

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **BABERGH CABINET** held in the Frink Room (Elisabeth) - Endeavour House on Monday, 10 July 2023

PRESENT:

Councillor: David Busby (Chair)

Councillors: Jessie Carter
Derek Davis
Daniel Potter
John Ward

Sallie Davies
Alastair McCraw
Deborah Saw

In attendance:

Councillor(s): Simon Dowling
Helen Davies
Leigh Jamieson
Mary McLaren
John Whyman

Officers: Chief Executive (AC)
Deputy Chief Executive (KN)
Corporate Manager - Governance and Civic Office (JR)
Corporate Manager - Housing Solutions (AAY)
Corporate Manager – Strategic Policy (JH)
Performance and Business Planning Lead (AL)
Housing Enabling Officer (RF)
Assistant Manager – Governance (HH)

Apologies:

None.

1 DECLARATION OF INTERESTS BY COUNCILLORS

The were no declarations of interests made by Councillors.

2 BCA/23/1 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 MARCH 2023

The Chair referred to the supplement for the minutes of the meeting held on 17 March 2023 and advised that the minutes from the meeting on 6 March 2023 had previously been approved.

It was RESOLVED:-

That the minutes of the meeting held on the 17 March 2023 be confirmed and signed as a true 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

There were no matters referred from the Overview and Scrutiny or the Joint Audit and Standards Committees.

6 FORTHCOMING DECISIONS LIST

There were no comments made for the Forthcoming Decisions List.

7 BCA/23/2 GENERAL FUND FINANCIAL OUTTURN 2022/23

- 7.1 The Chair invited the Cabinet Member for Finance, Assets and Investments to introduce the report.
- 7.2 Councillor John Ward provided a brief summary of the report and proposed the recommendations, as detailed in the report.
- 7.3 Councillor Alastair McCraw seconded the recommendations.
- 7.4 Councillor Busby referred to page 29 in the papers and queried whether the earmarked Covid-19 reserves had any restrictions for how they could be spent.
- 7.5 Councillor Ward responded that this reserve could be used for general purposes, and the Director for Corporate Resources confirmed there was a Cost-of-Living plan in place to support those, who had been impacted by Covid-19.
- 7.6 Councillor Mary McLaren referred to the number of vacancies in the Council, which were filled by interim posts and questioned how far the recruitment for permanent staff was progressing.
- 7.7 The Chief Executive Officer responded that currently recruiting was not taking place for some of these posts as they were temporary posts.
- 7.8 Councillor McLaren referred to curb side waste collection and whether the waste collections vehicles would have to be changed again when the new regulations were introduced next year.

7.9 Councillor Ward responded that if the regulations required the collection of food waste, then the waste vehicles would have to be changed accordingly.

It was RESOLVED: -

- 1.1 That the 2022/23 General Fund financial outturn of £199k overspend compared to budget as set out in this report be noted.
- 1.2 That the revenue carry-forward requests totalling £73k be noted.
- 1.3 That the following transfers be approved:
 - a) £698k be transferred to the Strategic Priorities Reserve
 - b) (£500k) be transferred from the Inflationary Pressure Reserve to absorb pressures experienced in the year
 - c) (£108k) to be transferred from the Council Tax & Business Rates Reserve
 - d) £164k to be transferred to the Waste Reserve
- 1.4 That the capital carry-forward requests totalling £10.820m be approved.

REASON FOR DECISION

To ensure that Members are kept informed of the outturn position for both General Fund Revenue and Capital and to approve earmarked reserve transfers.

8 BCA/23/3 HOUSING REVENUE ACCOUNT (HRA) FINANCIAL DRAFT OUTTURN 2022/23

- 8.1 The Chair invited the Cabinet Member for Finance, Assets and investments to introduce the report.
- 8.2 Councillor John Ward provided a brief summary of the main points in the report and proposed the recommendation, as detailed in the report.
- 8.3 Councillor Derek Davis seconded the recommendations.
- 8.4 The Chair invited the Director for Housing to comment on the current housing situation.
- 8.5 The Director for Housing advised Members that the Housing Service was going through a transformation period and currently interim staff had to be engaged at a cost. However, the team was working hard on the challenges around housing repairs and performance, and it would take time to work through these challenges.
- 8.6 Councillor Ward referred to the cost implications of £16m for retro fitting all the Council's housing stock, and that this cost would increase due to inflation.

- 8.7 The Director for Housing advised that a consultant had been employed to implement the retrofitting plan and that there would be a better understanding of the cost implications by October this year. In addition, the decarbonisation fund plan would be implemented in due course to support the retrofitting of the housing stock. A provider was currently being sought for the decarbonisation plan and a bid would be submitted in due course, the Council would then have a couple of years to implement the plan.
- 8.8 Councillor Derek Davis stated that residents were struggling due to the cost-of-living crisis. He referred to the outstanding repairs in the report and asked for definitive dates for when these repairs would be undertaken.
- 8.9 The Director for Housing responded that it was not possible to provide dates now but that a contractor had been employed to work through the backlog of repairs and that officers were contracting those residents in the properties which still had outstanding repairs. An update would be provided to Members in due course.

It was RESOLVED:-

- 1.1 That the 2022/23 HRA financial outturn as set out in this report be noted.**
- 1.2 That the transfer of £1.004m, being the HRA revenue deficit for the year (£1.515m worse than originally budgeted) from the Strategic Priorities Reserve be approved.**
- 1.3 That the HRA capital carry-forward requests totalling £8.444m be approved.**

REASON FOR DECISION

To ensure that Members are kept informed of the outturn position for both Housing Revenue and Capital and to approve earmarked reserve transfers and carry forward requests.

9 BCA/23/4 BDC 2022-23 Q4 PERFORMANCE REPORT

- 9.1 The Chair invited the Cabinet Member for Customers, Digital Transformation and Improvements to introduce the report.
- 9.2 Councillor Alastair McCraw presented each part of the report separately and invited questions from Members for each part.
- 9.3 Councillor John Ward referred to the 'Customer' part of the report and queried the total visits to the Customer Access Points. Councillor McCraw detailed that Sudbury received approximately half of the total number of visits followed by Hadleigh and then Shotley.
- 9.4 Councillor Busby questioned the high number of hits on the Council's website, and Councillor McCraw advised that this number included any connections to the website and all shared documents.

- 9.5 Councillor Deborah Saw referred to the tenant satisfaction rate of 23% for how complaints were handled and queried if this was good. Councillor McCraw replied that work was being undertaken to improve the tenant satisfaction rate.
- 9.6 The Director for Customers, Digital Transformation and Improvement advised Members that a significant number of complaints related to issues around housing repairs.
- 9.7 Councillor Sallie Davies referred to the ICOPE (Integrated Care for Elderly People) Scheme under the Wellbeing section and whether this was an ongoing project. The Deputy Chief Officer advised this was a pilot scheme and that she would forward an update outside of the meeting.
- 9.8 Councillor Saw asked for an update on the success rate for the survival of the trees which the Council had planted recently under the 'Environment' Section of the report.
- 9.9 Councillor Ward queried the success rate for prosecuting fly tipping cases and if it would be possible to install CCTV in hotspots where fly tipping took place.
- 9.10 Councillor Derek Davis commented that glass was the main contamination in the recycling waste collection and that this had an impact on the glass recycling points.
- 9.11 The Cabinet Member for Environment, Councillor Daniel Potter responded that discussions were taking place with the Director of Operations regarding the installation of CCTV in fly tipping hotspots.
- 9.12 Under the section for 'Communities' Councillor Derek Davis, who was also the Chair of Western Suffolk Community Safety Partnership (WSCSP), advised Members that the increase of the HB rate was a result of an increase in these being reported to the police.
- 9.13 Councillor Busby queried how often the Tenant Satisfaction Survey was undertaken and the Director for Housing responded that it was undertaken quarterly, and the Council would have to submit this kind of statistic to the Housing Regulator next year.
- 9.14 In response to questions from other Members attending the meeting, relating to the section under 'Housing' in the report, the Director for Housing assured Members that the Council was on the trajectory to be compliant with the Housing Regulation's requirements within the set timeline. She then detailed some of the action taken by the Housing Team to meet the requirements.
- 9.15 Under the 'Health of the organisation' part of the report, Councillor Busby referred to the low sickness rate of 2.4 days for a full time equivalent employee and asked whether this was for the quarter. Councillor McCraw confirmed that this was for the whole year.

- 9.16 Councillor Ward queried the collection rate of 51% for business rates and that this figure had not changed for a while. The Director for Corporate Resources responded that further information for the collections for the business rates would be provided outside of the meeting. However, she assured Members that the Shared Revenues Partnership (SRP) was proactive for the collection of business rates.
- 9.17 Councillor Mary McLaren queried how the Council compared to neighbouring authorities for the collection of business rates, not including those members of the SRP. The Director for Corporate Resources would provide an update from Anglian Shared Revenues Partnership to Members outside of the meeting.

The Quarter 4 Performance Report was noted.

10 BCA/23/5 UPDATE ON THE REGULATOR OF SOCIAL HOUSING REFERRAL AND OUR CURRENT COMPLIANCE POSITION

- 10.1 The Chair invited the Cabinet Member for Housing to introduce the report.
- 10.2 Councillor Jessie Carter introduced the report by providing a summary of the progress made by the Council since the last update and the work undertaken by officers as part of the action plan to be compliant with the Housing Regulations.
- 10.3 Councillor Carter proposed recommendation 3.1 as detailed in the report, which was seconded by Councillor Derek Davis.
- 10.4 Councillor Mary McLaren asked how the new Housing Regulator would impact on the Council's compliance to the regulations.
- 10.5 The Director for Housing advised Members that the Council was required to provide statistics to the Housing Regulator and had report if there was any non-compliance to the Regulations. The Housing Regulator would inspect the Council every 2 to 4 years. The Housing Transformation Manager was reviewing what was required in relation to staff resources going forward.
- 10.6 In response to questions from Councillor Derek Davis regarding section 13 in the attached spreadsheet, the Director for Housing advised Members that there had been a failing contractor, but that this had been resolved. Further that the team was working with the Neighbourhood, the Community and the Housing Management Services Teams to gain access to those properties which it had not so far been possible to access for inspection, before taking legal action.
- 10.7 The Council also undertook fire risk assessments in the tenant properties and was working with the residents to enable improvements to their properties.

- 10.8 Councillor Daniel Potter queried whether details of the asbestos inspections would be available soon and the Director for Housing responded that the attached appendix A spreadsheet showed the year to date of work still outstanding. However, as the issues were being resolved moving forward the data in the spreadsheet was already out of date. Further updates would be available in due course.

It was RESOLVED: -

That Members noted the report.

REASON FOR DECISION

To ensure that members and senior leaders of the councils have oversight over a journey with the regulator back to a position where we are compliant.

11 BCA/23/6 AFFORDABLE HOUSING COMMUTED SUMS SPENDING POLICY

- 11.1 The Leader invited the Cabinet Member for Housing to introduce the report.
- 11.2 Councillor Jessie Carter introduced the report and provided a brief background for the item and a summary of the Affordable Housing Commuted Sums Spending Policy.
- 11.3 Councillor Carter proposed the recommendations as detailed in the report, which was seconded by Councillor Derek Davis.
- 11.4 Councillor Davis queried the allocated commuted sums generated by the development for Ganges on the Shotley peninsula.
- 11.5 The Housing Enabling Officer would provide a response to this question outside of the meeting.
- 11.5 Councillor Davis questioned whether affordable housing on development sites were prioritised, before consideration was given to spend the funding elsewhere. The Housing Enabling Officer responded that the money was not always spent on the development site from where the money was collected due to practical reasons.
- 11.6 Councillor Deborah Saw questioned why developers were allowed to get out of their obligations to build affordable housing by giving the Council commuted sums.
- 11.7 The Housing Enabling Officer advised that usually the Council collected commuted sums from small development sites where there were only a small number of affordable houses planned and no Housing Association involved to take on the management of the properties. Some developers could simply not afford to deliver affordable houses and were allowed to pay commuted sums based on feasibility studies on what they could afford to pay after due process.

- 11.8 In response to several questions from Councillors regarding the spending of the commuted funds and the cost implications, the Director for Housing clarified that to evaluate the feasibility of an affordable housing development a feasibility software was used to look at the scheme over 30 years and estimate whether there would be a net present value or a net present loss. If there was a loss the Council would not be able to cover the interest payment or the cost on the development. The Council needed to know the capital required to make a housing scheme work over 30 years.
- 11.9 Councillor Ward queried if housing units were still allocated through Gateway to Home Choice, which was confirmed by the Director for Housing.
- 11.10 Members considered the issues in the report including whether land was specifically allocated to affordable housing on development sites, the issue for the legal requirement to build 35% affordable housing on sites over a certain size and the implication when developers did not deliver the number of affordable housing as planned
- 11.11 Councillor Sallie Davies referred to the £3.1m commuted sums in the report and queried if the policy would help to spend the money. The Housing Enabling Officer responded that the Policy would provide clarity of what the Council was expecting when speaking to parish councils and the Community Land Trust.
- 11.12 In response to Councillor Deborah Saw's question relating to the environmental performance of homes in relation to compliance to Housing Standard and to Lifetime Home Standard considering the demographic of the District, the Housing Enabling Officer clarified that the Lifetime to Home Standard was now referred to as M42 of the Building Regulations and was dealt with in paragraph 10 of the report as the justification criteria. It was not always possible to expect developers to apply this standard due to the location of sites and he advised Members that there were cost implications for developers when they included the M42 standard in the developments. The Joint Local Plan would be requiring 50% of new homes to comply to M42 in the future.

It was RESOLVED: -

- 1.1 To confirm that affordable housing Commuted Sums form part of the operational housing budget and so delegated to the Director for Housing the authority to make the associated spending decisions, in line with adopted policy and in consultation with the Cabinet Member for Housing.**
- 1.2 To adopt the appended Commuted Sums Spending Policy as a means of guiding decision making on Commuted Sums spend.**

- 1.3 That the Director for Housing to be authorised to make future amendments to the Commuted Sums Spending Policy, in consultation with the Cabinet Member for Housing, for example if required to stay up to date with legislation, national or other Council policies.**

REASON FOR DECISION

To enable spending decisions to be made in a consistent, prompt and effective manner, in line with Council policy and objectives, and the terms of the spend set through individual Section 106 planning obligations.

12 PART 2: EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

It was RESOLVED:

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972 the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information.

13 BCA/23/1 TO CONFIRM THE RESTRICTED MINUTES OF THE MEETING HELD ON THE 17 MARCH 2023

It was RESOLVED: -

That the confidential minute of the meeting held on 17 March 2023 be confirmed and signed as a true record of the meeting.

The business of the meeting was concluded at 5:49 pm.

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Chair