

COUNCIL QUESTIONS RECEIVED FROM MEMBERS OF THE PUBLIC BDC 22nd
October 2019

Question 1

Mr David Lamming To ask the following questions:

1. To ask the Leader of the Council:

The undated Report BC/19/20 from the Leader of the Council (“Renaming Babergh District Council”) for consideration at an extraordinary meeting of the council convened for 22 October 2019 at 6.30 pm states (paragraph 3.1): “It is proposed to change the name of the district from “Babergh” to “South Suffolk” and that “If the name is changed the formal name of the council would be “The District Council of South Suffolk” though it will be usually rendered as “South Suffolk Council”. The recommendation (at para 2.1) is: “Pursuant to Section 74 Local Government Act 1972 (as amended) to change the name of the district from “Babergh” to “South Suffolk” from 1 April 2020.” However, a report in the East Anglian Daily Times on Tuesday 15 October (page 4) states that “the council’s leaders have opted to cancel the meeting and push back the debate to give councillors more time to consider it.”

In the light of the above, please:

(i) Name the councillors who ‘considered [it] relevant and timely to now replace the name of Babergh with “South Suffolk”’ (see report, para 3.5) and identify the meeting (or meetings) at which the decision to propose the name change was made, stating where the minutes or record of such meeting(s) can be accessed;

Response Cllr Ward

This first question really concerns how policy ideas arise and get developed and there are various informal mechanisms and forums for this prior to their being submitted formally to either Cabinet or Council as appropriate for debate and voting.

Specifically in this case I originally raised this idea during an informal Cabinet discussion on 22 July 2019. The topic of discussion was the future branding for Babergh and Mid Suffolk Councils. I therefore took the opportunity to initially sound out my Cabinet colleagues about the idea of changing the name of Babergh District Council. As this idea received in principle, indicative support from the Cabinet, officers were tasked to draft a relevant report. As such a change requires two-thirds of Councillors present at an Extraordinary Council meeting to approve it, the report has not been taken to any other committee. There are no minutes / records of the Cabinet’s discussions on 22 July 2019.

(ii) State how many representations respectively (a) for, and (b) against the proposal have been received, and where they can be accessed;

Response Cllr Ward

We have received 8 formal responses (5 from residents / parishes within Babergh) raising concerns about pronunciation, proposed name, history, costs and consultation. An anonymised summary of these can be produced on request. One of these (a parish council) wasn't against the proposal but wanted more information and another missed the point entirely, thinking the proposal was to change the spelling of Babergh. I and other members have received a few emails as well. I have also had a mix of positive and negative comments from my parish councils – about 50:50. Whilst we always consider feedback, this doesn't and cannot determine policy as it inevitably only comes from small number of residents and it is usually only those who strongly oppose something who contact us. I will say at this point that the comments in the responses received and in the media concerning costs and history have come from people who clearly know little of either. And I have done the research.

(iii) State whether any detailed assessment was made of the financial costs of the proposed 'rebranding', specific to this council, and how it is proposed such costs would be financed.

Response Cllr Ward

There is no more detailed financial assessment of the cost beyond what is contained in the original report but, based on experience elsewhere, it can be kept very low. We are in contact with and learning from authorities who have done this. We will not change things that don't need changing immediately and only do it as things reach end of life and need replacing.

Response Councillor Ward

2. To ask the Chairman of the Planning Committee:

What were the costs (a) incurred by the Council, and (b) ordered to be paid by the Council to the claimant, in the following legal cases:

(i) The successful judicial review challenge by Mr Clive Gare to the grant of planning permission by the Council on 7 February 2018, against the advice of its officers, for a housing development in the village of Hartest, the grant of permission being quashed by the High Court by a consent order made on 15 June 2018 on the basis of the Council's concession on the face of the order that it had failed to supply adequate reasons;

(ii) The second successful challenge by Mr Gare, R (Gare) v Babergh District Council [2019] EWHC 2041 (Admin), to a subsequent grant of planning permission by the

Council on 18 December 2018, again against the advice of its officers, for the said development (judgment 26 July 2019), the basis for quashing the permission again being the Council’s failure to give reasons for its decision, and a “failure to determine whether or not, and the extent to which, the development proposal complie[d] with the development plan”?

Response Councillor Beer

The council’s full in-house costs are not possible to quantify.

Whilst we could provide details of the number of officer hours spent on the matter for our in-house legal team the time spent by our planning team is not recorded and the reality is that the officers involved would have been employed by the council in any event. If not doing work on these claims officers would have been working on other council business.

In terms of advice and representation by Counsel we incurred £3700 costs (net of VAT) in relation to claim (i) of June 2018 and £13,450 (net of VAT) in relation to claim (ii) of July 2019. Our own incidentals i.e. travel to court for claim (ii) amounted to £294.70.

The Council was ordered to pay to the claimant costs of £12,141.88 in relation to claim (i) and £30,000.00 in relation to claim (ii).