

MINUTES OF A MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 25 JUNE 2013

PRESENT: Mr N A Ridley - Chairman

|                    |                      |
|--------------------|----------------------|
| Mrs J Antill       | Mr D H Keane         |
| Mr C W Arthey      | Mr F R Lawrenson     |
| Dr M F M Bamford   | Mr J A B Long        |
| Mr S R Barrett     | Mr M Newman          |
| Mr A C Bavington   | Mrs A M Norman       |
| Mr P K Beer        | Mr A F D W Osborne   |
| Mr N A Bennett     | Mr J M Owen          |
| Mr P D Burgoyne    | Mr B Riley           |
| Mr D M Busby       | Mr J R A Sayers      |
| Mr J R Cartlidge   | Mr R C Smith         |
| Mr M J Deacon      | Mr R W Thake         |
| Mrs K S Grandon    | Mr A J Ward          |
| Mr D G Grutchfield | Mrs S M Wigglesworth |
| Mr B D Hurren      | Mr D L Wood          |
| Ms J A Jenkins     | Mr L H Young         |

The following Members were unable to be present: Mrs S Carpendale, Mr J R B Cave, Mr A J Hinton, Mr P Jones, Mr R E Kemp, Miss D L Kendall, Mr N MacMaster, Mrs M O Munson, Mr J M Nunn, Mrs A K Pollard, Mr C A Roberts and Mr D C Rose.

1 MINUTES

**RESOLVED**

**That the minutes of the meeting held on [23 April 2013](#) be confirmed and signed as a correct record.**

2 DECLARATION OF INTERESTS

Mrs J Antill, Mr P D Burgoyne, Mr B D Hurren and Mr D M Busby all declared that, although they had no pecuniary or non-pecuniary interest arising under the Suffolk Local code of Conduct in relation to the item on Payment of Special Responsibility Allowances ([Paper N25](#)), they would not participate or vote on the item to avoid any perception of bias because of their interest as the relevant Chair/Vice Chairs of Committees. They further stated that they did not need to leave the Council Chamber while this item was under consideration.

3 CHAIRMAN'S ANNOUNCEMENTS

Events Attended

The Chairman referred to [Paper N23](#) outlining recent events attended by the Chairman and Vice-Chairman of the Council.

James Cartlidge

Mr Cartlidge, the newly elected Member for Bures, was welcomed to the meeting.

Congratulations

On behalf of the Council, the Chairman congratulated Mr A F D W Osborne on his appointment as Mayor of Sudbury.

The Chairman also congratulated the staff and Members of both Councils for winning the M J Award in the Shared Services Category. In response to a question, the Chief Executive confirmed that arrangements would be made for a suitable display of awards at Babergh HQ.

Civic Reception

The Chairman reminded Members of the Chairman's Reception on Friday 19 July at Wherstead Hall.

4 PETITIONS

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

Babergh District Council (Parish of Stanstead Footpath No. 9) Diversion Order 2013

- a) Petition signed by approximately 72 residents of Babergh District opposing the proposed diversion, which is the subject of an Order made under the delegated powers by the Head of Communities, his decision having taken into account the existence of a petition objecting to the proposal.

The petition organiser has been advised by the Council's Footpath Officer of the process for making the Order, and the opportunity for formal objections/observations to be submitted during a 28 day period as part of that process. Notice of the Order was given in the local press on 15 May. In addition, discussions have been held on 30 May to respond to concerns and further explain the process. The petition was reported to the meeting of the Planning Committee held on 29 May 2013.

- b) Petition signed by more than 60 residents of Babergh District supporting the proposed diversion. The petition was reported to the meeting of the Planning Committee held on 12 June 2013.

Both petitions are now being treated as formal submissions in response to the Notice of the Diversion Order which appeared in the local press.

Planning Application B/13/00458 – Erection of a new village hall and associated parking with construction of vehicular access, Playing Field, Church Hill, Monks Leigh (application withdrawn since the agenda was circulated)

Petition signed by approximately 80 residents of Babergh objecting to the proposed development. The petition was reported to the meeting of the Planning Committee held on 12 June 2013. The petition will be taken into account at the appropriate time, subject to the re-submission of a revised application.

5 QUESTIONS FROM THE PUBLIC

None received.

6 QUESTIONS FROM MEMBERS

**Question from Cllr D Wood to the Chairman of the Strategy Committee**

There is great concern both locally and nationally about the fast declining condition of the mast at HMS Ganges Shotley. This iconic symbol located on the Shotley Peninsula has been sadly neglected for several years and is in urgent need of restoration. We have heard several excuses from the owners but as yet no action. Myself, and a multitude of others wish to see Babergh take a firm stance to resolve this matter sooner rather than later.

What powers of enforcement does Babergh have to ensure that this historic structure is renovated immediately instead of waiting for the development of the Ganges site?

**Answer**

The Council recognises the concern that exists about this important Suffolk landmark which enjoys listed status and is in a conservation area. The mast has not been restored but its condition has been closely monitored over the years and the last regular inspection took place in March this year. These regular inspections had revealed no marked deterioration. Since then and in response to concerns raised a further unplanned inspection took place yesterday and it has become apparent that a section of the lower yardarm has in fact dropped. The Council is now contacting the site owners to ensure that the mast is stabilised.

The mast is part of the former Ganges site which benefits from an extant outline planning permission for 404 retirement homes and a residential care home. The reserved matters application that relates to that outline permission is subject to a long standing appeal process. The site owners have now made a further application for the site which is now being progressed and is likely to come before Committee for a decision in the next few months.

Whether the site is developed under the existing outline permission or in relation to any new consent that may or may not be granted in relation to the current application, the development proposals include arrangements for the full restoration of the mast as part of the development.

If the mast were to be restored in advance of the redevelopment of the site, any later site development would have to be done in such a way that the mast remains safe throughout the building project.

If the site is not developed or if development is delayed, then it is open to the Council to take enforcement action. If the Council were minded to do so, there are a number of potential scenarios that would need to be considered, namely:

1. The Council could serve a Repairs Notice. This provides the land owner with 2 months in which to carry out repairs. If those repairs don't happen, the Council will have to consider whether to serve a compulsory purchase order.
2. If the Council takes this step, then it can seek to recover the costs from the owner, or take a charge on the land. A CPO would require Sec of State approval and compensation may be payable to the land owner.
3. The site owner could also seek a de-listing if enforcement action were to be taken.

None of these scenarios is ideal and the Chief Executive has recommended that (subject to the mast being stabilised) the Council takes no enforcement action pending the outcome of the current planning application. If the application is unsuccessful and there is no prospect of early development of the site, then the Council will immediately reconsider its options.

## 7 ALLOCATION OF SEATS ON COMMITTEES

The Chief Executive introduced [Paper N24](#) asking Council to approve the revised allocation of seats as set out in paragraph 8.5 of the report and to make appointments in accordance with Appendix 1.

Members were aware that the basis of the original allocation had been queried, and that there was a need to resolve the differing views of the relevant Officers on this matter. This had led to an independent legal opinion being sought from Counsel, the full text of which could be made available to Members on request. The Chief Executive in explaining the reasons for the revised allocation also made reference to Counsel's opinion in the light of the complexity of the relevant regulations and she apologised for the initial advice given to Council having been incorrect.

### **RESOLVED**

- (1) That the revised composition of seats on Committees as detailed in Appendix 1 to Paper N24 be approved.**
- (2) That Councillor J R Cartlidge be appointed to the Joint Audit and Standards Committee in place of Councillor J M Owen.**

8 SPECIAL RESPONSIBILITY ALLOWANCE (SRA) FOR CHAIRMEN AND VICE-CHAIRMAN OF THE JOINT SCRUTINY COMMITTEE AND THE JOINT AUDIT AND STANDARDS COMMITTEE

The Head of Corporate Resources presented [Paper N25](#), the report of the Independent Remuneration Panel to Babergh and Mid Suffolk recommending levels of SRA payments for the Chairs and Vice-Chairs of the new Joint Committees. Members were aware that if they were minded to approve the payment of allowances as recommended, they would be asked to agree to backdate the payments to coincide with the relevant appointments made at both Annual Councils.

**RESOLVED**

- (1) That an interim Special Responsibility Allowance of £3,667 per annum per Chairman be payable to the Chairmen of the new Joint Scrutiny and Joint Audit and Standards Committees.**
- (2) That an interim Special Responsibility Allowance of £921 per annum per Vice-Chairman be payable to the Vice-Chairman of the new Joint Scrutiny and Joint Audit and Standards Committees.**
- (3) That the Allowances referred in Resolutions (1) and (2) above be payable with effect from the date of the respective Annual Council Meetings for Babergh and Mid Suffolk. Further, that the Members' Allowances Schemes be amended accordingly.**

9 COLLECTIVE AGREEMENT ON EMPLOYMENT TERMS, CONDITIONS AND POLICIES

The Corporate Manager – Organisational Development submitted a report ([Paper N26](#)) seeking agreement for a new package of terms, conditions and policies to replace the existing arrangements within Babergh and Mid Suffolk, and to enable a Collective Agreement to go forward with the recognised Trade Unions. In response to a question from a Member, it was confirmed that the arrangements for Babergh staff parking remained as in the previous two agreements. Clarification was also given on various aspects of the harmonisation process. Members generally recognised the efforts of all parties to the discussion to reach agreement and noted that the package could only be accepted or rejected in its entirety.

**RESOLVED**

- (1) That the proposed whole package of employment terms, conditions, benefits and policies as outlined in the Appendix to Paper N26 be approved, to apply to all employees within the integrated structure and replace the existing arrangements within the two Councils.**
- (2) That the proposed grading and salary scale structure as outlined in Paper N26 be approved, enabling a Collective Agreement to go forward.**

Note: Mr B Riley voted against the recommendations and asked for his vote to be recorded in the Minutes.

10 APPOINTMENT OF REPLACEMENT MEMBER ON THE SHARED REVENUES PARTNERSHIP (SRP) COMMITTEE

**RESOLVED**

**That Mrs A K Pollard be elected as a replacement member for Mr A C Bavington on the Shared Revenues Partnership Committee for the remainder of the current term of office.**

11 COMMENCEMENT TIMES OF FUTURE MEETINGS OF FULL COUNCIL

Members were asked to consider and agree commencement times for future meetings of the Council.

A motion to alternate Council meeting times between 10 a.m. and 5.30 p.m. for a trial period of one year was moved. After some discussion, various amendments to the motion were considered, as a result of which agreement was reached as set out below.

**RESOLVED**

**That the times of Council meetings be alternated between 9.30 a.m. and 5.30 p.m. for a trial period of one year.**

The business of the meeting was concluded at 11.15 a.m.

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Chairman