

MID SUFFOLK DISTRICT COUNCIL

Minutes of the Council meeting of the **MID SUFFOLK DISTRICT COUNCIL** held at the Council Offices, Needham Market on 28 April 2016 at 5:30pm.

PRESENT:

Councillors:	Roy Barker	John Levantis
	Gerard Brewster	Sarah Mansel
	David Burn	Wendy Marchant
	James Caston	John Matthissen
	Rachel Eburne	Suzie Morley
	Paul Ekpenyong	Dave Muller
	John Field	Mike Norris
	Charles Flatman	Derek Osborne
	Julie Flatman	Penny Otton
	Jessica Fleming	Timothy Passmore
	Elizabeth Gibson-Harries	Jane Storey
	Nick Gowrley	Andrew Stringer
	Gary Green	Keith Welham
	Lavinia Hadingham	Kevin Welsby
	Derrick Haley	John Whitehead
	Matthew Hicks	David Whybrow
	Glen Horn	Jill Wilshaw

In attendance:

Chief Executive
Strategic Director (LB/ME)
Interim Head of Democratic Services
Interim Head of Law and Governance and Monitoring Officer
Corporate Manager (Community Planning and Heritage)
Governance Support Officer (VL/KD)

Note: The Interim Head of Law and Governance and Monitoring Officer explained the Council rules and procedures for the Council, members of the public and the press to record/film/photograph or broadcast the meeting when the public and press are not lawfully excluded.

CL01 ELECTION OF CHAIRMAN OF COUNCIL

By a unanimous vote

RESOLUTION

That Councillor Elizabeth Gibson-Harries be appointed Chairman of the Council for 2016/17

Note: Councillor Gibson-Harries duly signed the declaration of acceptance of office of Chairman and took the chair

Councillor Gibson-Harries thanked Members for electing her as Chairman and she also thanked the previous Chairman Derek Osborne for his work. She considered it an honour to be elected Chairman and looked forward to representing the Council at civic functions during the coming year. Her chosen charities were the East Anglian Air Ambulance and Home Start.

CL02 ELECTION OF VICE CHAIRMAN OF COUNCIL

By a unanimous vote

RESOLUTION

That Councillor Derrick Haley be appointed Vice Chairman of the Council for 2016/17

Note: Councillor Haley duly signed the declaration of acceptance of office of Vice Chairman.

CL03 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Kathie Guthrie, Barry Humphreys MBE, Esther Jewson, Diana Kearsley and Lesley Mayes.

CL04 DECLARATIONS OF INTEREST

Councillor Mike Norris declared a non-pecuniary interest in agenda item 18, report C/25/16, by way of being a member of the Needham Market Town Council which was working on preparation of a Neighbourhood Plan.

Councillors Sarah Mansel and John Levantis declared a non-pecuniary interest in agenda item 18, report C/25/16, as they were both on the Elmswell Neighbourhood Plan Group.

Councillor Jane Storey declared a non-pecuniary interest in agenda item 18, report C/25/16, as she was a member of both the Woolpit and Elmswell Neighbourhood Plan Groups.

CL05 MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2016

Report C/16/16

The minutes of the meeting held 25 February 2016 were confirmed as a correct record, subject to the following amendment to:

- Minute CL105 – page 10 – penultimate paragraph, second sentence: “this could result in waste being put in the black bins which would *increase* the gate charge at the MRF”

By a majority vote

RESOLUTION

That the minutes of the meeting held on 25 February 2016 be confirmed as a correct record

CL06 CHAIRMAN'S ANNOUNCEMENTS

Report C/17/16

The report was received.

CL07 LEADER'S ANNOUNCEMENTS

Councillor Derrick Haley addressed the Committee and said that it had been a great privilege to be leader of Mid Suffolk District Council. When he became Portfolio Holder for Finance and Resources, the Council faced significant financial challenges and he was pleased to be handing over to the new Portfolio Holder with the Council in a much healthier and stable position.

He thanked staff for their hard work and support during his time as Portfolio Holder, then as Deputy Leader and finally as Leader. They had put Mid Suffolk at the forefront of change, and he felt they should be proud of the way they had accepted changes whilst still delivering services. He also gave special thanks to the Chief Executive for her help during the journey.

The Chief Executive spoke in response and gave thanks to Councillor Haley for his efforts during his time as Leader. She said she had gathered a few words from staff regarding Councillor Haley; these included that he had a real passion for making a difference, he had incredible commitment and energy, and that he was a techno whizz who put some of us to shame. He was great to work with, always striving to achieve the best outcome, and was always able to find the real issue to be addressed. She gave her personal thanks to Councillor Haley and presented him with a gift.

CL08 PUBLIC PARTICIPATION SESSION

There were no requests from the public to speak at the meeting.

CL09 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule No 15, and with prior due notice given, the following question was received from Mr Antony Spilman:

“Given that Mid Suffolk District Council accept that the vulnerable position resulting from the combination of the lack of, a 5-year land supply, which is seen as surprising given our rural demographic and the apparently good platform that the CSFR and Stowmarket Local Plan provided and MSDC has not supplied important information to local councils for an extended period, thereby blocking their production of Neighbourhood plans, which is widely viewed as un-democratic, and inappropriate by communities who may be badly impacted and certainly not in the spirit of the Statement of Community Involvement March 2014, Localism Act or the NPPF, what are MSDCs plans to mitigate this situation, especially relative to absolute housing numbers, spatial allocations and policy also changes which may be relevant to them?”

Councillor John Whitehead responded to Mr Spilman's question and commented that as there were a number of assertions made and issues raised, a meeting with Mr Spilman and Mid Suffolk officers outside of this Council meeting would be beneficial.

Mr Spilman replied that he was happy with this suggestion and he had no further questions.

CL10 QUESTIONS FROM MEMBERS

There were no questions from Members.

CL11 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION PROCEDURE

None received.

CL12 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES AND JOINT COMMITTEES

Report C/18/16

Interim Head of Democratic Services

Under the provisions of the Local Government and Housing Act 1989, a Local Authority was under a duty to review the allocation of seats to Political Groups at every annual meeting or as soon as practicable after that meeting. In addition, the composition of Committees must be approved at Annual Council each year.

Councillor Nick Gowrley advised Members that there was an amendment to Appendix 2 of the report, and Councillor John Levantis would move from Development Control Committee A to Development Control Committee B.

By a unanimous vote

RESOLUTION 1

That the Committees' size and numerical allocation of seats be approved as detailed in Appendix 1 to the report

RESOLUTION 2

That Committee seats be allocated as set out in Appendix 2 to the report, with the amendment that Councillor John Levantis to sit on Development Control B Committee and not Development Control A Committee.

CL13 APPOINTMENT OF LEADER OF THE COUNCIL/CHAIRMAN OF THE EXECUTIVE COMMITTEE

By a majority vote

RESOLUTION

That Councillor Nick Gowrley be appointed Leader of the Council and Chairman of the Executive Committee for 2016/17

Councillor Gowrley started by paying tribute to his predecessor Councillor Haley and gave thanks to him for all his effort and hard work, which had led to the sound financial position of the Council and left it ready to face the challenges ahead. He said he was very grateful for all the support he had received from Councillor Haley since his being

elected to Council and becoming a Portfolio Holder. He also gave his thanks to all Councillors who had elected him and said it was a privilege to be elected Leader, he stated that he was humbled by all the messages of support he had received.

CL14 ELECTION OF DEPUTY LEADER OF THE COUNCIL

By a majority vote

RESOLUTION

That Councillor Glen Horn be appointed Deputy Leader of the Council for 2016/17

CL15 ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF COMMITTEES

By a majority vote

RESOLUTION

That the following Councillors be appointed as Chairmen and Vice Chairmen to the Committees as shown below:

Development Control Committee A	Chairman:	Matthew Hicks
	Vice Chairman:	Lesley Mayes
Development Control Committee B	Chairman:	Kathie Guthrie
	Vice Chairman:	Roy Barker
Planning Referrals Committee	Chairman:	Kathie Guthrie Matthew Hicks
Regulatory Committee	Chairman:	Kathie Guthrie
	Vice Chairman:	Kevin Welsby

Note: The following conventions were adopted:

- (i) That the Chairman and Vice Chairman of Planning Committee be selected from the Chairman of Development Control Committees A and B
- (ii) That the Chairman and Vice Chairman of the above mentioned Joint Committees be appointed as Chairman and Vice Chairman of the respective sub Committees; namely Mid Suffolk Audit Committee Mid Suffolk Scrutiny Committee

CL16 ELECTION OF VICE CHAIRMAN OF EXECUTIVE COMMITTEE

By a majority vote

RESOLUTION

That Councillor Glen Horn be appointed Vice Chairman of Executive Committee

CL17 ELECTION OF CHAIRMEN AND VICE CHAIRMEN OF JOINT COMMITTEES

By a majority vote

RESOLUTION

That the following Councillors be appointed as Chairmen and Vice Chairmen to the Joint Committees as shown below:

Joint Audit & Standards Committee	Chairman:	Suzie Morley
	Vice Chairman:	Dave Muller
Joint Scrutiny Committee	Chairman:	Rachel Eburne
	Vice Chairman:	Dereck Osborne
Joint Appointments Committee:	Chairman:	Nick Gowrley
	Vice Chairman:	Glen Horn

CL18 ELECTION OF CHAIRMAN OF REGULATORY SUBCOMMITTEE/LICENSING ACT 2003 COMMITTEE

By a majority vote

RESOLUTION

That Councillors Kathie Guthrie and Kevin Welsby be appointed Chairman of Regulatory Subcommittee/Licensing Act 2003 Subcommittee

CL19 APPOINTMENT OF PORTFOLIO HOLDERS

Councillor Nick Gowrley advised that the Portfolio Holder posts had been created to align with the strategic priorities within the Joint Strategic Plan.

Business Growth and Increased Productivity	Gerard Brewster
Environment	David Burn
Community Capacity Building and Engagement	Julie Flatman
Assets and Investment	Nick Gowrley
Enabled and Efficient Organisation	Glen Horn
Housing Delivery	John Levantis
Finance	John Whitehead

By a majority vote

RESOLUTION

That the appointment of Portfolio Holders as set out above be endorsed

CL20 APPOINTMENT OF MEMBERS WITH SPECIAL RESPONSIBILITIES (MSRs)

Councillor Gowrley stated that since he had been a Portfolio Holder it had become apparent that there was a huge level of work ongoing with Devolution, the Joint Strategic Plan and action plans resulting from that work, along with various reviews that were being developed. This had prompted him to create the role of Members with

Special Responsibilities (MSR). Each MSR would work within the Portfolio Holder regime, so that everybody was working together.

Waste
Community Activities
Public Access
Planning
Landlord Function

Roy Barker
Diana Kearsley
Suzie Morley
David Whybrow
Jill Wilshaw

By a majority vote

RESOLUTION

That the appointment of Members with Special Responsibilities as set out above be endorsed.

CL21 APPOINTMENT OF MEMBERS TO PROGRAMME STEERING BOARDS

Communities – Julie Flatman, Diana Kearsley, Lesley Mayes, Penny Otton

Housing – Nick Gowrley, Kathie Guthrie, Derek Osborne, Rachel Eburne

Economy – Gerard Brewster, Paul Ekpenyong, Derrick Haley, Keith Welham

Enabling – Derrick Haley, Glen Horn, Suzie Morley, Andrew Stringer

Environment – Roy Barker, David Burn, Jessica Fleming, Wendy Marchant

By a unanimous vote

RESOLUTION

That the appointment of Members to Programme Steering Boards as set out above be endorsed.

CL22 APPOINTMENT OF MEMBERS TO JOINT GROUPS OUTSIDE LOCAL GOVERNMENT ACT 1972

Report C/19/16

Interim Head of Democratic Services

Council was asked to appoint Members to serve on the Council's Joint Bodies, which were not subject to Local Government Act 1972 rules.

Members were advised of one change to the proposed membership detailed in Appendix 2 to the report as follows:

Joint Staff Consultation Committee – David Whybrow to be replaced by Esther Jewson

By a majority vote

RESOLUTION 1

That the political representative calculations for the bodies referred to in paragraph 10.2 as contained in Appendix 1 be approved

RESOLUTION 2

That the membership of the Joint Groups as detailed in Appendix 2 be approved with the change to the Joint Staff Consultation Committee outlined above

CL23 APPOINTMENT TO OUTSIDE BODIES FOR 2016/17

Report C/20/16

Interim Head of Democratic Services

Council was asked to appoint Members to serve on statutory and non-statutory Outside Bodies for 2016/2017 as outlined in Appendix A of the report, and to agree that an annual review of appointments takes place, as set in paragraph 10.12.

By a majority vote

RESOLUTION 1

That Councillors be appointed to the Outside Bodies detailed in Appendix A

RESOLUTION 2

That an annual review of appointments takes place

CL24 APPOINTMENTS TO THE SUFFOLK JOINT STANDARDS BOARD

The Interim Head of Democratic Services reported that, in accordance with joint arrangements established with Babergh District and Suffolk County Councils, Members were asked to appoint three Members to serve on the Board for the current municipal year.

It was agreed that political balance rules would not apply to Mid Suffolk appointees. The Chairman of the Council and members of the Executive Committee could not be appointed on the Board.

Appointments would be made for the ensuing year, unless one of the circumstances in Section 5 of the Boards Terms of Reference relating to resignations, removal/replacement of members, changes to the constitutional arrangements took effect.

By a majority vote

RESOLUTION

That Barry Humphreys, Suzie Morley and John Matthissen be appointed as Members of the Suffolk Joint Standards Board for the ensuing year

CL25 APPOINTMENTS TO THE JOINT GYPSY AND TRAVELLER STEERING GROUP

Council was asked to appoint three Members to serve on the Joint Gypsy and Traveller Steering Group.

By a majority vote

RESOLUTION

That Lavinia Hadingham, Kevin Welsby and Andrew Stringer be appointed as Members of the Joint Gypsy and Traveller Steering Group

CL26 JOINT STRATEGIC PLAN REFRESH

Report C/21/16

Strategic Director (LB)

Approval was sought to the adoption by Full Council of the Babergh and Mid Suffolk Councils full Joint strategic Plan Refresh 2016-2020. The purpose of the full Plan and the direction set by the Plan had been considered and supported by the Portfolio Holders of both Councils.

An overview of the Plan, a 'Plan on a Page' was approved by both Councils in February. The Plan being presented at this meeting was the information that informed the 'Plan on a Page' document. It encapsulated all of the key strategic outcomes and the outputs needed to deliver these outcomes, identified by Portfolio Holders in a series of strategic planning workshops held between September and November 2015. The full Plan also included examples of the activities to be undertaken to ensure the outputs and outcomes were delivered.

Members debated the report and raised concerns over:

- Changes to education regarding schools becoming academies, as the relationship with the main education provider would be changing.
- Housing plans and retaining council houses, as it was still unclear what the guidance from the Government would be on this.
- Business rates and Government changes to these.
- In particular they discussed the need for improvements to broadband and mobile phone coverage, in some areas of the District, as it was felt that this would have a positive impact on growth of the local economy.

Members were assured that the Strategic Plan in its entirety would be constantly reviewed, the action plans associated with the Plan and Members continuous analysis of these, would ensure that Government changes were included and incorporated. Councillor Gowrley also confirmed that once council houses were built they were subject to Right to Buy, however there were some exclusion clauses and safeguards, a formal response on this question would be given after the meeting. He clarified with Members that the issue of broadband and mobile coverage was a recognised priority of Devolution.

By a majority vote

RESOLUTION 1

That the Babergh District Council and Mid Suffolk District Council full Joint Strategic Plan Refresh 2016-2020 (Appendix A to the report) be approved

RESOLUTION 2

That the Strategic Director, in conjunction with the Leaders of both Councils, be authorised to make any minor changes to the document as may be necessary

CL27 ANNUAL REPORT OF THE JOINT SCRUTINY COMMITTEE 2015/16

**Report C/22/16 Councillor Peter Burgoyne – Joint Scrutiny Chair (Babergh)
Councillor Rachel Eburne – Joint Scrutiny Chair (Mid Suffolk)
Project and Research Officer (CR)
Interim Projects – Electoral and Governance**

In accordance with the Constitution, the Joint Scrutiny Committee was required to report annually to Council. The report outlined the work undertaken in 2015/16 and the work plan for 2016/17.

By a unanimous vote

RESOLUTION

That the Joint Scrutiny Committee's Annual Report be noted

CL28 FOCUSED MANAGEMENT REVIEW

Report C/23/16

Chief Executive

Council was asked to consider a report by the Head of Paid Service pursuant to s.4 of the Local Government and Housing Act 1989 setting out the arrangements for staffing of Babergh and mid Suffolk District Councils. She also paid tribute to staff for still continuing to deliver changes throughout the review.

During the course of the discussion Members requested that consideration be given to the simplification of job titles, as it could be difficult to decode them in order to decide who it was appropriate to approach. The Chief Executive suggested that this could be taken to a Member Briefing where Members and Officers could collaborate on titles to make job roles clearer.

Before opening the floor to questions from Members, Councillor Elizabeth Gibson-Harries gave thanks to the Chief Executive for the work both herself and her team have carried out, through stressful times, which had left Mid Suffolk District Council in good shape to move forward.

By a unanimous vote

RESOLUTION

That the contents of the report be noted

CL29 CONSTITUTIONAL UPDATE

Report C/24/16 Interim Head of Law and Governance and Monitoring Officer

The report provided Council with an update on progress being made with regard to updating the Council's Constitution, which also formed part of the ongoing Strengthening Governance review.

Members raised concerns over the suggested removal of some parts of the current Constitution, as it was felt that these may not hold the same weight and may be lessened or undermined if they were removed and became procedural rules. The Interim Head of Law and Governance and Monitoring Officer assured Members that this would not be the case as procedural rules and Council policies were held in the same regard as the Constitution. Any parts of the Constitution that were removed would be made available to staff and Members and would be available on both Councils' websites.

By a majority vote

RESOLUTION

That Council agrees to update the Constitution as set out in paragraphs 4.3 and 4.4 of the report and delegates the changes to be carried out by the Monitoring Officer and that the delegation will be exercised after consultation with the Lead Members

CL30 NEIGHBOURHOOD PLANNING

Report C/25/16 Corporate Manager (Community Planning and Heritage)

The purpose of the report was to set out the steps and possible actions that might be taken following the receipt of an Examiners Report into a neighbourhood development plan or order, including the procedures for conducting a referendum.

The report also set out an operating framework, outlining where the District Council was required to make key decisions, and confirmed the appropriate authority to Officers in order that a timely and proportionate response can be provided to neighbourhood planning groups.

Due to the infrequency of Council meetings, the report requested that Council delegate matters arising from the consideration of an Examiner's report, including a decision on whether a neighbourhood development plan or order should proceed to a referendum.

By a majority vote

RESOLUTION 1

That Council delegates to the respective Executive/Strategy Committee matters relating to the consideration of an Examiner's Report, including the responsibility to make a decision on whether a neighbourhood development plan or order should proceed to referendum

RESOLUTION 2

That Council notes the processes and procedures involved in the making of a neighbourhood development plan or order and agrees the delegation of authority to Officers as set out in Appendix 2 of the report

CL31 LEADER (AND FINANCE AND RESOURCES PORTFOLIO)

Report C/26/16

Councillor Derrick Haley

Councillor John Matthissen asked why Mid Suffolk was not having a Council debate on Devolution when many other Councils were currently doing so. He was advised that Devolution would be debated at the May Councillor Briefings, and a report would be brought to Council following this.

The report was received.

CL32 EXECUTIVE COMMITTEE FORWARD PLAN

Report C/27/16

The report was received.

CL33 HOUSING PORTFOLIO

Report C/28/16

Councillor Nick Gowrley

Councillor John Field asked if in view of the paperless direct debit system failure whether it had been adequately tested prior to installation, and whether the Council was recovering costs from the vendor. He was advised that following a full investigation of the problems it had been found that much of the fault laid with the bank who had compensated the Council for the error.

The report was received.

CL34 COMMUNITIES PORTFOLIO

Report C/29/16

Councillor Diana Kearsley

Officers were complimented on the professional way that the Community Achievement Awards had been organised. It was noted that the event was run in conjunction with partners and that the Chief Executive had written to them, and to Mark Murphy, Radio Suffolk thanking them for their help.

The report was received.

CL35 ENVIRONMENT AND ENVIRONMENTAL HEALTH PORTFOLIO

Report C/30/16

Councillor David Burn

The report was received.

CL36 PLANNING PORTFOLIO

Report C/31/16

Councillor John Whitehead

Councillor John Matthissen expressed concern that any delay in Officers signing off planning permission conditions might significantly impact on the local economy. Strategic Director (LB) advised that there could be a number of reasons why approved

applications were not started and it was not always because of conditions not being signed off. A new post had been included in the team structure to look at the reasons and to bring the delivery of new dwellings forward.

Councillor Andrew Stringer expressed his thanks to Peter Burrows, recently retired Head of Economy, for his determination and success in completing outstanding S106 obligations before the introduction of CIL.

Councillor Penny Otton requested that all Members be advised of the figures for S106 monies still outstanding in their Wards.

The report was received.

CL37 ECONOMY AND STOWMARKET REGENERATION PORTFOLIO

Report C/32/16

Councillor Gerard Brewster

Councillor Penny Otton asked if there was any information regarding the vacant Morrison's store in Stowmarket. Councillor Gerard Brewster advised that Officers had worked with the staff to help with finding employment or training.

Councillor Penny Otton asked whether the Council was able to be involved in attracting the type of outlet that would be favourable to the town. Councillor Gerard Brewster advised that if it was a retail organisation then the Council would not have control.

The report was received.

CL38 JOINT SCRUTINY COMMITTEE

Report C/33/16

Councillor Rachel Eburne (Joint Chair)

The report was received.

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Chairman