

BABERGH DISTRICT COUNCIL

Minutes of the meeting of **BABERGH DISTRICT COUNCIL** held in the Atrium, Wherstead Park, The Street, Wherstead, Ipswich on Thursday, 29 July 2021 at 5.30pm

PRESENT:

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

Councillors:	Clive Arthey	Simon Barrett
	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
	Mary McLaren	Mark Newman
	John Nunn	Jan Osborne
	Alison Owen	Lee Parker
	Stephen Plumb	John Ward

In attendance:

Officers: Chief Executive (AC)
 Monitoring Officer (EY)
 Assistant Director - Economic Development (FD)
 Corporate Manager Governance and Civic Office (JR)

Apologies:

Sue Ayres
Melanie Barrett
Alastair McCraw
Zac Norman

16 DECLARATION OF INTERESTS BY COUNCILLORS

16.1 There were no declarations of interest.

17 BC/21/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 25 MAY 2021

17.1 On the proposal of Councillor Ward and seconded by Councillor Malvisi,

It was RESOLVED:-

That the Minutes of the meeting held on 25 May 2021 be confirmed and signed as a true record.

18 BC/21/8 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER

18.1 On the proposal of Councillor Hinton and seconded by Councillor Maybury, a motion without notice to suspend Council Procedure Rule 1.4 of the Constitution was tabled. This was **PUT** to the Council.

It was RESOLVED:-

That Council Procedure Rule 1.4 be suspended.

18.2 The Chairman introduced his announcements which was for noting only.

18.3 The Chairman then invited the Leader to make his announcements.

18.4 Councillor Ward introduced his report and informed Councillors that he shared their frustrations at having to hold another Council meeting at Wherstead Park.

18.5 Whilst he welcomed the relaxation of social distancing measures as everyone began to live with Covid, the Council was still mindful of the current levels of local and national infection and therefore the need to remain vigilant and protect against the spread of infection remained.

18.6 In the workplace, which included Council meetings, there was specific government guidance which Councillors still needed to adhere to. Some Councils in Suffolk had cancelled their meetings this month as a result of the challenge of adhering to that guidance. Babergh District Council had taken a proportionate approach, as democracy needed to not just be done but seen to be done. The Council was therefore meeting to deal with motions, questions and urgent items of business. Whilst the Leader felt it was great to be meeting in person, the Council would return to Endeavour House to hold its Council meeting once the relevant guidance permits.

Covid-19

18.7 The Leader thought that everyone was surprised and pleased that there had been an unexpectedly quick turn-around in the rising infection numbers of the Delta variant in the third wave of Covid. This gave further optimism that the vaccination programme, coupled with a pragmatic response by the public in continuing to observe some restrictions and protection measures, was really bringing the virus under long-term control. Here in Babergh, cases had also started to decline in recent days and, while still the highest in the county, they were below the East of England and national figures.

18.8 Infections were still mostly in the 15-29 age group, but it was worrying that this group was showing increasing resistance to campaigns to get vaccinated. It did seem that relentless online disinformation, especially the particularly pernicious claim that the vaccines affect fertility, was having an impact, even among the well-educated. Councillors must do their best to support the government's message and constantly promote the benefits and efficacy of the vaccination programme for all age groups.

18.9 On behalf of the Local Outbreak Engagement Board, Councillor Ward urged Councillors to continue with caution and reminded Councillors of the need to **'jab, test and protect the rest'**. He also urged Councillors to carry on wearing masks, use sanitisers and respect social distancing. In the words of our soundbite: **'this summer we need to spread kindness, not Covid.'**

Recent Announcements

18.10 Councillor Ward informed Council that a lot had been happening over the past two months since the Council had last met. There had been a lot of announcements that demonstrated that the Council was delivering on all of its Strategic Priorities.

18.11 The Leader was particularly pleased about the shortlisting of the Housing Solutions team for a national Community Heroes of the Year award by local government magazine the Municipal Journal. This was a fitting recognition for Heather Tucker, who had done so much for the Council and will be leaving soon to be the Head of Housing at ESC. She goes with our heartfelt thanks and best wishes for the future.

18.12 The other announcement the Leader was excited about was the Innovate Local programme to support business innovation on our high streets. Business owners who would like to showcase their business on a market stall can be part of the pilot Innovate Local scheme at Hadleigh and Stowmarket. They will benefit from a free pitch at either market for a set period, along with advice, training and support before and after the pilot. The first participant in Hadleigh had already signed up and will start trading on 6th August.

18.13 In addition to the market stalls, the programme will be opening an innovation hub in Eye and a pop-up hub in Sudbury later this year. These hubs will provide small businesses with access to a work- space, mentoring programme as well as advice and training. The hubs are being delivered in partnership with the Innovation Labs and businesses will also be able to use Innovation Labs collaborative working space based in Stowmarket.

18.14 The Council's Carbon Reduction Management and Biodiversity Action Plans are under way with funding approved for a new water filtration system at the Kingfisher pool, biodiversity mapping and a tree canopy survey.

18.15 The Council has also just agreed to the completion of the project to replace streetlights in the district with LEDs, replacing the remaining 14 units. This will be funded from the Climate Change and Biodiversity reserve.

Women's Tour

18.16 The Leader announced that it was great news that our districts will host the final stage of this year's Women's Tour on 9th October. The world's top female cyclists will pass through Long Melford, Sudbury, the Waldingfields, Bildeston, Wattisham Flying Station and Stowmarket on their way to the finish line in Felixstowe.

Accounts

18.17 The Leader informed Council that the 2019/20 accounts were signed off yesterday. There have been audit delays outside of the Council's control and which have affected other local authorities as well, but we have finally got there!

18.18 The Chairman thanked the Leader for his updates.

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

19.1 There were no petitions received.

20 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Question 1 - Mr Morelli to Councillor M Holt, Cabinet Member for Economic Growth

"On the 5th July 2021, the Babergh Cabinet debated a report on Belle Vue Park in Sudbury – the recommendations from which the Council will consider today, at Agenda Item 11a of today's meeting.

"Prior to that Cabinet debate, Councillor Lindsay asked a question regarding the contract the Council has agreed with Churchill Retirement Living.

"In his question, Councillor Lindsay pointed out that Babergh District Council will not be paid by Churchill until (and unless) Churchill is granted planning permission for the works it intends to carry out. In addition, Councillor Lindsay stated that – under the contract agreed with Churchill – Babergh does not have to start work on the retaining wall until that time. Councillor Lindsay therefore asked why money to pay for the retaining wall needed to be borrowed before Churchill receives planning permission (should that occur), and therefore before the contract with Churchill completes and the Council is paid.

"In response, Councillor Holt stated that borrowing money in advance of contract completion was necessary because – to use Councillor Holt's own words – if Babergh does "not start this work prior to completion of the Churchill contract, [Babergh] will have insufficient time to meet the contract obligations to start on the site within three months". I therefore understand that – in essence – Babergh has signed up to a contract that requires it to borrow money before Churchill has even received planning permission for its intended development (again, should that occur).

"Could I therefore ask Councillor Holt, in his position as Cabinet Member for Economic Growth: If I am correct in the understanding that I have described, why was a contract agreed that necessitated Babergh borrowing money prior to the said contract's completion – from which funding is intended to be provided – especially given that there is no guarantee Churchill will receive planning permission for its development at all

Response:

The forward funding element proposed is predominantly to carry out design work, pre-build contract site studies and other work to enable construction to start on site within the timescales proposed in the contract with the purchaser.

Supplementary question from Mr Morelli to Councillor M Holt, Cabinet Member for Economic Growth

The risk impact was previously rated as 4 catastrophic and is now 3 bad. Email correspondence has not fully ascertained why the risk that was previously described as 4 catastrophic does not still exist and has been removed. So, can I therefore ask Councillor Holt if he can provide me with a full and complete explanation as to why the risk was downgraded from 4 catastrophic to 3 bad?

Response:

In the earlier draft report, it had an incorrect risk rating as this was an administrative error, so the risk was not downgraded.

21 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Question 1 - Councillor Hinton to Councillor Malvisi, Cabinet Member for the Environment.

Firstly: Based on the Secretary of State decision on the matter of Swaledale Council v Quinn Estates Ltd and Mulberry Estates (Sittingborne) Ltd concerning the conditions and matters of their planning decision concerning in particular "Climate Change"

- A.) What is the relevance of this Council's decision to declare a "Climate Emergency" in respect of any meaningful actions that we can take to help achieve any result?
- B.) How can the Cabinet's decision to spend thousands of pounds on an audit of the trees in the District have any relevance?

Response:

A) The Climate Emergency that the world faces is so immense, and thoroughly entwined in every decision we make as human beings that it will not be solved solely by planning legislation. It will be tackled by us, you and I, our communities, our businesses all taking responsibility for the emissions we create and doing what we can to reduce that. Of course, our emerging Joint Local Plan pushes us further towards this goal, and this Council will continue to push further where we can. Just like we are in other areas such as:

- moving our fleet to Hydrotreated Vegetable Oil**
- decarbonising our leisure centre buildings,**
- piloting a water filtration system at Kingfisher Leisure Centre to reduce water use and reduce energy consumption**

- building solar car port
- moving to green energy tariffs
- investing in energy efficiency initiatives for our council homes
- creating an energy prospectus for Suffolk
- focusing on sustainable travel

...to name but a few!

B) This Council recognises the increasing pace with which natural habitat is being lost and that it too, has now become a biodiversity emergency. A biodiversity Task Force was established in July 2020. Whilst it would have been easy for the group to consider many ambitions, it was acknowledged by the Task Force that their focus should be on achievable actions that they have control or influence over. These centre on understanding and enhancing wildlife corridors and enhancing the Councils' arboricultural and environmental resources and expertise. Trees provide a multitude of benefits to people. Whilst some of the social and aesthetic benefits can be difficult to measure, there are tools which help quantify and value some of the environmental benefits provided by trees, including carbon storage, carbon sequestration, stormwater reduction, and pollution removal. We have limited data on the numbers of trees on Babergh land (current estimate 10,000 trees) and even less information about the trees that cover the rest of the district.

Our tree officers are managing an incredible natural capital asset, but until now we have had no way of quantifying what the combined asset is worth in terms of financial value or what the trees are providing us as ecosystem services. The tree canopy survey work will give us a complete picture and also makes the information easily available for all to see and understand.

Supplementary question from Councillor Hinton to Councillor Malvisi, Cabinet Member for the Environment.

Will the Council be writing to the Prime Minister to declare that his ambition of carbon-zero by 2030 is unattainable given the restrictions in place on local efforts to improve carbon efficiency, in planning decisions in particular. And the wilful destruction of trees which move and store carbon dioxide. And when you are referring to trees on council land, there is a piece of council land in my village with a tree on it which the council is proposing to chop down so that they can give the piece of land to the housing association, and it will be easier for them to cut the grass. And if that's not wilful destruction of a carbon soak, I don't know what is. Old trees can not be replaced with the same efficiency of carbon reduction by new whips no matter how many are planted. There have been items in the press recently about net-zero buildings cancelled to help curb housing emission. if building regulations were changed the planning committee could ask people to put in heat source pumps, solar panels and more climate effective measures.

Response:

There are essentially two parts to your question if I am not mistaken. One is building regulations which we as a council cannot rewrite. We would love to rewrite them, but we will definitely lobby, and it is currently happening that the building regulations do come through with an amendment. But your second question was that you have a tree threatened to be demolished and I would suggest that you email me with the details of that situation, and I will take it up and see if I can save the tree.

Question 2 - Councillor Hinton to Councillor Arthey, Cabinet Member for Planning

Is it correct that the "Joint Legal Teams" have contracted out the negotiation of S106 Planning notices to an independent company and if so when and who conducted the competitive tendering process?

Response:

No, negotiation of S106 planning notices has not been contracted out to an independent company. Sometimes our legal service outsources the drafting of S106 agreements to external solicitors due to resource issues, such as when other urgent matters need to be prioritised. If S106 agreements are outsourced there is no cost to the authority so there is no requirement to undertake any tendering process.

Supplementary question from Councillor Hinton to Councillor Arthey, Cabinet Member for Planning

Is the Council aware that there has been a transfer of legal expertise from the joint legal team to the outside contractor as a result of this action? And is the Council aware that the fees charged for producing these 106 agreements, which local builders are forced to pay, have increased by 50% making smaller builders in particular less competitive in a market and reducing the choice for our future and existing residents?

Response:

I cannot answer what the whole of Council are aware of I'm afraid. But, if he is asking me am I aware that the costs associated with the drafting of these agreements by outsourced solicitors is higher than it would be if it was done in house, the answer is yes, I am aware.

Question 3 - Councillor Dawson to Councillor Arthey, Cabinet Member for Planning

A local resident received planning permission for the erection of a single storey rear extension for an application registered 25 Mar 20. The development was permitted on condition that it was begun not later than the expiration of three years from the date of the permission.

Can you please advise if there have been any amendments due to Covid-19 to Section 91 of the Town and Country Planning Act 1990 (as amended) that can give applicants relief from this timescale?

I understand currently all applications have to be applied for again when the application expires, please confirm?

Response:

The answer to the first part of your question is no, but the Business and Planning Act 2020 did provide temporary modification to the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain permissions which had lapsed, or were due to lapse, during 2020 to be extended. This was in recognition of the effect coronavirus has had on planning and construction and in particular the delays around commencement of new development.

Unimplemented planning permissions with time limits for implementation lapsing between 19th August 2020 and 31st December 2020 were automatically extended to 1st May 2021.

Unimplemented planning permissions with time limits for implementation which lapsed between 23rd March 2020 and 19th August 2020 also had time limits extended to 1st May 2021, provided an Additional Environmental Approval process was followed.

Outline permissions were also extended in the same way, whilst the deadline for submission of reserved matters which would have been due between 23rd March 2020 and 31st December 2020 was extended to 1st May 2021.

The legislation only applied to these specific periods and there has been no change to the statutory time period for the commencement conditions we apply.

The answer to the second part of your question is yes, if no work has been done that constitutes implementation of a consent another application would be required on expiry, or the planning permission will lapse.

**Supplementary question from Councillor Dawson to Councillor Arthey,
Cabinet Member for Planning**

In February 2019 the Acting Chief Planning Officer recommended that planning consent be authorised to grant listed building consent for the Babergh offices at Corks Lane. Subject to the number one condition stated a standard time limit. This was a major condition put forward by myself at the time which was that building works would commence no later than 18 months from the date of permission granted. It has not commenced work within the timescale being 11th of June 2021 and this has been confirmed by Councillor Ward and minuted at recent meetings.

Therefore, in light of this, can you confirm that the Corks Lane development will not be exempt from breaching a major condition as no amendment has been made under Section 91 of the Town and Country Act. And I think now as we have a rainbow Cabinet, I would like to see Councillor Arthey as the Cabinet Member for planning and Councillor Plumb as Chair of the Planning Committee, please can you give a personal assurance that this application will be resubmitted and returned to Committee as soon as possible as all other applications from local residents will have to be. Any further delay will cause further financial costs in respect of the security which have already exceeded probably £300,000 since we vacated in 2015.

Response:

I cannot really answer that question now, the reason being that I will have to check the date of the decision, I will have to check the conditions attached to that decision, and I will have to check the date of expiry. So, I can give you a written answer out of meeting.

22 BC/21/9 OVERVIEW AND SCRUTINY COMMITTEE REPORT

22.1 Councillor McLaren introduced the report and apologised for not highlighting the footnote at the bottom of the report which stated that the June meeting had become inquorate at 1.27pm with all of the items of business still outstanding being transferred until the July meeting.

22.2 Councillor McLaren then invited questions from Councillors.

22.3 Councillor Lindsay made reference to the CIFCO report and sought clarification on when the £1.5m interest payments that were currently being withheld would be paid?

22.4 In response, the Chairman requested that Councillor Lindsay seek a detailed response from the relevant officer.

22.5 Councillor Dawson raised an issue about the formulation of Joint Task and Finish Groups and how the Chair would handle requests to place items on the work programme where there was a split vote between Councils.

22.6 In response, Councillor McLaren stated that she felt that Task and Finish Groups should be very focussed on the tasks that they were scrutinising and that the Joint Committee should think very carefully before setting up Joint Task and Finish Groups.

22.7 The Chairman thanked Councillor McLaren for her report.

23 COUNCILLOR APPOINTMENTS

23a TO CONSIDER WHETHER TO CONFIRM OR NOT THE VOTE OF NO CONFIDENCE IN THE CHAIRMAN OF LICENSING AND REGULATORY COMMITTEE

It was **RESOLVED:-**

That the vote of no confidence be not confirmed, and that Councillor Newman remain as Chairman of Licensing and Regulatory Committee.

24 ELECTION OF CHAIRMAN OF LICENSING AND REGULATORY COMMITTEE (IF REQUIRED)

24.1 Not required.

25 APPOINTMENT TO OUTSIDE BODY - SUFFOLK JOINT EMERGENCY PLANNING POLICY PANEL

It was **RESOLVED:-**

That Councillor Ward be appointed as the Council's representative on the Suffolk Joint Emergency Planning Policy Panel.

26 TO NOTE THE FOLLOWING APPOINTMENTS

Planning Committee

Councillor Simon Barrett (replacing Councillor Melanie Barrett)

Overview and Scrutiny Committee

Councillor Melanie Barrett (replacing Councillor Simon Barrett)

27 MOTIONS ON NOTICE

28 TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR HINTON

28.1 Councillor Hinton **MOVED** his motion on notice and informed Councillors that the Council was in danger of losing the confidence of the public by not being open and transparent in its democratic dealings with the public.

28.2 Before 2016, questions from members of the public and Councillors were allowed at the Annual Council meeting, since then it seems to have disappeared at a time when the number of council meetings was also reducing.

28.3 Councillor Hinton felt that the ability to ask questions at the Annual Council meeting should be restored for both members of the public and councillors and that this be made a formality by the Council.

28.4 Councillor Owen **SECONDED** the motion and reserved the right to speak.

28.5 Councillor Ward stated that he had no objection to the principle of having questions at the Annual Council. However, he felt that the Motion was too wordy and should be more succinct and that the exact wording should be agreed by the Constitution Working Group or the Monitoring Officer.

28.6 Councillor Ward then moved the following amendment:-

This motion proposes that this council allows questions from councillors and members of the public at the Annual Meeting. At the moment, questions have to be held over until the next ordinary meeting following the annual meeting, which can sometimes interfere with democratic accountability because questions may no longer be current and thereby lose their relevance.

As this is a straightforward change to the Constitution, this motion proposes that council instructs the Monitoring Officer to make the appropriate changes to the Annual Meeting Order of Business in the Constitution.

28.7 Councillor Jan Osborne **SECONDED** the amendment.

28.8 Councillor Arthey queried the effect of the amendment and whether the result would be the same as the original.

28.9 The Chairman confirmed that this was the case.

28.10 The Chairman asked Councillor Hinton if he accepted the amendment?

28.11 In response, Councillor Hinton stated that he did not accept the amendment and asked Councillor Ward why if he had no objections to the Motion was he tabling an amendment?

28.12 In response, Councillor Ward stated that the amendment was essentially around how the Constitution was amended. This was normally carried out by either the Constitution Working Group or the Monitoring Officer rather than being directed by a motion.

28.13 Councillor Hinton said that the Constitution belonged to the Councillors and that the matter should be dealt with by the Council.

28.14 The Monitoring Officer gave a point of explanation and clarified that either way would be acceptable however it was custom and practice that the Monitoring Officer would supply the definitive wording for changes to the constitution.

28.15 The amendment was **PUT** to the Council and **CARRIED**.

28.16 The substantive motion as amended was **PUT** to the Council and **CARRIED**.

It was RESOLVED:-

This motion proposes that this Council allows questions from councillors and members of the public at the Annual Meeting. At the moment, questions have to be held over until the next ordinary meeting following the annual meeting, which can sometimes interfere with democratic accountability because questions may no longer be current and thereby lose their relevance.

As this is a straightforward change to the Constitution, this motion proposes that Council instructs the Monitoring Officer to make the appropriate changes to the Annual Meeting Order of Business in the Constitution.

29 RECOMMENDATIONS FROM CABINET

29a BC/21/10 BELLE VUE PARK (SUDBURY) FACILITIES AND ENTRANCE -PART 1

29a.1 Councillor Ward introduced the report on behalf of the Cabinet and informed Council that they were not here to discuss the part sale of the site or the house to Churchill Retirement Living as this was now part of the planning process and not appropriate for discussion tonight. Similarly, the Council have already decided that they would like to see a welcoming new entrance to the park with café and toilets funded from the sale both of these decisions had been taken by Cabinet on the 11th March 2021.

29a.2 This report was to seek Council approval and addition to the Capital Expenditure Programme, of the scheme to create a retaining wall, new high quality secure and accessible park entrance and new café/toilet block facilities (to Changing Places Standard).

29a.3 The report also sought forward funding for essential works by borrowing until the sale to Churchill went through and the capital receipt was received and to ensure that the overall site delivery programme including the retirement living development remained on track and in line.

29a.4 The forward funding would allow the work to progress on that basis and minimise the disruption and duration on site.

29a.5 Councillor Ward made reference to 2.1b in the report which would enable the commissioning of a multi-disciplinary team to support and deliver the stakeholder and community engagement, detailed design work, surveys and investigations, planning application, principal contractor procurement, liaison with the retirement living professional team and construction delivery within the required time frame.

29a.6 These works were likely to cost within the region of £80k to £100k and although no physical works would start on site with regards to the retaining wall until planning permission was secured by Churchill and the contract with the Council was completed. The pre work did mean that construction could commence in accordance with the purchaser's programme ie within 3 months of the contract's completion.

29a.7 Councillor Ward clarified that this was the amount the Council was seeking funding for and not the full investment amount of £1.12m that it had already committed to spend on further improvements to the park and to the entrance all of which were detailed in the Vision for Prosperity for Sudbury.

29a.8 Councillor Ward added that a stakeholder group had been set up which included the Town Council and County Highways. This would enable stakeholders to have input in the design and thereby deliver an exceptional scheme in planning terms ensuring that the park will be a great asset for the town, residents and visitors. This group has been kept fully informed of the council's plans particularly the need for the retaining wall due to the significant difference in the two lands levels to ensure that the entrance was accessibility compliant.

29a.9 A public event will be held in the park in late summer to present a detailed design to members of the public.

29a.10 Finally, Councillor Ward informed Council that Cabinet had reviewed the benefits against the key risks and were satisfied that the scheme delivered benefits to the community and demonstrated its commitment to Sudbury.

29a.11 Councillor Holt seconded the report and reserved the right to speak.

29a.12 Councillor Parker requested that the recommendations 3.1 and 3.2 in the report were debated and voted on separately.

29a.13 This was **AGREED** by the Chairman.

29a.14 Councillor Ward raised concerns that if 3.1 was voted against 3.2 would become irrelevant and would not be able to proceed.

29a.15 Councillor Parker disputed this and stated that funding could be funded from other sources.

29a.16 Councillor Lindsay asked if recommendation 3.1 was voted down would the Council be in breach of contract with Churchill Living?

29a.17 In response the Assistant Director for Economic Development confirmed that there may be other funding available and that Cabinet could discuss how the capital receipt could be diverted.

29a.18 Councillor Beer questioned whether if money was spent on the retaining wall now, whether the wall would be affected later on in the development?

29a.19 In response the Assistant Director for Economic Development confirmed that work would not start until planning permission was granted the retaining wall was needed to deal with the difference of levels on the site in order to allow disabled access to the site.

29a.20 Councillor Maybury queried whether any structural survey had been undertaken as there was no estimate for remedial work and felt that this should be included.

- 29a.21 Councillor Hinton queried why if the Council had agreed the capital expenditure programme of up to £1.2m, the pre work was only estimated at £80 to £100K, why was there a vast difference in funds if no construction work was taking place and asked if recommendation 3.1 was actually needed?
- 29a.22 In response Councillor Ward confirmed that it was customary to put the full amount as a provision into the capital programme. the provision for the full amount had been committed to Churchill and the park. The Council did not need forward funding for anything other than the pre- planning work.
- 29a.23 Councillor Hinton asked normally when you are selling a piece of land once the contracts had been exchanged a completion date is set, why is there no completion date set?
- 29a.24 Councillor Ward responded by stating that the completion date would be set following planning approval this was part of the agreement with Churchill.
- 29a.25 Councillor Parker queried why if the recommendation in 3.1 was predicated on the provision of a café and toilet block, and the cost of providing the facilities on site were not yet known how could the Council be expected to approve it?
- 29a.26 Councillor Holt stated that it was usual practice to create a budget for a capital scheme where the costing of the actual facilities would be done at the next stage of the development.
- 29a.27 Councillor Busby asked what the £2m reserves were that were carried over from last year for Belle Vue and whether this could be used to cover the £1.2 m?
- 29a.28 Councillor Ward in response stated that the money was from the previous year's budget for general works on Belle Vue and would need Cabinet to agree that this could be made available. That decision would be taken at the Cabinet meeting on the 2nd August 2021.
- 29a.29 Councillor Parker queried why planning permission not being granted was not listed as a risk?
- 29a.30 In response, the Assistant Director for Economic Development stated that the risk of the developer not gaining planning permission was dealt with in their contract. The risk of the Council not gaining planning permission had not been dealt with yet as this was still a fairly early stage of the process.
- 29a.31 Councillor Maybury queried why the Council agreed to build the retaining wall?

29a.32 In response, Councillor Holt stated that the park entrance was brought forward through the Sudbury Steering Group, way in advance of the land sale. Once the land was sold the subsequent consultation happened and it made common sense that if the park entrance was to go ahead then the retaining wall would need to be built. The wall is for the accessibility of the park entrance. If the Council does not do this work now it will struggle to meet its contractual commitments that have been made with Churchill.

29a.33 On the proposal of Councillor Malvisi and seconded by Councillor Barrett, it was proposed that under 15.1 of Council Rules and Procedures the question now be put.

29a.34 This was **AGREED**

29a.35 Recommendation 3.1 was put to the Council as follows:-

That the Council approve the addition to the Capital Expenditure Programme of the Council's spend of up to £1.12m to create a new high quality, secure and accessible park entrance with supporting retaining wall structure and new café/toilet block facilities (to changing places or equivalent standard) at the Belle Vue Park Site in Sudbury.

29a.36 This was **LOST**.

29a.37 The Council resumed the question and debate on Recommendation 3.2

29a.38 Councillor Parker proposed an amendment as follows:-

That Council authorise forward funding of essential works by borrowing until the capital receipt is received, to enable the commissioning of a multi-disciplinary professional team to support and deliver the stakeholder and community engagement and detailed design work, surveys and investigations, planning, principal contractor procurement, liaison with the retirement living developer's professional team (including party wall matters) within the required timeframe. Any such borrowing should only be considered once existing reserves or other sources of external funding have been exhausted.

29a.39 Councillor Hurren seconded the amendment.

29a.40 The Chairman asked Councillor Ward if he accepted the amendment.

29a.41 Councillor Ward accepted the amendment subject to the word reserves being removed from the amendment.

29a.42 Councillor Lindsay asked why the Council had entered into a contract with a private developer that required the Council to borrow money before the guarantee that the work would go ahead.

29a.43 In response, the Assistant Director informed Council that the borrowed money would be going into the design work and retaining wall.

- 29a.44 Councillor Hinton commented that there was nothing to indicate when the planning application would be coming through and asked why the Council was sourcing money from many sources for the same thing.
- 29a.45 In response, Councillor Holt stated that if the Council was able to get additional funding it would fund additional improvements to the park, with any funding left over going towards improving Sudbury. The capital receipt would be used for improvements in the park.
- 29a.46 Councillor Maybury asked why the Council sold the land without the developer agreeing to building the entrance?
- 29a.47 In response, the Assistant Director for Economic Development informed Council that the entrance had already been designed before the site was sold to Churchill. Churchill have not contributed to the scheme because they have not yet gone through the planning process.
- 29a.48 Councillor Ward in summing up stated that many options had been looked and this scheme could be delivered and crucially funded. The combined projects retained and protected the house and delivered an improved park entrance as per the exhibition and consultation event held in January last year which the public wanted to see. This project has every chance of every success and would provide a wonderful showcase for the town.
- 29a.49 The substantive motion as amended was **PUT** to the meeting and **CARRIED**.

It was RESOLVED:-

That Council authorise forward funding of essential works by borrowing until the capital receipt is received, to enable the commissioning of a multi-disciplinary professional team to support and deliver the stakeholder and community engagement and detailed design work, surveys and investigations, planning, principal contractor procurement, liaison with the retirement living developer's professional team (including party wall matters) within the required timeframe. Any such borrowing should only be considered once other sources of external funding have been exhausted.

The business of the meeting was concluded at 8.36 pm.

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Chair