



## **COUNCIL'S PETITION SCHEME**

86.1 None received.

## **87 QUESTIONS BY COUNCILLORS**

87.1 None received.

## **88 MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEES**

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

## **89 FORTHCOMING DECISIONS LIST**

89.1 There were no comments made by Councillors.

## **90 BCA/23/42 FINANCIAL MONITORING QUARTER 3 2023/24**

90.1 The Chair introduced the report as Cabinet Member for Finance, Assets and Investments.

90.2 Councillor John Ward proposed the recommendations as set out in the report. Councillor Sallie Davies seconded this motion.

90.3 Councillor Sallie Davies queried whether the amount the Council was borrowing was too much despite being within the prudential indicators. The Senior Business Partner – Capital & Treasury responded that under the Council's Treasury Management Strategy two limits were set to regulate borrowing, the Operational Limit and the Authorised Limit. The Operational Limit set the guide for the amount of borrowing the Council would expect to spend in year to year operation to fund the capital programme with some headroom to allow for short term borrowing. The Authorised Limit was the maximum amount of borrowing the Council permitted by statute under the Local Government Act 2003.

90.4 Councillor Helen Davies referred to section 5 of the report on page 22 and asked for clarification on projects and how they were controlled. Councillor Ward responded that many of the identified projects had been identified for many years and had been carried forward with provisions being agreed 2-3 years ago. Under the budget some of the projects had been reprofiled to save on interest costs, and any new projects would be approved by Cabinet and Council and some projects would be reviewed to decide whether they were appropriate and match the priorities in the new Plan. The Senior Business Partner – Capital & Treasury added that in reference to capital loan to Babergh Growth there were factors outside of the Council's control which were reliant on the progress on the capital scheme.

- 90.5 Councillor Potter referred to the Regen Fund – HQ Sites on page 23 of the report and questioned whether this was under the housing programme. The Cabinet Member for Finance, Assets and Investments responded that this referred to Babergh Growth and were not part of the HRA and would be open market.
- 90.6 In response to questions from other Members present The Senior Business Partner – Capital & Treasury highlighted that all PWLB loans were from other borough and district Councils and not from town and parish councils, with no parish councils offering lending.
- 90.7 Councillor Derek Davis referred to page 27 of the report and questioned why the Pin Mill planned maintenance budget had not been spent for quarter 3. The Director – Operations & Climate Change responded that the Council had sought legal advice to establish next steps and progress with actions.
- 90.8 During the debate Councillor Ward summarised that whilst the positions of the General Fund and HRA was better, there were still substantial deficits.

By a unanimous vote.

**It was RESOLVED: -**

- 1.1 That, subject to any further budget variations that arise during the rest of the financial year, the projected overspend on the General Fund of £440k referred to in section 4.2 and Appendix A of the report be noted.**
- 1.2 That, subject to any further budget variations that arise during the rest of the financial year, the projected overspend on the Housing Revenue Account of £616k over budget referred to in section 4.3 and Appendix B of the report be noted.**
- 1.3 That, the Council's compliance with the Prudential Indicators during quarter two referred to in section 4.4 and Appendix C of the report be noted.**

#### **REASON FOR DECISION**

**To ensure that Members are kept informed of the financial position for both General Fund Revenue and Capital, Housing Revenue Account and Capital and the Prudential Indicators.**

#### **Alternative Options Considered and Rejected:**

The recommended option is set out in the Recommendations. There are no other available options.

**Any Declarations of Interests Declared: None**

**Any Dispensation Granted:** None

**91 BCA/23/43 UPDATE ON THE REGULATOR OF SOCIAL HOUSING REFERRAL AND OUR CURRENT COMPLIANCE POSITION**

- 91.1 The Chair introduced the report on behalf of the Cabinet Member for Housing.
- 91.2 Councillor John Ward proposed the recommendations as set out in the report. Councillor Daniel Potter seconded this motion.
- 91.3 Councillor Derek Davis asked for assurance that the armed forces covenant was being adhered to in line with housing requirements for ex- services personnel. The Director – Housing responded that the Council was working to the Armed Forces Covenant.
- 91.4 In response to questions from other Members present, on the use of contractors and the potential to upskill current staff, the Director – Housing outlined that contractors could be a necessity and more cost effective in cases where repairs were irregular, or the work was high risk.
- 91.5 During the debate Councillor Derek Davis praised the Housing team for their work.
- 91.6 Councillor John Ward summarised that the report had indicated improvements in most areas and there had not been any overdue actions. However, due to the identification of damp and mould numbers were not dropping as fast.

By a unanimous vote.

**It was RESOLVED: -**

**That members note the report.**

**REASON FOR DECISION**

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

**Alternative Options Considered and Rejected:**

None

**Any Declarations of Interests Declared:** None

**Any Dispensation Granted:** None

**92 BCA/23/44 BDC Q3 PERFORMANCE REPORT**

- 92.1 The Chair introduced the report on behalf of the Cabinet Member for Customers, Digital Transformation and Improvement.
- 92.2 The Chair drew Members attention to the Customers section of the report and highlighted that 97% of users of customer access points had their query resolved at their first contact, online forms were being redesigned with input from residents, and 76% of customers were satisfied or highly satisfied with telephone services, with a fall in phone wait times and abandoned calls.
- 92.3 The Chair outlined that the report format would be amended in the future to show progress on the priorities as set out in The Plan for Babergh.
- 92.4 Councillor Derek Davis thanked the Director – Economic Growth and Climate Change for the work she had done on economy and regeneration, especially on Belle Vue and the continued progress on the project and wished her the best in the future.
- 92.5 Councillor Sallie Davies drew Members attention to the People and Place portfolio and highlighted that 26% of Babergh residents were over 65 years old which was higher than the national average, and Sudbury Sporting Memories and Abbeycroft Leisure Centre were putting on regular dementia friend sessions that were open to all in Sudbury. Additionally, for young people work was ongoing for providing transport for free school meal recipients in villages to attend Holiday Activity & Food events.
- 92.6 Councillor Daniel Potter referred to the housing section of the report and highlighted that engagement with tenants was being undertaken to identify necessary repairs and was streamlining the process of engagement with tenants.

The BDC Q3 Performance Report was noted.

**93 BCA/23/45 COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE PROGRAMME MARCH 2024**

- 93.1 The Chair invited the Cabinet Member for Planning to introduce the report.
- 93.2 Councillor Sallie Davies introduced the report and proposed the recommendations. Councillor Helen Davies seconded this motion.
- 93.3 Councillor Derek Davis questioned who the landowners were for the Brantham and Long Melford play area applications. The Professional Lead – Key Sites and Infrastructure responded that Babergh was the landowner for the Long Melford application and that the land would be transferred or leased to the parish council.
- 93.4 Councillor Derek Davis further questioned what the timescale for implementing the lease would be. The Professional Lead – Key Sites and Infrastructure responded that there was no current timescale however there would be a move to put it in place as soon as possible, and reasonable

timescales could be put in place in future.

- 93.5 Councillor Helen Davies queried how long leases were and what happened at the end of the lease. The Professional Lead – Key Sites and Infrastructure responded that leases were no shorter than 25 years so that communities could benefit from the investments and this timeframe had been set by the Joint Member Panel.
- 93.6 The Chair invited Councillor Malvisi to speak on the Long Melford bid as Ward Member.
- 93.7 In response to Councillor Malvisi’s statement the Director – Planning & Building Control responded that there was a risk that if too short a timeframe was put in place the CIL funding would have to come back to Cabinet for agreement and cause further delays. He suggested that the Cabinet Member for Finance, Assets and Investments liaise with the Assets team. Councillor Ward added that he would raise this outside of the meeting.
- 93.8 During the debate Councillor Derek Davis endorsed the importance for Parish Councils to make the best use of CIL from developments and it needed to be advertised to parishes what the benefits were.
- 93.9 Councillor Ward highlighted that there were substantial applications with good merit and the development in Long Melford and Sudbury were good developments that demonstrated what benefit to the community CIL could have.

By a unanimous vote.

**It was RESOLVED: -**

- 1.1 That the CIL Expenditure Programme (March 2024) and accompanying Technical Assessments of the following CIL Bids (forming Appendices, A and B) be approved (including decisions on these CIL Bids for Cabinet to make/or note) as follows: -**

**Decisions for Cabinet to approve: - Ringfenced Infrastructure Funds (Long Melford)**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B23-12 LONG MELFORD Cordell Place Play Area</b>	<b>Amount of CIL Bid £97,437.31  Total cost of the project £129,946.26 (excluding VAT)</b>	<b>Recommendation to Cabinet to approve CIL Bid B23-12 for £97,437.31 from the Ringfenced</b>

	<b>Total of other funding</b>	<b>Infrastructure Fund</b>
	<b>£12,942.08 - S106 funding</b>	
	<b>£19,566.87 - Parish Council</b>	

**Decisions for Cabinet to approve: Local Infrastructure Fund**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B21-07</b> <b>SUDBURY</b> <b>Belle Vue Toilets/Changing Places Facility and improvements to car park/walls</b>	<b>Amount of CIL Bid £240,570.00</b> <b>Total cost of the project £533,329.31 (eligible costs excluding VAT)</b> <b>Total of other funding</b> <b>BDC Council Reserves £292,759.31</b>	<b>Recommendation to Cabinet to approve CIL Bid B21-07 for £240,570.00 from the Local Infrastructure Fund</b>

**Delegated decisions for Cabinet to note: - Ringfenced Infrastructure Fund**

<b>CIL Bid, Location and Infrastructure Proposed</b>	<b>Amount of CIL Bid and total cost of the infrastructure</b>	<b>Cabinet Decision</b>
<b>B23-08</b> <b>BRANTHAM</b> <b>Merriam Close Play Area Upgrade</b>	<b>Amount of CIL Bid £3,833.47</b> <b>Total cost of the project £5,111.29</b> <b>Total of other funding:-</b> <b>Parish Council £1,277.82</b>	<b>Recommendation to Cabinet to note this approved CIL Bid B23-08 by delegated decision for £3,833.47 from the Ringfenced Infrastructure Fund</b>

- 1.2 Cabinet are also asked to note and endorse this CIL Expenditure Programme which includes the position in respect of approved CIL Bids from Rounds 1 to 11 inclusive (Appendix A Section B) together with details of emerging infrastructure /CIL Bids (Appendix A Section C).**

## **REASON FOR DECISION**

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11<sup>th</sup> April 2016. The CIL Expenditure Framework (originally adopted in April 2018) has been reviewed with amendments adopted by both Councils in March 2019, April 2020, March 2021, July 2022 (Mid Suffolk) October 2022 (Babergh) and in March 2023. The CIL Expenditure Framework requires the production of at least two CIL Expenditure Programmes for each District (per year) and contains decisions for Cabinet to make or note on CIL Bids for CIL expenditure. These decisions relating to the expenditure of CIL monies form one of the ways in which necessary infrastructure supporting growth is delivered.

### **Alternative Options Considered and Rejected:**

There is a diverse spectrum of approaches to CIL expenditure across the country from Unitary Authorities who have absorbed CIL into their individual Capital Programmes to others who ringfence all funds to be spent locally. A range of different approaches was identified in Appendix A of the Framework for CIL Expenditure report provided to Cabinet's on the 5<sup>th</sup> and 8<sup>th</sup> of February 2018 and discussed in full during the workshops with the Joint Member advisory panel. Members adopted the original Framework documents set out in paragraph 1.1 above by Council decision in April 2018. These were subsequently reviewed and adopted by both Councils on:-

- First Review - March 2019
- Second Review – April 2020
- Third Review – March 2021
- Fourth Review – 21<sup>st</sup> July 2022 (Mid Suffolk) and 6<sup>th</sup> October 2022 (Babergh)
- Fifth Review - March 2023
- Sixth Review – Occurred in Winter 2023; likely to be considered by both Councils in March 2024

**Any Declarations of Interests Declared:** None

**Any Dispensation Granted:** None

## 94 **BCA/23/46 REFRESHED CARBON REDUCTION MANAGEMENT PLAN**

- 94.1 The Chair invited the Cabinet Member for Environment to introduce the report.
- 94.2 Councillor Daniel Potter proposed the recommendations as set out in the report. Councillor Helen Davies seconded this motion.
- 94.3 Councillor John Ward questioned what the timeframe was for switching public realm vehicles to electric vehicles. The Director – Operations and Climate Change responded that the changing of the waste fleet to electric vehicles was linked to the new depot and charging infrastructure. Additionally, due to the forthcoming implementation of the Government’s new Resource and Waste Strategy, new waste vehicles would be required in 2026 and there could be the opportunity for these to be electric vehicles.
- 94.4 Councillor John Ward further questioned whether there was any possibility of the introduction of electric vehicle charging at the existing depots. The Director – Operations and Climate Change responded that there may be capacity to change a small portion of the fleet to electric vehicles with modification to existing power supplies.

By a unanimous vote.

**It was RESOLVED: -**

- 1.1 That the contents of the refreshed Carbon Reduction Management Plan and accompanying narrative at Appendix A & B to the report be approved.**
- 1.2 The portfolio holder for the environment, in consultation with the director will develop a funding package to deliver on the priority actions for 24/25.**

### **REASON FOR DECISION**

Following the declaration of a climate emergency on 25 July 2019, the council produced their first Carbon Management Action Plan.

A refresh of this plan is therefore prudent, particularly with a new administration and Corporate Plan to set new priorities and continue the roadmap to reach net zero by 2030.

### **Alternative Options Considered and Rejected:**

Do nothing.

**Any Declarations of Interests Declared:** None

**Any Dispensation Granted:** None

The business of the meeting was concluded at 17:13pm.

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Chair