

MINUTES OF THE MEETING OF THE BABERGH CABINET HELD IN KING EDMUND CHAMBER - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH ON THURSDAY, 9 AUGUST 2018

PRESENT: John Ward – Chair  
Jan Osborne – Vice Chair

Kathryn Grandon  
Simon Barrett

Tina Campbell  
Derek Davis

IN ATTENDANCE:

Councillor Clive Arthey  
Councillor Sue Ayres  
Councillor Sue Carpendale  
Councillor Alastair McCraw

Chief Executive (AC)  
Senior Finance Business Partner (SB)  
Corporate Manager – Business Improvement (KC)  
Corporate Manager – Finance (ME)  
Assistant Director for Housing (GF)  
Corporate Business Coordinator (SM - Notes)  
Corporate Manager - Democratic Services (JR)  
Assistant Director for Finance (KS)  
Corporate Manager – Property Services (HW)  
Assistant Director for Law and Governance (EY)

30 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lawrenson, Councillor Maybury and Councillor Ridley.

31 DECLARATION OF INTERESTS BY COUNCILLORS

None received.

32 BCA/18/18 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 12 JULY 2018

The minutes of the meeting held on 12 July 2018 were confirmed as a correct record.

33 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

34 QUESTIONS BY COUNCILLORS

None received.

35 BCA/18/19 FORTHCOMING DECISIONS LIST

The Forthcoming Decisions list was noted and the following comments were made:

- For both the Belle Vue and Hamilton Road items it was felt prudent that the Economy and Assets and Investments Cabinet Members worked together.
- CNL15 – Belle Vue item, it was confirmed this would be going to Council only as it was a financial decision.

36 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES

a BCa/18/20 JOINT OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATION TO CABINET IN RELATION TO THE JOINT COMPLIMENT, COMMENTS AND COMPLAINTS POLICY

It was agreed this item would be deferred until Item 10 when the proposed amendments to the Joint Compliments, Comments and Complaints Policy would be discussed.

b BCa/18/21 JOINT OVERVIEW AND SCRUTINY RECOMMENDATION TO CABINET IN RELATION TO BMBS

36b.1 Councillor Osborne, the Cabinet Member with responsibility for Housing explained that BMBS would be reviewed in six months, following this it was hoped it would then move to a longer period before conducting another review.

36b.2 Cabinet wished to adopt the recommendations made from the Overview and Scrutiny Committee.

By a unanimous vote

**It was RESOLVED:**

- (1) That the Babergh and Mid Suffolk Building Service continue to monitor and should any issues be identified the matter be referred back to the Babergh Overview and Scrutiny Committee for review.
- (2) That a review of the Babergh and Mid Suffolk Building Service be presented to the Babergh Overview and Scrutiny Committee in six months' time.

**Reason for Decision:**

The Babergh Overview and Scrutiny Committee were concerned that issues relating to the BMBS should be raised with the appropriate Members and referred back to Babergh Overview and Scrutiny Committee.

37 BCA/18/22 GENERAL FUND FINANCIAL MONITORING 2018/19 - QUARTER ONE

- 37.1 Councillor Ward, the Cabinet Member for Finance, introduced report BCa/18/22 and moved the recommendation, this was seconded by Councillor Osborne.
- 37.2 Clarification was given that within Appendix C in respect of the Kingfisher Contract that there was a surplus rather than a spend.
- 37.3 The Shared Revenue Partnership overspend of £15,000 was questioned. The Cabinet Member for Finance explained that a £70,000 provision had been made but this had been allocated before the full details were known from the Independent Remuneration Panel, however, this small adverse variance should not have a significant impact on the overall budget and a balanced budget is expected at the year end.
- 37.4 In terms of the Car Park Business Rates it was queried what happened to those people who do not pay? The Assistant Director for Finance explained the Shared Revenue Partnership pursued any outstanding debts to ensure the Council received any income due. Details were still being finalised with the Legal team in terms of issuing fines for those people who still refused to pay.
- 37.5 The New Homes Bonus forecast was based on the minimal amount which was deemed sensible. It was noted further work was being done with the Growth team but it was hoped, however, that if the Council continued to deliver new homes this would translate into real time figures. It was noted New Homes Bonus was always one year out of date, these were determined in October but would mean the Council would not get any income until the subsequent year.
- 37.6 It was questioned how much was the backdating element of the pension contribution? It was agreed these figures would be reported back to Members.
- 37.7 It was questioned whether in the future a Locality Budget would be provided. Members felt this was a reasonable request and as such should be reviewed. This would be discussed and debated at a future meeting.

By a unanimous vote

**It was RESOLVED:-**

- (1) That, subject to any further budget variations that arise during the rest of the financial year, the shortfall in funds of £223k, referred to in section 5.8 of the report, be noted.
- (2) That the revised 2018/19 Capital Programme referred to in Appendix C and section 5.15 be approved.

**Reason for Decision:** To ensure that Members are kept informed of the current budgetary position for both General Fund Revenue and Capital.

38 BCA/18/23 HRA FINANCIAL MONITORING 2018/19 - QUARTER ONE

- 38.1 Councillor Osborne, the Cabinet Member for Housing, introduced report BCa/18/23 and moved the recommendation which was seconded by Councillor Barrett.
- 38.2 It was noted in the future these figures would be reported on a quarterly basis.

Therefore, it would go into September Cabinet meetings in 2019 which would also be in line with the Performance report.

- 38.3 A figure of £699,000 was questioned which had been recently quoted in a newspaper article relating to both Babergh and Mid Suffolk District Councils shortfall on extra works to cover voids and what Babergh District Council's share was from that? The Cabinet Member for Housing confirmed that £252,000 was Babergh District Council's share but members had been clear they wanted the number of void properties reduced. The number of void properties had now reduced to 17 days with the target being 7-10 days. The additional financial costs in this was a one-off and would now mean rent and Council tax would be paid sooner and as such would be income generating.
- 38.4 Members questioned that rather than a "one off" cost it was in fact a diminishing one and as such was a process in place to monitor how quickly the adverse impact dropped? Also whether the use of external contractors had been reduced?
- 38.5 The Assistant Director for Housing explained the reliance on contractors had drastically reduced and BMBS had found the process more manageable. It was key to prevent void numbers becoming unmanageable again. A phase 2 approach was currently being developed.
- 38.6 The Cabinet Member for Housing explained the Council was fortunate in that they had a healthy Housing Revenue Account, however, this was not a reason to get complacent and as such the housing stock would continue to be effectively used
- 38.7 The Cabinet Member for Housing explained BMBS had been scrutinised and also Cabinet Members for Housing for both Mid Suffolk and Babergh District Council had regular briefings. Also internal audit had reviewed the business plan. The revised Business Plan would be brought back to Cabinet in October 2018.

By a unanimous vote

**It was RESOLVED:-**

- (1) The potential or likely variations in relation to the HRA both Revenue and Capital compared to the Budget be noted.
- (2) That, subject to any further budget variations that arise during the rest of the financial year, the shortfall in funds of £252k, referred to in section 5.5 of the report, be noted.
- (3) The revised 2018/19 Capital Programme referred to in Appendix A and section 5.9 be approved.

**Reason for Decision:** To ensure that Members are kept informed of the current budgetary position for both the HRA and Capital.

39 BCA/18/24 PROPOSED AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

- 39.1 Councillor Davis, the Cabinet Member for Organisational Delivery, introduced report

BCa/18/24 and moved the recommendation which was seconded by Councillor Barrett.

39.2 Councillor Davis explained that an amended report had been circulated and updated Members on the amendments which Mid Suffolk Cabinet had made which were:

- Recommendation 1.7 had been amended to include the words “in accordance with paragraph 11.7 of the policy”.
- Paragraph 11.7 of the Policy had been amended to read “The requirement for additional information to be supplied would be introduced as part of a phased approach, that included training for all complaint responders and evidence being seen that the training has resulted in fewer complaints made and fewer progressing to a stage 2 investigation”.
- The policy contained a number of exclusions at paragraph 9.3, page 61 of the report, and these would be expanded in order for complainants to be aware that the complaints process could not be used to complain about formal decisions taken by committee, or those delegated to officers, but it could be used to complain about the process in reaching the decisions. The process could also be used if a contractor or the Council failed to meet the standard set in addition to any complaint made directly to the contractor.
- That the policy be reviewed in six months, following training, assessing whether a reduction in the number of complaints had been achieved as well as identifying any impact of training on the numbers and types of complaint received. This would be in advance of any decision to bring the revised Policy into force.
- That a report on “lessons learnt” be brought to a future meeting. This report would also try to capture process changes which Members identified as part of their Ward role in helping to resolve issues or informal complaints.
- That separate hard copy forms be made available for making a comment, compliment or complaint, alongside the online version. Also that the comments form be amended to clarify that it could be used to comment on the Council or on behaviours.
- That guidance was currently being prepared on how to deal with vexatious and persistent complainers to support the policy and as such would form part of Member development and induction training.

39.3 It was felt it was a good thing that the introduction of the Policy would be on a phased basis and it was key to keep the flexibility. The Cabinet Member for Organisational Delivery explained the whole point was to make the process easier as most complaints should be dealt with at the first stage.

39.4 It was questioned whether any compliments were received, and the Cabinet Member for Organisational Delivery felt this message should be publicised as many Officers did a great job. This would also include any compliments Members receive. The Corporate Manager for Business Improvement agreed that Officers were not good at recording compliments and as such it would be part of the training, to encourage to

send these forward.

By a unanimous vote:

**It was RESOLVED:-**

- (1) The revised Joint Compliments, Comments and Complaints Policy be agreed.
- (2) Withdraw the need for customers who wish to complain to the Ombudsman having to request a stage 2 complaint, once the phased approach has been delivered.
- (3) That in consultation with the Council Leader and Cabinet member, minor amendments to the policy be delegated to the Senior Leadership Team.

**Reason for Decision:** To improve the Joint Corporate Comments, Compliments and Complaints Policy so that the customer is at the heart of the process with complaints being dealt with effectively leading to more customers being satisfied at all stages of the process for the investigation of their complaints.

40 BCA/18/25 - HOUSES IN MULTIPLE OCCUPATION LICENCE FEE POLICY

- 40.1 Councillor Osborne, the Cabinet Member for Housing, introduced report BCa/18/25 and moved the recommendation, this was seconded by Councillor Barrett.
- 40.2 It was questioned whether the Houses in Multiple Occupancy (HMO) License would apply to seasonal workers and it was confirmed it did as they fell within the regulations. Also whether "Tiffers The Bus Shelter, for Homeless People" fell within these regulations. The Corporate Manager for Property Services explained this was a unique situation as such they were not covered as they were not licensable.
- 40.3 It was wondered whether through Council Tax collections any properties which were in multiple occupation could be identified. It was explained Council Tax was unrelated to HMO. However, inspections would be undertaken to include temporary accommodation and Bed and Breakfasts.
- 40.4 In terms of enforcement of the regulations and whether there was the staff capacity to deal with these it was explained the Property team would both inspect and enforce and then the legal team would take on any landlords who still refused to pay as it would be an offence.
- 40.5 It was noted these were Government legislations and as such could not be amended.
- 40.6 The Cabinet Member for Housing explained many properties would be reported through local intelligence and the team would have to manage and review as they went through the process. If Members felt there were any properties within their Wards in which they were concerned about they should report to Officers.
- 40.7 The Corporate Manager for Property Services explained the team also conducted pro-active work with the Fire Service.

By a unanimous vote:

**It was RESOLVED:-**

(1) That the proposed HMO Licence fee be adopted.

(2) That the fee be reviewed in six months time.

**Reason for Decision:** To enable Babergh and Mid Suffolk to charge a fee to landlords to issue a HMO Licence. This fee is not for generating income but to cover the cost of the additional staff resource required for implementing the new legislation.

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

By a unanimous vote

**It was RESOLVED:**

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during these items, it was likely there would be the disclosure to them of exempt information as indicated against each item. The authors of the reports proposed to be considered in Part II of the agenda were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

42 BCA/18/26 - TO CONFIRM THE CONFIDENTIAL MINUTE OF 12 JULY 2018 MEETING

The confidential minute of the meeting held on 12 July 2018 was confirmed as a correct record.

The business of the meeting was concluded at 6:30pm

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Chair (date)