

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH COUNCIL** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Tuesday, 22 October 2019

PRESENT:

Councillors: Kathryn Grandon (Chair)
Adrian Osborne (Vice-Chair)

Councillors:	Clive Arthey	Susan Maria Ayres
	Melanie Barrett	Peter Beer
	David Busby	Sue Carpendale
	Trevor Cresswell	Derek Davis
	Siân Dawson	Mick Fraser
	Jane Gould	Honor Grainger-Howard
	Richard Hardacre	John Hinton
	Michael Holt	Bryn Hurren
	Leigh Jamieson	Robert Lindsay
	Elisabeth Malvisi	Margaret Maybury
	Alastair McCraw	Mary McLaren
	Mark Newman	Zachary Norman
	John Nunn	Jan Osborne
	Alison Owen	Lee Parker
	Stephen Plumb	John Ward

In attendance:

Officers: Chief Executive
Assistant Director - Housing
Senior Governance Officer
Corporate Manager - Democratic Services
Strategic Director

Apologies: None

177 DECLARATION OF INTERESTS BY COUNCILLORS

177.1 There were no declarations of interests.

178 BC/19/21 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2019

It was Resolved: -

That, with the following amendments, the Minutes of the meeting held on 24 September 2019 be confirmed and signed as a true record:

Paragraph 8.5: Councillor John Ward responded on behalf of the Cabinet Member for Economic Growth who had forwarded apologies.

Paragraph 8.10: change 811 attendances to 881 attendances.

178.2 Councillor Hinton enquired when responses would be forwarded to Members regarding employment created by the new developments in rural areas, in relation to the Cabinet Member for Economic Growth's report CMU4. Officers responded that this would be forwarded to Members in due course.

179 BC/19/22 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

179.1 The Chair referred to Paper BC/19/22 which was for noting and invited the Leader to make his announcements.

179.2 The Leader had attended the Business Rates Member training yesterday and he noted that the training was not well attended. The training would be repeated the following day at 4.30pm and he urged everyone to go if possible. The Assistant Director for Corporate Resources and her team had put a lot of effort into the Finance Training Programme. The presentation was excellent, and the Leader urged Members to attend.

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

180.1 None received.

181 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

181.1 A question had been received in accordance with Council Procedure Rule 12.

181.2 Mr Lamming was in attendance and asked the following question:

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;**

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

- (i) This first question really concerns how policy ideas arise and get developed and there are various informal mechanisms and forums for this prior to them 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) 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) 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.

181.3 Mr Lamming asked a supplementary question:

Would you in fact not consider that the public ought to be formally

consulted to the name change and in view of your answer for part three that ‘we will not change things that do not need replacing only do it as things reach end of life and need replacing’. Would you then accept that that there will be no need to change the name of this Council unless and until it is involved in some form of local reorganisation involving another council?

181.4 Councillor Ward responded to the first part of the question relating to public consultation and said that Councillors were elected to represent members of the public and could consult through their local ward members.

181.5 In response to the second part of the question Councillor Ward stated that local government reorganisation was not currently under consideration in the County and would require the cooperation of other districts and the County Council itself.

181.6 Mr Lamming then asked a second question to the Chair 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).

181.7 Mr Lamming asked a supplementary question:

181.8 **While it is entirely proper for a planning committee in an appropriate case to make decision contrary to the advice of its officers and in indeed often members of the public from the local area, what lesson has the Planning Committee learnt from this costly exercise, and the figures that Mr Beer has provided amounted to just under £60,000; what steps has been or are being taken to seek to ensure that such a challenge against a council decision cannot succeed in the future.**

181.9 Councillor Beer responded that the Members of the Planning Committee took planning applications very seriously and they were well aware that costs could go considerably high, but they were dutybound to act in the best way they feel they should. He hoped that the lesson learnt by the Planning Committee Members and all Members of the Council was to be sure that the decision made was correct and that Members had the evidence to justify their decision.

182 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

182.1 None received.

183 BC/19/23 OVERVIEW AND SCRUTINY COMMITTEE REPORT

183.1 Councillor McCraw, Chair of the Overview and Scrutiny Committee, referred to report BC/19/23 and briefly summarised the main points of the report.

184 BC/19/24 CORPORATE PLAN (2019-2027)

184.1 Councillor Ward introduced report BC/19/24, Corporate Plan (2019 – 2027) which the Cabinet had been working on in conjunction with Mid Suffolk District Council. The current strategic plan was due to expire in 2020 and it was the intention that the proposed new Corporate Plan would be replacing the Joint Strategic plan. Appendix A provided a summary of the development of the revised Corporate Plan.

184.2 The draft Corporate Plan had been supported by the Senior Leadership Team and officers across both Councils and required the approval of both Cabinets and Councils. The new Corporate Plan provided a joint vision for the future of the Council's area and addressed opportunities and challenges facing the District in the foreseeable future.

184.3 The revised version and new mission statement would provide more confident

leadership for the area through greater place-based workings. The interconnected strategic priorities in the plan were the environment, the economy, housing, well-being, our customers and communities.

- 184.4 The Corporate values were included in the Corporate plan to ensure that they were part of the objective to benefit communities and residents in the District.
- 184.5 Councillor Ward **MOVED** recommendation 3.1, which was **SECONDED** by Councillor Arthey
- 184.6 Councillor Ward invited the Chief Executive to present the Corporate Plan the Council.
- 184.7 After the presentation, Councillor Lindsay stated that the purpose of the Council should be to improve the quality of life for residents and he hoped that the Corporate Plan would provide the foundation for this. The Council was a public sector service and even if some of the services were conducted as a corporate body he felt that the use of the word 'customer' for the residents in the District was not appropriate as it set a mind-set that implied that residents were buying from the Council. This was not the case and he would prefer the word 'citizens' or 'residents', and he was unsure if he would be able to support a Corporate Plan using the word 'customers'.
- 184.8 Councillor Ward responded that he was concerned if support for the Corporate Plan was based on the perception of one word. However, he felt that the use of 'customers' worked well in this context as this implied private sector concepts of delivering services to customers' satisfaction.
- 184.9 Councillor Malvisi agreed with Councillor Ward and thought these issues were related to the exchange of values to a mutual satisfaction.
- 184.10 Councillor Parker added that the Corporate Plan included everybody in the authority but that the Council also delivered to both communities, residents and customers in the District.
- 184.11 Councillor Hurren asked if the Chief Executive was confident that the Council would be able to deliver the Corporate Plan, as he had concerns about performance and hoped that future concerns would be responded to an appropriate manner.
- 184.12 Recommendation 3.1 was put to Members for voting and was **CARRIED** by 31 to 1.

It was RESOLVED: -

That the Council adopts the draft Corporate Plan (2019 – 2027) as visually presented in paragraph 4.5 to replace the Refreshed Joint Strategic Plan (2016 – 2020)

- 185.1 The Deputy Monitoring Officer introduced report BC/19/25.
- 185.2 Councillor Ward **MOVED** recommendations 2.1 and 2.2 in the report, which was **SECONDED** by Councillor Arthey.
- 185.3 The recommendations were put to Members for voting and the vote was **UNANIMOUS**.

It was **RESOLVED**: -

- 1.1 **That the Committees' size and numerical allocation of seats be approved as detailed in Appendix A to the report.**
- 2.1 **That the revisions to the appointments to Committees as set out in Appendix B to the report be noted.**

186 ELECTION OF A VICE-CHAIR FOR OVERVIEW AND SCRUTINY COMMITTEE

- 186.1 On the invitation from the Chair for nominations for the Vice-Chair of the Overview and Scrutiny Committee, Councillor Ward **PROPOSED** Councillor Adrian Osborne. Councillor Osborne had served on the Committee for a number of years and would be an able person to take up this role.
- 186.2 Councillor McCraw agreed and **SECONDED** the proposal.
- 186.3 The proposal was put to Members for the vote and the vote was **CARRIED** by 30 votes to 2.

It was **RESOLVED**: -

That Councillor Adrian Osborne be elected as Vice-Chair for the Babergh Overview and Scrutiny Committee.

187 COUNCILLOR APPOINTMENTS

- 187.1 The Chair referred to Item 10 and asked Members if there were any changes to those already tabled in Item 10.
- 187.2 It was **NOTED** that there were none.

188 MOTION ON NOTICE

- 188.1 The Deputy Monitoring Officer informed Members that the Motion was related to a Cabinet Decision and therefore once the Motion had been duly moved, seconded and debated the Motion would be referred back to Cabinet for decision.
- 188.2 The Chair invited Councillor Beer to move the Motion.
- 188.3 Councillor Beer **MOVED** the Motion as detailed in the Agenda and said that this motion provided Members with the opportunity to get involved and to

call on the public to come up with suggestions and solutions as to how the Council should go forward, He said that he may be a voice for the motorist, but that the voice of the Green agenda, other road users and safety organisations were required as there were issues with the District's major town of Sudbury. Improvement to air quality had been achieved in Cross Street, but considerations had to be made for future parking provision as visitor numbers would increase as a result of the work of the 'Growth and Visitors' projects. Loss of parking spaces would generate issues with parking in side streets and residential areas. He also thought that other parts of Babergh District were likely to require new parking areas due to housing developments and increased tourism in some parts of the District.

188.4 He asked Members to have a fresh approach and an open mind to investigate all aspects of opportunities for parking options and also set up a small group to report back to Council. He then read out the motion:

"This Motion calls for the Council to review parking provisions in Sudbury, Hadleigh and other areas of Babergh and identify what extra capacity will be needed to make the current shortfall and any additional demand in the years to come and where this should be placed, nothing should be ruled in or out, all options should be looked at working with our partners Suffolk County Council and the Town/Parish Councils, it will identify parking needed to support the following:

1. *SCC's imminent measures to restrict parking in Cross Street.*
2. *The implementation early next year of Civil Parking Enforcement Regulations.*
3. *SCC's and STC's proposals for the remodelling of the Market Hill.*
4. *The Hamilton Road development, which is planned to include a new Cinema.*
5. *The additional residents that will be living in the towns and nearby communities.*
6. *Hadleigh growth and other areas of Babergh.*
7. *The extra visitors that will be coming to the town as a result of the Gainsborough's House and St. Peter's Church projects."*

188.5 Councillor Newman **SECONDED** the Motion.

188.6 Councillor Lindsay then asked to **MOVE** an amendment to the Motion as detailed in the tabled papers and said that although he agreed that a review of parking was required, he thought there were a couple of assumptions in the Motion, one of which was that extra capacity for parking would solve the issues. However, car drivers could not be considered in isolation, and he referred to a study from 2011, which detailed figures for parking issues in Sudbury. For instance, that 43% of people driving to work lived in Sudbury and Great Cornard and did not need to drive to work. There was a requirement to encourage people to take alternative transport such as buses, cycling or walking.

A need for cycle parking at the station in Sudbury had been identified already in 2011 and nothing had been done to resolve this issue. Parking

spaces and electrical charging points would be required to be part of the review and would encourage the use of electrical cars.

188.7 He urged Members to accept the amendment as detailed in the tabled papers:

Sudbury/Hadleigh and other parts of Babergh district are growing: There are already parking problems at times in our towns and other places throughout Babergh, there is substantial new housing planned for our towns and in nearby communities. In Sudbury in particular, through the Vision for Prosperity and Economic Development Strategy, Babergh is committed to several regeneration projects in the town and encouraging business growth. There will also be increased tourism to the towns and District as a whole. Civil Parking Enforcement and the remodelling of the Market Hill will soon result in much less on-street parking, with an extra demand for off-street parking places.

Alternative parking will be needed for residents of Cross Street, a designated Air Quality Management Area, to reduce pollution and improve the traffic flow. As a result of all these things, there will be increasing pressure on parking in the town, which needs to be addressed before the current capacity is exhausted.

*This Motion calls for the Council to review **car and cycle** parking provision in Sudbury, Hadleigh and other areas of Babergh and identify what **level** of capacity will be needed ~~to make the current shortfall and any additional demand in the years to come~~ and where this should be placed, nothing should be ruled in or out, all options should be looked at working with our partners Suffolk County Council and the*

Town/Parish Councils, it will identify parking needed to support the following:

1. *SCC's imminent measures to restrict parking in Cross Street.*
2. *The implementation early next year of Civil Parking Enforcement Regulations.*
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5. *The additional residents that will be living in the towns and nearby communities.*
6. *Hadleigh growth and other areas of Babergh.*
7. *The extra visitors that will be coming to the town as a result of the Gainsborough's House and St. Peter's Church projects.*
8. ***The uptake in use of electric vehicles***

188.8 Councillor McCraw **SECONDED** the amendment.

188.9 The Chair asked if Councillor Beer accepted the proposed amendment.

188.10 Councillor Beer responded he accepted the proposed amendment and apologies for not including cycling in the Motion. However, he was

concerned of the removal of the word of 'extra' demand for off-street parking places and asked Councillor Lindsay to reconsider this, as he was sure extra parking places would be required.

188.11 Councillor Lindsey maintained that the word 'extra' should be removed.

188.12 Councillor Beer re-considered and stated to get the review moving he would accept the Amendment as tabled.

188.13 Councillor Newman accepted the Amendment.

188.14 Members then debated the amended Motion and Councillor Ward said the he shared Councillors Lindsay's wish to see a reduction of cars in Sudbury and that work was being undertaken for cycle storage in Kingfisher car park in Sudbury. In terms of cycling lanes and bus routes, it was necessary to work with Suffolk County Council, who were responsible for highways. He thought that extra parking capacity was required in Sudbury and Hadleigh to encourage residents to support business and commerce. This included other areas such as Pin Mill and other villages in the District.

188.15 Councillor Malvisi asked Members to consider that villages such as Lavenham and Long Melford contributed to the local economy. Visitors would be using cars and parking provision would pose a problem as these villages were conservation areas with restriction. Civil parking enforcement should be able to manage inconsiderate drivers.

188.16 Councillor Cresswell thought that parking enforcement was a problem in Sudbury and until this was resolved it would be difficult to assess how much parking was required. Parking enforcement would solve the issues with drivers staying longer than the designated parking time which he thought was part of the parking problem.

188.17 Councillor Fraser welcomed the Motion and thought that a review of the parking requirements in Hadleigh which needed to be assessed not just for cars but also for cyclists. New developments in Hadleigh created more traffic and the loss of parking places at Corks Lane was an opportunity to align parking allocation in Hadleigh. He looked forward to involving Hadleigh Town Council in the review to move this forward.

188.18 Councillor Hardacre did not agree that the only way to get to Pin Mill was by car, he thought that improved cycling paths would be a better solution and encourage cyclists to visits place of interests in the area.

188.19 Councillor Hurren thought Suffolk County Council needed to provide a steer on cuts in bus services and school transport which only forced people to drive rather than taking public transport. An increase in car use created a rise in the use of parking places and on street parking.

188.20 Councillor Gould said that parking problems in Pin Mill had encouraged residents to car share, cycling and walking in the village.

- 188.21 Councillor Busby said that new developments generated more traffic and the Council could not wait until Suffolk County Council came up with a solution. Babergh District Council would need to resolve parking issues now and deliver a better transport system.
- 188.22 Councillor Jan Osborne informed Members that Suffolk County Council and Babergh District Council were working together to solve some of the issues raised. However, she felt that Cabinet should come up with some creative ideas, including solutions for rural locations as they suffered from parking allocation issues too.
- 188.23 Councillor McCraw supported the amendment and noted that parking places had been closed down to improve pollution levels. He reminded Members that recently the Council had adopted various environmental strategies and policies and he was surprised that the Council now sought to increase parking provision. He felt that the Council had not examined all possibilities and reminded Members that planning applications included transport plans which could include alternative transport such as car sharing. The point was that fewer car movements was the central issue around parking provisions.
- 188.24 He continued that it had been proven that health issues and depression was directly related to pollution and traffic fumes and he hoped that when the review comes back to Council all possibilities had been considered not just those mentioned in the Motion.
- 188.25 Councillor Dawson supported the Amendment, as recently parking places had been lost to developments. Further, she asked that parking permits would be considered for residential parking as non-residential parking on side streets in Hadleigh was already causing concerns for residents.
- 188.26 Councillor Lindsay summed up a few points and said that there was no reason for why the Council could not provide public transport solutions for residents in places such as Sudbury and Hadleigh. He detailed several advantages by considering alternative solutions and finally he reminded Members that the Council had just passed a Motion for Climate Emergency to achieve zero carbon by the year 2030 and he urged Members to support the amendment.
- 188.27 Councillor Beer, in his summing up, clarified that the Motion did not include work around parking fees. He thought that people would continue to drive but that alternative solutions and forms of transport should be encouraged. He still believed that parking provision would be part of the solution. However, the Council needed to deliver on this Motion and move this review forward.
- 188.28 The Chair thanked Members for their comments and advised that the amended Motion along with the comments from this meeting would be passed to Cabinet for decision.

It was RESOLVED: -

That the amended motion and comments made at the Council meeting on the 22 October 2019 be forwarded to Cabinet for decision.

The business of the meeting was concluded at 7.01 pm.

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Chair (& Date)