisions are required to be on the Forthcoming Decisions List for a minimum of 28 clear days.

Table 1 – Standard Procurement Scheme of Delegation

£ Value excl. VAT	Approve the Selection of Suppliers to Invite to Tender	Approve the award of business	Signing of contracts	Approval of purchase or works orders, payment vouchers or invoices	Approval of contract extensions	Approval of exemption from undertaking competitive sourcing
Up to £25k	Not Applicable	Approved Officer	Approved Officer	Approved Officer	Approved Officer	Corporate Manager
£150k (Note 1)	Not Applicable	Corporate Manager	Corporate Manager	Corporate Manager	Corporate Manager	Corporate Manager
£150k to £250k (Note 1)	Corporate Manager	Director	Director	Director	Director	Director
Over £250k (Note 1)	Corporate Manager	Director	Council's Monitoring Officer	Director	Director	Director

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Notes

(1) Key Decision – see section 4.5 above

5 LIQUIDATED DAMAGES

- 5.1 For any contract a provision for liquidated damages should be considered. However where it is estimated to exceed £100,000 in value or and is for the execution of works, or for the supply of goods or materials by a particular date or series of dates, provision shall be made for liquidated damages. The amount to be specified in each such contract shall be determined by the relevant Director in consultation with the Director of Law & Governance/Monitoring Officer and the Director of Corporate Resources.

6. PERSONAL INTERESTS

- 6.1 Employees of the Council and Councillors shall give notice in writing to the Council of any pecuniary interest, direct or indirect, which he/she has in a contract entered into (or to be entered into) by the Council.
- 6.2 Such notification shall be given to the Council's Monitoring Officer.
- 6.3 Officers employed by the council must comply with code of conduct for employees relating to conflicts of interest.

7 MANAGEMENT OF RECORDS

- 7.1 Proper records of all communications, reports, minutes, meetings, quotes, tenders, contract and other relevant documents shall be retained securely so as to protect the integrity of the process and managed in accordance with the Council's policy on The Management and Retention of Records.
- 7.2 A record of all Contracts shall be entered into the Council's Contract Register.

8 PRINCIPLES

- 8.1 The following principles shall be applied to all the Council's commissioning and procurement.

8.2 Fairness and Transparency

All of the Council's commissioning and procurement activities shall be undertaken in an open and fair manner which provides the same information to all suppliers and an equal opportunity to all potential suppliers. The Council shall ensure that comparable situations are not treated differently and that different situations are not treated similarly.

8.3 The Principle of Proportionality

The Council's commissioning and procurement shall be undertaken with regard to the principle of proportionately. Requirements placed upon suppliers shall be appropriate

for attaining the objective pursued and shall not go beyond what is required to achieve the objectives of the procurement.

8.4 **Value for Money**

The selection of offers for goods, services or the execution of works from suppliers shall be based upon achieving value for money for the Council.

8.5 **Sustainability**

The selection of offers for goods, services or the execution of works from suppliers shall ensure that sustainable and ethical sources of supply with minimal impact upon the environment are used.

8.6 **Economic and Social Development**

Subject to the test of fairness and equality for potential suppliers the requirement to support specific regional economic and social development opportunities may be included.

9 **SOURCING PROCESSES**

9.1 The sourcing process that shall be used will depend upon the type and estimated value of the requirement (excluding VAT), refer to Table 2.

9.2 Requirements shall not be broken down into smaller portions (lots) for the purpose of avoiding the application of the procurement thresholds.

9.3 **Market Research and Pre-Procurement Engagement**

Access to accurate and relevant commercial intelligence and knowledge of the marketplace is necessary in deciding which procurement option is best. Relevant markets need to be researched and understood, however, care must be taken to ensure this does not distort competition or prejudice any bidder or potential bidder.

There are instances where it is beneficial to undertake pre-procurement market engagement. This may be to better understand the capacity of the market or to allow potential bidders to position themselves appropriately in order to tender effectively. In any case care must be taken and pre-procurement activity should only be undertaken following guidance from the Procurement team.

Table 2 – Sourcing Processes

Value of Expenditure	Sourcing Process
Up to £1k – All Categories	Verbal or email confirmation from supplier, pricing obtained from suppliers' catalogue.
£1k up to £25k – All Categories	A written quote from the supplier shall be obtained.
£25k up to £150k – All Categories	At least three quotes shall be invited using the Formal Quotation Process.
Over £150k – All Categories (Key Decision)	<p>A Tender shall be undertaken and advertised nationally and also in the EU where the value threshold for the UK Public Contract Regulations is passed for the relevant category:</p> <ul style="list-style-type: none"> • Goods and Services • Light Touch Services (see Note 1) • Works <p>Definitions of the categories and the current UK Public Contract Regulations Value Thresholds are available in the Commissioning and Procurement Manual.</p>

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Note (1) Light Touch Services are health, social and related services, administrative social, educational and cultural services, compulsory social services, benefit services, community social and personal services, religious services, catering services for private households, prison services, postal services, investigation and security services.

10. EXEMPTIONS TO UNDERTAKING A COMPETITIVE SOURCING PROCESS

10.1 Exemptions to the requirement to undertake a competitive sourcing process shall be approved in accordance with the Council's Procurement Scheme of Delegation and can only be undertaken in the circumstances listed in Table 3.

10.2 All exemptions must follow the agreed exemption process and must be approved by Procurement Board, before any expenditure is undertaken.

Table 3- Exemptions to Undertaking a Competitive Sourcing Process

Type of Exemption	Criteria	£ Value for which this Exemption can be Applied
Sole Provider	Where for technical or artistic reasons connected with the protection of exclusive rights only a single supplier can meet the requirements.	Unlimited
Urgency A	Emergency action is required which acting diligently the Council could not have foreseen and if not taken would provide an unacceptable impact upon on the delivery of the Council's services.	Up to the value of the UK Public Contract Regulations value thresholds.
Urgency B	In cases of extreme urgency, where the health and safety of the public is at stake and the likelihood of harm during the period of delay is considerable, for reasons unforeseeable by and not attributable to the Council.	Unlimited
<i>Urgency A & B cannot be relied upon where a lack of forward planning has precluded a compliant procurement process</i>		
Additional Requirements	Where the Council requires a contractor to provide additional goods or carry out additional works or services beyond 50% of the original contract value (including any extension included in the original terms of the contract); which the Council acting diligently could not have foreseen and undertaking a further competitive sourcing process is unlikely to deliver value for money and will impede upon the delivery of the Council's services. The extension cannot include a variation in the scope of the contract.	The contract can be extended by its original value once again. However, the total value of the contract must not exceed the UK Public Contract Regulations value threshold for the relevant category.
Best Value	Where there is sufficient evidence that only one supplier is able to provide the goods or undertake the services or works within the required timescale and undertaking a competitive sourcing process would be unlikely to deliver value for money and will impede upon the delivery of the Council's services.	£150k

Notes

(1) The UK Public Contract Regulations value thresholds are available from the Commissioning and Procurement Manual.

The Councils' Contract Standing Orders do not allow the extension of any Supply Arrangement which has been awarded without competition. As such in these circumstances a further exemption would need to be approved.

11. EXTENSION OF CONTRACTS

- 11.1 The term of existing contracts shall only be extended if satisfactory performance has been provided from the contracted supplier and there is adequate budgetary provision.
- 11.2 Contracts shall only be extended where competition was used to select the Supplier.
- 11.3 Contracts shall only be extended for any period that was provided for in the original terms of the contract unless clause 8.4 applies.
- 11.4 Where the Council requires a contractor to provide additional goods or carry out additional works or services due to circumstances which acting diligently the Council could not have foreseen an extension of up to 50% of the original value of the contract (which includes any extension periods provided for in the terms of the original contract) can be undertaken.
- 11.5 Contracts shall not be varied with regard to the scope and the type of goods, services or works that they deliver unless, the variation has already been provided for in the original contract terms or the changes are not substantial and do not alter the nature of the Contract.

12. PURCHASE AND WORKS ORDERS

- 12.1 With the exception of the requirements included on the Council's Purchase Order Exemption List an official Purchase or Works Order must be used to undertake all financial commitments on behalf of the Council.

13. CONTRACT MANAGEMENT

13.1 Management of the Performance of Contracts

Officers should consider the appropriate frequency of contract management activity based upon the criticality, complexity and value of the contract. Contract Management activity should be undertaken in conjunction with key users of the goods, services or works. Effective records of reviews must be maintained.

- 13.2 Where performance of the contracted supplier falls below the required levels of service the Officer responsible for the contract shall ensure that the Contractor is made aware in a timely manner. Effective records shall be maintained of the actions agreed with the Contractor to correct the performance failures.
- 13.3 Where the performance of the Contractor continues to fall below the required level of service a formal meeting shall be undertaken with the Contractor and a notice of default served in accordance with the relevant process contained in the Conditions and Terms of the Contract.

13.4 Officers will work with Contractors on a partnership basis to deliver solutions to performance issues. A partnership approach is essential for longer term contracts where changes in the requirements of the Councils and the technology base will impact upon the performance required from the contract and the processes used to deliver the goods, services or works.

14. PREVENTION OF BRIBERY & CORRUPTION

14.1 Councillors and officers involved in the letting of contracts and the purchase of goods and services must ensure they comply with the relevant code of conduct and shall state at the earliest stage of the procurement procedure if they have any foreseeable conflicts of interest.

14.2 Any gift offered, either during a contract process or prior to or after the procedure must be reported in accordance with the Councils policy as set out in the Code of Conduct Policy for Councillors and Employees. If any person believes such a gift to have been offered as an inducement please contact the Corporate Manager Internal Audit or the Monitoring Officer immediately. Please report any suspicions of bribery through the Councils Whistleblowing Policy.

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Agenda Item 11

BABERGH DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: BC/23/23
FROM: Leader of the Council	DATE OF MEETING: 24 October 2023

DRAFT TIMETABLE OF COMMITTEE MEETINGS 2024-25

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree the Timetable of Committee meetings for 2024/25 to ensure that Members and officers can plan accordingly.

2. RECOMMENDATIONS

- 2.1 That the draft Committee Timetable for 2024/25, attached as Appendix A be approved.
- 2.2 That the Chief Executive calls the meetings in accordance with the agreed Timetable unless there is insufficient business for the meeting to go ahead.

3. KEY INFORMATION

- 3.1 The draft Timetable is attached at Appendix A and Members are asked to check the proposed Committee dates to ensure that there are no reasons why the Committees should not go ahead on these dates.

4. LINKS TO JOINT STRATEGIC PLAN

- 4.1 Good governance and democratic, sound and transparent decision-making support the delivery of the Joint Strategic Plan.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 Approval of the recommendation will ensure that Committee dates are placed well in advance into Member and officer diaries and the appropriate meeting rooms are booked. This will help to ensure that the Council complies with the statutory requirements for the summons to meetings and publication of papers.

7. RISK MANAGEMENT

- 7.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Dates are not booked in advance and the Committee is inquorate and unable to take decisions	1 – Highly unlikely	3 - Bad	Early approval of draft timetable of meetings will ensure that dates are placed into diaries as soon as possible.

8. CONSULTATIONS

8.1 SLT and Committee Chairs have been consulted.

9. EQUALITY ANALYSIS

9.1 An Equality Impact Assessment is not required as none of the protected characteristics will be affected by the recommendations within this report.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no environmental implications associated with this report.

11. APPENDICES

Title	Location
(a) Draft Timetable of Meetings 2024/25	Attached

12. BACKGROUND DOCUMENTS

12.1 None.

DRAFT TIMETABLE OF COMMITTEE MEETINGS 2024-25

May-24										
M			6	BANK HOLIDAY	13	BDC OVERVIEW & SCRUTINY (9.30)	20	BDC ANNUAL COUNCIL (5.30)	27	HALF TERM BANK HOLIDAY
T			7	MSDC CABINET (9.30) BDC CABINET (4pm)	14		21		28	
W	1	BDC PLANNING (9.30)	8	MSDC PLANNING (9.30)	15		22	MSDC ANNUAL COUNCIL (5.30)	29	BDC PLANNING (9.30) Suffolk Show
T	2	ELECTIONS	9		16	MSDC OVERVIEW & SCRUTINY (9.30)	23	(SCC Annual Council 2pm)	30	Suffolk Show
F	3		10		17		24		31	
Jun-24										
M	3		10		17	BDC OVERVIEW & SCRUTINY (9.30)	24	JOINT AUDIT (10.30)		
T	4		11	MSDC CABINET (9.30) BDC CABINET (4pm)	18		25	BDC COUNCIL (5.30)		
W	5	MSDC PLANNING (9.30)	12	BDC PLANNING (9.30)	19	MSDC PLANNING (5.30) PROV	26	BDC PLANNING (9.30)		
T	6		13		20	MSDC OVERVIEW & SCRUTINY (9.30)	27	MSDC COUNCIL (5.30)		
F	7		14	MSDC LICENSING & REG (10.30)	21	BDC LICENSING & REG (9.30)	28			
Jul-24										
M	1		8		15	BDC OVERVIEW & SCRUTINY (9.30)	22		29	
T	2		9	MSDC CABINET (9.30) BDC CABINET (4pm)	16		23	BDC COUNCIL (5.30)	30	
W	3	MSDC PLANNING (9.30)	10	BDC PLANNING (9.30)	17	MSDC PLANNING (5.30) PROV	24	BDC PLANNING (9.30)	31	MSDC PLANNING (9.30)
T	4		11	(SCC 2pm)	18	MSDC OVERVIEW & SCRUTINY (9.30)	25	MSDC COUNCIL (5.30)		
F	5		12		19		26			
Aug-24										
M			5		12	BDC OVERVIEW & SCRUTINY (9.30)	19	JOINT AUDIT (10.30)	26	BANK HOLIDAY
T			6	MSDC CABINET (9.30) BDC CABINET (4pm)	13		20		27	
W			7	BDC PLANNING (9.30)	14	MSDC PLANNING (5.30) PROV	21	BDC PLANNING (9.30)	28	MSDC PLANNING (9.30)
T	1		8		15	MSDC OVERVIEW & SCRUTINY (9.30)	22		29	
F	2		9	MSDC LICENSING & REG (10.30)	16	BDC LICENSING & REG (9.30)	23		30	
Sep-24										
M	2		9		16	BDC OVERVIEW & SCRUTINY (9.30)	23		30	
T	3		10	MSDC CABINET (9.30) BDC CABINET (4pm)	17		24	BDC COUNCIL (5.30)		
W	4	BDC PLANNING (9.30)	11	MSDC PLANNING (5.30) PROV	18	BDC PLANNING (9.30)	25	MSDC PLANNING (9.30)		
T	5		12		19	MSDC OVERVIEW & SCRUTINY (9.30)	26	MSDC COUNCIL (5.30)		
F	6		13		20		27			
Oct-24										
M			7		14	BDC OVERVIEW & SCRUTINY (9.30)	21		28	HALF TERM JOINT AUDIT (10.30)
T	1		8	MSDC CABINET (9.30) BDC CABINET (4pm)	15		22	BDC COUNCIL (5.30) PROV	29	
W	2	BDC PLANNING (9.30)	9	MSDC PLANNING (5.30) PROV	16	BDC PLANNING (9.30)	23	MSDC PLANNING (9.30)	30	BDC PLANNING (9.30)
T	3		10		17	MSDC OVERVIEW & SCRUTINY (9.30) (SCC 2pm)	24	MSDC COUNCIL (5.30) PROV	31	
F	4		11	MSDC LICENSING & REG (10.30)	18	BDC LICENSING & REG (9.30)	25			
Nov-24										
M			4		11	BDC OVERVIEW & SCRUTINY (9.30)	18		25	
T			5	MSDC CABINET (9.30) BDC CABINET (4pm)	12		19	BDC COUNCIL (5.30)	26	
W			6	MSDC PLANNING (5.30) PROV	13	BDC PLANNING (9.30)	20	MSDC PLANNING (9.30)	27	BDC PLANNING (9.30)
T			7		14	MSDC OVERVIEW & SCRUTINY (9.30)	21	MSDC COUNCIL (5.30)	28	
F	1		8		15		22		29	

Dec-24									
M	2		9		16	BDC OVERVIEW & SCRUTINY (9.30)	23	JOINT AUDIT (10.30)	30
T	3		10	MSDC CABINET (9.30) BDC CABINET (4pm)	17	BDC COUNCIL (5.30) PROV	24		31
W	4	MSDC PLANNING (5.30) PROV	11	BDC PLANNING (9.30)	18	MSDC PLANNING (9.30)	25	BANK HOLIDAY	
T	5		12	(SCC 2pm)	19	MSDC OVERVIEW & SCRUTINY (9.30)	26	BANK HOLIDAY	
F	6		13	MSDC LICENSING & REG (10.30)	20	BDC LICENSING & REG (9.30)	27		
Jan-25									
M			6		13	BDC OVERVIEW & SCRUTINY (9.30)	20		27
T			7	MSDC CABINET (9.30) BDC CABINET (4pm)	14		21	BDC COUNCIL (5.30)	28
W	1	BANK HOLIDAY	8	BDC PLANNING (9.30)	15	MSDC PLANNING (5.30) PROV	22	BDC PLANNING (9.30)	29
T	2		9		16	MSDC OVERVIEW & SCRUTINY (9.30)	23	MSDC COUNCIL (5.30)	30
F	3		10		17		24		31
Feb-25									
M	3		10		17	HALF TERM BDC OVERVIEW & SCRUTINY (9.30)	24	JOINT AUDIT (10.30)	
T	4		11	MSDC CABINET (9.30) BDC CABINET (4pm)	18		25	BDC COUNCIL (5.30)	
W	5	BDC PLANNING (9.30)	12	MSDC PLANNING (5.30) PROV	19	BDC PLANNING (9.30)	26	MSDC PLANNING (9.30)	
T	6		13	(SCC 2pm)	20	MSDC OVERVIEW & SCRUTINY (9.30)	27	MSDC COUNCIL (5.30)	
F	7		14	MSDC LICENSING & REG (10.30)	21	BDC LICENSING & REG (9.30)	28		
Mar-25									
M	3		10		17	BDC OVERVIEW & SCRUTINY (9.30)	24		31
T	4		11	MSDC CABINET (9.30) BDC CABINET (4pm)	18		25	BDC COUNCIL (5.30)	
W	5	BDC PLANNING (9.30)	12	MSDC PLANNING (5.30) PROV	19	BDC PLANNING (9.30)	26	MSDC PLANNING (9.30)	
T	6		13	(SCC 2pm)	20	MSDC OVERVIEW & SCRUTINY (9.30)	27	MSDC COUNCIL (5.30)	
F	7		14		21		28		
Apr-25									
M			7		14	BDC OVERVIEW & SCRUTINY (9.30)	21	BANK HOLIDAY	28
T	1		8	MSDC CABINET (9.30) BDC CABINET (4pm)	15		22	BDC COUNCIL (5.30) PROV	29
W	2	BDC PLANNING (9.30)	9	MSDC PLANNING (5.30) PROV	16	BDC PLANNING (9.30)	23	MSDC PLANNING (9.30)	30
T	3		10		17	MSDC OVERVIEW & SCRUTINY (9.30)	24		
F	4	MSDC LICENSING & REG (10.30)	11	BDC LICENSING & REG (9.30)	18	BANK HOLIDAY	25		
May-25									
M			5	BANK HOLIDAY	12	BDC OVERVIEW & SCRUTINY (9.30)	19		HALF TERM BANK HOLIDAY
T			6	MSDC CABINET (9.30) BDC CABINET (4pm)	13	BDC ANNUAL COUNCIL (5.30)	20		27
W			7	MSDC PLANNING (5.30) PROV	14		21		BDC PLANNING (9.30) Suffolk Show
T	1	ELECTIONS	8		15	MSDC OVERVIEW & SCRUTINY (9.30) MSDC ANNUAL COUNCIL (5.30)	22	(SCC Annual Council 2pm)	29
F	2		9		16		23		30

Agenda Item 12

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: BDC Council	REPORT NUMBER: BC/23/24
FROM: Chief Executive	DATE OF MEETING: 24 October 2023
OFFICER: Arthur Charvonja, Chief Executive	KEY DECISION REF NO. N/A

APPOINTMENT OF INTERIM MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to approve the appointment of an Interim Monitoring Officer for Babergh and Mid Suffolk District Councils as required by S.5 of the Local Government and Housing Act 1989.

2. OPTIONS CONSIDERED

- 2.1 This is a statutory requirement, therefore there are no other options available.

3. RECOMMENDATION

- 3.1 That Jan Robinson, Corporate Manager for Governance and Civic Office be appointed as the Council's Interim Monitoring Officer from 31st October 2023.

4. KEY INFORMATION

- 4.1 The role of the Monitoring Officer is incorporated in the job profile of the Director – Law and Governance, under the shared working agreement between Babergh and Mid Suffolk District Councils, is a joint appointment by both Councils.
- 4.2 The Director for Law and Governance post has been filled by an interim consultant since the previous postholder left in October 2022. The post for the Director of Law and Governance is currently being advertised but will not be filled before the interim post holder leaves the Council on 31st October 2023.
- 4.3 To cover the period until the new Law and Governance Director takes up their new post it is proposed that the Corporate Manager for Governance and Civic Office be appointed as the interim Monitoring Officer. In order to comply with the statutory requirements of the Local Government and Housing Act 1989, the Councils must designate an officer of the Council to act as the Monitoring Officer.

5. LINKS TO CORPORATE PLAN

- 5.1 The current corporate plan is being reviewed and a new plan will be adopted in January 2024
- 5.2 The Monitoring Officer is responsible for ensuring that the Councils operate within a robust and effective governance framework and that the highest standards of ethical conduct are maintained. This underpins the delivery of all of the Councils' strategic priorities as set out in the corporate plan.

6. FINANCIAL IMPLICATIONS

- 6.1 The Monitoring Officer post is incorporated in the role of Director for Law and Governance. This post is part of the staff establishment and is included in the base budget.

7. LEGAL IMPLICATIONS

- 7.1 Section 5(1)(a) of the Local Government and Housing Act 1989 requires that every authority must “designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”. The Head of Paid Service and s.151 Officer may not be designated as the Monitoring Officer.

8. RISK MANAGEMENT

- 8.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Councils do not have a designated Monitoring Officer in place and do not comply with S.5 of the LGHA 1989	Low	High	An interim appointment is being sought to cover the period until a permanent MO is appointed.

9. CONSULTATIONS

- 9.1 No formal consultation is needed for this decision.

10. EQUALITY ANALYSIS

- 10.1 A full Equality Impact Assessment is not required for this report. The recruitment of the proposed appointee is an internal appointment and has been conducted in accordance with our equalities policy.

11. ENVIRONMENTAL IMPLICATIONS

None

12. BACKGROUND DOCUMENTS

None