

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH COUNCIL HELD IN KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON TUESDAY, 24 APRIL 2018

PRESENT: Peter Burgoyne - Chairman

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

39 APOLOGIES FOR ABSENCE

39.1 Apologies for absence were received from Councillor Gasper, Councillor Lawrenson, Councillor Long, Councillor Steer and Councillor Williams.

40 DECLARATION OF INTERESTS BY COUNCILLORS

40.1 There were no declarations of interest.

41 BC/17/31 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 20 FEBRUARY 2018

It was Resolved:-

That subject to pages 14 and 16 being amended to read Councillor A Bavington the Minutes were approved as a true record.

42 BC/17/32 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

42.1 The Leader reported that the Chief Executive, the Assistant Director for Planning and himself had attended a meeting arranged by James Cartlidge MP with Sajid Javid to discuss housing delivery.

A two-page briefing had been prepared to explain the current situation and contained information about the applications the Council had approved, houses built and major stalled sites, along with an explanation of why the Council didn't have a 5-year land supply and what the Council was currently doing about it with a list of things the Council would like or need.

42.2 Sajid Javid had agreed to help with three of these, which could prove to be very useful for the Council. These were:

1. To assist the Council should it wish to implement a CPO against a stalled site.
2. To assist the Council with expediting the new Joint Local Plan.
3. To support the Council if it were able to put together a local housing deal with partners (e.g the wider Ipswich HMA) to increase the HRA borrowing headroom.

42.3 The Leader added that he felt that this was a good meeting and he would be keeping in communication with the Minister about progressing these items.

42.4 The Leader reminded the Council about the presentation of the iESE 2018 Public Sector Transformation Awards that was taking place at 10.30am on Tuesday 1st May.

42.5 The Leader also took the opportunity to welcome Cllrs Davis and Lawrenson to the Cabinet and thanked Cllr Parker for his contribution to Cabinet.

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

43.1 There were no petitions reported to Council.

44 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

44.1 There were no questions submitted from the public.

45 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

45.1 Questions were asked in accordance with Council Procedure Rule No.12.

45.2 The Chairman informed Council that in the absence of Councillor Williams a written response would be circulated.

Question 1

Councillor Williams to Councillor Ridley (Cabinet Member for Assets and Investments)

1. Please supply a full copy of the Asset register of Babergh District Council before the office move to Needham Market and Endeavour

House, itemising description and book values for each.

2. Please supply a full copy of the Asset register of Babergh District Council after the office move to Needham Market and Endeavour House to the current date itemising description and book values for each.
3. Please supply a full listing of the Assets appearing in 1 above but not 2, along with:
 - 3.1 Their current location and to whom sold and/or donated by full name and address;
 - 3.2 If sold, the amount agreed as consideration and the amount paid; and a full explanation as to why assets were given away or sold at less than book value.
4. Whether any assets in 3 above could be recovered and at what cost.
5. Whether there are any assets now held in Hadleigh, Needham Market and Endeavour House and if so please supply a full description with their acquisition cost and current book values.
6. Can you please supply also:
 - 6.1 The cost of the move to Endeavour House in actual terms with a breakdown; (A)
 - 6.2 The current annual running costs of operating from Endeavour House; (B)
 - 6.3 The annual running costs of operating from Corks Lane in its final full financial year (C); and
 - 6.4 The projected annual saving or loss (D) where:
$$(A + B) - (C) = D$$
 - 6.5 The projected saving or loss over the next 5 years.
 - 6.6 The projected costs of a return to Corks Lane.
 - 6.7 The projected annual loss to the economy of the move from Corks Lane to Endeavour House for:
 - 6.7.1 Hadleigh
 - 6.7.2 Babergh District
 - 6.8 The extent to which the Council analysed the data available to it whether in actual or projected terms) in 6 (but not 6.6) above before deciding to move to Endeavour House.

6.9 Details of any reports commissioned as to the effect on the community and its views of the move to Endeavour House and all conclusions drawn therein on the representational benefits /disbenefits of operating the HQ of Babergh District Council outside and from one end of the constituency (Ipswich).

6.10 When I attended the Joint Audit and Standards Committee on 12th March I was made aware that Babergh Residents in large numbers were turning up at Endeavour House expecting to have their issues dealt with. They were being told to go to Stowmarket and Sudbury. I discovered this by listening to the complaints in the queue of people before me and by questioning the receptionist. I find this entirely unsatisfactory. When will the initiative be taken to reposition our HQ back into our District and in a Central location?"

Response Councillor Ridley (Cabinet Member for Assets and Investments)

Question 1 – 5 - Please refer to the attached written response from Councillor Ridley on 20th February 2018, which was the same response provided by the Officer at the Joint Audit and Standards meeting on the 12th March 2018.

Question 6.1 – 6.5 - Please refer to report BOS/17/37 All Together Programme, presented to Babergh Overview and Scrutiny Committee on 19th March 2018.

Question 6.6 – 8 - Please refer to the attached written response from Councillor Ridley on 20th February 2018.

Response Question 6.9 Councillor Davis (Cabinet Member for Organisational Delivery)

I welcome Cllr Williams' question and share his concerns and to a lesser degree his experience with Babergh residents not being able to access officers.

Indeed having to make a two hour bus journey to get to Stowmarket or Sudbury from the outer reaches of the district, such as Shotley or Brantham, and it is not much quicker from East Bergholt is not the service we should be providing.

Following a question from Cllr Creswell at cabinet recently it was resolved that we shall look at the viability of a cut down service in Hadleigh and perhaps then rolling a similar service out to other areas within the district.

Hopefully we can find a way of providing an even better service than before the move to Endeavour House.

We are currently reviewing our Customer Access Strategy and will be reporting back to Cabinet in July. We are committed to providing excellent customer services and so are exploring, through this review, how to take advantage of other opportunities to provide further self-service facilities across the district.

We have asked the Facilities Management company Vertas, who are responsible for managing Endeavour House reception, to record details of the number of Babergh & Mid Suffolk customers presenting at Endeavour House and the nature of their enquiries. This will allow us to monitor the situation accurately and respond accordingly. Although we have not designed Endeavour House to be a customer service centre, we will of course support customers coming here, without them needing to re-present at Stowmarket or Sudbury.

As for relocating back into the district, as much as many people may prefer that. It is highly unlikely in the foreseeable future. More detailed plans for the re-use of the Corks Lane site have also been consulted on recently and will be coming to Councillors for decisions in the next few months. In all the circumstances, therefore, and having signed a 10-year lease with Suffolk County Council, it would not be prudent to move our HQ again, within six months of moving to Endeavour House.

Question 2

Councillor Bavington to Councillor Osborne (Deputy Leader and Cabinet Member for Housing)

1. What is the total number of empty homes in the Babergh District?

Response:- 319 empty six months plus, correct at end Feb 18. These are 'normal' empties and do not include those going through probate, people in hospital/care etc.

2. How many have been vacant for two years or more?

Response:- 84

3. How many have been vacant for five years or more?

Response:- 0

4. How many have been vacant for ten years or more?

Response:- 0

5. How many of the total have been brought back into use?

Response:- In respect to the total number of properties brought back in to use, between April 2017 and February 2018, the number of short term empty properties, has increased. The difference between those empty six months to two years between March 2017 and February 2018 rose by 55 as an accumulative.

For those properties empty more than 2 years, 29 were returned to use between April 2017 to Feb 2018.

For further information, of those empty more than 2 years, in the year 2015/16, 47 properties were returned to use and in 2016/17, 64 properties were returned to use.

6. How many EMDOs have been made in the last year? How many cases were prepared and what stage of preparation did they reach and why were they not proceeded with?

Response:-

0. For info, cases were prepared for Compulsory Purchase Orders, but these did not proceed.

An Empty Dwelling Management Order is a piece of legislation which allows Local Authorities to take over the management of an empty property where the following criteria can be proven:

- The property has been wholly unoccupied for at least 6months
- There is no reasonable prospect of the property being returned to use by the owner
- The property is a habitable standard or can be made habitable at a 'reasonable cost'
- The LA can demonstrate that the property will be occupied following the EDMO.

The LA must apply to a Residential Property Tribunal to secure an EDMO and are seen as a last resort when returning properties back to use. They can be in place no more than 7 years.

The legislation is complex and difficult to use which is why nationally they are seldom used.

BDC use advice and guidance together with financial assistance to encourage owners of empty properties to return them to use.

7. What is the present total number of families on our waiting list and how many of those families might be housed if EMDOs were made on all homes that fall under this power? Can you confirm how many households might be housed?

Response:- 927 households on Babergh's housing register

It would be impossible to answer this question without knowing exact property details of each empty together with family size of those on the waiting list, not to mention whether the empty properties were in the location requested by those on the waiting list.

Supplementary Question:-

Can the Portfolio holder confirm that EDMO's have actually been considered and have been rejected and does she continue to monitor the situation to see whether it would be appropriate in any particular circumstances to use one.

Response from Councillor Osborne Cabinet Member for Housing:

They have been considered but because of the complex legislation and the failure sometimes to get them through and also to take into consideration that those properties can only be occupied under that order for a period of seven years, Babergh haven't taken them up. There is no reason why we cannot look at that again and in fact under the development of the new housing strategy that is something we can look at and take into consideration on how we actively and innovatively work to bring empty properties into occupation. A lot of work has been done by the homeless team as well as with private landlords to assist in the new Homelessness Act and to make sure the Council is compliant. I would be happy to meet with you at a later date to discuss in detail the work that is being done.

Question 3

Councillor Shropshire to Councillor Ward (Cabinet Member for Economy)

- a) How much does it cost to run the Lavenham Tourist Information Centre (TIC)?
- b) How much money, (sensible estimation will suffice), that Tourism in Lavenham brings into the local economy?
- c) How many jobs in Lavenham are supported by Tourism?

Response

- a) **Lavenham TIC consistently runs at an overall deficit of around £60k net annual cost to Babergh DC (net cost projection of £57,320 for 18/19). This amount does not include Finance Team calculated recharges estimated at £43,250 for 18/19. That would make a total overall annual cost of £100,570 for 18/19.**
- b) **We commission annual district wide 'Volume and Value' data on Economic Impact of Tourism. We last sought a specific destination and market town drill down of this study in 2015 (which included Lavenham), as it is quite costly.**

This concluded that Lavenham generated a total direct and direct tourism value of £6.51m to the local economy, with Babergh overall generating £183.86m.

- c) That same study indicated 113 FTE jobs directly related to tourism for Lavenham (out of 2990 FTE all of Babergh), and 155 as all tourism related FTE for Lavenham (out of 4174 all Babergh).**

Supplementary Question from Councillor Shropshire

When somewhere like Lavenham which relies so heavily on tourism, would it not be a sensible suggestion for those facts to be given to both the district councillor and perhaps the parish council before decisions are made so that the ease of the decision can be fed into the community rather than being told one day that the information centre is being shut?

Response

Thank you the paper that went to Cabinet was a restrictive paper because of the HR implications, once the decision was taken the information was then provided.

Question 4

Councillor Hinton to Councillor Ward (Leader of the Council)

As the “Merger” has been put on hold for the foreseeable future, and there was a motion passed by Babergh Council in December 2017 forbidding the expenditure of any monies or officer time on merger work in the financial year 2018 – 2019, how has the “Draft business case” on Merger recently circulated been financed and how much has actually been spent in financial and officer time (we are after all a joint officer structure with apportioned cost, but separate constitutional and financial bodies,) on the 82 page document?

Response from the Leader of the Council:

The draft business case, which has been circulated to all Councillors for information, was developed in accordance with the decision of Cabinet on 7 December 2017.

No direct costs have been incurred in drafting the business case. Staff time has of course been used to draft the business case but as officers do not record their time it is not possible to quantify this with any accuracy however apart from the recent publication on the website the costs of preparation of the business case was incurred in the financial year 2017 to 18.

Supplementary

Bearing in mind in the answer to the previous question which stated that £43K was recharges for the Lavenham TIC for officers time. How is it that they can work out officers time spent on something like the TIC but something like an 82 page document for a business case they are unable to. Added to which it does state on the first line of the business case that Babergh and Mid Suffolk have prepared this business case to test the opinion of generating a new single Council, they were already testing that opinion with a telephone survey.

Response:

To answer the second part of that the business case was and the telephone survey were quite clearly stated as being two separate parts of the work we were doing to evaluate the viability and case for merger so they were separate and they were always intended to be two different and separate activities, starting with the telephone survey and continuing on with the business case, one informing the other. In terms of the officer time, with the Lavenham TIC that and a number of other service areas have been broken down in terms of their recharges but that hasn't been possible with the business case simply because the way the work was carried out and the case was prepared but as I did state earlier that time was principally almost exclusively incurred in the financial year 2017/18 where the motion doesn't apply.

46 **TO RECEIVE REPORTS FROM CABINET MEMBERS**

- 46.1 Councillor Ward introduced the reports and informed Council that the presentation of the quarterly Cabinet member reports was an initiative that both Council Cabinets had agreed to provide in order to improve information about what each Portfolio was doing. The reports were for information only but Councillor Ward invited questions from Councillors and said that these would either be answered now or in writing or Councillors could approach the portfolio holders for a 1:1 discussion if required.

Questions

Question 1: Councillor Bavington to Councillor Ward

In the Timetable of meetings 2017/18 a Babergh District Council Cabinet Briefing is shown and is taking place about two weeks before each Cabinet meeting please tell the Council in as much detail as possible what form these briefings take, for example but not exclusively do they consist of a cosy fireside chat between the Cabinet and the Chief Executive without papers or other officers present or do they replicate the full Executive arrangements for a committee or a cabinet with a full range of officers present, a written agenda and written papers, or something in between. If written papers and agendas are involved are these subject or have they been subject of freedom of information requests?

Response from Councillor Ward, Leader of the Council:

In many respects Cabinet briefings are exactly what they say on the tin. They are an informal opportunity for Cabinet Members to collectively discuss emerging ideas or work that they may have been developing in principle with their respective Assistant Directors so there is collective accountability by the Cabinet. The meetings themselves are usually attended by the Chief Executive, the Strategic Directors and then relevant Assistant Directors depending on the topics under discussion. The meeting usually takes 3 forms, firstly to review draft Cabinet reports just prior to publication, secondly to ensure work scheduled in the forthcoming decisions list is on track, and thirdly to provide opportunity to consider other items that the Cabinet would like to see on the forthcoming decisions list in future. The papers involved in the meetings are not subject to the FOI process under the exemption of necessity to hold a full and frank discussion on their contents.

Question 2: Councillor Bavington to Councillor Ward

In the Timetable of meetings 2018/19 the current year a BDC briefing is not shown as taking place about two weeks before each cabinet meeting, does this mean 1. cabinet briefings will no longer take place from May 2018 perhaps that should be April. 2. If not how will Cabinet Members manage without briefings from officers. 3. If so what is there form again in full detail as above and 4. if so why are the meeting dates not shown on the timetable of meetings. Are they to become so secret that we the elected members of the council may not even know they are taking place?

Response from Councillor Ward, Leader of the Council:

Cllr Bavington there is no conspiracy of secrecy I can assure you. As I have explained the purpose of the Cabinet briefings it is clear that they are an essential part of the process and will remain an the essential part of the process but the Cabinet briefings are both on the 2017/18 and 2018/19 Timetables on Connect for information for Councillors and officers, however they are not on the public version on the website as they are not public meetings.

Supplementary Question

Well they are not on the calendar of meetings paper that I was given and I am old enough to have a fireside and to rely upon the papers that I am sent. I happen to have a copy of the cabinet briefing papers for a meeting some time ago and of course I cannot reveal my sources to how I came by that but it appears to me to be a complete pre-cabinet piece. It has an agenda it has apologies it has papers it has minutes it has everything else and it seems to me particularly having attended many cabinet meetings and heard cabinet members saying I have nothing to say in this meeting I am happy with the briefing that I have had, it seems to me that this is full cabinet in secret, I don't think we should be doing that, I don't think the law should allow us to do that, and I think we should have cabinet meetings that actually take place in public and are real meetings taking in public, don't you think so?

Response from Councillor Ward, Leader of the Council:

Yes I do and we do have real Cabinet meetings with Cabinet decisions that take place in public but I will draw your attention to the first purpose of the briefing and that is to review the draft cabinet reports just prior to their publication so obviously we are going to have a full set of Cabinet papers but they are only draft Cabinet papers and quite frequently there are changes to those before the actual Cabinet meeting itself.

Question 3: Councillor S Barrett to Councillor Ward, Leader of the Council

I was surprised at the announcement regarding Lavenham TIC where did this decision come from it wasn't on the work programme - does the Cabinet know what it is doing?

Response from Councillor Ward, Leader of the Council:

The issue regarding the Lavenham TIC was on the Forward Plan for Cabinet, it was a pink paper because there were sensitive issues that we had to discuss with the staff but having done that we have informed Members including the ward Member and in terms of the overall tourist strategy yes we are working on an overall tourism strategy but the future of one TIC is only a small part of that, there is a wider tourism strategy and as you have heard from me earlier there are considerable savings to be made from the Lavenham TIC there is no justification for continuing it in its present form and I am sure if you were still Cabinet Member for the Economy you would be supporting that decision. We are looking at alternative tourist information provision just as I stated earlier other Councils elsewhere are doing and we will have something in place for Lavenham.

Question 4: Councillor Ferguson to Councillor Campbell, Cabinet Member for Environment

What assurances can you give me and the context of the option for extending the SERCO contract by 7 years. Anyone who reads the papers at the moment will see that Capita is in serious problems they are outsourcing, SERCO have had their own problems with outsourcing so a 7 year commitment to SERCO for this particular service I think would be unwise it would be cavalier this is a low margin business and I would judge it to high risk, even though they are only providing the manpower so what I would like to know from the Cabinet Member is what risk analysis she has done and if I can read from something in the paper this morning – local authorities have said they have contingency plans in place should suppliers run into financial difficulties that is exactly what is happened with Capita this week, I can see that happening potentially with SERCO because SERCO has been there before so I would like to know what contingency plans we have in place and I would like to know what price indexation has been put in place for the next 7 years on that contract to make sure the SERCO is adequately covered for salaries which it is difficult to predict at the best of times?

Response from Councillor Campbell, Cabinet Member for Environment:

We are going to be looking at three options, one is to retain the contract which is under review at the moment with new routes being worked out, to take the service inhouse or to partnership with another neighbouring Council. This will take a while to work out the contract isn't due until April 2019 and it will be a 2-year process. I can't give you answers to the other questions off hand but I will get back to you on it.

Question 5: Councillor Hinton to Councillor Ridley, Cabinet Member for Planning

I shall be addressing agenda item 8 CMU1 with comments on page 21 and 22 concerning the disposal and potential regeneration of the old Council offices at Corks Lane. Basically the final preferred plan as it states at the top of page 22 will be put before councillors for their approval and authority for officers to submit a planning application, will that include unlike the papers that have been put before the public any form of justification as to why option 2 rather than options 1 or 3 has been chosen because at the moment it seems like a rather arbitrary allocation of the options and it is says that the plans are progressing well so presumably they have got that information and that should be available to us.

Response from Councillor Ridley, Cabinet Member for Planning:

As Cllr Hinton will know there have been 2 consultations with people in Hadleigh and I understand that those have been very positive I have to say in favour of what is being put forward as the likely application to that particular site. There was I believe a meeting this morning which I was not at which I think our Leader was at which again was on this particular issue and I am perfectly satisfied that we are looking in a proper way at all the options and that the option that we have before us is one that we have looked at after proper advice has been given. Quite clearly we need to take a decision and in order to take that decision we shall have to resubmit a planning application eventually but it will come before the full Council before we in fact go out to submit it to a planning application. I think the timetable is probably planning for some time in the early autumn, that is all I can tell you at the moment.

Question 6: Councillor Hinton to Councillor Campbell, Cabinet Member for Environment

On CMU4 page 33 where under 3.4 environmental protection and environmental management there is a whole paragraph starting BEE Anglia Business Energy Efficiency Anglia through our membership of Suffolk climate change partnership Mid Suffolk businesses have benefitted it goes on to talk about lots of businesses mainly in Mid Suffolk there is not one single mention of Babergh district council anyway on the rest of that page. Could she explain why that is the case and does that we mean that we have actually done nothing in Babergh and if so what have we been doing with our time?

Response from Councillor Campbell, Cabinet Member for the Environment:

The paragraph begins by saying that officers are leading a project to obtain 100% grant from Highways England for the 20-mile interval rapid charging points for electric vehicles, so they have been working on that. There is plenty going on here and I am bit baffled by the question. There is work on the national grid we have been looking at battery storage in the leisure centre which is coming up soon, several things are being looked at to make the whole area more energy efficient as you know the housing has had solar panels put on. There is plenty going on with fly tipping, litter prevention, there has been £10K to go towards a scheme to try to prevent the litter that collects along the highways but basically that goes down to education and we need to have a policy in place to prevent this and educate people to take pride in their environment.

Supplementary Question

On page 33 starting on para 3.4, the second paragraph of that yes there are going to be rapid charging points put along the A11 none of it in our district, A14 very little of it in our district it skirts one part of it, A12 yes it comes up through I don't know how many electric charging points we are going to have on that stretch between the Essex border and Copdock Mill. That is the first paragraph but it then goes on to talk about the business energy efficiency Anglia and talks about Mid Suffolk businesses benefitting, it talks about grants being put out 35 businesses in Mid Suffolk have received free audits, there is not one single mention of Babergh, the climate change partnership, SCCP in brackets, Mid Suffolk District Council together with other Suffolk authorities have been awarded almost 2.8 million. No mention of Babergh. Is this a report that was destined for Council at Mid Suffolk or it is supposed to be a report for us?

Question 7: Councillor Busby to Councillor Patrick, Cabinet Member for Finance

CMU5 on page 37, which is for Cllr Patrick, 3.4 at the bottom, we are talking about the 3rd quarter so that is ending September to December, even December is four months out of date, but here we are we are talking about it, just in one line there is £1.227 million favourable variants on our general fund. I thought we were short of money. £1.227 million variants how many percentage points on council tax is that at £50K equalling 1%, that is a lot of variants, I think it deserves a bit more of an explanation than we were lucky, and we have just put into the pot somewhere.

Response from Councillor Patrick, Cabinet Member for Finance:

I think it should be understood Chairman that we were asked to produce reports on the activities which we as a Cabinet have been undertaking in the 6-9 months up until the time of the publication of these reports which was at least a month ago. And a lot of background data has been included in it for the edification of Members opposite and for our back benchers, so if they often wonder what we have been doing with our time and indeed what the officers have been doing with their time we have been trying to put something together and there is an awful lot of stuff here.

Now had the worthy Councillor attended the Cabinet meeting on 8 March he might have been there I don't know, but if he comes to these Cabinet meetings and see's our progress reports, Cllr Anthony Bavington certainly comes, you will understand how the movement of monies progresses and how we deal with it quarter to quarter and in fact at the next Cabinet meeting we will be having our out-turn for the year, please do come. This £1.227 million favourable variants, admirable that it is I am afraid it is already accounted for, we have had to allocate to cover deficits elsewhere, we have put monies aside to cover known deficits and to be prepared for areas of expenditure where we do actually have a reasonable expectation of problems so we are being careful and sound as I hope you would expect a good chartered accountant to be.

Question 8: Councillor Hurren to Councillor Campbell, Cabinet Member for the Environment

CMU4, 3.7 second paragraph, the food and safety service involved in an investigation into 3 linked cases of legionnaires disease, could we possibly know a little more about this, are they all on the same premises is it 3 different places and could we have an update please of where we are with that.

Response from Councillor Campbell, Cabinet Member for the Environment:

Anywhere there is water and the public are involved the water must be run for 30 seconds because legionnaires exists in that and it is like a flu virus so everywhere where the public comes in all these water facilities have to be tested, it is there everywhere, I have actually done the training and I would advise everyone even getting into your own shower in the morning run it for 30 seconds before you use it, there is nothing we can do about it, it is something that exists as a microcosm. It has been cleared, there was a scare at one particular place but I think it has all been resolved and these are stringent tests it is something that we have to be extremely careful about it and I would urge every individual to always take these precautions.

Question 9: Councillor Hurren to Councillor Patrick

CMU5, 4.8 the conditions of working together staff survey Peter. I would love to know what the questions were and I would love to have a more detailed report of the answers, is it possible to have that may I ask?

Response from Councillor Patrick, Cabinet Member for Finance:

Yes you may ask Cllr, the responses are currently being considered by the Senior Leadership Team, they will then be discussed with members of staff and they will be made available to yourselves in due course, probably in two months' time.

Supplementary Question

The first part of the questions Chairman was could I be informed of what the questions actually were, how was this phased? You can ask genuine questions of staff in the form of a consultation or it could be one of these more Comres types things which I feel I would be quite unhappy with and I would state as a long term

Councillor who knows a lot of staff and does walk the floor a bit, I can tell you that probably in excess of 50% of our staff in the customer access points are seeking other jobs. Now that is a quite a serious statement to make and I think that shows a high level of dissatisfaction amongst those we employ. I notice in the annual statement in the pictures there was a picture of a lorry saying we have moved to Endeavour House, but it didn't show what had fallen off the lorry did it and I would be very interested to know the result of this survey amongst our staff and I would definitely like to see the questions and how they were served.

Response from the Chief Executive:

I just wanted to give some reassurance to Councillors I have got absolutely no vested interest in asking staff any questions that don't illicit honest and detailed answers so we can learn, develop and grow as an organisation. The questions asked were long, there were lots of them, they were carefully asked in a way that wouldn't provide any leading answers and also provide detailed balanced answers so people could respond for example do they strongly agree with issues or do they strongly disagree with issues or honestly did they not know either way. In addition to that free text so that they could give full detailed answers in relation to every single question, that's why it is going to take some time to properly analyse it. I don't know when we last held a staff survey, there certainly hasn't been one since I have been here. I think it is a positive step forward and the intention is that we learn from that in order to make sure that we continue to improve how we operate. I don't know where the stats come from in terms of customer access points and 50% looking for new jobs. I don't recognise that in any way shape or form, if it is true I am more than more than happy to talk to those staff but as I say I don't recognise that in any way, shape or form. Not least because as you will be aware for example the customer access staff in Sudbury are not our employees.

Question 10: Councillor McCraw to Councillor Patrick

CMU5, in paragraphs 3.6 to 3.10 the paper refers to the business rates revaluation grant. I don't know if any other Members have had dealings with the VOA during the business rates revaluation in the course of last year, a very complicated process and one of the areas that was primarily hit, this is a necessary preamble by the way Mr Chairman, there will be a question. One of the primary areas hit was in the hospitality industry, I have one particular business within my ward which saw its base business rate quadrupled although with the application of a multiplier of 0.5% or around that, it only came up to just more than doubling it. I note that this paper refers to the money available nationally, the paper suggests in 3.8 that it has proven difficult to allocate all the grant. I would suggest and I would like to ask if this can be addressed, that one of the reasons it might have been difficult to allocate all the grant was that I don't think Members were made aware of the possibilities of this relief available to the businesses within their wards and I would like to ask Cllr Patrick if that information, and the process by which we would claim it for any businesses severely affected, could be made known to Members.

Response from Councillor Patrick, Cabinet Member for Finance:

I can assure you as one of the Members representing this Council on the Shared Revenues Partnership a considerable amount of time and effort was put in to making sure that this money provided by the government was actually dispersed and in the end approximately 170 businesses benefitted from the money we managed to actually disperse, the biggest amounts refunded were about £17K, there were an awful lot in the range of £1K to £3K but in some cases down to as little as £10 or £3 but we did manage to expend the money which we were intending to do. But I have to say when the matter was first tackled we found that we had too much left over so we have been bending over backwards to make sure that the money was properly dispersed and so companies, businesses that were not originally first in line to receive have been able to do so.

Supplementary Question

Can I ask Cllr Patrick how ward Members were involved in this process on the basis of our local knowledge?

Response:

I don't think that comes into it Councillor.

Question 12 Councillor Ferguson to the Chief Executive

It is page 34 of the document pack sent to Members. This page really to me is just full of alarm and warning bells, it is all about people, it says planning enforcement we have lost two senior officers but we can't recruit, Heritage services also lost two members of staff and can't recruit. There are IT failures with the new IDOX, the food & safety people are struggling with lack of touchdown points in Mid Suffolk. It says the neighbourhood plans officer hasn't been recruited because we couldn't get one of those and I believe that our planning teams are already light. So huge alarm bells to me and my question is whether it is to the Cabinet Member or the Chief Executive, I don't mind who answers it. I am looking for what light we have at the end of this tunnel, it would seem to me that all of these problems have come on us since we decided and moved down here rather than staying up in Hadleigh, so my question is what light do we have at the end of the tunnel that we are going to get over these huge manpower difficulties in recruiting people that we seem to have at the moment?

Response from the Chief Executive:

In terms of recruitment issues the challenges are very specific to planning and they are not new, they have got nothing to do with moving to Endeavour House. If you go back over a period of time for a long period we have struggled in terms of planning, that is not just an issue for Babergh or Mid Suffolk, it is an issue nationally. There is shortage of planners and so what you will see is a twofold element happening whereby planners are both moving between local authorities, which is not to be unexpected particularly as local authorities increase their pay to try and attract the limited resource but what you will also see is planners leaching, moving into the private sector

as well so we are attempting to do lots of things in that regard we have been more successful in recent times. As you identified, this report is a backwards look and was published as of March. We have been more successful in recruiting planners more recently but for the longer term Suffolk is working together as part of a graduate scheme to grow our own, so clearly that is a positive move that will take time as you would expect and clearly it is not just about recruitment it is about retention as well and so there is also other work underway across the board not just in relation to planning but for the whole organisation looking at how we can provide better reward and recognition scheme so it is not all about pay it is about the wider offer and opportunity that we provide to staff so that people not only want to come and work here in the first place but they also want to stay with us having made that decision. So there is light at the end of the tunnel but as you would expect at any point in time with the variety of services that we deliver and the variety of professions that we cover there will be some pinch points and at the moment planning in particular is one of those.

47 BC/17/33 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE FRAMEWORK

- 47.1 Councillor Ridley introduced the report and **MOVED** the recommendations within it. He informed Council that it had been essential that a detailed expenditure framework was developed and a cross party Panel was set up to develop the proposed scheme. Some of the Panel's key outcomes was resolving the difference between strategic and local infrastructure and the amount of CIL money to be saved. The Panel had also agreed a communications strategy and timetable for delivery.
- 47.2 Councillor Ward seconded the report and reserved the right to speak.
- 47.3 Councillor Arthey stated that as a member of the Panel he had felt that it was an excellent piece of work and thanked the staff involved in the process for their hard work and support of the work of the Panel.
- 47.4 Councillor Busby welcomed the fact that ward Members would be involved in the process and asked if the 5% that the Council would receive for administration costs could be used to fund feasibility studies and infrastructure work?
- 47.6 In response the Key Sites and infrastructure Officer stated that the 5% CIL admin costs are already factored in against staff costs so had already been allocated. The Panel had discussed the issue of feasibility studies and had agreed that a feasibility study would not guarantee whether the project would actually come forward for a bid and that would therefore mean that money could therefore be wasted. However, there will be a review of the scheme and that could be revisited when that happens.
- 47.7 Councillor Bavington queried paragraph 4.2 in the report and asked if the 15% and 25% residual percentage that went to the Council were required by the government or whether it was a choice the Council had made at some point?

- 47.8 In response Councillor Ridley confirmed that it was part of the CIL regulations.
- 47.9 Councillor Hinton felt that in appendix A bullet point 2.1 the paragraph was very wordy and asked when applications came before the Planning Committee where an ask of the 1, 2, 3, list, or a potential ask of the 1,2,3, list from the County Council has been £350,000 and the CIL is only going to produce £250,000 so is it a CIL as in Babergh as a whole community or do we have to go back to some of the legal decisions recently and bring the boundaries down a bit? Also please can you clarify that anything over £150k has to be a Cabinet decision?
- 47.10 In response the Key Site and Infrastructure Officer stated that In connection with the first question in order to make residential development acceptable you need infrastructure in order to mitigate the harm from the development and the Panel were very clear on the fact that they felt that if communities were going to accept the growth then they ought to have the infrastructure to support the growth which would impact on their communities so if that's a little bit wordy in the document that's something when we go through the review we can look at and make that more simple and more clear if that would help. In terms of governance in relation to what the Joint Member Panel wanted to see, they felt that officers could make decisions on bids which met the bid criteria providing the spend was no more than £10,000 and so it was under £10,000. If there are any decisions that involve strategic infrastructure spend those will be Cabinet decisions, if its local infrastructure spend then the threshold for Cabinet to make a decision is £150,000. Because this is the first bid round we're going to produce a CIL business plan and that whole document will go to Cabinet to note the decisions where they need to be noted and then it will be made clear whether decisions need to be made by Cabinet.
- 47.11 Councillor Hinton asked if this wording could be clarified and simplified as it did not appear to cover that there is potential within the system that sustainable development appears to mean sustainable to the district rather than to the development itself because it means that if all the monies are going to be soaked up by a development at one end of the district there would be nothing left for anywhere else?
- 47.12 In response the Key Site and Infrastructure Officer stated that to support the CIL expenditure framework going forward, sensitivity testing was carried out to see whether the infrastructure could be provided from the growth projects that were coming forward. That sensitivity testing had captured all the developments of over 10 dwellings plus in both districts. What's clear is that with the 20% savings for strategic items then it is going to be very tight to provide the infrastructure. But there is a golden thread that runs through the expenditure framework and from the work of the Joint Member Panel it was quite clear that we were looking for collaborative forms of spend in order to land the necessary infrastructure. Officers have already been in touch with some parishes where we know that there will be big pieces of infrastructure that will be required and that is important to the community and it's important to the Council, we're very hopeful that we will be able to achieve what we need to achieve in order to get the infrastructure funded.

Clearly as you know, there is a review which will be happening at the same time as bid round 2 so anything we learn from bid round 1 and any nuanced changes to any of the documents can be picked up at that point.

- 47.13 Councillor Busby sought assurance that Overview and Scrutiny would regularly scrutinise the scheme.
- 47.14 In response Councillor Ridley confirmed that the scheme would be looked at very carefully and if any scrutiny was required of course that would be supported.
- 47.15 Councillor Ward stated that he was very impressed with the speed and thoroughness that both Members and officers had shown in producing this report and this was one example of where being inclusive and collaborative had produced a piece of work of immense value.

It was Resolved:-

- (i) That the detailed CIL Expenditure Framework (including details of implementation and review) forming Appendices A and E to the report and the joint CIL Expenditure Framework Communications Strategy (Appendix B) be approved as recommended by Cabinet.**

(Appendices C and D comprise the CIL "Regulation 123 lists" and were approved in January 2016 and accompany the other documents for reference purposes only)

- (ii) That the Joint Member Panel (alongside Overview and Scrutiny) inform the Review of the CIL Expenditure Framework within the timescales contained in the Appendix E to this report.**

Reason for decision: Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL in April 2016. There is no prescribed way for Councils to decide upon the spend of money collected through CIL so the Council has to agree its own approach.

48 BC/17/34 STATEMENT OF COMMUNITY INVOLVEMENT REVIEW

- 48.1 Councillor Ridley introduced the report and informed Council that the Statement of Community Involvement was a joint planning document with Mid Suffolk that explained how the Council would engage with the public and other stakeholders in the preparation of planning documents and in determining planning applications. The current version of the Joint Statement of Involvement for the two Councils was published in March 2014. It had been necessary to update this document to reflect greater use of the Councils website, the move to Endeavour House and the opening of the Customer Access Point in Sudbury, to also reflect the support offered to Neighbourhood Planning Groups in producing a neighbourhood plan, to acknowledge the introduction of the Community Infrastructure Levy, and to detail the introduction for pre-application charging service. The 2017 planning regulations also introduced the requirement to review the Statement of Community Involvement every 5 years.

This Statement of Community Involvement draft update will inform the preparation of the wider communities and communications strategies being prepared by both Councils. It is recommended that a 4-week public consultation is undertaken on the draft update in May and June, a final decision would come back to Council for adoption later this year.

- 48.2 Councillor Ridley then **MOVED** the recommendations in the report.
- 48.3 Councillor Ward seconded the recommendations and reserved the right to speak.
- 48.4 Councillor Busby raised concerns relating to public access.
- 48.5 Councillor Ridley whilst accepting that there had been some problems with the website stated that we were now in a digital age with many people preferring to use digital access to Council services and this needed to be recognised in the Statement of Community Involvement.
- 48.6 Councillor Davis added that whilst he accepted that there were problems contacting the Council as the Cabinet Member responsible for Communications he would be working hard with officers to address the problems.
- 48.7 Councillor Bavington added that he had tried to contact the Council about any urgent ward matter and had not been able to contact any officer and he felt that the technology was worse.
- 48.8 In response the Chief Executive stated that he wanted to address the points that had been raised but also reminded Members that the report was about the Statement of Community Involvement in relation to planning. In terms of contacting officers, changes have been made in which the chasing system works, a call hunting system has been introduced and when a mobile phone is engaged or not answered the phone will automatically move on to the next mobile phone in the hunt group.
- 48.9 Councillor Hinton felt that a four-week consultation period was not sufficient to consider an extensive document especially when a lot of it will have to go before parish councils.

It was Resolved:-

- (i) **That Council note the draft update to the Babergh and Mid Suffolk Statement of Community Involvement: Planning Issues, which updates the March 2014 adopted version.**
- (ii) **That Council agree to public consultation for four weeks during May and June on the Babergh and Mid Suffolk Statement of Community Involvement: Planning Issues (Draft Update, April 2018)**

- (iii) That the Corporate Manager – Spatial Planning Policy be authorised to make minor technical and formatting amendments to the Babergh and Mid Suffolk Statement of Community Involvement: Planning Issues (Draft Update, April 2018) prior to consultation.

49 BC/17/35 PAY POLICY STATEMENT FOR 2018/19

- 49.1 Councillor Patrick introduced the report on behalf of the Chief Executive. Commenting further he went on to say that the report sets out the Pay Policy Statement for 2018/19 which under the Localism Act 2000 has to be reported to Council on an annual basis. The report sets out information about the remuneration of Chief Officer, the lowest paid employees, and the relationship between the two. The main change in the statement compared with 2017/18 was the removal of the role of Deputy Chief Executive from the structure with effect from 1 April 2018.
- 49.2 Councillor Patrick then **MOVED** the recommendations in the report.
- 49.3 Councillor Ward seconded the report and reserved the right to speak.
- 49.4 Councillor Arthey queried the gender pay gap and drew attention to the results for Babergh as female pay was nearly 23% lower than male pay and asked what the reasons were behind this?
- 49.5 In response the Chief Executive advised that Government had introduced the requirement for Councils to have openness and transparency in relation to any gender pay gap and that is why the information had been included within the covering report even though it did not form part of the pay policy itself. On that specific point the Council was obliged to report for Babergh and separately for Mid Suffolk. As Council was aware, doing so was a nonsense because the basis on which each individual member of staff happened to be employed differed, he happened to be a Babergh employee, colleagues may happen to be Mid Suffolk employees but everybody works for both so you could only really get a true picture of the gap by looking at the two combined Councils because looking at the two separately tells you nothing but the Council was obliged to report it in that way and that's why the figures that Council were looking at, specifically for Babergh really are meaningless. To comply with the regulations a snap shop was taken in March 2017, now that it is beyond 31st March 2018 this can now be recalculated to give the Council an updated position.
- 49.6 Councillor Bavington requested that going forward the actual figures were included in the report and whether the gender pay gap was closing over time.
- 49.7 Councillor Melanie Barrett asked following the recent redundancy of the Deputy Chief Executive if, in future, recruitment was made to that that post would approval need to be sought from full Council?

- 49.8 In response the Chief Executive informed Council that if he were to bring forward any significant change to the structure of the Senior Leadership Team, creating a new Deputy Chief Executive post would be a significant change, that would come forward to full Council and in addition to that all Senior Leadership Team appointments are made by Councillors so Councillors would both be involved from a full Council perspective in agreeing the structure but then more specifically in any appointment. He also gave his assurance that he had no intention to do so.
- 49.9 Councillor Melanie Barrett also queried whether it would be possible to seek a settlement agreement with an employee and if there was a policy that prevented a settlement being offered to someone with less than 2 years' service who couldn't claim unfair dismissal in any case.
- 49.10 The Chief Executive replied that if they had not got continuity of service, so if they've not got any acquired rights by virtue for example of having worked elsewhere within local government, and it was simply their first job with the Council within a 2 year period and then they disappeared the Council wouldn't be looking to any settlement agreement.

It was Resolved:-

That the proposed Pay Policy Statement for 2018/19 attached as Appendix A to the report be approved.

50 BC/17/36 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES

- 50.1 The Monitoring Officer introduced the report and informed Council that following a change to the membership of the political groups, Council was being asked to approve the recalculated composition of the Committees.
- 50.2 Councillor Busby queried why the Cabinet was not included in the calculation for Committee places?
- 50.3 In response the Monitoring Officer informed Council that Cabinet was not a Committee of the Council and the legislation that was used to calculate the composition places only related to Committees of the Council.

On the proposal of Councillor Ward and seconded by Councillor Hinton

It was Resolved:-

- (i) **That the Committees' size and numerical allocation of seats be approved as detailed in Appendix 1 to the report.**
- (ii) **That the revisions to the appointments to Committees as set out in Appendix 2 to the report be noted.**

51 APPOINTMENTS

51.1 On the proposal of Councillor Ward and seconded by Councillor Jan Osborne

It was Resolved:-

That Councillor Jenkins replace Councillor Ayres on the South Suffolk Leisure Trust Board.

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

It was RESOLVED:-

That under section 100(4) of the Local Government Act 1972, the public and the press be excluded from the meeting for item BC/17/37 on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of schedule 12A of the Act in the paragraph registered against the Item.

53 BC/17/37 BMS INVEST: PERFORMANCE, RISK AND GOVERNANCE UPDATE (EXEMPT INFORMATION BY VIRTUE OF PARAGRAPH 3 OF PART 1)

53.1 Councillor Ridley introduced the report and moved the recommendation within the report.

It was Resolved:-

That the performance report be noted and agreed as an accurate reflection of Babergh District Council's current performance across its investment portfolio.

The business of the meeting was concluded at 7.48 pm.

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Chairman