

MINUTES OF A MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON FRIDAY 28 SEPTEMBER 2012

PRESENT: Mr N A Ridley –Chairman

Mrs J Antill	Mr F R Lawrenson
Mr A C Bavington	Mrs M O Munson
Mr P K Beer	Mrs A M Norman
Mr P D Burgoyne	Mr J M Nunn
Mr D M Busby	Mr J M Owen
Mr M J Deacon	Mrs A K Pollard
Mrs K S Grandon	Mr C A Roberts
Mr A J Hinton	Mr D C Rose
Mr P J Holbrook	Mr J R A Sayers
Ms J A Jenkins	Mr R W Thake
Mr R E Kemp	Mr A J Ward
Miss D L Kendall	Mrs S M Wigglesworth

The following Members were unable to be present: Mr C W Arthey, Dr M F M Bamford, Mr S R Barrett, Mr N A Bennett, Mrs S Carpendale, Mr J R B Cave, Mr D G Grutchfield, Mr B D Hurren, Mr P Jones, Mr D H Keane, Mr J A B Long, Mr N MacMaster, Mr M Newman, Mr A F D W Osborne, Mr B Riley, Mr R C Smith, Mr D L Wood and Mr L H Young.

31 MINUTES

RESOLVED

That the minutes of the Meeting held on [19 June 2012](#) be confirmed and signed as a correct record.

32 DECLARATION OF INTERESTS

Mr A J Hinton and Mr P D Burgoyne declared non-pecuniary interests in Minute No 35(c) by reason of being ex-Services personnel.

Mrs J Antill declared a non-pecuniary interest in Minute No 42(b) in her capacity as a Director of Sudbury CAB.

Mr J R A Sayers declared a non-pecuniary interest in Minute No 42(c) as a user of services provided by South Suffolk Leisure, and Mr J M Owen subsequently declared a non-pecuniary interest in the item as a user.

Mrs M O Munson subsequently declared a non-pecuniary interest in Minute No 42 (c) in her capacity as a Trustee of South Suffolk Leisure, being one of the two Babergh representatives appointed to serve on the Trust.

Mrs A K Pollard subsequently declared a non-pecuniary interest in Minute No 42(a) in her capacity as a Suffolk County Councillor.

33 CHAIRMAN'S ANNOUNCEMENTS

Events Attended

The Chairman referred to Paper M90 outlining recent events attended by the Chairman and Vice-Chairman of the Council.

Mrs A K Pollard, Mr A C Bavington and Miss D L Kendall

These Members were welcomed by the Chairman on their return to Council meetings.

34 PETITIONS

In accordance with Council Procedure Rule No. 13, it was noted that the following petitions had been received.

- (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. Receipt of the petition will be reported to the appropriate Committee in due course.

35 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)

Mr Peter Holbrook, Chairman of the Licensing and Appeals Committee, asked Members to approve the necessary update to the Council's Constitution to reflect the decisions taken by the Committee to approve delegation arrangements and a new Protocol to address the proper separation of roles where the Licensing Authority acts as a Responsible Authority under the 2003 Act.

RESOLVED

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 Minute No 62).

Ms Jennie Jenkins, Chairman of the Strategy Committee, introduced the Committee's recommendation. In response to a question, Mr Cleary, Corporate Manager – Customer Services referred to the wider review of the whole complaints policy which is currently underway and which will address the issue of Members being advised, at an early stage, of matters affecting their Wards.

RESOLVED

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 Minute No 64).

The recommendations of the Strategy Committee were introduced by the Chairman, Ms Jennie Jenkins, and welcomed by Members.

RESOLVED

- (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 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 (Stewardship) Committee 20 September 2012)

Mr David Busby, Chairman of the Overview and Scrutiny (Stewardship) Committee, introduced the Committee's recommendation, following its recent consideration of Paper [M81](#), which provided a comprehensive assessment of Treasury Management activity for the year.

As a result of the Committee's deliberations, the Council was asked to note the Annual Treasury Management Report, this being a requirement of statutory guidance (the Treasury Management Code of Practice). The Corporate Manager – Financial Services responded to questions on various matters referred to in Paper M81.

RESOLVED

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.

36 QUESTIONS FROM THE PUBLIC

None received.

37 QUESTIONS FROM MEMBERS

None received.

38 JOINT STANDARDS COMMITTEE

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

The Monitoring Officer presented Paper [M91](#) relating to arrangements for the discharge of the Standard functions by the Joint Committee set up for Babergh and Mid Suffolk.

RESOLVED

(1) That the six individuals listed on page 1 of Appendix 1 to Paper M91 be appointed as the Council's 'independent persons' pursuant to section 28(7) of the Localism Act 2011 for a term of up to 2 years.

- (2) That Mr J G Watson be appointed as the Council's independent co-opted member of the Babergh and Mid Suffolk Joint Standards Committee for a term of 4 years.**
- (3) That Mrs T Kavvadias be appointed as the Council's parish co-opted member of the Babergh and Mid Suffolk Joint Standards Committee for a term of 4 years.**
- (4) That the urgent action (detailed in Appendix 2 to Paper M91) taken under the general power to act out of meeting, to appoint Mr Watson and Mrs Kavvadias as co-opted members of the Joint Standards Committee pending ratification by Full Council, be noted.**

(b) Co-optees' Allowances

The Monitoring Officer introduced the report of the Independent Remuneration Panel (IRP) – Paper [M92](#).

RESOLVED

- (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.**

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

Mr David Busby, Chairman of the Overview and Scrutiny (Stewardship) Committee introduced the Statement of Accounts (Appendix A Revised to Paper [M80](#)). He reported that the Overview and Scrutiny (Stewardship) Committee 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 draft accounts that were produced in June 2012 and signed by the Section 151 Officer had been amended accordingly following the completion of the audit, and circulated with the Council agenda (Appendix A Revised to Paper M80). He informed Members that all outstanding matters, including the reconciliation of balances, had now been addressed resulting in an unqualified 'true and fair' opinion on the accounts. Members were advised that in addition, the auditor was satisfied that, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2012 based upon the organisation having proper arrangements in place for:

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

Members were aware of the Explanatory Foreword to the Statement of Accounts summarising key aspects of the Council's finances for the year and that the accounts continue to reflect the various international and local authority accounting requirements.

RESOLVED

- (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.**

40 MR N MACMASTER

The Head of Corporate Organisation reported 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.

RESOLVED

That Mr MacMaster's ill health be approved as a reason for his failure to attend meetings of the District Council.

41 EXCLUSION OF PUBLIC (WHICH TERM INCLUDES THE PRESS)

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 these items, it is likely that there would be the disclosure to them of exempt information as indicated against each item.

The Council was also satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

42 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

- (a) The Future Provision of Back Office Services – Strategy Committee Minute No. 66 (Exempt information by virtue of Paragraph 3 of Part 1)

The Chairman of the Strategy Committee, Ms Jennie Jenkins, introduced the Committee's recommendations asking Members to agree the three options for progressing this matter, as set out in Paper [M94](#). The Strategic Director (Corporate) updated Members on the current situation regarding discussions with neighbouring authorities and Suffolk County Council.

RESOLVED

- (1) That subject to agreement by Mid Suffolk District Council the Council enters into a commitment to join the shared service partnership as set out in Paper [M77](#) and that the Council joins the shared service partnership from the expiry of the current CSD contract.**
 - (2) That subject to agreement by Mid Suffolk District Council, if the shared service partnership does not receive from district and borough councils the necessary level of support required, the Council explores with the County Council, Mid Suffolk District Council and any other participants, the development of a joint procurement exercise for back office services.**
 - (3) That in the absence of an agreement for the Council to work with the County Council on the provision of the back office services set out in Paper [M77](#), other models are explored with Mid Suffolk District Council including:**
 - Provision with other district/borough councils that wish to participate either through in-house shared service teams or through an external provider(s) including a public joint venture body**
 - Babergh and Mid Suffolk in-house provision**
 - Provision through an external provider(s) for Babergh and Mid Suffolk.**
- (b) Disposal of Freehold – Strategy Committee Minute No. 67 (Exempt information by virtue of Paragraph 3 of Part 1)

The Chairman of Strategy Committee, Ms Jennie Jenkins, introduced the recommendation of the Strategy Committee (as set out in Paper [M95](#)) regarding the use of the capital receipt which would be generated following the Strategy Committee's decision to dispose of an area of land in Sudbury. Members were aware that the Corporate Manager – Asset Management had been requested by the Committee to confirm with Suffolk County Council that any proposed development would not prejudice future highway improvements in the area.

RESOLVED

That the capital receipt generated from the disposal of the site in Sudbury referred to in Paper **M78 and shown on the plan attached as an Appendix to the report be used towards the provision of facilities within Sudbury.**

- (c) Leisure Trust Finance and Future Leisure Provision – Strategy Committee Minute No. 68 (Exempt information by virtue of Paragraph 3 of Part 1)

The Minute relating to the above-mentioned item is excluded from the public record. A summary of the Minute made by the Proper Officer in accordance with sub-section 2 of Section 100(c) of the Local Government Act 1972 is set out below.

The recommendations of the Strategy Committee on this matter were introduced by Ms Jennie Jenkins, Chairman of the Committee, and agreed by the Council.

The business of the meeting was concluded at 11.45 a.m.

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Chairman