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TO: THE CHAIRMAN AND MEMBERS OF
BABERGH DISTRICT COUNCIL

20 September 2012

PLEASE NOTE CHANGE FROM USUAL DAY

Dear Sir/Madam

A Meeting of the Babergh District Council will be held in the Council Chamber, Council Offices, Corks Lane, Hadleigh on **Friday, 28 September at 9.30 a.m.**

For those wishing to attend, prayers will be said at 9.25 a.m. prior to the commencement of the Council meeting.

Yours faithfully

Andrew Hunkin
Strategic Director (Corporate)

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Strategic Director (Corporate): Andrew Hunkin
Head of Corporate Organisation: Peter Quirk, **Head of Corporate Resources:** Katherine Steel
Chief Finance Officers (S151): Katherine Steel (Mid Suffolk), Barry Hunter (Babergh), **Monitoring Officer:** Kathryn Saward

PART I1 MINUTES

To confirm and sign the minutes of the meeting held on [19 June 2012](#) as a correct record.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 APOLOGIES FOR ABSENCE

To receive apologies for absence.

4 CHAIRMAN'S ANNOUNCEMENTS

[Paper M90](#)

In addition to any announcements made at the meeting please see Paper M90 attached detailing events attended by the Chairman and Vice-Chairman.

5 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO. 13

In accordance with Council Procedure Rule No. 13, the Chief Executive will report the receipt of petitions as detailed below. There can be no debate or comment upon these matters at the Council meeting.

- (a) Application No B/12/00599/FUL – Erection of single-storey building to accommodate 2 Class A1 Retail Units (Existing Workshop/Office and Bungalow to be demolished), Glemsford Motor Services, Bells Lane, Glemsford

Petition signed by approximately 320 residents of Babergh District opposing the grant of planning permission. The petition was taken into account when the planning application was determined by the Development Committee on 8 August 2012.

- (b) Request for the removal of trees in Charlottes, Copdock and Washbrook

Petition signed by 24 residents of Babergh District requesting the Council to remove 3 trees, 2 conifers on the grass verge at 30 Charlottes and a small hawthorn on the corner of Charlottes – the latter tree is scheduled to be coppiced, due to its poor condition.

The decision of the Council's Arboricultural Officer that there is no case for using Council resources to fell the other 2 trees was reviewed by the Head of Environment under his delegated powers and the result of his review, which was to confirm the Officer decision, has been communicated to the Petition Organiser. Discussions are on-going to try and find an alternative solution.

- (c) Notification under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 – (B/12/00711/DEM2) – The Highbury Barn, Great Cornard

Petition signed by approximately 310 persons objecting to the demolition of The Highbury Barn.

6 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

- (a) Licensing Act 2003 Amendments via the Police Reform and Social Responsibility Act 2011: Licensing Authority as a Responsible Authority (Licensing and Appeals Committee Minute No 10)

[Paper M56](#)

At its meeting on 2 August 2012, the Committee considered a report by the Head of Environment (Paper M56) seeking appropriate delegation for officers to perform the relevant role of responsible authority and approval of the Protocol to address the proper separation of roles, which was attached as Appendix A to the report.

Members noted that the item and identical Protocol had recently been approved by Mid Suffolk's Licensing Committee, and that the Protocol would be subject to on-going review in the light of developing case law and changing circumstances.

Members approved the delegation and Protocol, these decisions being within the terms of reference of the Committee. A formal resolution to make the necessary amendments to the Council's Constitution to reflect those decisions is required and is the subject of the Committee's recommendation set out below.

RECOMMENDED TO COUNCIL

That the appropriate update to the Council's Constitution to reflect the decisions contained in Resolutions (1) and (2) of Licensing and Appeals Committee Minute No 10, as referred to above, be approved.

- (b) Policy and Guidance on Unreasonable and Persistent Complainant Behaviour (Strategy Committee 13 September 2012).

[Paper M74](#)

The Strategy Committee at its meeting on 13 September considered Paper M74 (Report by the Head of Corporate Resources).

The Committee's recommendation is set out below.

RECOMMENDED TO COUNCIL

That the Joint Policy and Guidance on Unreasonable and Persistent Complainant Behaviour attached as an Appendix to Paper M74 be endorsed.

- (c) Community Covenant with the Armed Forces (Strategy Committee 13 September 2012).

[Paper M76](#)

The Strategy Committee at its meeting on 13 September considered Paper M76 (Report by the Strategic Director (People)).

The Committee's recommendations are set out below.

RECOMMENDED TO COUNCIL

- (1) That the principle of entering into the Community Covenant at Appendix A to Paper M76 be endorsed and that the Chairman of Babergh District Council's Strategy Committee be authorised to sign the Covenant on behalf of the Council (scheduled to take place at a signing ceremony at Endeavour House on 11 October 2012).
 - (2) That the entering into of a Task Force to develop a Suffolk Armed Forces Community Covenant Action Plan be endorsed (membership of the Task Force to be decided).
 - (3) That representatives of the Council to attend the Covenant signing ceremony together with any relevant guests they may wish to invite be approved (subject to numbers to be agreed).
 - (4) That the Strategic Director (People), in consultation with the Chairman of Strategy Committee be given delegated authority to work with Suffolk County Council, Suffolk's Armed Forces and other agencies to deliver the principles of the Covenant at Appendix A to Paper M76.
- (d) Annual Treasury Management Report 2011/12 (Overview and Scrutiny Committee 20 September 2012)

[Paper M81](#)

The Overview and Scrutiny (Stewardship) Committee at its meeting on 20 September considered Paper M81 (attached), which provides a comprehensive assessment of Treasury Management activity for the year.

The Committee **RECOMMENDED TO COUNCIL**

That the Treasury Management activity for the year 2011/12, as detailed in Paper M81 be noted. Further that it be noted that performance was in line with the approved Prudential Indicators for the year.

Note: It is a requirement of the legislation that the Annual Treasury Management Report is submitted to the Full Council for noting.

7 QUESTIONS FROM THE PUBLIC

The Chairmen of Committees to answer any questions from the public of which notice has been given no later than midday two working days before the day of the meeting in accordance with Council Procedure Rule No. 14.

8 QUESTIONS FROM MEMBERS

The Chairman of the Council and the Chairmen of Committees and Sub-Committees to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District and which fall within the terms of reference of that Committee or Sub-Committee of which due notice has been given in accordance with Council Procedure Rule No. 15.4 (a) and (b).

9 JOINT STANDARDS COMMITTEE

(a) Localism Act 2011 – Arrangements for the Discharge of Standards Functions

[Paper M91](#)

Report by the Monitoring Officer attached.

(b) Co-optees' Allowances

[Paper M92](#)

Report from the Independent Remuneration Panel (IRP) attached.

The Council is asked to accept the recommendation of the IRP (paragraph 3 of Paper M92 refers) and to approve a further recommendation, as set out below:-

(1) That the recommendation of the IRP, that an allowance of £730 per annum per member be payable to co-opted members appointed by Babergh District Council to the Joint Standards Committee, be accepted.

(2) That the allowance referred to in (1) above be payable with effect from 23 August 2012 and that the Members' Allowances Scheme be amended accordingly.

The recommendation of the IRP together with the Council's decision will be the subject of a public notice in the local press.

10 STATEMENT OF ACCOUNTS 2011/12 AND AUDITOR'S GOVERNANCE REPORT

[Paper M80](#)

The Corporate Manager – Financial Services (and Section 151 Officer) to report that the Overview and Scrutiny (Stewardship) Committee on 20 September considered the external auditor's Annual Governance Report (Paper M80, Appendix B) relating to the 2011/12 Statement of Accounts and other governance matters. The auditor updated the Committee on various matters.

[Appendix A Revised](#)

The draft accounts that were produced in June 2012 and signed by the Section 151 Officer have been amended accordingly following the completion of the audit and are attached as Appendix A Revised to Paper M80. The Committee accepted the Accounts and the auditor's

report.

The Explanatory Foreword to the Statement of Accounts summarises key aspects of the Council's finances for the year. The accounts continue to reflect the various international and local authority accounting requirements.

The auditor will issue an unqualified "true and fair" opinion on the accounts. In addition, the auditor is satisfied that, in all significant respects, the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2012. This is based upon the following two Audit Commission criteria, that the organisation has proper arrangements in place for:

- securing financial resilience;
- challenging how it secures economy, efficiency and effectiveness.

It is RECOMMENDED

- (1) That the auditor's comments in the Annual Governance Report included in Appendix B to Paper M80 be noted.**
- (2) That the audited 2011/12 Statement of Accounts (Appendix A Revised to Paper M80) be approved.**
- (3) That the Corporate Manager – Financial Services be authorised to make any minor amendments required as a result of the auditor's report prior to publication of the Statement of Accounts.**

11 MR N MACMASTER

The Head of Corporate Organisation to report that Mr MacMaster has been unable by reason of ill-health to attend meetings of the District Council in recent months and that his last attendance was at the meeting of the Development Committee on 18 April 2012.

Section 85 of the Local Government Act 1972 provides that if a Member of a Local Authority fails over a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Authority, he/she shall, unless failure was due to some reason approved by the Authority before the expiry of that period, cease to be a Member of the Authority.

It is not known when Mr MacMaster's health will allow him to resume attendance at District Council meetings.

The Council is therefore asked to approve Mr MacMaster's ill health as a reason for his failure to attend meetings of the District Council.

12 EXCLUSION OF PUBLIC (WHICH TERM INCLUDES THE PRESS)

To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were

present during these items there would be the disclosure to them of exempt information as indicated against the items.

The authors of the reports proposed to be considered in Part II of the Agenda are satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

13 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

- (a) The Future Provision of Back Office Services (Exempt information by virtue of Paragraph 3 of Part 1)

Papers
[M94](#) and
[M77](#)

The Strategy Committee at its meeting on 13 September 2012 considered Paper M77. The Committee's recommendations are attached.

- (b) Disposal of Freehold (Exempt information by virtue of Paragraph 3 of Part 1)

Papers
[M95](#) and
[M78](#)

The Strategy Committee at its meeting on 13 September 2012 considered Paper M78. The Committee's recommendations are attached.

- (c) Leisure Trust Finance and Future Leisure Provision (Exempt information by virtue of Paragraph 3 of Part 1)

Papers
[M96](#) and
[M79](#)

The Strategy Committee at its meeting on 13 September 2012 considered Paper M79. The Committee's recommendations are attached.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 826610 or via email at committee.services@babergh.gov.uk