

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH CABINET** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 9 January 2023

PRESENT:

Councillor: John Ward (Chair)

Councillors: Jan Osborne
David Busby
Alastair McCraw
Clive Arthey
Elisabeth Malvisi
Mary McLaren

In attendance:

Guest(s): Peter Wightman - NHS Suffolk
Daniel Turner - NHS Suffolk

Officers: Chief Executive (AC)
Deputy Chief Executive (KN)
Interim Monitoring Officer (IA)
Director - Corporate Resources (ME)
Director for Housing (DF)
Director - Assets and Investments (EA)
Corporate Manager Governance and Civic Office (JR)
Corporate Manager - Strategic Policy, Performance, Insight & Risk (JK)
Tenant Services Corporate Manager (RL)
Risk Management Lead (TF)
Shared Revenues Partnership Operations Manager (AM)
Service Improvement Advisor (SB)
Assistant Manager – Governance and Team Leader (HH)

Apologies:

Jane Gould

- 1 DECLARATION OF INTERESTS BY COUNCILLORS**
- 2 BCA/22/37 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 5 DECEMBER 2022**

It was RESOLVED: -

That minutes of the meeting held on the 5 December 2022 be confirmed and signed as a correct record of the meeting.

- 3 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

4 QUESTIONS BY COUNCILLORS

None received.

5 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES

No matters were referred.

6 FORTHCOMING DECISIONS LIST

The Forthcoming Decisions List was noted.

7 BCA/22/38 COUNCIL TAX REDUCTION (WORKING AGE) SCHEME 2023/24

83.1 The Chair, Councillor Ward invited the Cabinet Member for Finance, Assets and Investments to introduce the report.

83.2 Councillor Busby provided an introduction and proposed the recommendations as detailed in the report. Councillor Arthey seconded the recommendation.

83.3 Councillor McLaren asked for details on how many houses were working age but not employed, in comparison to those who were employed and received the benefits. The Shared Legal Service Manager responded that an answer would be provided outside of the meeting.

83.4 Councillor Osborne questioned whether the scheme had the agreement of other members of the partnership. The Interim Monitoring Officer confirmed that the scheme had been agreed by Mid Suffolk Council.

83.5 Councillor Busby queried whether other working adults were expected to contribute to Council Tax payments. The Shared Legal Service Manager responded that the incumbent scheme took nondependent contributions into account, and that working adults would be expected to contribute.

83.6 Councillor Ward queried whether there was a time limit on the scheme as it was a reaction to the cost-of-living crisis. The Director – Corporate Resources clarified that the scheme would be indefinite and kept under review for 2024/25. The Shared Legal Service Manager added that costs would be monitored by the Shared Revenues Partnership.

83.7 During the debate Councillor Osborne stated that the scheme had her whole approval.

83.8 Councillor McLaren suggested that an all-member briefing be held on the scheme.

By a unanimous vote.

It was RESOLVED: -

- 1.1 To recommend to Council that Option 3 (as set out in Appendix C of this report) be used as the basis for a revised (Working Age) Council Tax Reduction Scheme for 2023/24.**

REASON FOR DECISION

- 1.1 To increase the maximum reduction available to 100% and reduce the number of customers undergoing recovery processes.
- 1.2 To avoid unnecessary means testing and provide equitable access to CTR for all customers who receive welfare benefits.
- 1.3 To reduce the requirement for recalculation of awards for customers on UC with fluctuating earnings.
- 1.4 To ensure that no customer is disadvantaged on the introduction of the new CTR Scheme.

8 BCA/22/39 FEES AND CHARGES 2023/24

- 84.1 The Chair, Councillor Ward invited the Cabinet Member for Finance, Assets and Investments to introduce the report.
- 84.2 Councillor Busby provided an introduction and proposed the recommendations as detailed in the report. Councillor McLaren seconded the recommendation.
- 84.3 Councillor McLaren queried the cost of pavement licenses and how demand had changed since the Covid-19 pandemic. Councillor Busby responded that there had been a reduction in the number of licences issued, since the Covid-19 pandemic, however pavement licences were free during Covid-19.
- 84.4 Councillor Arthey queried whether the fees had also been agreed by Mid Suffolk Cabinet. Councillor Ward responded that Mid Suffolk had agreed their fees, however they were different to the Babergh ones.
- 84.5 In response to questions from other Members attending the meeting the Director - Corporate Resources clarified the charges for hedge cutting and that these charges had been benchmarked against those from other councils
- 84.6 During the debate Councillor McCraw advised that the fees and charges were in line with the Mid Suffolk charging structure, and many were statutory charges imposed by Government.
- 84.7 Councillor Osborne raised concerns that large item collection fees might

encourage fly tipping if residents are unable to afford the charges.

84.8 Councillor Malvisi highlighted that a trial amnesty had been undertaken in Sudbury to help combat fly tipping and ways to implement these schemes was being explored.

84.9 Councillor Ward emphasised that the fees and charges were now within the budget calculations.

By a unanimous vote.

It was RESOLVED: -

That, the proposed Fees and Charges for 2023/24 as shown in Appendix A, be approved.

REASON FOR DECISION

To ensure that the Council achieves sufficient income and thereby reduces the subsidy on non-essential services which may compromise the Councils ability to fund statutory services.

9 BCA/22/40 TENANCY POLICY

85.1 The Chair, Councillor Ward invited the Cabinet Member for Housing to introduce the report.

85.2 Councillor Osborne provided a brief introduction and proposed the recommendations as detailed in the report. Councillor McCraw seconded the recommendation.

85.3 Councillor McLaren questioned whether the inspection from the Housing Regulator had an impact on resources within the housing team. Councillor Osborne responded that there was currently no impact on the resources however this would be greater if there was a fixed term. The Director – Housing added that existing resources had been used on challenges within building services.

85.4 In response to questions from other members present at the meeting the Director for Housing outlined that research on flexible tenancies showed that they did not work as tenants, instead Babergh were focused on lifetime tenancies, as they allowed for creating places and communities.

85.5 During the debate Councillor McCraw observed that many councils that implemented flexible tenancies have reverted back to fixed term tenancies, and that flexible tenancies could be abolished by 2030.

85.6 Councillor Osborne added that flexible tenancies had been proven not to work in practice and it could be expensive for tenants, who moved between

properties.

85.7 Councillor McCraw stated that he was pleased to hear tenants would be engaged with further on the downsizing policy.

By a unanimous vote

It was RESOLVED: -

To approve the Tenancy Policy (Appendix A)

REASON FOR DECISION

- 1.1 The Tenancy Policy meets the requirements of the Regulator for Social Housing, providing information for tenants to understand how their occupation of Council homes will be managed.
- 1.2 Consistent with the current political agenda for social housing the Tenancy Policy prioritises long-term security of tenure for tenants over tenancies of a fixed length. This will allow tenants and their families to create a home in Council properties and build thriving and diverse communities in our housing estates.
- 1.3 In the time elapsed since their introduction, fixed term tenancies have been proven to be a largely ineffective in providing their anticipated benefits of reducing housing waiting lists. Managing and administering Flexible fixed term tenancies has proven to be costly and time consuming for landlords, and unsettling for tenants, particularly vulnerable tenants and those suffering with mental illness.
- 1.4 The Councils will create a new, separate policy which will support efficient use of the Councils' housing stock by encouraging tenants to downsize. Such policy is included in the Homes and Housing Strategy (objective 2g) and may include provide financial incentives, advice and practical support to tenants who are under-occupying their homes to assist and encourage them to free-up larger homes for families.

10 BCA/22/41 SCRUTINY/CABINET PROTOCOL

86.1 The Chair, Councillor Ward invited the Corporate Manager – Governance and Civic Office to introduce the report to Cabinet and provide an overview of the recommendations.

86.2 Councillor Ward proposed the recommendation as set out in the report. Councillor McLaren seconded the recommendation.

86.3 Councillor Busby questioned what would be done differently. The Corporate Manager – Governance and Civic Office responded that monthly meetings would be held with the Leaders and Overview and Scrutiny Chairmen, which

had been formalised to ensure there was a good working between Cabinet and the Overview and Scrutiny Committee. Additionally, recommendations from the Committee were being tracked to show where value has been added.

86.4 Councillor McLaren queried whether there was anything in place to ensure that training for committee members was kept up to date. The Corporate Manager – Governance and Civic Office responded that a modular training programme was being developed.

86.5 In response to questions from other members present at the meeting Councillor Ward clarified that it was down to the Council to ensure that the Overview and Scrutiny Committee carried out their role and function.

86.6 During the debate Councillor McCraw welcomed the protocol and was pleased with the recommendation tracking process.

86.7 Councillor Ward highlighted that it was important for the Committee to be able to undertake their work effectively, and that promotion was needed for public engagement and for a broader understanding of the work of the Overview and Scrutiny Committee

86.8 Councillor Malvisi stated that she supported the protocol and that it provided a clearly defined structure.

By a unanimous vote.

It was RESOLVED: -

That Cabinet approves the Scrutiny/Cabinet protocol attached.

REASON FOR DECISION

To promote a culture of accountability, openness, and transparency within Babergh and Mid Suffolk District Councils, recognising scrutiny as a key enabler within that culture.

11 BCA/22/42 RISK MANAGEMENT IMPROVEMENT

87.1 The Chair, Councillor Ward invited the Cabinet Member for Customers, Digital Transformation and Improvement Councillor McCraw to introduce the report.

87.2 Councillor McCraw provided an overview of the report and proposed the recommendation as detailed in the report. This was seconded by Councillor McLaren.

87.3 Councillor McLaren questioned how this would be made meaningful to staff and board members. Councillor McCraw responded that risk management was going to be embedded in the culture of all the directorates, additionally

the Joint Audit and Standards Committee would monitor the progress. The Corporate Manager Policy, Performance, Risk and Improvement added that officers were working with the Senior Leadership Team, Cabinet, and the Joint Audit and Standards Committee in the first instance, and that work was being undertaken with Corporate Managers to identify where risk could be integrated into service planning.

87.4 Councillor McLaren asked for clarification on the Council's Whistle-blower policy. The Corporate Manager Policy, Performance, Risk and Improvement responded that there was a corporate whistleblowing policy that was available to staff on the intranet. The Deputy Chief Executive added that for any reports of whistleblowing there would be a full investigation.

87.5 Councillor Ward welcomed the report and stated that it was necessary to have the strategy to guide decision making and help mitigate risk on complex matters.

By a unanimous vote.

It was RESOLVED: -

That members of Babergh and Mid Suffolk Cabinets are asked to note the progress so far to improve strategic risk management and agree the new draft risk management policy and strategy which aligns with the Orange Book.

REASON FOR DECISION

Babergh and Mid Suffolk Cabinets are responsible for Strategic Risk Management and approval of the joint Risk Management Policy and Strategy.

12 BCA/22/43 SUDBURY LAND SALE

87.1 The Chair invited the Cabinet Member for Finance, Assets and Investments to introduce the report.

87.2 Councillor Busby provided an introduction and proposed the recommendations as detailed in the report. Councillor McCraw seconded the recommendation.

87.3 The Chair invited Councillor Simon Barrett to provide background information to the Cabinet in his capacity as previous Ward Member for the site.

87.4 Councillor Busby queried how many leases of existing sites were under 10 years. Daniel Turner - NHS Suffolk Representative responded that for the existing premises the lease was approximately under 10 years.

87.5 Councillor Ward questioned why the Integrated Care Board (ICB) could not take the head lease themselves. Peter Wightman - NHS Suffolk Representative responded that the NHS had entered into a capital allocation programme, which was for a 10-year lease.

- 87.6 Councillor Osborne queried how potential issues in recruiting and maintaining staff would be dealt with. Peter Wightman - NHS Suffolk Representative responded that there was a statutory duty from the NHS to provide healthcare, and recruitment issues could be mitigated by bringing in staff from other practices until a long-term solution was found.
- 87.7 Councillor Malvisi questioned why doctors were only willing to sign a 15-year lease. Peter Wightman - NHS Suffolk Representative responded that as capital came from the insurer, doctors were not liable for the lease as this fell to the NHS. Additionally, a lack of confidence in NHS and their contract setting terms had meant that 25-year contracts were not desirable.
- 87.8 Councillor Busby questioned the break clause in relation to a new tenancy and whether the Council as head lease holder, would be able to renegotiate their portion of the lease. The Director – Assets and Investment responded that the 25-year lease in place with the owner of the building would remain the same, and a new sub-lease could be negotiated with an incoming tenant under similar terms and conditions of the previous lease. Additionally, there was a clause that allowed the lease to be terminated by the Council should the rent no longer be reimbursed by the NHS.
- 87.9 During the debate Councillor McCraw highlighted that as the site was a purpose-built health centre it was likely that in 15 years' time there would still be the need for healthcare provision in Sudbury and Great Cornard, and that there was little risk that the services of the centre would change.
- 87.10 Councillor Osborne stated that she was torn on this scheme as Babergh District Council were not a healthcare provider. Additionally, whilst the risk was minimal, other councils had rejected similar schemes. However, voting for the scheme was the right thing to do.
- 87.11 Councillor Arthey had considered Councillor Simon Barrett's previous statement however, he stated that in order to support the communities' things needed to change. Additionally, in future there might be provision issues due to CIL payments.
- 87.12 Councillor Ward stated that this was a difficult decision, however due to the issues around the length of the lease and that the risk would still be with Babergh in 15 years' time. However, as there was a requirement for the medical centre, Babergh could provide monetary assistance to do so. Whilst Babergh did not want to set a precedent for funding these schemes, there was little choice as the new medical centre was needed.

By a unanimous vote.

It was RESOLVED: -

- 1.1 Delegate authority to the Director of Assets and Investments in consultation with the Portfolio Holder for Assets & Investments to agree the detailed terms of the letter of comfort and headlease in accordance with this report.**

1.2 Delegate authority to the Directors of Assets and Investments and Finance in consultation with the Portfolio Holders for Assets & Investments and Finance to review the final IFRS16 calculation and implement the headlease in accordance with this report.

REASON FOR DECISION

To bring forward the development of the new health centre and subsequent capital receipt.

13 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

14 BCA/22/43 SUDBURY LAND SALE

The meeting did not require to enter into closed session.

15 BCA/22/37 CONFIRMATION OF THE CONFIDENTIAL MINUTE FROM THE MEETING HELD ON THE 5 DECEMBER 2022

It was RESOLVED: -

That the confidential minutes of the meeting held on the 5 December 2022 be confirmed and signed as a correct record of the meeting.

The business of the meeting was concluded at 16:31pm.

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Chair