

MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 20 DECEMBER 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Bryn Hurren
Sue Ayres	Jennie Jenkins
Melanie Barrett	Margaret Maybury
Simon Barrett	Alastair McCraw
Tony Bavington	Mark Newman
Peter Beer	Adrian Osborne
Sue Burgoyne	Jan Osborne
Tom Burrows	Lee Parker
Sue Carpendale	Peter Patrick
Michael Creffield	Stephen Plumb
Derek Davis	Nick Ridley
Siân Dawson	David Rose
Alan Ferguson	Ray Smith
John Hinton	Harriet Steer
David Holland	Fenella Swan
Michael Holt	John Ward

The following Members were unable to be present:

Dave Busby, Tina Campbell, Barry Gasper, Kathryn Grandon, Richard Kemp, Frank Lawrenson, James Long, John Nunn, William Shropshire and Stephen Williams.

80 DECLARATION OF INTERESTS

None declared.

81 MINUTES

**RESOLVED**

**That the Minutes of the Meeting held on 22 November 2016 be confirmed and signed as a correct record subject to the addition of the words shown in italics below to Minute No 67 – Declaration of Interests:-**

Councillor Frank Lawrenson subsequently referred to being an hotelier in connection with the Assets and Investment Strategy (Minute No 79). He was advised that he did not have a declarable interest at this stage in relation to the overarching Strategy, but during the period for questions prior to commencement of the debate on this item, he left the Council Chamber to avoid any possible conflict of interest which might arise *in the future*.

82 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to Paper S93 outlining recent events attended by the Chairman and Vice-Chairman. He also referred to his disappointment in relation to the cancellation of the Carol Service.

83 LEADER'S ANNOUNCEMENTS

Jennie Jenkins, Leader, provided Members with an update on the "All Together" Project. The key points are summarised below.

A number of staff from both Babergh and Mid Suffolk had visited Endeavour House for a tour of the building and facilities. An Employee Forum was also held where staff, including our 'Change Champions' had the opportunity to ask questions. As part of that work we are finalising the requirements and numbers of staff to be based at Endeavour House, other locations, Customer Access Points and across the outreach network.

Plans for scanning and indexing archive and historical documentation are underway and plans for storing and retrieving legal documents are in place. We have also drawn up plans for switching to new telephony technology for the contact centre, to be implemented before the existing software gets to the end of its life.

A milestone plan for the programme is being worked on.

84 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

85 QUESTIONS FROM THE PUBLIC

None received.

86 QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule No 12, Councillor John Hinton asked the following question:-

"In view of the figures that show, an overall increase in Staff costs allocated to Babergh District Council, despite the objective of reducing staff costs through Council workforce amalgamation, can the Leader of the Council tell me what is the current cost during the last quarter of the 2016 calendar year with regard to Legal expenses both, in house and external, (eg. new collaborative grouping with other local authorities, and private firms) attributed to Babergh DC activities, as I presume that pool costs are allocated within the new West Suffolk legal collaboration, dependent upon use?"

Councillor Peter Patrick, as the Portfolio Holder – Enabled and Efficient Organisation replied to Councillor Hinton's question as follows:-

*"The Council's current external legal cost during the last quarter of the 2016 calendar year i.e. covering the period from 1 October to 14 December 2016 is £84,000 and the internal legal costs which cover October and November only, as the payroll for December will not be completed until January, are £39,000."*

As provided for by Council Procedure Rules, Councillor Hinton then asked the following supplementary question:-

“What is the equivalent total annual figures for legal costs per council financial year during the period of the staff amalgamation namely 2011/12 to date and the anticipated outstanding amounts bearing in mind the costs associated with the current judicial reviews and how much does it cost for full legal representation at Planning meetings bearing in mind that it is advisory?”

Councillor Patrick stated that a formal response would follow outside of the meeting.

Note:- The following reply was subsequently been sent to Councillor Hinton:-

*The table below details both the internal and external legal costs for Babergh for the five years from 2011/12 to 2015/16.*

	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>
Internal Costs	219,139	236,640	297,202	238,661	335,115
External Costs	21,494	48,881	33,971	124,408	140,838
<b>Grand Total</b>	<b>240,634</b>	<b>285,521</b>	<b>331,172</b>	<b>363,069</b>	<b>475,953</b>

*The higher external costs in 2014/15 and 2015/16 reflect the work that was required to complete Section 106 agreements for pre-existing planning applications prior to the introduction of the Community Infrastructure Levy (CIL) from April 2016 as well as defending planning appeals and prosecuting a housing benefit fraud. In terms of the internal costs, work was being done in 2015/16 to look at how we delivered the legal function across Suffolk before the final shared legal service was established with West Suffolk from November 2016 and also the team was strengthened to deal with the caseload. The new shared service will provide resilience in terms of legal advice and also reduce external legal costs, as there will be a wider range of expertise in house. There will, however, always be some situations where external legal advice is required.*

*In terms of the current judicial reviews, the costs are as follows:*

- (a) *HMS Ganges, Shotley – Babergh’s costs were £34,900, but the Council was awarded costs of £10,000 in the High Court, so the net cost to the Council was £24,900*
- (b) *Gatton House, East Bergholt – The Council’s costs were £47,800 and the Council was ordered to pay £26,250 to the Parish Council, so the total cost to the Council was £74,050*
- (c) *Artiss Close, Bildeston – The costs that were lodged with the court in October 2016 were £48,000, but this case is still ongoing.*

*It should be noted that the judicial reviews are being handled under the Aarhus Convention which means that the maximum the Council can recover is £10,000 and the maximum it can be ordered to pay is £35,000.*

*The Shared Legal Service does not monitor the time that legal representation is in attendance at Planning Committees, so it is not possible to answer this part of the question. However, it should be noted that legal advice/representation at any quasi-judicial committees like Planning Committee is not optional but is, in fact, mandatory.*

87 PETITIONS

None received.

88 DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION "THE APPLICATION" IN RESPECT OF LAND AT STAFFORD PARK, LISTON

Simon Barrett, Portfolio Holder – Business Growth and Increased Productivity introduced Paper S94, seeking Council's approval to devolve to Braintree District Council the discharge of certain planning control functions in respect of a specific cross-boundary application.

Ben Elvin, Senior Development Management Officer – Key Growth Projects responded to Councillors' questions about various aspects including access and highway-related matters, remediation (to be the subject of a separate application) and planning fees. He also confirmed that Babergh's Planning Committee would be a consultee and that any Section 106 agreement negotiated by Braintree would be subject to approval through Babergh's normal processes for such agreements.

**RESOLVED**

**That the discharge of Babergh District Council's planning control functions under section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine a cross boundary planning application in relation to land at Stafford Park, Clare Road, Long Melford in respect of the land within the Babergh District Council administrative area and its functions under section 106 of the same Act to negotiate the terms of any necessary planning obligation subject to this Council's final approval being devolved to Braintree District Council.**

89 CHANGE OF GOVERNANCE: ADOPTING THE CABINET - LEADER MODEL

Members were aware that the Appendix to Paper S95 (circulated with the agenda) was a draft version of the Equality Impact Assessment – EIA. A revised version of the EIA was circulated to Members prior to the commencement of the meeting.

Jennie Jenkins, Leader of the Council, introduced Paper S95 recommending the adoption of a 'leader-cabinet' form of governance which had emerged as part of the on-going strengthening governance review, to support the delivery of a number of the Councils' Joint Strategic objectives as well as providing other benefits as set out in the Rationale for change in paragraphs 4.9 to 4.12 of the report.

During the course of the ensuing debate, various matters were raised, of which the following could be the subject of further consideration by the Strengthening Governance Task and Finish Group if Council agreed the first steps towards changing its current arrangements:-

- The make-up of the Cabinet
- Whether the Chair of the Scrutiny Committee should be from the opposition
- The role of the full Council under a leader-cabinet model.

Members were aware of the need for a strong scrutiny role to be in place under the proposed arrangements

A demand for a recorded vote was received, in accordance with Council Procedure Rule 18.5.

The result of the recorded vote was as follows:-

<u>For the Motion</u>	<u>Against the Motion</u>	<u>Abstentions</u>
Sue Ayres	Clive Arthey	None
Melanie Barrett	Tony Bavington	
Simon Barrett	Sue Carpendale	
Peter Beer	Derek Davis	
Peter Burgoyne	John Hinton	
Sue Burgoyne	Bryn Hurren	
Tom Burrows	Alastair McCraw	
Michael Creffield	Stephen Plumb	
Siân Dawson	David Rose	
Alan Ferguson		
David Holland		
Michael Holt		
Jennie Jenkins		
Margaret Maybury		
Mark Newman		
Adrian Osborne		
Jan Osborne		
Lee Parker		
Peter Patrick		
Nick Ridley		
Ray Smith		
Harriet Steer		
Fenella Swan		
John Ward		

Twenty four Members voted in favour of the revised recommendations as set out in Paper S80R. There were nine votes against, with no abstentions.

**RESOLVED**

- (1) That the 'leader-cabinet' form of governance be adopted, effective from the May 2017 Annual meeting of the Council, in accordance with the provisions of the Localism Act 2011.**
- (2) That the suggested implementation and approach as set out in Paragraph 11 of Paper S95, the subsequent wider cultural change and new ways of working, in advance of the May 2017 Annual Council meetings be approved.**

90 DRAFT TIMETABLE OF MEETINGS

Peter Patrick, Portfolio Holder – Enabled and Efficient Organisation, introduced Paper S96 and referred to the decision in Minute No 89 above, and the “All Together” project which meant that some changes would be needed to the Draft Timetable once meeting locations were confirmed, and the new governance arrangements implemented. Members were therefore asked at this stage to note, rather than approve, Paper S96.

**RESOLVED**

**That the Draft Timetable of Meetings 2017-18 set out in Paper S96 be noted.**

91 APPOINTMENTS

Jennie Jenkins, Leader, introduced proposed appointments to the roles of Vice Chairman of the Joint Audit and Standards Committee and Member with Special Responsibility for Enabled and Efficient Organisation

**RESOLVED**

- (1) That Frank Lawrenson be elected Vice Chairman of the Joint Audit and Standards Committee (replacing John Ward).**
- (2) That Sue Ayres be appointed as Member with Special Responsibility for Enabled and Efficient Organisation (replacing Lee Parker).**

The business of the meeting was concluded at 6.40 p.m.

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Chairman