

## **BABERGH DISTRICT COUNCIL**

Minutes of the meeting of the **BABERGH DISTRICT COUNCIL** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Tuesday, 19 March 2019

### **PRESENT:**

Councillor: Barry Gasper (Chairman)  
Adrian Osborne (Vice-Chair)

Councillors:	Clive Arthey	Susan Maria Ayres
	Melanie Barrett	Simon Barrett
	Peter Beer	Tom Burrows
	David Busby	Sue Carpendale
	Michael Creffield	Luke Cresswell
	Derek Davis	Alan Ferguson
	Kathryn Grandon	John Hinton
	Michael Holt	Bryn Hurren
	Frank Lawrenson	James Long
	Margaret Maybury	Alastair McCraw
	Mark Newman	John Nunn
	Jan Osborne	Lee Parker
	Stephen Plumb	Nick Ridley
	David Rose	William Shropshire
	Ray Smith	Fenella Swan
	John Ward	Stephen Williams

### **In attendance:**

Officers: Chief Executive (AC)  
Strategic Director (JS)  
Strategic Director (KN)  
Assistant Director - Law and Governance and Monitoring Officer (EY)  
Assistant Director - Planning and Communities (TB)  
Assistant Director - Assets and Investments (EA)  
Assistant Director - Housing (GF)  
Corporate Manager - Housing Solutions (HT)

### **Apologies:**

Tony Bavington  
Peter Burgoyne  
Sue Burgoyne  
Tina Campbell  
Siân Dawson  
Jennie Jenkins  
Richard Kemp  
Peter Patrick  
Harriet Steer

## **109 DECLARATION OF INTERESTS BY COUNCILLORS**

There were no declarations of interest.

**110 BC/18/43 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2019**

**It was Resolved:-**

**That subject to Minute 102.9, 102.30 and 103.5 being amended to read Councillor Kemp and Minute 103.4 being amended to “will partly resolve the issue”, the Minutes of the meeting held on 19<sup>th</sup> February 2019 be confirmed and signed as a true record.**

**111 BC/18/44 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER**

111.1 The Chairman presented his report for noting.

111.2 The Chairman then invited the Leader to present his report.

111.3 The Leader presented his report and informed Council that at the Suffolk Public Sector Leaders meeting on 1<sup>st</sup> March 2019, they had been given an update on the plans that had been prepared as a result of collaboration across the whole of the Suffolk system for Brexit. A task force had been set up to address the issue of the EU settlement scheme and had also prepared a paper for Suffolk, post Brexit. Suffolk Public Sector Leaders had been discussing the best way of using the funding that government had provided to support local authorities through Brexit, including the specific allocation to Suffolk Coastal District Council for Felixstowe Docks. The Suffolk Resilience Forum was managing communications and planning for Brexit including a no deal scenario and liaising with local and national organisations to co-ordinate arrangements throughout the county.

111.4 The Leader also reported on the recent Town and Parish Liaison meetings, two very good meetings had been held in Sudbury. Sessions had been held in the morning and evening so that more people could attend. Overall attendance was up but the Leader would still like to encourage more people to attend, so he asked Councillors to encourage their parishes to attend.

111.5 The Leader raised the issue of Belle Vue and stated that a certain amount of controversy had been stirred up as a result of the leaking of confidential papers. The Leader would be attending the Sudbury Town Council meeting to reassure members of the public that the park and the house were not at risk. In support of this, a press statement and fact sheet would also be released.

111.6 Finally the Leader, on behalf of the Cabinet thanked all officers for their help, hard work and support to allow both Councils to continue to deliver excellent services without any cut backs in the face of very testing financial conditions for local government.

**112 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

112.1 The Corporate Manager for Democratic Services reported that two petitions had been received. The first petition contained 215 validated signatures, relating to planning application DC/19/00291 in Bentley. The second petition contained 240 validated signatures relating to planning application DC/19/00567 in Sproughton.

Both petitions would be dealt with through the planning process.

**113 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

113.1 There were no questions received.

**114 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

**Councillor Beer to Councillor Jan Osborne**

Over the last few weeks as I have walked round Great Cornard and driven round Sudbury. I have come across and been confronted by many residents regarding very bad antisocial behaviour/activities, inconsiderate car parking, derelict/abandoned cars, continuous car repairs being carried out not only on driveways but also on council property, highways, grassed and green open spaces, litter and large bulky rubbish being dumped all happening on our housing estates, in Gt Cornard. I have taken many photographs and sent them on to you which I'm very pleased that you have asked your housing enforcement officers and another officer to make investigations. I think this is a good start but we need to do more, and be more positive. I would like to see a very strong team put together to include our partners the police, Suffolk County Council, Town and parish Councils all working together to take strong enforcement action to solve this unacceptable behaviour.

**Response Councillor Jan Osborne**

We have a strong tenancy and estate management team of 7 officers to manage and resolve any issues with tenancy breaches in council housing or the misuse of land owned by the housing service. Interventions vary according to the nature of the problem, the impact on the wider community and the solutions available. We will always work towards the best possible solution for all concerned. Where the problem is anti-social behaviour, the team liaise with other relevant agencies such as the police to bring about successful resolutions.

**Supplementary Question**

Could you please write or do a leaflet drop to the affected householders, tenants, pointing out that this sort of anti-social behaviour is not acceptable and that we will be taking this strong enforcement action to solve this problem?

**Response Councillor Jan Osborne**

With issues such as parking on greensward, car repairs on driveways or nuisance behaviour our options are more limited. Problems of this kind cannot be easily resolved through formal tenancy enforcement or by the intervention of the police. Instead solutions rely on the skill of council officers to persuade and negotiate with residents. Inconsiderate parking is likely the result of inadequate parking provision on estates designed before mass car ownership. Providing enough parking facilities retrospectively though is very expensive. For the team it can sometimes be a case of managing rather than resolving the problem.

Later this year, we intend to review the service that we provide in the shared communal spaces on estates and in villages. From this we will develop a more structured inspection process. We also intend to review our anti-social behaviour policy to ensure that we are focusing our resources on the most vulnerable victims of anti-social and nuisance behaviour and providing the support where it is most needed. On the question of the leaflet drop, it is resource intensive and still may not solve the problems. However, there is no reason why this cannot be considered with all the other options.

## **115 BC/18/45 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2018/19**

115.1 The Chair of Scrutiny introduced his report and informed Council that the last Joint Scrutiny meeting had been held where the Committee had conducted a self-examination. Witnesses ranged from officers to Cabinet Members and any recommendations would be taken forward for the new members of the Committee to consider in the new municipal year.

115.2 The Chair of Overview and Scrutiny highlighted that what had been appreciated throughout the course of the year was the non-adversarial approach that had been taken and he was gratified to see that largely being understood and bought into.

115.3 He personally thanked those witnesses, the members of the Committee, the Cabinet, members of the Cabinet who have attended in great and regular intervals and made a massive contribution to the success of the Committee. In particular he thanked Jan Robinson and Henriette Holloway for keeping order throughout.

115.4 Councillor McCraw **MOVED** the recommendations in the report, which Councillor Simon Barrett **SECONDED**.

115.5 Councillor Simon Barrett congratulated Councillor McCraw on the way he had chaired and embraced the role of Overview and Scrutiny and this was endorsed by Councillor Arthey. Councillor Ward also added his thanks.

115.6 Councillor Hinton queried why the five- year land supply listed in the work programme was not being reviewed more frequently than annually?

115.7 In response Councillor McCraw stated that while he accepted Councillor Hinton's point about looking at this more frequently, this did not necessarily mean by a full report to Overview and Scrutiny. The Committee was scheduled to receive a report in July of this year and it was also constantly being monitored by officers.

By unanimous vote

### **It was Resolved:-**

- (i) That the Overview and Scrutiny Committee's Annual Report for 2018/19 be noted.**
- (ii) That the Overview and Scrutiny Committee's Work Plan 2019/20 be approved.**

## 116 BC/18/46 PAY POLICY STATEMENT FOR 2019/20

116.1 Councillor Ward presented the report on behalf of the Chief Executive in his formal role as Head of Paid Service. The Localism Act 2011 required the Council to publish and approve a pay policy statement which sets out the remuneration of its chief officers and the remuneration of its employees who are not chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers. Chief officers are defined for this Council as the Chief Executive, Strategic Directors, and Assistant Directors.

116.2 Councillor Ward also highlighted that Babergh and Mid Suffolk had a single pay policy statement, covering both Councils as they shared a single organisational structure with harmonised pay grades, and terms and conditions of service. The lowest paid employees were those on the lowest increment within the grade one pay band. At 31<sup>st</sup> March 2019 that FTE equivalent pay was £17,391. This pay rating was 5.46% above the National Minimum Wage and also the living wage set out by the Living Wage Foundation.

116.3 Councillor Ward also drew attention to the second-year gender pay gap reporting which was a requirement by the 2017 regulation under the Equality Act 2010 and had now been published on the website. Both Councils must report this separately, although strictly Babergh actually falls below the 250-employee reporting threshold. The data for both Councils was reported along with combined data, which was more meaningful given the fully integrated nature of the workforce.

116.4 Councillor Ward then **MOVED** the recommendations in the report which Councillor Jan Osborne **SECONDED**.

**It was Resolved:-**

**That the Pay Policy Statement for 2019/20 attached as appendix A to the report be approved.**

## 117 BC/18/47 NOMINATIONS FOR APPOINTMENT OF DIRECTORS TO THE BOARD OF BDC (SUFFOLK HOLDINGS) LTD

117.1 Councillor Ridley introduced the report and informed Council that the purpose of the report was to appoint two new directors to the board of BDC (Suffolk Holdings) LTD to increase the resilience of the Board and mitigate the risks of the Board being unable to form a quorum and consequently unable to act. The Company's Articles of Association state that there must be a minimum of two directors to form a quorum.

117.2 Councillor Ridley went on to say that both of the nominees had been through a skills audit and their future input would be very valuable.

117.3 Councillor Ridley also added that in the event of a meeting being inquorate due to the election results, there was a need to also grant delegations to the Strategic Director with responsibility for Assets and Investments.

117.4 Councillor Ridley **MOVED** the recommendation in the report which Councillor Ayres **SECONDED**.

**It was Resolved:-**

- (i) That the appointment of Councillor Michael Holt and Councillor Alan Ferguson as Directors of BDC (Suffolk Holdings) Ltd be approved.
- (ii) That the resolution of the Holding Company taken on 10<sup>th</sup> December 2018 to delegate urgent decision making to the Strategic Director for Assets and Investments in the event that the Holding Company cannot form a quorum be noted. (Such delegations will be granted by way of Power of Attorney).

**118 BC/18/48 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE FRAMEWORK REVIEW**

118.1 Councillor Ridley introduced the report and informed Council that when the Community Infrastructure Levy (CIL) scheme was approved it was agreed by both Councils that the CIL Expenditure Framework and the Communications Strategy be reviewed after Bid round one had been completed and whilst Bid round two was in operation so that any amendments to the scheme would be considered by both Councils and be in place before Bid round three commenced. The scope of the review was set out in paragraph 1.3 of the report.

118.2 Councillor Ridley detailed the recommended changes to Council as listed in 4.2 of the report. Councillor Ridley also thanked the Joint Member Panel that had been involved in the review and the staff involved in the process for all of their hard work throughout the process.

118.3 Councillor Ridley then **MOVED** the recommendations in the report which Councillor Maybury **SECONDED**.

**It was Resolved:-**

- (i) That the detailed CIL Expenditure Framework (Appendix A of the report), the CIL Expenditure Framework Communications Strategy (Appendix B) and the 2019 Key CIL Dates Calendar (Appendix C) be approved. (Appendices D and E 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 inform the next Review of the CIL Expenditure Framework within the timescales contained in paragraph (iii) below and Appendices to this report.
- (iii) That the following recommendations as suggested by the Joint Member Panel be approved by Council: -
  - Delegated authority to be given to the Assistant Director of Planning and Communities, in consultation with the Cabinet Member for Planning and the Cabinet Member for Communities, to

produce a replacement for the Regulation 123 lists if these are altered/made obsolete/substituted by the Government in any new forthcoming legislation (together with any consequent changes to the key documents comprising Appendices A and B (to reflect any legislative change).

- The CIL Expenditure Framework should be reviewed again whilst Bid round 4 is being considered (October 2019 onwards) so that any amended scheme can be in place before Bid round 5 occurs (May 2020).
- (iv) That delegated authority be given to the Assistant Director of Planning and Communities, in consultation with the Cabinet Member for Planning and the Cabinet Member for Communities for the production, any amendment of and publication (on the Web site) of a CIL calendar each year to provide certainty around the Bid round process and other important measures/events throughout the year. (Appendix C of the report provides the proposed Key CIL dates calendar for 2019).

## 119 BC/18/49 JOINT COMMUNITIES STRATEGY

119.1 Councillor Maybury introduced the report and briefly summarised the background to the development of the Strategy. The Strategy had been developed as a response to some of the bigger community related changes and the challenges and opportunities that lie ahead. The Strategy also set out a vision for communities now and in the future, focusing on not just the growing older population that will need more support, but also focussing on younger people and giving them a better start in life. The Strategy also celebrated the strength and vibrancy of many communities and recognised the action taken by community volunteers and the difference they made to the people living in that community whilst acknowledging that some communities find it more difficult. The Strategy recognised the pressures that population, economic and environmental changes present not only to the Council but to the whole public sector. The Councils' partners have supported the development of the Strategy.

119.2 Councillor Maybury went on to say that there had been a conscious decision not to ask Council to approve an action plan. The Strategy was intended to provide an overall direction and because the work with partners was key to developing this direction, the delivery plan would need to be developed in collaboration with partners.

119.3 Councillor Maybury then **MOVED** the recommendations within the report which Councillor Ayres **SECONDED**.

119.4 Councillor Barrett asked if there was going to be a continuance of the Community Awards Scheme?

119.5 In response Councillor Maybury stated that at the present time the decision had been to hold these awards every two years.

119.6 Councillor Arthey queried the links with some of the strategic framework as some of the plans and policies quoted there were not in place yet?

119.7 In response Councillor Maybury stated that the Strategy was designed to help communities thrive now and in the future and with that in mind, future plans and policies that had not yet been agreed, had been quoted. There was also a recommendation in the report that future minor amendments could take place which would allow for any changes to the names of those policies.

119.8 Councillor Williams asked to what extent the Community Strategy was attempting to contribute to help reduce knife crime and county line issues?

119.10 In response Councillor Maybury informed Members that the Council was working hard with its partners in the WSCSP focusing on these issues as a priority. Some of the operations that were being undertaken were confidential so she was not able to divulge them to avoid comprising them.

119.11 The Assistant Director for Communities added that those issues were being tackled as part of a tactical plan owned by the Western Suffolk Community Partnership and this Strategy affirmed the Council's commitment to fulfilling the objectives of that tactical plan.

**It was Resolved:-**

- (i) That the Joint Communities Strategy, attached as Appendix A to the report, be approved.**
- (ii) That the Assistant Director for Communities in consultation with the Cabinet Member for Communities, be delegated the authority to make future minor amendments and updates to the Strategy, where required and appropriate.**
- (iii) That the Assistant Director for Communities in consultation with the Cabinet Member for Communities, be delegated the authority to take steps to make the vision and the direction of the Strategy more accessible to local communities, partner organisations and our staff, by:**
  - producing a summary version with more visuals and infographics,**
  - producing a delivery plan,**
  - producing a series of short films to explain the vision and the ways we want to work to achieve it.**

**120 BC/18/50 ADOPTION OF THE HOMES AND HOUSING AND THE HOMELESSNESS REDUCTION AND ROUGH SLEEPING STRATEGIES 2019-2024**

120.1 Councillor Jan Osborne presented the report and informed Council that she was extremely pleased to be presenting two new strategies for adoption. The first ever Joint Homes and Housing Strategy and the Homelessness Reduction and Rough Sleeping Strategy.



120.2 Firstly Councillor Osborne summarised the Joint Homes and Housing Strategy and informed Council that everyone deserved somewhere to live and call home, however, with residents facing an almost unprecedented set of housing market circumstances, which combined, made it very difficult especially for low earners and first time buyers to find somewhere to call home, she believed that this Strategy would provide the right direction and level of accountability to realise the 9 aims set out in the document. These aims were backed up with a comprehensive set of action plans.

120.3 The actions were not limited to what only the Council could achieve but also what could be achieved by working with all stakeholders involved in creating and sustaining a vibrant and accessible housing market. The Strategy also committed the Council to working with anyone wanting to develop and deliver the right homes in the right places. With such an ambitious housing vision it was also important to stress that this was a long-term commitment to be delivered over the next five years.

120.4 Councillor Osborne then went on to summarise the Homelessness Reduction and Rough Sleeping Strategy. She informed Members that the Council was required to publish a review of homelessness for the district and a strategy focussed on tackling homelessness every five years. This Strategy has taken into consideration the new Homelessness Reduction Act which was introduced earlier in the year. Since the introduction of the Act, the Housing Team had seen an unprecedented increase in workloads far above what was predicted. However, despite this the Housing Team have remained focussed on providing the highest possible service to residents and have prevented or relieved homelessness in over 130 cases since the Act came into effect.

120.5 The review of the last 5 years has shown significant work has been undertaken to resolve homelessness issues including accessing funding from local government to tackle rough sleeping, successfully preventing homelessness in the private sector and preventing and relieving homelessness in more than 1,800 cases. The introduction of this Strategy will drive the development of the housing solutions over the next 5 years to ensure homelessness is prevented wherever possible.

120.6 Councillor Osborne then **MOVED** the recommendations in the report which Councillor Ridley **SECONDED**.

120.7 Councillor Ridley queried why Babergh's homeless applications were so much higher than Mid Suffolk's?

120.8 In response the Corporate Manager for Housing Solutions informed Council that historically this was because both Councils reported their figures in different ways. However, the Councils were now reporting their figures in the same way and since the implementation of the Homelessness Reduction Act there has only been a minor difference in figures of approximately 30 over the last eleven months.

120.9 Councillor Hinton queried why the figures did not add up and also why people outside of the area appeared to be allocated housing in the district when local people were also desperately waiting for housing?

120.10 In response Councillor Jan Osborne stated that the figures were not meant to add up. The figure of 695 were the homeless applications taken by Babergh, the figure of 405 were those that the Council had a rehousing duty for and the figure of 428 were the number of cases where homelessness had been relieved. In relation to the people moving in and out of the area this is part of the current allocations policy which does need to be reviewed.

120.11 Councillor Cresswell queried what the difference was between homelessness being relieved and homelessness being prevented.

120.12 In response Councillor Osborne stated that under the old legislation the Council only took a homeless application if it was believed that the Council owed them a duty under this strict criteria. Apart from this, the Council had undertaken a lot of work with people that were not owed a duty under the legislation and these were the people that the Council have prevented or relieved homelessness for by securing either private rented, supported housing or lodgings for them. The figure of 405 was related to the number of people placed in temporary housing and who have subsequently been rehoused.

120.13 Councillor Cresswell also asked why the report stated that there were no rough sleepers in the area and asked whether Councillor Osborne would support the campaign to suspend the right to buy on Council housing?

120.14 In response Councillor Osborne stated that where there were rough sleepers who had refused to engage with the Council, therefore the Council could not record them as rough sleepers. However, an outreach officer from Bury did go out on a regular basis to try to talk to the people who are sleeping rough and mental health services were also involved.

In respect of the Right to Buy policy, Councillor Osborne stated that she personally had never agreed with it and had made strong representation about it to central government.

120.15 Councillor Cresswell sought further clarification as to whether Councillor Osborne was seeking to increase Council housing stock and felt that some of the temporary accommodation units were not fit for purpose.

120.16 Councillor Osborne in response stated that she would discuss the issue of the temporary accommodation with Councillor Cresswell outside of the meeting. With regard to the housing stock, the current forecast for the closing stock for 19/20 was 3478 which was definitely an increase from the previous figure. With the removal of the borrowing cap the next Administration would be able to take a decision on how many houses they may wish to acquire and build.

120.17 Councillor Hurren asked whether there would be any point in lobbying the government to reintroduce local connection?

120.18 In reply, Councillor Osborne said that she had mixed feeling about this and felt that there should be a percentage of homes for local connection, however social housing was about provision for people in need and not just about where they live so there should be a combination of both.

120.19 Councillor Parker asked how easy was it to use compulsory purchase order powers and whether the Council had used these powers?

120.20 In response the Assistant Director for Communities explained to Council that the powers were incredibly difficult, time consuming and complicated and even though the Government had simplified the process it was very difficult to unblock stalled sites.

By unanimous vote

**It was Resolved:-**

- (i) **That the Homes and Housing Strategy (2019-2024) and associated action plans for implementation be approved.**
- (ii) **That the Homelessness Reduction and Rough Sleeping Strategy (2019-2024) and associated action plans for implementation be approved.**
- (iii) **That the Assistant Director for Housing in consultation with the Cabinet Member for Housing, be authorised to make future minor amendments and updates to the strategies and action plans, where required and appropriate.**

## **121 BC/18/51 CHANGES TO THE CONSTITUTION**

121.1 The Monitoring Officer introduced the report and informed Council that the revised draft constitution had been prepared by a cross party working group, which she was pleased to endorse as a legally compliant document.

121.2 Councillor McCraw **MOVED** the recommendations in the report and explained to Council the methodology that had been used to review the Constitution. The review had been undertaken over several meetings using a systematic line by line approach to address every anomaly, contradiction, ambiguous use of words and removal of redundant items. The same process was also undertaken by a Mid Suffolk Working Group and the proposals from both Working Groups were included in the report.

121.3 Councillor Busby **SECONDED** the recommendations in the report.

121.4 Councillor Ferguson raised concerns relating to the number of places for Committees and the reduction in Councillors and felt that it might be better to wait until the new municipal year to adopt the Constitution in case there were further changes needed.

121.5 In response Councillor McCraw stated that this had been considered by the Working Group but because there were certain limitations on the minimum and maximum numbers for Committee it was felt that rather than make a decision now this could be revisited by the new Council and Cabinet who would then be in a better position to make these decisions at the Annual Council meeting.

121.6 The Monitoring Officer added that it was a Council function to formally constitute and appoint Members to those Committees at the Annual Council so any decisions about the size of those Committees could be made then, any decision would also need to take into account that the size of joint Committees would need to be agreed by both Councils.

**It was Resolved:-**

**That the recommended changes of the Constitution Working Group as set out in Appendix B of the report be adopted.**

**122 COUNCILLOR APPOINTMENTS**

There were no Councillor appointments.

**123 MOTIONS ON NOTICE**

**123a MOTION ON NOTICE RECEIVED FROM COUNCILLOR BEER**

This Motion was withdrawn.

**123b MOTION ON NOTICE RECEIVED FROM THE LEADER OF THE COUNCIL**

123b.1 On the proposal of Councillor Ward and seconded by Councillor Cresswell,

It was **MOVED:**

“that this Council endorses the adoption of Unison’s End Violence at Work Charter”

This was **PUT** to the meeting and **CARRIED**

**It was Resolved:-**

**That this Council endorses the adoption of Unison’s End Violence at Work Charter.**

The business of the meeting was concluded at 7.40 pm.

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Chair