

BABERGH DISTRICT COUNCIL

Minutes of the Virtual Meeting of **BABERGH DISTRICT COUNCIL** held on Tuesday, 23 March 2021 at 5:30pm

PRESENT:

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

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

In attendance:

Officers: Chief Executive (AC)
Strategic Director (KN)
Assistant Director Corporate Resources (KS)
Monitoring Officer (EY)
Assistant Director – Environment and Commercial Partnerships (CC)
Assistant Director – Planning for Growth (TB)
Professional Lead – Key Sites and Infrastructure Development
Manager (CT)
Head of HR and OD (SH)
Corporate Manager – Governance and Civic Office (JR)

Apologies:

Melanie Barrett
Zachary Norman

65 DECLARATION OF INTERESTS BY COUNCILLORS

65.1 Councillor Maybury, being a Director of the Sudbury Citizens Advice, declared a personal non pecuniary interest in Item 7 BC/20/29.

66 BC/20/27 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2021

It was RESOLVED:-

That the Minutes of the meeting held on 23rd February 2021 be confirmed as a true record and signed at the next practicable opportunity.

67 BC/20/28 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

67.1 The Chair announced that the High Sheriff Justice Event listed in her report had not gone ahead and therefore should be removed from the events.

67.2 The Chair invited Councillor Ward to introduce his report.

67.3 Councillor Ward introduced his report and informed Council that on this national day of reflection we had stood united in remembering those who had lost their lives as a result of Covid. Councillor Ward added that thoughts were with those who had lost loved ones and had seen their lives impacted in ways they could not have imagined a year ago. Councillor Ward paid tribute to the Council's teams, public sector colleagues and the army of volunteers who had kept essential services running and supported communities in the face of unprecedented challenges. The roll-out of the vaccine and availability of community testing brought hope for the year ahead as long as everybody followed the guidelines.

67.4 In the meantime the Council would continue to support the recovery of our towns and businesses so that Babergh continued to be somewhere people were proud to call home, post-Covid and beyond.

67.5 Councillor Ward reported that the latest data reflected a continuing decline in the infection rate to levels not seen since late Summer, in Babergh this was now down to 19.6 per 100,000 – the lowest in the county and a long way from the nearly 640 per 100,000 that was seen in early January. There was, however, a slight rise in parts of the county following the reopening of schools and a significant increase in testing. There was further good news in that the death rate was now not above the seasonal average.

67.6 The vaccination roll-out in Suffolk was still going very well – one of the best in England – and in Babergh almost everyone over 50 had now had their first vaccination. Many had now had both doses and this would be the focus of the vaccination programme next month. Councillor Ward hoped that any short-term reduction in supply wouldn't delay the removal of lockdown restrictions and that everyone could have a good Summer.

iESE

67.7 Councillor Ward announced that Babergh and Mid Suffolk have been shortlisted in three categories of this year's iESE Public Sector Transformation Awards, including Council of the Year. This was really exciting news and a testament to the innovation that was at the heart of everything the Council does also to the excellence of the staff.

It was a welcome counterweight to the disinformation peddled on social media. Councillor Ward urged Councillors to watch the videos.

Belle Vue

67.8 Councillor Ward stated that he wanted to address the continuing rancour over the future of the Belle Vue site. The chosen way forward was not liked by some but it was gratifying that this was balanced by others who understood that something needed to be done and that a pragmatic solution had been found that stood a chance of being implemented.

67.9 Councillor Ward added that there was a myth that the Council had not considered all six bids or didn't give them equal consideration. In addition to bid price, all were assessed equally and fairly against the same qualitative criteria, which were listed in the public paper. All bidders were contacted during the process, none was ignored and those who had not included sufficient information by the end date were given a further two weeks to provide more. The selected bid scored significantly higher overall than the others, meeting the S123 criterion to dispose of land for the best consideration that could be reasonably obtained. The Overview and Scrutiny Committee had decided overwhelmingly that the Cabinet debate had been conducted in a proper manner and that the decision was therefore sound.

67.10 Following the demise of the hotel bid, the Council had taken on board the strong desire to see a new entrance to the park from the town and developed a compromise solution that would be funded from the sale and it had the huge advantage in that it could be delivered. A solution that will finally see the regeneration of this gateway to the town and deliver a park that the whole town can be proud of.

Sudbury Investment

67.11 While on the subject of Sudbury, Councillor Ward reminded Members that the Council had already put a huge amount of investment into the town and that it was proposing much more with its Vision for Prosperity. This investment – either directly from Babergh or from the grants that the Council had been able to secure – now amounted to over £4m in the past few years.

67.12 Councillor Ward stated that the Council did spend and would continue to spend in the town. Sudbury was the Council's principal town, the engine of our economy and the Council was determined that it would be transformed to be fit for the coming decades: a town for the 2050s, not the 1950s.

67.13 Councillor Ward added that unfortunately, this investment wasn't appreciated by all and, to paraphrase a well-known film, it didn't seem to be a case of: 'But apart from the leisure centre upgrade, the financial support for cultural venues, the environmental improvements including solar car ports, the CCTV, new council housing, additional temporary accommodation, the Virtual High Street, the Vision Masterplan, and investment in park facilities, what has Babergh ever done for us?' Unfortunately, for those who remembered the scene in the film, he couldn't claim the last item mentioned: the *Romans* may have brought peace but he felt this seemed still some way off that in Sudbury.

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

68.1 There were no petitions reported.

69 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Question from Mr Morelli to Councillor Holt, Cabinet Member Economic Growth.

In the Cabinet's recent decision of the sale of the land at Belle Vue, and during the Cabinet debate on the item, why was seemingly little or no notice taken, and little or no regard had to, Sudbury Town Council's views on the future of Belle Vue, as outlined in the report of the Belle Vue Working Party; and why was this report, and the Town Council's views, seemingly dismissed by yourself as being "late in the day", without a true consideration of the merits on which the report was based?

Response from Councillor Holt

Thank you, Mr Morelli for your question.

It is very tempting to be drawn into answering your question by giving a detailed account of Cabinet's decision making at its last meeting. As you will appreciate however that has already been carried out by our Overview & Scrutiny Committee following the call-in of the Cabinet's decision and also by the Sudbury Town Council at its extraordinary meeting last week.

It is also tempting as it would allow me to correct several of the inaccuracies or assumptions that were presented at that Town Council meeting. I will resist the temptation though as I really do not think it is helpful or healthy for the district or town council to get into a habit of critiquing each other's meetings.

What is more important is that we respect one another, one another's differences of views, where they exist; and work together for the residents of Sudbury, that we both represent.

With that in mind, you are correct that I observed that the Town Council's formal stance was received not long before Cabinet met. The Town Council's views were, and are, however clear and easily understood and so formed a proper part of Cabinet's collective considerations in reaching its decision.

Supplementary Question from Mr Morelli

What steps are you taking to ensure that the views of Sudbury Town Council are taken into account as a key factor when Babergh is taking key decisions that are affecting the Town including those related to Belle Vue especially as judging by the Town Council public meetings, they do not seem to feel that their views are being considered by Babergh very much if at all?

Response from Councillor Holt

Currently we are undertaking some meetings with Sudbury Town Council. We have met with the Clerk and one other council member twice. Not only to discuss Belle Vue but other projects and opportunities coming forward for Sudbury. I understand your concerns and those of Sudbury Town Council and residents that we are not getting on as well as we should be. My point of view and those of the Cabinet is that we will work tirelessly to ensure that our relationship improves and that for the good of Sudbury and local residents we will work very very hard to ensure that we are more attuned and have more dialogue and open conversation so that in the future hopefully the Town Council and District Council will present themselves in a much better way to members of the public.

70 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

70.1 There were no questions from Councillors.

71 BC/20/29 OVERVIEW AND SCRUTINY COMMITTEE REPORT

71.1 Councillor McCraw introduced his report and informed Council that the report covered three meetings:-

18th January 2021 - the Committee had reviewed and scrutinised Town centre parking and the Budget.

15th February 2021 - Review of Citizens Advice.

15th February 2021 - Review of petition validation process.

71.2 Councillor McCraw apologised for the lengthy report but explained that there had been a high degree of public interest in the subjects reviewed.

71.3 Council noted the report.

72 BC/20/30 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE FRAMEWORK THIRD REVIEW - MARCH 2021

72.1 Councillor Arthey introduced the report and informed Council that this was the third review of CIL carried out by the Joint Member Panel. The main changes being recommended were cross boundary bids with new additional criteria for dealing with such bids fully listed at 4.5 in the report.

72.2 All such CIL expenditure beyond each District's administrative/geographical boundaries shall be Cabinet decisions with no delegated decisions being taken.

72.3 Councillor Arthey also highlighted the key recommended changes to the communication strategy (Appendix B in the report).

72.4 Councillor Arthey then **MOVED** the recommendations in the report which Councillor Ward **SECONDED**.

72.5 Councillor Maybury queried whether there was a percentage of contribution required from each authority for cross border bids?

72.6 In response Councillor Arthey stated that it would depend on each individual bid. Currently there were no proposals being considered but in Mid Suffolk there had been, so these proposals were to prepare for any future bids where there were fairly large developments on the edge of the district and it was possible that those residents would be using infrastructure from another district, but this could cut both ways. Some of those authorities may not be CIL levying collecting authorities so their contributions would be through s106 agreements. But if we were asked to contribute it would be via CIL.

72.7 Councillor Maybury asked if it would not be considered prudent to put some type of percentage on for cross border bids?

72.8 In response Councillor Arthey advised that the Panel had stated that any bid must be evidence based so that if there is infrastructure being used over the border and there was evidence that 75% of Babergh residents were using that infrastructure, then there would be a 75% contribution. However, it is highly likely that there would be much lower usage which could be just 10% 20% or 30%. So far Ipswich who are looking for transport improvements in the town have quoted a traffic survey. The Panel have said that full evidence research needs to be provided that actually shows the level of infrastructure use that takes place to inform any CIL bid proposal.

72.9 Councillor Hinton queried whether if the surrounding authorities did not have a CIL regime but used instead S106 agreements that these would be agreed at the time of the granting of planning permission therefore negating the need for a contribution from CIL?

72.10 In response, Councillor Arthey stated that this would only apply if the S106 agreement was attached to a development. If it was a cross boundary development, there would be an element of S106 contribution and an element of CIL. However, there were other situations of which Sproughton was an example. There were no S106 contributions from the land adjacent to Sproughton that might have been received because there was no development there. Ipswich would therefore be asking for a contribution from CIL for strategic infrastructure for an Ipswich wide project from CIL.

72.11 Councillor Busby asked what would happen if the development was originally S106 and not CIL.

72.12 In response Councillor Arthey said that it would not make any difference as we were now a CIL charging authority that would provide infrastructure if and when the need arises as long as the bid was fully evidenced they could seek a contribution from Babergh CIL.

72.13 Commenting further Councillor Arthey stated that he did not think that the proposals would be huge. The only one that had been mentioned so far was the transport improvements in Ipswich. This was still very early days and if they were to ask for a contribution from neighbouring authorities, evidence would be required to support the proposal.

72.14 Councillor Busby asked if it would be possible to question the viability of the scheme itself as their previous track record wasn't good?

72.15 Councillor Arthey confirmed that it would have to be a scheme fully worked up, costed and evidence based with all the permissions in place.

72.16 Councillor Maybury asked if it was possible to confirm what time was taken by officers to review and answer CIL enquiries?

72.17 In response the Professional Lead for Key Sites and Infrastructure informed Council that she didn't have precise figures but they did however encourage people to come forward early with their proposals as this prevented a load of CIL bids that would not meet the criteria in the scheme. It also enabled officers to compile a list of infrastructure projects to give an idea of what investment was needed to undertake these projects.

72.18 The Chair then invited Councillors to open debate.

72.19 Councillors Hinton and Maybury raised concerns about Cabinet taking decisions on CIL which were not in the budget and felt that the decisions should be taken by Council.

72.20 The Monitoring Officer confirmed that CIL expenditure was a Cabinet decision under the Local Government Act 2000 and not listed as a hybrid function therefore it was not within the powers of Council to change. The Monitoring Officer also clarified that there was no upward financial limit for Cabinet decisions.

72.21 Councillor McCraw also added that any Cabinet decision would be subject to the Call-In process.

72.22 Councillor Hinton sought clarification as to whether Cabinet could refer the matter to Council for debate before Cabinet took the decision. This was confirmed by the Monitoring Officer.

It was RESOLVED:-

(1) That the amendments to the CIL Expenditure Framework – March 2021 (arising from the third review) (Appendix A) and the CIL Expenditure Communications Strategy – March 2021 (Appendix B) be approved.

(2) That the CIL Expenditure Framework and the CIL Expenditure Framework Communications Strategy be reviewed again whilst Bid round 8 is being considered (October 2021) so that any amended scheme can be in place before Bid round 9 occurs (May 2022).

(3) That the Joint Member Panel be retained to inform this (fourth) review.

73.1 Councillor Ward introduced the report and **MOVED** the recommendations in the report.

73.2 Councillor Ward informed Council that this was a long-awaited public consultation on the future of the New Homes Bonus. The Monitoring Officer had ruled that the consultation was deemed to be of significance and should be referred to full Council for a response. However due to the short timescales given by the MHCLG it was proposed that a working group of the Council be established to agree a response with the Assistant Director of Resources for submission by the deadline of 7th April 2021.

73.3 The proposed membership of the working group for Babergh was the Cabinet Member for Housing, the Cabinet Member for Finance and two Councillors in total from the Independent Group, the Liberal Democrat Group and the Labour Group.

73.4 Councillor Osborne **SECONDED** the recommendations.

73.5 Councillor Lindsay raised concerns about the membership of the Group and stated that the Independents and Liberal Democrats were part of the Administration and therefore membership should be selected from the Green and Labour Groups.

73.6 Councillor Hinton felt that it should be the Cabinet Member for Planning rather than the Cabinet Member for Housing and moved an amendment to replace the Cabinet Member for Housing with the Cabinet Member for Planning.

73.7 This was seconded by Councillor Plumb.

73.8 Councillor Ward accepted the amendment.

73.9 Councillor Holt and Councillor Beer felt that a Conservative should be on the Working Group.

73.10 Councillor Lindsay proposed that Councillor Gould be a member of the group and Councillor Ward proposed that Councillor Jan Osborne be a member of the Group.

This was **PUT** to Council and **CARRIED**

It was RESOLVED:-

1. **That a joint cross-party working group be appointed to formulate the Councils' response to the Future of the New Homes Bonus Consultation and that the membership of the working group be agreed as follows:-**

**Cabinet Member for Finance
Cabinet Member for Planning
Cabinet Member for Housing
Councillor Jane Gould.**

2. **That delegated authority be given to the Assistant Director for Corporate Resources to formally submit the consultation response agreed by the working group on the Council's behalf.**

74 **BC/20/32 PAY POLICY STATEMENT 2021/22 AND GENDER PAY GAP**

74.1 Councillor Ward introduced the report and informed Council that the Council was required to produce a Pay Policy Statement for each financial year under Section 38 (1) of the Localism Act 2011. As Babergh and Mid Suffolk have a single organisational structure with harmonised pay, grades and terms and conditions of service, a single pay policy covered both Councils.

74.2 Councillor Ward added that the Council was also required to report on its gender pay gap. The date of the reporting had been extended from 31st March 2021 to 31st October to take into account the impact of Covid. Although a report must be published for each Council, the combined data was more relevant due to the workforce being fully integrated. The report does not need the approval of full Council and will be published on the website when available.

74.3 Councillor Ward then **MOVED** the recommendations in the report which Councillor Arthey **SECONDED**.

It was RESOLVED:-

1. **That the proposed pay policy statement for 2021/22 as set out in section 4 be approved.**
2. **That publication of the Council's gender pay gap, as of 31st March 2020, be noted.**

75 **BC/20/33 APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL**

75.1 The Corporate Manager for Governance and Civic Office introduced the report and informed Council that the current panel had been appointed in 2016 and had now reached the end of their term. Under the Local Authorities (Members Allowances England) Regulations 2003 the Council was required to establish and maintain a Panel known as the Independent Remuneration Panel to make recommendations for amendments to the Members Allowances Scheme.

75.2 Council was being asked to approve the formal appointment of the recommended Panel members for four years with an option to extend this for another 4 years and to confirm the fee payable for each review and the payment of reasonable expenses.

75.3 Councillor Ward **MOVED** the recommendations in the report which Councillor Davis **SECONDED**.

75.4 Councillor Hinton sought details on where the Panel members resided as he felt it was impossible to understand what would be regarded as reasonable expenses.

75.5 In response the Corporate Manager for Governance and Civic Office confirmed that 3 of the proposed Panel members lived within the districts. However, as the meetings would be held virtually it was envisaged that expenses would be minimal.

75.6 Councillor Lindsay queried how often a review would be carried out. In response the Corporate Manager for Governance and Civic Office stated that the allowances should be reviewed at least every four years but normally there was between one and two reviews each election term. This could be more or less depending on whether there were changes to governance or legislation where the role of Councillors could be expanded or even retracted.

75.7 Councillor Malvisi queried how many terms the panel had already undertaken.

75.8 In response the Corporate Manager for Civic and Governance confirmed that this was a totally new panel that had not undertaken any previous reviews.

75.9 The Chair then invited Councillors to debate the recommendations.

75.10 Councillors raised the following points in debate:-

Councillor Arthey hoped that Members would pay due regard to the recommendations of the Independent Remuneration Panel and paid tribute to the Leader and the extremely long hours he put into the role.

Councillor Lindsay felt that the timing of the review was key and that recommendations from the Independent Remuneration Panel should be taken to Council and voted on before the end of the current Councillors' terms of office ready for new Councillors.

Councillor Hinton agreed with Councillor Lindsay that the timing of the review was key, as he felt that any proposals could be politicised and stated that it was important that the independence of the Independent Remuneration Panel was well publicised.

Councillor Davis stated that it was important that all Councillors engaged in the process.

Councillor Maybury felt that the previous review had been politicised as some Councillors had not wanted to give any increases in allowances to Cabinet.

Councillor McCraw stated that the Independent Remuneration Panel should be allowed to do their job without it being politicised.

It was RESOLVED:-

- 1. That the following persons be appointed to the Council's Independent Remuneration Panel:**
 - **Amanda Orchard**
 - **Sarah Way**
 - **Monica Calbio**
 - **John Clough**
 - **Sue Putters**
- 2. That the IRP members each be paid £500 for each review carried out and be reimbursed any expenses reasonably incurred in the performance of their duties.**

3. That the IRP be appointed for a period of 4 years with the option to extend this for another period of 4 years if required.

76 COUNCILLOR APPOINTMENTS

76.1 The Monitoring Officer introduced the report and informed Council that following the resignation of Councillor Grainger-Howard, it was necessary to recalculate the allocation of Committee seats to political groups of the Council. Following the recalculation of the seats, it would mean that the Conservative Group would lose one seat on the Overview and Scrutiny Committee.

76.2 The Monitoring Officer requested that the Leader confirm the Councillor that would no longer be sitting on this Committee.

76.3 in response the Leader of the Council confirmed that Councillor Sian Dawson would no longer be sitting on the Overview and Scrutiny Committee.

On the **PROPOSAL** of Councillor Dawson and **SECONDED** by Councillor Busby,

It was RESOLVED:-

- (1) That the Committees' size and numerical allocation of seats be approved as detailed in Appendix A of the report.
- (2) That the change of membership of the Overview & Scrutiny Committee (as reported at the meeting) be noted.

Before the meeting closed the Chair thanked Councillors for their patience and support throughout her term of office.

The business of the meeting was concluded at 7.26 pm.

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Chair