



AGENDA

COUNCIL MEETING

THURSDAY, 26TH OCTOBER 2023 – 5.30 PM

Members of the Council are summoned to a meeting of the Mid Suffolk District Council at King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Thursday, 26th October, 2023 at 5.30 pm.

A handwritten signature in black ink, appearing to read "Arthur Charvonja".

Arthur Charvonja
Chief Executive



MSDC COUNCIL	
DATE:	THURSDAY, 26 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**

Page(s)

- | | | |
|---|--|---------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATION OF INTERESTS BY COUNCILLORS | |
| 3 | MC/23/17 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2023 | 7 - 16 |
| 4 | MC/23/18 CHAIRMAN'S ANNOUNCEMENTS | 17 - 18 |
| 5 | LEADER'S ANNOUNCEMENTS | |
| 6 | TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES | |

In accordance with Council Procedure Rule 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.

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| 7 | QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES | |
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The Chairman of the Council to answer any questions from 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 12.

- 8 **QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**
- The Chairman of the Council, Chairs 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 13.
- 9 **MC/23/19 OVERVIEW AND SCRUTINY COMMITTEE REPORT** 19 - 28
- Chair of Overview and Scrutiny Committee
- 10 **MC/23/20 SOLAR AND LOW CARBON ENERGY POSITION STATEMENT** 29 - 36
- Cabinet Member for Heritage, Planning and Infrastructure
- 11 **MC/23/21 COMMUNITY GOVERNANCE REVIEWS 2022/23** 37 - 60
- Community Governance Review Working Group
- 12 **MC/23/22 CHANGES TO THE CONSTITUTION** 61 - 86
- Constitution Working Group
- 13 **MC/23/23 DRAFT TIMETABLE OF MEETINGS 2024/25** 87 - 90
- Leader of the Council
- 14 **MC/23/24 APPOINTMENT OF INTERIM MONITORING OFFICER** 91 - 92
- Chief Executive
- 15 **COUNCILLOR APPOINTMENTS**
- To appoint a Sustainable Integrated Transport Working Group.
- 16 **MOTIONS ON NOTICE**

Date and Time of next meeting

The next meeting is scheduled for Monday, 20 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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- Cold water is also available outside opposite the room.
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2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
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Agenda Item 3

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC COUNCIL** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Thursday, 21 September 2023

PRESENT:

Councillor: Rowland Warboys (Chair)
Dr Daniel Pratt (Vice-Chair)

Councillors: David Bradbury
James Caston
Rachel Eburne
Lavinia Hadingham
Matthew Hicks
Anders Linder
Adrienne Marriott
Andrew Mellen
Jen Overett
David Penny
Miles Row
Andrew Stringer
Tim Weller
Richard Winch

Terence Carter
Teresa Davis
Lucy Elkin
Nicholas Hardingham
Colin Lay
Sarah Mansel
John Matthissen
Gilly Morgan
James Patchett
Dr Ross Piper
Keith Scarff
Ollie Walters
John Whitehead

In attendance:

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

Officers: Chief Executive (AC)
Deputy Chief Executive (KN)
Deputy Monitoring Officer and Corporate Manager Governance & Civic Office (JR)
Director – Assets and Investment (EA)
Director – Corporate Resources (ME)
Director – Customers, Digital Transformation & Improvement (SW)
Corporate Manager – Council's Companies
Corporate Manager – Finance, Commissioning & Procurement (BP)
Corporate Manager – Strategic Policy (JH)
Research and Insight Lead (CH)

Apologies: Austin Davies
Terry Lawrence
David Napier
Janet Pearson
Nicky Willshire

31 DECLARATION OF INTERESTS BY COUNCILLORS

31.1 The Monitoring Officer had granted dispensation to councillors on the Board of Directors for the council's companies.

31.2 There were no other declarations of interests from councillors.

32 MC/23/11 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 JULY 2023

It was RESOLVED:-

That the Minutes of the meeting held on 19 July 2023 be confirmed and signed as a true record.

33 MC/23/12 CHAIR'S ANNOUNCEMENTS

33.1 The Chair referred Councillors to paper MC/23/12 for noting.

34 LEADER'S ANNOUNCEMENTS

34.1 Councillor Mellen, Leader of the Council, made the following announcements:-

I hope all councillors managed to enjoy a break over the summer.

I would like to mark the passing of former district Councillor Poppy Robinson, who was a member of this council from 2003 to 2015. She represented the Stowmarket Central ward and was a member of planning committee. Poppy passed away since our last council meeting, and I am sure all members will join me in sending our condolences to her family and friends.

Work has been continuing on our administration's initial plans, and we were delighted last month to launch a new initiative, Pride in Your Place. This has given every town and village in the district the opportunity to apply for funding for projects which improve the appearance and cleanliness of their community. This can be for initiatives like litter picking, sign cleaning, graffiti removal, and the maintenance/enhancement of open public spaces and more. I would like to remind all councillors that this fund remains open and can I ask you to encourage your towns and parishes to get involved.

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

Mid Suffolk Council has teamed up with MENTA to offer start-up businesses free expert support and guidance. The council was given funding from the UK Shared Prosperity Fund to deliver this scheme, and the programme is open to those in Mid Suffolk 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 Mid Suffolk 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 as well as SME investment and diversification or 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.

Mid Suffolk has recently responded to a Suffolk Mind survey which identified Stowmarket and surrounding areas as an 'emotional and physical needs hotspot', by awarding £50,000 to local projects supporting residents' wellbeing. We launched the IP14 Wellbeing Fund and have now allocated £50,000 in funding through Suffolk County Council's Public Mental Health programme to ten local projects. This will allow them to do more important work in this area and support more people. We will continue to work with partners to address wellbeing issues in our district, so people can lead active and healthy lives.

As leader I represent the district on various regional and national bodies. In the last few weeks I have attended meetings of the East of England Local Government Association (EELGA), the District Councils' Network where I sit on the executive board, the New Anglia Local Enterprise Partnership (NALEP) where I am a director representing Suffolk's district councils, and next week I will be attending the Suffolk Public Sector Leaders' group.

Yesterday we received the fantastic news that part one of our Joint Local Plan has finally been declared sound by the inspector so can I congratulate all the officers and members who have worked so long and hard to get us to this point, and we look forward to seeing the policies in the JLP make a positive impact.

Finally, many of you will have seen the news that Babergh Council leader Dave Busby is taking a temporary step back while he receives treatment for cancer. I'm sure all members will join with me in wishing him a speedy recovery and we hope to see him back soon.

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

35.1 None received.

36 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

36.1 None received.

37 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

37.1 None received.

38 RECOMMENDATIONS FROM CABINET / COMMITTEES

39 MC/23/13 ANNUAL TREASURY MANAGEMENT REPORT - 2022/23

39.1 The Chair invited Councillor Matthissen, Joint Chair of the Joint Audit and Standards Committee, to introduce the report.

39.2 Councillor Matthissen gave an overview of the report and moved the recommendations. Councillor Patchett seconded the motion.

39.3 Councillor Caston referred to the environmental implications in the report and questioned the Joint Audit and Standard Committee's recommendation to Cabinet to filter investments through ESG, and the Joint Audit and Standards Committee's recognition that any decision to withdraw funds should be balanced against financial prudence. Councillor Matthissen responded that this referred to the new administration wanting to align their investments with the Council's priorities towards the environment and climate change. He added that the committee were going to consider a report at their next meeting on ESG to review the financing and how the reduction of value in investments has had an impact.

39.4 Councillor Overett questioned whether the Council had any investments in fossil fuels. The Corporate Manager – Finance, Commissioning and Procurement responded that Appendix C listed the areas that the Council had funds in and however there was not a breakdown in the spread of these investments.

39.5 Councillor Eburne stated that a report on ESG considerations had been pushed for by the Council to the treasury advisors for a long time and that it should be ensured that any changes made to this need the financial considerations fully evaluated. Additionally, the short-term borrowing from the council was extensive and due to increasing interest rates these needed to be greatly monitored.

By a unanimous vote.

It was RESOLVED:-

1.1 That the treasury management activity for the year 2022/23 as set out in this report 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 Mid Suffolk District Council's treasury management activity for 2022/23 was in accordance with the approved Treasury Management Strategy, and that, except for one occasion when the Council exceeding its daily bank account limit with Lloyds, as mentioned in Appendix C, paragraph 4.1, the Council has complied with all the Treasury Management Indicators for this period.

40 MC/23/14 CAPITAL INVESTMENT FUND COMPANY (CIFCO CAPITAL LTD) BUSINESS TRADING AND PERFORMANCE REPORT

- 40.1 The Chair invited Councillor Winch, Cabinet Member for Housing and Property to introduce report MC/23/14.
- 40.2 Councillor Winch gave an overview of the report and proposed the recommendations in the report. Councillor Eburne seconded this motion.
- 40.3 Councillor Whitehead questioned the portfolio transactions relating to the 10 rent reviews and whether the capital losses were overstated based on these reviews. The Director Strategic Asset Management JLL responded that the valuation reflected a point in time and that evidence had been created to support a higher value and this was active asset management to increase income.
- 40.4 Councillor Scarff queried whether a change in the investment guidelines would be possible, or if the guidelines were fixed to the length of the portfolio. The Director – Assets and Investments responded that the guidelines were set up when the portfolio was initially set up and these could be amended in the future to reflect the current market and circumstances if CIFCO were seeking properties again.
- 40.5 Councillor Caston commented that CIFCO was a great legacy for the Council, that the management of the portfolio was excellent and that he was impressed by the EPC improvement works.
- 40.6 Councillor Mellen thanked Councillor Winch for his introduction to the report. He outlined that CIFCO was an inherited responsibility and that in the future it would be reviewed but would not be withdrawn. Clarity on both the rewards and the risks of CIFCO were required. Short-term borrowing within CIFCO was a risk due to interest rates, however this was not a reflection on how the company was run.
- 40.7 Councillor Whitehead welcomed the highlighting of the unrealised capital losses. He further commented on the interest rates and the potential of profit from the Council in Gateway 14 without taking on long-term borrowing that could be affected by a crash in interest rates.
- 40.8 Councillor Eburne highlighted that as the administration had inherited CIFCO they were reviewing how it was working and how it could be improved. In future the timing of the business plan should be brought forward.

Additionally, as a lot of the funds come from short-term borrowing this needed to be monitored due to the rise in interest rates.

- 40.9 Councillor Winch summarised that whilst the administration did not fully agree with CIFCO they had to be realistic that they had inherited a property company that was well run, however this would be shaped in the future to be in line with the new administration's principles.

By a unanimous vote.

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.**

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

The meeting was not required to go into closed session.

42 RESTRICTED APPENDIX - CIFCO CAPITAL LTD BUSINESS PLAN (EXEMPT INFORMATION BY VIRTUE OF PARAGRAPH 3 OF PART 1)

The meeting was not required to go into closed session.

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

44 MC/23/15 MID SUFFOLK STATE OF THE DISTRICT REPORT 2023

- 44.1 The Chair invited the Leader of the Council, Councillor Mellen to introduce the report.
- 44.2 Councillor Mellen introduced the report and moved the recommendations as set out in the report. Councillor Teresa Davis seconded this motion.
- 44.3 Councillor Warboys queried whether there was any information on the progression of students under the age of 18 in the report. The Corporate Manager – Strategic Policy responded that this information was not currently in the report but could be considered going forward.
- 44.4 Councillor Linder questioned whether the number residents per GP could be included in the report as this would be helpful in terms of planning considerations. The Corporate Manager – Strategic Policy responded that health infrastructure needs, and this information could be looked into and how signposting to existing information could be incorporated into future state of the district reports.

- 44.5 Councillor Winch suggested that it would be useful under the housing section of the report to have a focus on affordability with a comparison of average salaries in the district and average rents, and the availability of proportion of housing is available under the local housing allowance.
- 44.6 Councillor Hicks suggested that when the report was published on the website that a link to the Suffolk Observatory be included as it was a source for much of the data, and it is updated frequently.
- 44.7 Councillor Row queried whether it would be possible where figures are separated by gender that they include figures on non-binary people, in line with the most recent census. The Research and Insight Lead stated that this could be included going forward.
- 44.8 Councillor Overett questioned why the tree canopy cover of 8.5% was significantly lower than the national average of 16.3%. Councillor Mellen responded that the Council had undertaken a tree canopy survey, and this had highlighted that Mid Suffolk was behind other districts. This was something that the Council wanted to improve on, and that work was ongoing by the County Council, farmers, and community groups in order to improve tree cover across the district.
- 44.9 Councillor Pratt stated that due to a lot of the land in Mid Suffolk being agricultural land there was a greater dispersion in tree coverage. He suggested that gaps in hedgerows should be filled in to allow for stronger wildlife corridors and that work needed to be done with private landowners, and on council land, in order to improve tree coverage.
- 44.10 Councillor Whitehead endorsed the report and stated that he was heartened to see the reduction of 36% in emissions between 2005 and 2021, and the decrease of 39% in domestic emissions. However, whilst domestically 99% of residents had central heating, three quarters of residents used oil and gas which provided a challenge to the Council in moving towards net zero.
- 44.11 Councillor Davis highlighted whilst most residents lived in homes they owned in low crime areas, there were still residents who were over 66 and living on their own, people with difficulty accessing a GP, vulnerable groups that do not have access to the internet and 20% of children in the district living in poverty, with 100 being homeless. She added that these figures showed a stark contrast and showed where work should be done.
- 44.12 Councillor Mellen outlined that the information contained in the report was useful and outlined the scale of the challenges in areas that needed improvement. It also sets out a direction of travel for the new administration.

By a unanimous vote.

It was RESOLVED: -

To note the content of the Mid Suffolk State of the District Report 2023 and endorse its publication on the Councils' website during October 2023.

45 MC/23/16 APPOINTMENT OF POLITICAL ASSISTANTS

- 45.1 The Chair invited the Corporate Manager – Governance and Civic Office to introduce the report.
- 45.2 Councillor Mellen proposed the recommendation as set out in the report. Councillor Stringer seconded this motion.
- 45.3 Councillor Caston asked for clarification on the allocations for qualifying groups. The Corporate Manager – Governance and Civic Office responded that a post would be allocated to each qualifying political group, however groups were not required to appoint to this role.
- 45.4 Councillor Mellen outlined that political assistants were common throughout local government and whilst Mid Suffolk had not had them previously, they had been requested by the new administration. The rules surrounding the appointments were strict and the role was politically restricted and limited to the length of the council term, and the position should be appointed to on a part time basis. He added that the role would help Members of political groups to fulfil their role by providing information, researching ideas, finding best practice in other councils, and providing support, communication, and organisation to the group. It had been agreed across the administration that a part time political assistant would help them be better Councillors and therefore would benefit the district.
- 45.5 Councillor Whitehead enquired whether the Independent Remuneration Panel would be reviewing Cabinet Member allowances following the appointment of political assistants to run group meetings and research.
- 45.6 Councillor Hicks stated that political assistants were used in the County Council and were invaluable, and due to the size of Mid Suffolk District Council a part time assistant was proportionate. However, it may be better value for money for the Council to instead appoint more Cabinet members.
- 45.7 Councillor Eburne highlighted that political assistants would primarily be used for researching best practice at other councils, and that many district councils across the country used political assistants, such as East Suffolk. The appointment of a political assistant would be a cost of £20,000 per year, and that currently for the new administration there had been a saving of £24,000 per year with £12,000 coming from a reduced Cabinet.
- 45.8 Councillor Scarff stated that most posts across the Councils are shared posts and that if Babergh District Council had also agreed to have political assistants it would have provided more legitimacy, especially in groups where there are fewer Members. He added that in a group of four there is seen to be less of a need for a political assistant as they may only need to be required once a week.

45.9 Councillor Stringer outlined that researchers would be beneficial for researching facts, best practice and accurate details and giving access to this for all groups would aid democracy. Additionally, a political assistant would be beneficial in order to identify legislative changes from central government and inform Councillors on how they affect ongoing work. They could also help inform motions on notice to Council and questioning.

45.10 Councillor Mellen highlighted that the appointment of political assistants would increase the quality of work done by the Council, and the quality of debate. Additionally, the appointments and their cost could be reviewed in the future, but the proposed appointments should not have any additional cost to the Council or council taxpayers.

With 24 votes For and 5 Against.

It was RESOLVED:-

- 1.1 That the principle of appointing political assistants within the framework of the Local Government and Housing Act 1989, with effect from the Annual Council meeting 2023 until the Annual Council meeting following the full council election in 2027 be approved. (Agreement to the principle would not commit the Groups, or in effect the Group Leaders, to making appointments, but would establish the framework within which such appointments could be made).
- 1.2 That the procedure detailed in the report be followed, should a political group wish to make an appointment.
- 1.3 That the Monitoring Officer be authorised to make the necessary amendments to the Constitution.

46 COUNCILLOR APPOINTMENTS

46.1 The appointments as set out in the tabled papers were proposed by Councillor Mellen. Councillor Mansel seconded the recommendation.

By a unanimous vote.

It was RESOLVED:-

That Councillor Tim Weller be appointed to the Suffolk Safer and Stronger Communities Board.

47 MOTIONS ON NOTICE

47.1 There were no motions on notice.

The business of the meeting was concluded at 7.07 pm.

.....Chair

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Agenda Item 4

MC/23/18

MID SUFFOLK DISTRICT COUNCIL - 26 OCTOBER 2023

CHAIR'S ANNOUNCEMENTS

EVENT	LOCATION	DATE	CHAIR	VICE CHAIR
SEPTEMBER 2023				
Opening a new breakfast club for all serving and retired members of our Armed Services, Bramford & District Social Club	Bramford & District Social Club	23-Sep	✓	
Sudbury Mayor's Civic Service	St. Gregory's Church, Sudbury	24-Sep	✓	
Thurston Extra Care Ground Breaking Ceremony	Heath Road, Thurston	25-Sep	✓	
Suffolk Community Awards and Celebration Event	Food Museum, Stowmarket	25-Sep	✓	
OCTOBER 2023				
Stowmarket Town Mayor's Civic Service	St. Peter's and St. Mary's Church Stowmarket	01-Oct	✓	
Palgrave Arts Festival Launch	Palgrave Community Centre	07-Oct	✓	
Ipswich Mayor's Civic Service	St Mary Le Tower Church, Tower Street, Ipswich	15-Oct	✓	
Trafalgar Day Parade of Suffolk & Norfolk Sea Cadets	The Athenaeum, Bury St Edmunds	15-Oct		✓

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Agenda Item 9

MID SUFFOLK DISTRICT COUNCIL

TO: Council	REPORT NUMBER: MC/23/19
FROM: Chair of Overview and Scrutiny Committee	DATE OF MEETING: 26 October 2023

OVERVIEW & SCRUTINY COMMITTEE REPORT TO MID SUFFOLK DISTRICT COUNCIL

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Mid Suffolk 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 Community Safety Partnerships, established in 1998 under the Crime and Disorder Act, are statutory bodies composed of various partner organisations including the police, local authorities, probation services, clinical commissioning groups, and fire and rescue services. The Western Suffolk Community Safety Partnership (WSCSP) serves the areas of Babergh, Mid Suffolk, and West Suffolk.

- 3.2.2 Councillor Derek Davis, Chair of the WSCSP, and Councillor Sarah Mansel, Vice-Chair of the WSCSP, introduced the item 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 for their hard work.

- 3.2.3 Questions from the committee were asked on topics including: what the Partnership could do to improve Councillors' level of understanding on their work to best address safety concerns and inform policy, liaison with local housing associations at monthly anti-social behaviour panel meetings, communication to town and parish councils through the Suffolk Association of Local Councils, and if there was an order of prioritisation for dealing with different types of reported hate crime.

- 3.2.4 The costs of running the Partnership were discussed – it is always crucial to look into the costs no matter how important the work is. The Partnership does not have a formal budget, although they can offer small grants to local community groups. The Partnership also does not collect information on officer time spent and its corresponding financial costs as it is part of their everyday workload.
- 3.2.5 Councillor Row questioned what mitigation measures were in place to prevent radicalisation occurring in Ipswich from reaching Babergh and Mid Suffolk. The Suffolk County Council Head of Community Safety responded that every local authority was required to have a PREVENT Delivery Group that are dedicated to identifying instances of radicalisation and preventing it from occurring in their areas and from spreading further.
- 3.2.6 Councillor Warboys posed questions aimed at understanding how the Partnership identifies various demographic groups and engages with them. The Superintendent responded that Suffolk Police have Community Engagement Officers who play a crucial role in facilitating communication with diverse grassroots community groups, building stronger relationships and providing a vital mechanism for the Partnership to identify and address pressing issues.
- 3.2.7 Further questions were asked on issues concerning violence against women and girls (VAWG), particularly within schools, and how the Partnership deals with cases of missing children and their returns home. The Head of Community Safety responded that secondary schools had a statutory obligation to provide “healthy relationship” classes for students aimed at stopping violence against women and girls at the root. The Superintendent also clarified that Multi-Agency Crime Exploitation Panels had been established to help conduct “return home” interviews for returning children which aim to identify underlying problems or risks that the child might be facing.
- 3.2.8 The Assistant Manager for Community Safety and Resilience presented a report on anti-social behaviour and introduced the committee to the Councils’ Community Safety Officers. Questions were asked on the Anti-Social Behaviour Strategic Board’s five core principles and the value they provide to the Partnership.
- 3.2.9 Members debated the item on the following issues: the Partnership’s link to the Significant Business Risk Register, further training for Councillors on the Partnership, the risk of further statutory items being assigned to officers in the Partnership, the cost and time input of BMSDC officers, and communication with town and parish councils.
- 3.2.10 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 The Board of CIFCO Capital Ltd is responsible for the funds' performance which is aligned with the business plan. Joint Overview and Scrutiny review the performance report and upcoming business plan on an annual statutory basis. The Board meets regularly to assess asset performance, make investment decisions, and establish governance policies. CIFCO continually reviews its business plan and investment strategy, adjusting as needed with input from Jones Lang LaSalle, and seeks approval from the Holding Company and Full Council yearly – this is a process that the Joint Overview and Scrutiny Committee supports.

4.2.2 Councillor John Ward, Babergh's Cabinet Member for Finance, Assets, and Investments, and the Director for Assets and Investments introduced the item to the committee outlining before Members the purpose of the business plan, the structure of the trading companies, the CIFCO property investment portfolio, the key performance indicators (KPIs), the Energy Performance Certificate (EPC) improvement plan, and an overview of the 2023/24 business plan.

4.2.3 Members raised concerns about the adequacy of the KPIs and targets that had been established, commenting that these had perhaps been set too conservatively. In response, it was explained that these targets were set at the current levels to ensure they were realistic and attainable with fluctuating market conditions and that there were plans to go beyond these targets.

- 4.2.4 Questions were asked on the time scale and costs of the EPC improvement plan. There is no definitive timeline and end date for the improvements but it was stated that work will be done in a priority order based on potential for returns. The costs of this plan would be funded purely through CIFCO and would not require further funds from Council and its budget.
- 4.2.5 Further questions concerned issues such as deferred debt repayments, the Councils' short-term borrowing debt, the potential for the portfolio to reach net-zero, rent arrears, and the running costs of CIFCO.
- 4.2.6 Members debated the item on the following issues: relying on a loan-based income stream, the proposed EPC improvement plan, the impacts on the commercial property market, deferred debt repayments and their impact on Council finances, and reaching net-zero targets.
- 4.2.7 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 The Cost of Living Plan emphasises the importance of a coordinated approach to address the cost-of-living crisis. It stresses the significance of considering the needs of residents, avoiding duplication of work, and supporting the most vulnerable efficiently. Additionally, it emphasises the balance between crisis support and preventative measures and the importance of addressing the underlying drivers of poverty for long term community resilience.
- 4.3.2 Councillor Andrew Mellen, Cabinet Member for Performance and Resilience, the Corporate Manager for Customer Services, and the Cost of Living Co-ordinator introduced the item to the committee outlining before Members the last 6 months of work, the different kinds of support delivered directly to residents, plans to improve communication methods, digital inclusion schemes, collaboration with Community Action Suffolk, and initiative to help get more residents online to access web-based support services.
- 4.3.3 Members questioned about the types of communication being delivered to residents. Officers responded that general blanket communication is sent to all residents but that training had been provided to officers in income, building services, and customer services to identify vulnerable residents who may require more targeted communication and support. Following a query about current redirections to support on our websites, it was stated that a review on whether these online communications were effective would be carried out following the launch of our new sites.
- 4.3.4 Further questions were asked about the physical support provided to residents and the access to online services. Members were reassured that the communities team constantly maps the level of need in our districts and that physical support was provided to areas with the highest identified demand.

Customer Access Points (CAPs) will also be reviewed to assess their value as a base for residents to access specific cost-of-living support. The Councils are running digital inclusion sessions, in partnership with Suffolk Libraries, particularly aimed at supporting older residents and those living in rural locations in getting online and accessing further support.

4.3.5 Concerns were raised about government funding and the resilience of the cost-of-living strategy should this no longer be a government priority and funding reduced. Officers responded that key risks had been identified and are being constantly monitored, and that a proactive approach with internal solutions would be drafted up so there would be limited impact to the delivery of key services.

4.3.6 Members debated the item on the following issues: support for younger residents, support for residents where English is not their first language, further communication and direct engagement with residents, methods of identifying vulnerable residents, strategic support for the continuation of services, and collaboration with Citizens Advice.

4.3.7 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 This information bulletin addresses concerns about water quality and sewage pollution in rivers which was an issue originally raised by Councillors and their communities. In November 2022, both Councils unanimously passed a resolution to invite senior representatives from Anglian Water, the Environment Agency, and Natural England to a scrutiny meeting to discuss sewage discharge levels. The bulletin, put together by internal officers, provided information about the previous work of the Suffolk Flood Risk Scrutiny Committee, and looks at national policy regarding stormwater flood events.

5.2.2 Unfortunately, I did not attend this meeting due to illness. The below is the report from this meeting as put together by Councillor Mary McLaren, my Co-Chair at Babergh District Council.

- 5.2.3 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.
- 5.2.4 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.
- 5.2.5 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.

5.2.6 **Anglian Water**

- 5.2.6.1 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.
- 5.2.6.2 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.
- 5.2.6.3 Anglian Water are not statutory consultees in the Planning Process and there are legislative restrictions to the information they can provide.
- 5.2.6.4 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.
- 5.2.6.5 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.
- 5.2.6.6 Sudbury Water Recycling Centre and the installation of phosphorous removal equipment is already planned and would be concluded by 2024.
- 5.2.6.7 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.

5.2.7 Environment Agency

- 5.2.7.1 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.
- 5.2.7.2 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.
- 5.2.7.3 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.
- 5.2.7.4 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.
- 5.2.7.5 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)

5.2.8 Natural England

- 5.2.8.1 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.

5.2.9 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.midsuffolk.gov.uk/web/mid-suffolk/w/overview-and-scrutiny
(b) Overview and Scrutiny Action Tracker	Attached

8. REPORT AUTHORS

Councillor James Caston – Chair of Mid Suffolk Overview and Scrutiny

Alicia Norman – Lead Officer for Overview and Scrutiny

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 10

MID SUFFOLK DISTRICT COUNCIL

TO: Council	REPORT NUMBER: MC/23/20
FROM: Cabinet Member for Heritage, Planning and Infrastructure	DATE OF MEETING: 26 October 2023
OFFICER: Tom Barker, Director Planning & Building Control	KEY DECISION REF NO. N/A

SOLAR AND LOW CARBON ENERGY POSITION STATEMENT

1. PURPOSE OF REPORT

- 1.1 To set out the Council's position on renewable and low carbon energy developments that are considered through planning applications determined by the Councils, and those applications where the Councils are a consultee, for example in the case of Nationally Significant Infrastructure Projects (NSIPs).

2. OPTIONS CONSIDERED

- 2.1 To set out what the Council would like to see achieved relating to some aspects of renewable and low carbon energy development in our Districts, alongside the requirements of policy LP25, through a position statement.
- 2.2 To allow the Councils planning policies to 'speak for themselves'.
- 2.3 To produce a solar and low carbon energy Supplementary Planning Document (SPD).
- 2.4 It is considered that for purposes of speed and expediency that a position statement will set out the Councils position and expectations. An SPD is proposed in the Local Development Scheme but cannot be delivered as quickly as this position statement. It should be remembered that this will not be able to 'go beyond' policy requirements.

3. RECOMMENDATIONS

- 3.1 That the Solar and Low Carbon Energy Position Statement set out at Appendix A be adopted and published on the Councils website.
- 3.2 That the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning, be authorised to make any minor amendments as necessary.

REASON FOR DECISION

The Position Statement will provide clarity to those looking to make applications and those looking to respond to applications by setting out clearly what the Councils would like to see happen.

4. KEY INFORMATION

- 4.1 Babergh and Mid Suffolk District Councils are part of the Suffolk Climate Change Partnership (SCCP) and both Councils have acknowledged and declared climate emergencies and developed Carbon Reduction Management Plans with a commitment to achieve net zero in their operations by 2030.
- 4.2 National policy clearly sets out measures to reduce greenhouse gas emissions with policies that seek to encourage renewable energy developments where they are acceptable.
- 4.3 Applications for low carbon energy generation have been a planning matter for many years. The nature and scale of development has, however, been increasing.
- 4.4 In July 2023, the leader of Mid Suffolk District Council called on the Government to provide a clear national framework for the development of solar farms.
- 4.5 Speaking at the Local Government Association Conference in Bournemouth, he spoke of the difficulties councils and communities faced - particularly around large-scale solar farm applications.
- 4.6 Addressing climate change is vital. Protecting agricultural land is important. Safeguarding landscape value is essential. Working with our communities is a key strategic priority. Balancing all of these things is difficult.
- 4.7 Development plan policy will be set out in Policy LP25 of the Babergh and Mid Suffolk Joint Local Plan Part 1 on Energy Sources, Storage and Distribution. The Policy sets out the Councils' position for the determination of planning applications for these types of development. At the time of writing, the Joint Local Plan Part 1 is anticipated to be adopted in November 2023.
- 4.8 Whilst there are other material planning considerations, the position statement focuses on the following issues:

The loss of best and most versatile agricultural land;

The potential harm to the diverse character of the landscape; and

Concerns and fears being expressed by some of our communities about harmful impacts.

5. LINKS TO CORPORATE PLAN

- 5.1 The Position Statement links mostly closely to strategic priorities related to the environment, communities, wellbeing and the economy.

6. FINANCIAL IMPLICATIONS

There are no immediate financial implications related directly to this report or the position statement itself.

7. LEGAL IMPLICATIONS

7.1 The position statement does not form part of the development plan but having been adopted by the Council it would be one (of many) material considerations. It will be important that any decisions taken on planning applications go through the proper balancing exercise as part of their consideration.

8. RISK MANAGEMENT

8.1 There are no key risks associated with the publication of the Solar and Low Carbon Energy Position Statement.

9. CONSULTATIONS

9.1 The position statement has been discussed with elected members through Cabinet Member Briefings and Joint Cabinet Briefing.

10. EQUALITY ANALYSIS

10.1 If Equality Impact Assessment (EIA) not required. There are no equality and diversity implications arising directly from Solar and Low Carbon Energy Position Statement.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no direct environmental implications arising from this report.

12. APPENDICES

Title	Location
(a) Solar and Low Carbon Energy Position statement	Attached

13. BACKGROUND DOCUMENTS

13.1 None.

14. REPORT AUTHORS

14.1 Tom Barker - Director Planning & Building Control

Bron Curtis - Principal Planning Officer

Robert Hobbs - Corporate Manager Strategic Planning

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Mid Suffolk District Council

Renewable and Low Carbon Energy Position Statement

This statement sets out the Council's position on renewable and low carbon energy developments that are considered through planning applications determined by the Councils, and those applications where the Councils are a consultee, for example in the case of Nationally Significant Infrastructure Projects (NSIPs).

Further information on large scale energy and NSIPs in our Districts can be found [here](#).

Development plan policy will be set out in Policy LP25 of the Babergh and Mid Suffolk Joint Local Plan Part 1 on Energy Sources, Storage and Distribution (see appendix). The Policy sets out the Council's position for the determination of planning applications for these types of development. At the time of writing, the Joint Local Plan Part 1 is anticipated to be adopted in November 2023.

This position statement does not form part of the development plan but sets out what the Council would strongly like to see achieved relating to some aspects of renewable and low carbon energy development in our Districts, alongside the requirements of policy LP25.

This is not a definitive list of all material planning considerations relevant to such developments.

Climate Change

Mid Suffolk District Council is part of the Suffolk Climate Change Partnership (SCCP) and declared a climate emergency and developed a Carbon Reduction Management Plan. Further information regarding climate change can be viewed on the [Mid Suffolk](#) District Council website.

National policy clearly sets out measures to reduce greenhouse gas emissions with policies that seek to encourage renewable energy developments where they are acceptable. Within the National Planning Policy Framework (NPPF), the National Policy Statement for Energy (EN-1) and its draft replacement, the recent Energy White Paper – Powering Net Zero Future (December 2020) and the Net Zero Strategy: Build Back Greener (2021) there is a strong commitment to promoting the development of renewable energy. One of the key policies of the Net Zero Strategy is for the UK to be powered entirely by clean electricity by 2035, with a key policy of the provision of more solar renewable energy. Whilst some of these policies relate to nationally significant infrastructure projects above 50MW, the direction of travel is a material consideration for planning applications the Councils determine.

Any contributions to the provision of clean renewable energy would attract substantial weight in the balancing of any planning decision by the Councils.

Renewable and Low Carbon Energy development

There are many renewable and low carbon energy development projects coming forward in the District, providing a source of energy that is less harmful than fossil fuels. There are clearly wider environmental and social benefits of providing energy security but there are also challenges when considering these types of developments. Whilst there are other material planning considerations, this position statement focuses on the following issues:

- The loss of best and most versatile agricultural land;
- The potential harm to the diverse character of the landscape; and
- Concerns and fears being expressed by some of our communities about harmful impacts.

Agricultural Land

The production of food through agriculture is an intrinsic part of the identity of much of our District, with strong traditions of agricultural land use. It is recognised however that food production is a complex matter with food being both imported and exported, with no certainty that an agricultural field would be used to grow food for consumption in the UK. It should be noted that there are also other non-food products grown on our agricultural land including biofuels.

It is recognised that there is more higher-grade agricultural land in our District rather than lower Grade 4 and 5, and also that the total farmed agricultural land according to DEFRA is:

- Mid Suffolk 71,319ha

The Council places great importance on preserving productive agricultural land including land categorised under Grade 3b of Agricultural Land Classification. However, the position set out in the NPPF is clear in that only Grade 1, 2 and 3a fall into the Best and Most Versatile Agricultural Land Classification. There has been no change in national policy and weight cannot reasonably be placed on the loss of Grade 3b, 4 or 5 agricultural land in this regard.

However, the planning reforms published by the Department of Housing, Levelling Up and Communities have identified a consultation on changes to make sure the food production value of land is reflected in planning decisions. Whilst the Council awaits that consultation, it is keen to make clear the importance it places on protecting productive agricultural land. Where these circumstances apply it strongly encourages any development bringing forward renewable or low carbon energy developments to consider our position and avoid loss to such development.

The Council also **strongly** encourages installing solar panels on existing and new buildings, whilst recognising that this is largely directed by national Building Regulations.

Landscape value

The landscape in our District has an intrinsic landscape value, as well as a cultural and often heritage importance. The Councils strongly recommend that these are given utmost consideration when selecting a site for renewable or low carbon energy development, and when considering the design, siting and layout of any development within that site.

Our landscapes are of great importance and value to our residents, businesses, visitors and our tourism offer. Any harmful effects to the landscape character and visual receptors of these areas including cumulative impacts, should be carefully considered when determining planning applications.

It is recognised that landscape and heritage impacts will be considered alongside the benefits that developments of this type would deliver, along with any other relevant legislative or policy considerations required for the planning balance for any decision to be made. We will seek applicants to minimise any harmful effects to visual receptors (e.g. Public Rights of Way, open access land and other public viewpoints).

It is widely perceived that the character of rural villages could be seriously compromised if settlements are surrounded or dominated by fields of solar pv panels. Such approaches would also create a visual monoculture which is likely to be harmful to landscape character.

Our Communities

We strongly recommend that applicants engage on these matters with local communities at the earliest possible stage of development. In doing so we would encourage developers to set out how such developments could provide benefits for local communities as well as the steps needed to address any concerns.

These could include financial and non-financial obligations secured through the planning process to make a development acceptable under the Town and Country Planning Act 1990 (such as planning conditions and Section 106 legal agreements) but also community benefits that can be secured through Section 111 agreements under the Local Government Act 1972.

Applicants are encouraged to engage with affected communities early in the process to see if there are any identified community aspirations for investment identified through Neighbourhood Plans, Parish Infrastructure Investment Plans or other Parish Plans. Even in the absence of these, any priorities for our communities that could be funded through contributions under Section 111 agreements should be considered.

Section 111 agreements can secure sums of money, which are typically administered by Councils and which are then allocated on to local community projects. Money can be secured provided it can demonstrate it will 'facilitate, or is conducive or incidental to the discharge of any of their functions'.

Community energy schemes are also encouraged, brought forward in collaboration with our communities to provide clean energy.

Further information can be found at [Green Suffolk](#).

In summary

This position statement notes the valuable contribution renewable and low carbon energy sources make to national energy security and we will reflect on any Ministerial Statements or national policy guidance issued on such developments as and when released.

It is important that any proposals for renewable and low carbon energy development reflect on the concerns around agricultural land, landscape and community benefit and address those matters explicitly in any submissions.

Appendix

Babergh and Mid Suffolk Joint Local Plan Policy LP25

LP25	Energy Sources, Storage and Distribution
	<ol style="list-style-type: none">1. Renewable and low carbon, decentralised and community energy generating proposals will be supported subject to:<ol style="list-style-type: none">a. The impact on (but not limited to) landscape, highway safety, ecology, heritage, residential amenity, drainage, airfield safeguarding and the local community having been fully taken into consideration and where appropriate, effectively mitigated;b. Where renewable or low carbon energy designs are to be incorporated within a development, an integrated approach being taken, using technology that is suitable for the location and designed to maximise operational efficiency without comprising amenity;c. The impact of on and off-site power generation infrastructure¹ being acceptable, having regard to other policies in this Plan;d. The provision of mitigation, enhancement and compensation measures when necessary; ande. Approval of connection rights, and capacity in the UK power network, to be demonstrated as part of the planning application (where applicable).2. The relevant LPA will normally use conditions attached to planning consents for energy development schemes to ensure the site is restored when energy generation ceases or becomes non-functioning for a period of six months.3. Where proposals for renewable and low carbon energy impact on nature conservation sites², the Areas of Outstanding Natural Beauty, or the setting of heritage assets (including conservation areas), the applicant must be able to convincingly demonstrate that potential harm resultant from development can be effectively mitigated and that there are no alternative sites available within the District or for community initiatives within the area which it is intended to serve. This includes providing underground power lines and cabling.

¹ Generation infrastructure includes over-head cables, cable runs, invertors, control buildings, security fencing and highway access points.

² Nature conservation sites include: SSSI, SAC, SPA, NNR, Ramsar Sites, and Local Nature Reserves.

Agenda Item 11

MID SUFFOLK DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: MC/23/21
FROM: Community Governance Review Working Group	DATE OF MEETING: 26 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 to be put forward for consultation as part of the ongoing Community Governance Review (CGR).

2. OPTIONS CONSIDERED

- 2.1 In March 2022 the Council agreed to conduct a Community Governance Review of the Parish and Town Councils the District as well as the Parish areas that do not have an elected Parish Council.

Stage one was completed at the beginning of 2023 and now proceeding to Stage two. As these boundaries and electoral arrangements were put in place following reviews carried out the Local Government Boundary Commission for England (LGBCE) and agreed by Parliament it is beyond the legal power of the Council to make any changes without the agreement of the LGBCE and for that reason and the requirement for further consultation Issues 1 and 2 continued into Stage 2.

- 2.2 Timetable for stage two of the review:

Action	Timeline	Details
Update to the Terms of Reference authorised by the CGR Task and Finish Group	April 2023	Update to the Terms of Reference to specify the update to the timetable and the specific issues to be considered at stage two of the review.
Publish the updated Terms of Reference	May 2023	Publish Terms of Reference and notify stakeholders of the commencement of stage two of the Review.
Prepare draft consultation document and invite initial submissions	June 2023 – July 2023 (2 months)	Initial submissions invited: <ul style="list-style-type: none">• Town and Parish Councils• Members of Parliament

Consider submissions	August 2023	CGR Working Group to consider any submissions/representations and prepare report of draft recommendations for Full Council in September/October 2023
Draft recommendations to be considered by Council and approved for further consultation	September/October 2023	Draft recommendations to be approved for consultation
Publish draft recommendations for consultation	October 2023 – November 2023	<p>Direct mailshot (letter or email) to local government electors, persons or bodies which appear to the council to have an interest in the issue being consulted on.</p> <p>Posted letters to include response form to complete and return plus contact details for responses via online form or email.</p> <p>Briefings for parish and town councils (if required)</p> <p>Press release and social media posts</p> <p>Website updated with issues being consulted on, including links to maps and online form and inclusion of email address for more detailed submissions.</p>
Consider submissions	December 2023	CGR Working Group to consider submissions/representations and prepare final recommendations for report to Full Council
Final recommendations to be considered by Council	December 2023/ January 2024	Final recommendations to be approved
Publish final recommendations	As soon as practicable after publication of final recommendations	Publish final recommendations and make Order.

Considerations (at stage two of the review)

Legislation requires that the council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area; and
- be effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.

In considering proposals for change, the council will take the following into account:

- a strong, inclusive community and voluntary sector;
- a sense of civic values, responsibility and pride;
- a sense of place – a place with a ‘positive’ feeling for people and local distinctiveness;
- reflective of the identities and interests of the community in that area;
- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

2.3 The Council delegated consideration of the CGR to the Community Governance Review Working Group which is comprised of Cllr Anders Linder, Cllr Janet Pearson, Cllr Rowland Warboys and Cllr Adrienne Marriott.

2.4 The review invited all Parish and Town Councils affected, together with the relevant County and District Councillors and Members of Parliament, to make submissions to the review in order to prepare the draft recommendations. Once these draft recommendations are approved by Full Council they will go out to further consultation, which will include residents of areas affected by the review.

2.5 Regarding other options considered the CGR Working Group noted that there is currently not a consensus among stakeholders in relation to some of the issues and that alternative options could be put forward. However, testing the draft recommendations during the further wider consultation will assist the Council with its decision on final recommendations.

3. RISKS ASSOCIATED WITH PROPOSALS

3.1 During the review there were submissions from Stowmarket Town Council and Battisford Parish Council for boundary changes that would have also affected the District Ward and County Division Boundaries and associated Electoral Arrangements. Any changes to boundaries will require Local Government Boundary Commission For England consent.

RECOMMENDATIONS

- 1. The draft recommendations, as set out in Appendix A be approved for consultation.**
- 2. The issues and summary submissions to date are noted as set out in Appendix B with the list of submissions/comments received at Appendix C.**
- 3. That the Monitoring Officer be authorised to prepare the draft recommendations for consultation, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.**

- 4. The Community Governance Working Group be authorised to amend draft recommendations and re-consult where necessary.**
- 5. That the Monitoring Officer be authorised to complete the CGR and any required Orders once all consultation submissions have been considered by the Community Governance Working Group**

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:
 - 4.3..1 change the number of councillors on Mid Suffolk Council
 - 4.3..2 change the amount of money that a parish council raises through council tax (known as 'precept')

5. SITE INSPECTION

- 5.1..1 In relation to Issue 1 -The proposed extension of the boundary of Stowmarket Town Council to include land in Onehouse Parish Council. The Community Governance Working Group on 5th October 2023 carried out a site inspection by walking the existing Parish/Town boundary where it was possible and comparing that to the proposed new boundary. (The Site Inspection Plan and Photographs are at Appendix D)
- 5.1..2 The Community Governance Working Group considered the proposed extension area in terms of the Union Road Development on the south side of Union Road and then broken down into Areas A, B and C. To the north side of Union Road and adjacent Area A was the Paupers Grave.
- 5.1..3 Area A consisted of a complex of existing residential BUPA Care Homes and assisted living facilities including Stow Lodge Centre. There being no new development in this area during the next 5 year housing supply figures.

- 5.1.4 Area B being the Union Road Developments part of which are currently in Stowmarket area and the larger part in the Onehouse area. There being ongoing new development during the 5 year housing supply figures.
- 5.1.5 Area C being mainly in the Onehouse area with some limited new development during the 5 year housing supply figures but mainly consisting of existing established residential dwellings. There was no connectivity from Area C to area B along B1115.

6. LINKS TO CORPORATE PLAN

- 6.1 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,”

7. FINANCIAL IMPLICATIONS

The costs of conducting a CGR must be borne by the District Council however there are limited financial implications associated with this review. The only actual costs of the review are the expenses incurred by undertaking public consultation, i.e. printing and postage.

8. LEGAL IMPLICATIONS

- 8.1 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.

9. 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.
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10. CONSULTATIONS/CONSENT

- 10.1 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 which will go for further consultation during the review as outlined in the terms of reference.
- 10.2 The parish electoral arrangements of Stowmarket/Onehouse are protected until July 2027 as a consequence of the Suffolk County review. Therefore, any changes to the parish electoral arrangements of either parish before those dates would require Local Government Boundary Commission for England (LGBCE) consent.

11. EQUALITY ANALYSIS

- 11.1 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.

12. ENVIRONMENTAL IMPLICATIONS

- 12.1 There are no Environmental Implications.

13. APPENDICES

Title	Location
(a) Recommendations	Attached
(b) Consultation and Responses	Attached
(c) Submissions/Comments	Attached
(d) Site Inspection Plan/Photographs (5/10/2023)	Attached
(e) Plan to include Bowl Meadow Development in Battsford Parish	Attached

Recommendations

Appendix A

Name of Parish/Town Council	Number of Members	Number of Electors	Recommendations/ Reasons for Recommendation
<p>Stowmarket Town Council</p> <p>Onehouse Parish Council</p>	<p>15507</p> <p>869</p>	<p>16</p> <p>7</p>	<p>ISSUE 1: Proposed extension of Stowmarket Town Council boundary to include Area in Onehouse Parish Council.</p> <p>Draft Recommendation:</p> <ol style="list-style-type: none"> 1. Council is asked to decline the request for the Union Road Development and Areas A, B and C to become part of Stowmarket and for boundaries to remain as they currently are – no change. <p>Reasons:</p> <ol style="list-style-type: none"> 1. The current boundary between Stowmarket and Onehouse does reflect the identities and interests of the communities of the area. 2. There is still effective and convenient local government as the Parish/Town boundary would remain co-terminous with the electoral boundary. 3. The Working Group considered the proximity of the Paupers Grave which has established historical links with Onehouse and Area A (in particular Stow Lodge-Former Union workhouse). Area A in turn is not new development but established existing residential complex that identifies already with Onehouse. 4. Area C being the area from the B1115 down to the River Rattlesden is mainly existing residential dwellings which will have identified with Onehouse for some time. There is some limited new development but on balance they are outweighed by the existing established dwellings.

			<p>5. Area B to the south of the Paupers Grave/Area A and directly north of Area C is the mainly new development sandwiched between these areas and do identify with Area A/Paupers Grave but not so much with Area C due to lack of connectivity. On balance this area should remain in Onehouse.</p> <p>6. In considering the proposal for change the Working Group considered community inclusiveness and a sense of community responsibility and pride. It considered a sense of place and local distinctiveness which is clear from the positioning and links to the Paupers Grave.</p>
Battisford Parish Council	474	7	<p>ISSUE 2:</p> <p>1. Proposed inclusion of Bowl Meadow Development currently in Comb Parish Council area to be included within the Battisford Parish area.</p> <p>2. Dwellings along Bildeston Road to be re-allocated from the Combs Parish Council area.</p> <p>Draft Recommendations:</p> <ol style="list-style-type: none"> 1. Council is asked to agree that the boundary between Combs Parish Council and Battisford Parish Council is amended as indicated on the attached Plan (Appendix E) to include the Bowl Meadow Development. 2. Council is asked to agree that the Bildeston Road remain as part of Combs Parish Council - No change. <p>Reasons:</p> <ol style="list-style-type: none"> 1. Local preference (the proposal was supported by Battisford PC and not opposed by Comb PC on the basis that it made logical sense but that the electors should decide. 2. The Bildeston Road dwellings are long standing existing dwellings which already identify with Combs Parish Council.
Combs Parish Council	614	7	

Issues / Consultations / Comments received

1. At the start of this stage of the Review emails were sent to all Town and Parish Councils affected and to those relevant County Councillors, District Councillors and Members of Parliament. The request was for updated submissions where already made or any comments for the Draft Recommendations. Once Draft Recommendations are agreed by the Council they will again be reconsulted.
2. Town and Parish Councils were asked to post information about the review on their websites for awareness and the intention is that residents affected will be consulted on the Draft Recommendations.

There were 8 responses received at this stage, 1 of which was effectively no comment, the remaining 7 are summarised below (and attached at Appendix C in full).

Name of Parish/Town Council	Issue	Summary Submissions/ Comments received
<p>Stowmarket TC</p> <p>And</p> <p>Onehouse P C</p>	<p>ISSUE 1</p> <p>The Town Council requested a change in the boundaries between Onehouse.</p> <p>Onehouse Parish Council have objected to the proposal.</p>	<p>STC - Union Road Development adjacent to the boundary of STC forming a natural extension and should be included down to River Rat bordering Great Finborough Parish along to Burford Bridge up to Union Road. The proposed boundary is reflective of identity and interests providing community cohesion.</p> <p>OPC - Current boundary has defined parish for centuries no need to redefine boundaries for each development. Most services provided by county and district councils not Town Council. Increasing electoral area for STC disadvantages Onehouse representation of rural needs.</p>

		<p>Cllr Keith Scarff - Support STC. There needs to be a recognised clear boundary between STC and Onehouse. Development residents will look to STC for services and amenities.</p> <p>Cllr Penny Otton - The 500 new homes built within OPC not in Stowmarket. OPC needs to retain its rural identity and has done so by protecting open space (Paupers Grave) and new amenities. Residents of Union Road should not be faced with increased council tax if moved into STC. Support no change.</p> <p>Cllr Miles Row - Residents might not get consulted about people paying less tax attached to the same settlement. Difficulty in district in being able to make a suitable joint local plan.</p> <p>Cllr John Matthissen - All residents of OPC should be consulted.</p>
<p>Battisford PC</p> <p>And</p> <p>Combs PC</p>	<p>ISSUE 2</p> <p>The Parish Council asked for changes to its boundaries to incorporate the Bowl Meadow Development and Bildeston Road be re-allocated.</p> <p>The Parish Council did not object to the Bowl Meadow Development going to Battisford but did object to the Bildeston Road proposal for re-allocation. (NB A new request was made in respect of Combs Green but this falls outside the remit of this Community Governance Review)</p>	<p>BPC - Bowl Meadow development should be part of BPC and not Combs.</p> <p>Bildeston Road between Little Finborough and Battisford Tye is disconnected from Combs, should be reallocated to either Battisford or Little Finborough or shared equally between Little Finborough and Battisford Tye.</p>

		<p>CPC - Bowl Meadow development can see logic of it restated as part of BPC.</p> <p>Bildeston Road should remain with CPC no reason to re-allocate a short stretch of highway passing across neighbouring property is not substantive argument for historical boundary change and is respectful of tradition.</p> <p>Cllr Miles Row-nothing to add.</p>
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Submissions/Comments received regarding Issue 1:

Stowmarket Town Council -Clerk

Onehouse Parish Council-Clerk

CLlr Keith Scarff - County Councillor (declared Stowmarket Town Councillor)

CLlr Penny Otton – County Councillor

CLlr Miles Row – District Councillor (Ward)

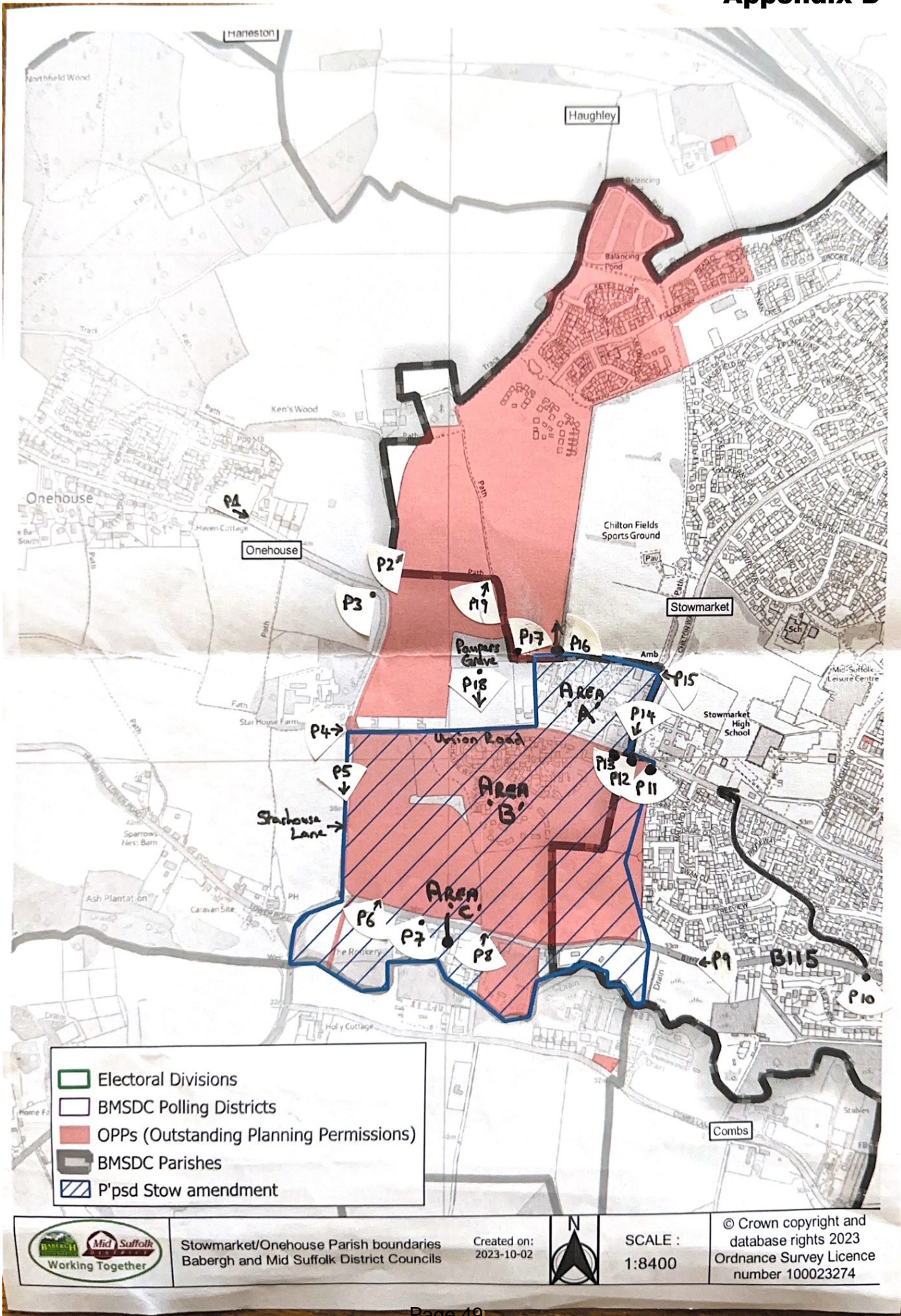
CLlr John Matthissen – District Councillor

Submissions/Comments received regarding Issue 2:

Battisford Parish Council - Clerk

Combs Parish Council – Clerk

CLlr Miles Row – District Councillor



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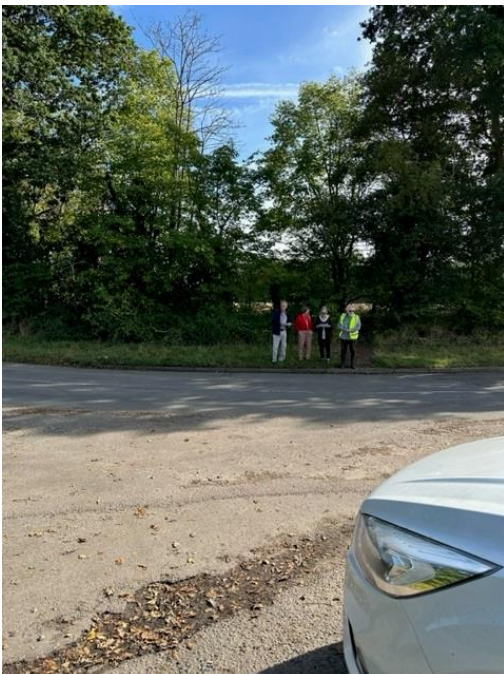
Site Visit Photos – Thursday 5th October



1. Forest Road, Onehouse - Outside Community Centre



2. Junction bottom Forest Road Looking over development in Stowmarket.
Northwest Facing over Development North of Union Road -Existing Stowmarket.



3. Junction bottom Forest Road, Onehouse.
Southwest facing away from Development in Stowmarket.



4. Union Road in Onehouse.

East facing from Starhouse Lane. Union Road Development on right hand side proposed boundary to extension of Stowmarket and left side to remain with Onehouse.



5. Starhouse Lane in Onehouse.

South facing along Starhouse Lane in direction of B1115 and River Rattlesden. Proposed boundary of extension of Stowmarket.



6. B1115 at junction with Starhouse Lane - Onehouse.

North East facing from B1115.

Union Road Development currently in Onehouse and proposed STC extension.



7. B1115 in Onehouse.

Existing residential already within Onehouse - part of proposed STC extension but not part of Union Road Development - there was a long stretch of existing dwellings on the South side of B1115 in existing Onehouse (some older and newer).



8. Wash Lane on B1115 in Onehouse.

North facing onto Union Road Development and still within existing Onehouse but part of proposed extension by STC. Either side of Wash Lane and in Wash Lane itself existing residential which is part of Onehouse and proposed extension STC.



9. B1115 in Stowmarket.

West facing along B1115 towards Onehouse and Starhouse Lane.

No connecting roads/pathways for traffic or pedestrians along whole stretch- no connectivity with Union Road Development.

From this point in Stowmarket only a few buildings on left side but as proceeding across the boundary to Onehouse many more existing residential to Starhouse Lane.



10. Footpath Left from B1115 in Stowmarket.
Prior to Footpath left no left turns off B1115
for traffic or pedestrians.



11. Union Road. Stowmarket.
East facing in direction of Stowmarket. These
existing residences already in Stowmarket (not
part on new development at Union Road).



12. Union Road, Stowmarket.
Union Road Development just inside
Stowmarket.



13. Union Road, Onehouse.

Union Road Development just inside Onehouse.



14. Stowmarket/ Onehouse existing boundary at tree.

South facing with Union Road Development in background - Left is Stowmarket (P12)-right is Onehouse (P13).



15. Path left off Chilton Way on boundary with Stowmarket and Onehouse.

Existing Residential Community and care centre/homes complex. In Onehouse but proposed to be extension of Stowmarket.

[Complex On Plan Marked Area A]



16. Boundary Stowmarket and Onehouse just past Chilton Fields.

North facing in direction of new development in Stowmarket.



17. Boundary Stowmarket and Onehouse - Entrance Paupers Grave Onehouse.

Protected area.



18. Paupers Grave Onehouse.

South facing towards new developments in direction of Union Road - In the foreground is open space with no development in the next 5 years.



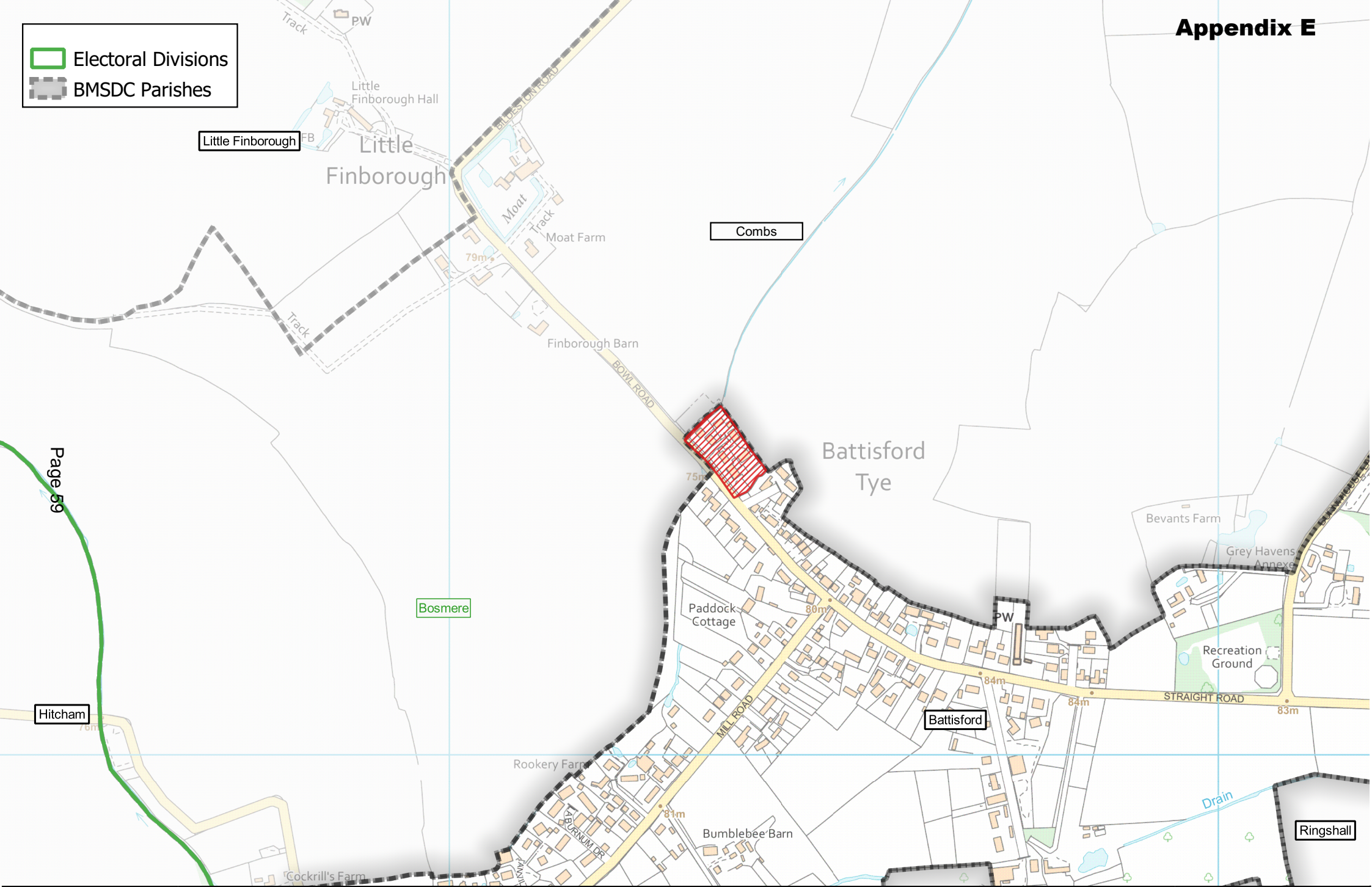
19. Boundary Stowmarket and Onehouse.

North East facing towards existing Stowmarket
new development.

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 Electoral Divisions

 BMSDC Parishes



Page 59

Hitcham

Bosmere

Batisford

Ringshall



Batisford/Combs Parish amended boundaries (Bowl Meadow)

Babergh and Mid Suffolk District Councils

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Agenda Item 12

MID SUFFOLK DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: MC/23/22
FROM: Constitution Working Group	DATE OF MEETING: 26 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 Schedules of amendment 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 Council shall decide on the term of the Leader up to a 4 year period. This brings the constitution up to date with the legal position where this is permissible.
- 4.3 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.

- 4.4 To remove all references to the Planning Referrals Committee which is no longer a standing committee together with references to the Development Control A and B Committees which are replaced by the Planning Committee. The membership of the Planning committee is to be 8 with 4 permanent named substitutes.
- 4.5 To remove an inconsistency in the constitution and confirm the established position that the Licensing and Regulatory Committee membership is not subject to substitutions.
- 4.6 To bring into effect the reviewed Contract Standing Orders (attached at Appendix B).
- 4.7 The inclusion of Political Assistants into the Constitution as agreed.

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:

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

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APPENDIX A – MID SUFFOLK SCHEDULE OF SUGGESTED CHANGES

Constitution	Location	Changes made/effect
Mid Suffolk	page 13/19	addition 2.2 and 6.3.1(a) "or as the council shall decide" /no 4 year restriction on term of leader
Mid Suffolk	page 21	Reference Article 12.7 should be "12.9.1 Key decisions
Mid Suffolk	page 22/57	Overview and Scrutiny Committee at end 7.2.1 include "and the chair will not be from the Administration unless a coalition administration or standing in for the Chair" . Same wording to be added to NOTE at bottom of page 57/ Best practice adds independence to O&S
Mid Suffolk	pages 47/48/270/289/290	Delete "Planning Referrals Committee" -No longer a standing Committee after decision at Annual Full Council. Delete references in Planning Charter 1.4 . Delete 2 Paragraphs at end of Clause 14 and 16.5(a) last sentence.
Mid Suffolk	pages 45/126 and 127	At page 45 -Delete reference to "Development Control A and B Committees" and insert "Planning Committee" - All references to be changed to read Planning Committee. Under "Substitutes" add "There are to be 4 named permanent substitutes" in front of "Any Member of the Council providing the substitute has undertaken the requisite planning training" . - Effect- if permanent sub cannot attend still gives group opportunity to substitute. At page 126 at 20.1 delete reference to "Development Control A and B" and insert "Planning Committee. At page 127 at 20.8 Substitution add "In regard to the use of Permanent Named Substitute(s) (PNS) the following shall apply:They are appointed in the same way as an ordinary committee member and for the same duration. In the event that a PNS attends as a substitute for an ordinary member and then the ordinary member attends it is for the ordinary member to leave and not participate" -Reason- there is a requirement to have certainty of membership
Mid Suffolk	page 61/126	Licensing and Regulatory Committee -Substitutes- Can sub for main committee inconsistent with Part 3 Cmtee/Sub/Cmtee procedure page 126 which says "None" . To be consistent delete at page 61 under substitutes "Any member from the same political group providing requisite training undertaken" . EFFECT IS NO SUBSTITUTIONS
Mid Suffolk	page 199	Part 3 :Contract Standing Orders - Reviewed (Attached as Appendix B)
		POLITICAL ASSISTANTS INCLUSION
Mid Suffolk	page 9	Local Citizen's Advice Bureau in paragraph 2 missing a link
Mid Suffolk	Page 14, 2.5	Members' Allowance Scheme link takes you to intranet log in

Mid Suffolk	Page 15, 3.1	d) (i) - Complaints Scheme link takes you to intranet log in
Mid Suffolk	Page 16, 4.1	(h) - Members' Allowance Scheme link takes you to intranet log in
Mid Suffolk	Page 28, 12.4	link for Article 6 of the European Convention on Human Rights needed
Mid Suffolk	Page 45	General Role (i) and (ii) - Protocol for use of Planning Officer Delegations takes you to intranet log in
Mid Suffolk	Page 47	General Role (i) and (ii) - Protocol for use of Planning Officer Delegations takes you to intranet log in
Mid Suffolk	Page 70, 3.3	Extended Leadership Team Structure Chart link doesn't work
Mid Suffolk	Page 72	Paragraph 7.1 needs to be re-worded
Mid Suffolk	Page 99, 11.1	Petitions Scheme link doesn't work (takes you to intranet log in)
Mid Suffolk	Page 126	Protocol link doesn't work Charter on Public Speaking at Planning Committee link doesn't work
Mid Suffolk	Page 131, 2.3	(C) - petition scheme link doesn't work
Mid Suffolk	page 7	"he/she" needs to be changed to "they"
Mid Suffolk	page 16	4.1 - 2x "chairman" to be changed to "chair"
Mid Suffolk	page 17	4.3 - 2x "chairman" needs to be changed to "chair"
Mid Suffolk	page 18	5x "chairman" needs to be changed to "chair" 5.1 (g) - "he/she" needs to be changed to "they"
Mid Suffolk	page 19	6.2.5 - 2x "chairman" needs to be changed to "chair" 6.3.1 - "he/she" needs to be changed to "they"
Mid Suffolk	page 20	6.4.5 - "his/her" to be changed to "their" 6.3.4 - "him or her" to be changed to "them" 6.3.3 - "he or she" needs to be changed to "they"
Mid Suffolk	page 26, 11.3	"his/her" needs to be changed to "they"
Mid Suffolk	page 31	3x "him/her" needs to be changed to "they"
Mid Suffolk	page 33	15.2 - "chairman" needs to be changed to "chair" 15.3 - "him/her" needs to be changed to "they"
Mid Suffolk	page 39, 2.6	"chairman/men" x2 needs to be changed to "chair"
Mid Suffolk	page 40	vi - "him or her" needs to be changed to "they/them"+15
Mid Suffolk	page 47	2x "chairman" to be changed to "chair"

Mid Suffolk	page 49	"chairman" to be changed to "chair"
Mid Suffolk	page 51	"chairman" to be changed to "chair"
Mid Suffolk	page 52	5.1 - 4x "he or she" to be changed to "they" 5.1 - "him or her" to be changed to "them" 5.1 - "his or her" to be changed to "their"
Mid Suffolk	page 53, 9.2	"he and she" needs to be changed to "they" or "them"
Mid Suffolk	page 58	"chairmen" needs to be changed to "chair"
Mid Suffolk	page 63	2x "his/her" to be changed to "their"
Mid Suffolk	page 69	1.3 2x "his/her" need to be changed to "they"
Mid Suffolk	page 70	5x "he/she" need to be changed to "they" 3.3 "he/she" to be changed to "they"
Mid Suffolk	page 71	4.5 "his/her" needs to be changed to "them" "chairman" needs to be changed to "chair"
Mid Suffolk	page 72	7.1 "his/her" needs to be changed to "them or they" 4x "chairman" needs to be changed to "chair"
Mid Suffolk	page 76	3. - "he/she" to be changed to "they" or them
Mid Suffolk	page 78	2x "his/her" to be changed to "them" or "they" "chairman" to be changed to "chair"
Mid Suffolk	page 83	"his/her" to be changed to "their"
Mid Suffolk	page 87	4x "chairman" needs to be changed to "chair"
Mid Suffolk	page 89	"chairman" needs to be changed to "chair"
Mid Suffolk	page 93	2x "chairman" needs to be changed to "chair"
Mid Suffolk	page 94	2x "chairman" to be changed to "chair" 3.1 "his/her" needs to be changed to "their"
Mid Suffolk	page 95	5x "chairman" to be changed to "chair"
Mid Suffolk	page 96	10x "chairman" to be changed to "chair"
Mid Suffolk	page 97	3x "chairman" to be changed to "chair" 6.2 "he/she" to be changed to "they"
Mid Suffolk	page 98	6x "chairman" needs to be changed to "chair" 8.2 "he/she" to be changed to "they"
Mid Suffolk	page 99	3x "chairman" to be changed to "chair"
Mid Suffolk	page 100	5x "chairman" to be changed to "chair" 12.6 - "he or she" to be changed to "they" 12.7 - "his/her" to be changed to "their"
Mid Suffolk	page 101	5x "chairman" to be changed to "chair"

Mid Suffolk	page 102	5x "chairman" to be changed to "chair" 13.3 - "he/she" to be changed to "they"
Mid Suffolk	page 103	14.2 "he/she" to be changed to "they" 14.4 "she/he" to be changed to "they"
Mid Suffolk	page 104	14.6 2x "chairman" to be changed to "chair" 14.9 and 14.10 - 2x "he/she" to be changed to "they"
Mid Suffolk	page 105	14.11 - "he/she" to be changed to "they" 15.1 - "chairman" to be changed to "chair"
Mid Suffolk	page 106	(E) "chairman" to be changed to "chair" (P) - "him or her" to be changed to "them"
Mid Suffolk	page 107	6x "chairman" to be changed to "chair" "he/she" x2, "him/her" and "his/her" to be changed to "they" and "them"
Mid Suffolk	page 108	4x "chairman" to be changed to "chair" 2x "he/she" to be changed to "they" 17.6 - "him/her" to be changed to "them" 17.5 - "his/her" to be changed to "their"
Mid Suffolk	page 109	4x "chairman" to be changed to "chair"
Mid Suffolk	page 110	6x "chairman" to be changed to "chair" 2x "he/she" to be changed to "they" 19.6 - "his/her" to be changed to "their"
Mid Suffolk	page 111	5x "chairman" to be changed to "chair" 3x "he/she" to be changed to "they"
Mid Suffolk	page 113	4x "chairman" to be changed to "chair"
Mid Suffolk	page 114	10x "chairman" to be changed to "chair" 4.1 - "his or her" to be changed to "they" 5.1 "he/she" to be changed to "they"
Mid Suffolk	page 115	8x "chairman" to be changed to "chair"
Mid Suffolk	page 116	5x "chairman" to be changed to "chair" 7.6 and 7.7 "his or her" to be changed to "their" 7.6 - "he or she" to be changed to "they" 8.2 "he/she" to be changed to "they"
Mid Suffolk	page 117	2x "chairman" to be changed to "chair"
Mid Suffolk	page 118	chairman to be changed to chair (n) - "him or her" to be changed to "them"

Mid Suffolk	page 119	11.1 "him/her" to be changed to "them" 11.5 "his/her" to be changed to "their" 3x "chairman" changed to "chair" 11.11 - "he/she" to be changed to "they"
Mid Suffolk	page 120	"chairman" to be changed to "chair" 11.14 (h) - "him or her" to be changed to "they"
Mid Suffolk	page 121	3x "chairman" to be changed to "chair" 5x "he/she" to be changed to "they"
Mid Suffolk	page 122	3x chairman to be changed to chair 13.5 "his/her" to be changed to "their" 13.5 - "he/she" to be changed to "they"
Mid Suffolk	page 123	14.1 - "chairman" to be changed to "chair"
Mid Suffolk	page 124	7x "chairman" to be changed to "chair" 15.4 - "he/she" to be changed to "they"
Mid Suffolk	page 125	6x "chairman" to be changed to "chair" 16.1 - "he/she" to be changed to "they" 16.1 "his/her" to be be changed to "their"
Mid Suffolk	page 126	"chairman" to be changed to "chair"
Mid Suffolk	page 127	"chairman" to be changed to "chair" 20.7 - "he or she" to be changed to "they"
Mid Suffolk	page 129	1.3 - "he/she" to be changed to "they" 1.3 - "chairman" to be changed to "chair"
Mid Suffolk	page 130	2.2.2 - "he or she" to be changed to "they" 2.1 - "his/her" to be changed to "their"
Mid Suffolk	page 132	"chairman" to be changed to "chair"
Mid Suffolk	page 134	8.1 - "his/her" to be changed to "their"
Mid Suffolk	page 137	13.2 - "he/she" to be changed to "they"
Mid Suffolk	page 139	17.1 - "chairman" to be changed to "chair"
Mid Suffolk	page 140	10x "chairman" to be chngated to "chair"
Mid Suffolk	page 141	19.1.3 "chairman" to be changed to "chair" 20.1 "his/her" to be changed to "their"
Mid Suffolk	page 142	22.2 - "his/her" to be changed to "their" 23.1 - "he or she" to be changed to "they"
Mid Suffolk	page 143	2x "chairman" to be changed to "chair" 23.3.1 "he or she" to be changed to "they"
Mid Suffolk	page 144	25.3 - "he or she" to be changed to "they"
Mid Suffolk	page 150	4.1 - "he/she" to be changed "they"
Mid Suffolk	page 151	3x "he/she" to be changed to "they"

Mid Suffolk	page 152	(b) - "chairman" to be changed to "chair" (b) - 2x "he/she" to be changed to "they"
Mid Suffolk	page 154	5x "chairman" to be changed to "chair" stage 2(h) - "he/she" to be changed to "they"
Mid Suffolk	page 155	(l) "him/her" to be changed to "them"
Mid Suffolk	page 157	13.7 - 2x "chairman" to be changed to "chair"
Mid Suffolk	page 158	5x - "chairman" to be changed to "chair" (j) - "he/she" to be changed to "they"
Mid Suffolk	page 159	"he or she" to be changed to "they"
Mid Suffolk	page 160	5x "chairman" to be changed to "chair" (d)"he or she" to be changed to "they" (j) - "him or her" to be changed to "them"
	page 162	1.4 - "him/her" to be changed to "them"
Mid Suffolk	page 164	2x "chairman" to be changed to "chair"
Mid Suffolk	page 170	"chairman" to be changed to "chair"
Mid Suffolk	page 172	"chairman" to be changed to "chair"
Mid Suffolk	page 178	(b) - 2x "chairman" to be changed to "chair"
Mid Suffolk	page 179	(E) - "he/she" to be changed to "they"
Mid Suffolk	page 180	"chairman" to be changed to "chair"
Mid Suffolk	page 188	a.14 - "he/she" to be changed to "they"
Mid Suffolk	page 201	2.3 - "his/her" to be changed to "their"
Mid Suffolk	page 203	3.1 - "he/she" to be changed to "they"
Mid Suffolk	page 209	1. (a) (ii) - "him/her" to be changed to "them"
Mid Suffolk	page 210	5(a) - "his/her" to be changed to "they"
Mid Suffolk	page 227	"his/her" x3 to be changed to "them" and "they"
Mid Suffolk	page 228	3x "his/her" to be changed to "they"
Mid Suffolk	page 236	10.1 - changed "this quote applies equally to women" to "this quote applies equally to all genders"
Mid Suffolk	page 238	16.1 - changed "this quote applies equally to women" to "this quote applies equally to all genders"
Mid Suffolk	page 240	(v) - "chairman" to be changed to "chair"
Mid Suffolk	page 242	2.3 his/her to be changed to their 2.3 - "he/she" to be changed to "they"

Mid Suffolk	page 244	2x - chairman to be changed to chair 4.6 - "he/she" to be changed to "they"
Mid Suffolk	page 245	2x "chairman" to be changed to "chair"

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CONTRACT STANDING ORDERS

Contents

- 1. INTRODUCTION**
- 2. COMPLIANCE WITH CONTRACT PROCEDURE RULES**
- 3. PROBITY**
- 4. DELEGATED AUTHORITY**
- 5. LIQUIDATED DAMAGES**
- 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@babberghmidsuffolk.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

Page 78

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>

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 13

MID SUFFOLK DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: MC/23/23
FROM: Leader of the Council	DATE OF MEETING: 26 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 14

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: BDC Council	REPORT NUMBER: MC/23/24
FROM: Chief Executive	DATE OF MEETING: 26 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