

MINUTES OF A MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 23 JULY 2013

PRESENT: Mr N A Ridley - Chairman

Mrs J Antill	Mr R E Kemp
Mr C W Arthey	Miss D L Kendall
Dr M F M Bamford	Mr F R Lawrenson
Mr S R Barrett	Mr J A B Long
Mr P K Beer	Mrs M O Munson
Mr N A Bennett	Mr M Newman
Mr P D Burgoyne	Mr J M Nunn
Mr D M Busby	Mr A F D W Osborne
Mrs S Carpendale	Mrs A K Pollard
Mr J R B Cave	Mr B Riley
Mr J R Cartlidge	Mr C A Roberts
Mr M J Deacon	Mr D C Rose
Mr A J Hinton	Mr J R A Sayers
Mr B D Hurren	Mr R W Thake
Ms J A Jenkins	Mr A J Ward
Mr P Jones	Mrs S M Wigglesworth
Mr D H Keane	Mr D L Wood

The following Members were unable to be present:

Mr A C Bavington, Mrs K S Grandon, Mr D G Grutchfield, Mr N MacMaster, Mrs A M Norman, Mr J M Owen, Mr R C Smith and Mr L H Young.

12 MINUTES

RESOLVED

That the minutes of the meeting held on [25 June 2013](#) be confirmed and signed as a correct record.

13 DECLARATION OF INTERESTS

None declared.

14 CHAIRMAN'S ANNOUNCEMENTS

Events Attended

The Chairman referred to [Paper N38](#) outlining recent events attended by the Chairman and Vice-Chairman of the Council.

Civic Reception

The Chairman thanked Members for supporting the Reception. On behalf of Members, James Long, the Vice-Chairman of the Council, thanked the Chairman and all involved for an excellent evening.

The Royal Baby

The Chairman and Members welcomed the news of the son born to the Duke and Duchess of Cambridge

15 PETITIONS

None received.

16 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

The Localism Act 2011 – Community Rights (Strategy Committee 11 July 2013)

Members had before them [Paper N34](#), together with additional information circulated to Members prior to the commencement of the meeting.

Before introducing the recommendations of the Strategy Committee, the Chairman Jennie Jenkins asked the Head of Communities to update Members on the reasons for the change to the recommendations to be considered by Council, as set out below:-

Recommendation 7 to both Councils was to be withdrawn from consideration as follows:-

‘Clarification by the Monitoring Officer confirms that a District Council is not able to make nominations to the register as described in section 8.34 of [Papers N34](#) and X/64/13. On this basis the additional recommendation (no 7) made by each of the two Committees to their respective Councils has been withdrawn.’

Recommendations 1 to 6 to both Councils remained as set out on the respective agenda papers, subject to the inclusion, in response to comments made by Members at the Strategy and Executive Committees, of the following wording as a new penultimate paragraph in Appendix C to [Papers N34](#) and X/64/13 to provide clarification:-

‘For the Community Right to Challenge:

Any application to challenge a service delivered by Council staff will be referred to the relevant Committee for consideration.’

Jonathan Reed, Deputy Monitoring Officer, had confirmed that this was implicit but suggested the inclusion of the above additional paragraph to ensure clarity on this aspect. The Chairman of the Strategy Committee proposed the inclusion of the additional wording when putting forward the Committee’s recommendations.

RESOLVED

- (1) That the introduction of new Community Rights under the Localism Act 2011 and the proposed approach that Babergh District Council and Mid Suffolk District Council are taking to deal with these matters be noted.**

- (2) That the proposed procedure for administering an expression of interest under the Community Right to Bid for “assets of community value” (as set out in paragraphs 8.24 to 8.33 of Paper N34) be approved.
- (3) That the proposed procedure for administering an expression of interest under the Community Right to Challenge (as set out in paragraph 8.35 to 8.44 of [Paper N34](#)) be approved.
- (4) That the Scheme of delegation in relation to the Community Rights (as identified in Appendix C of Paper N34) be agreed, with the addition of the following as a penultimate paragraph to that Appendix:

‘For the Community Right to Challenge:

Any application to challenge a service delivered by Council staff will be referred to the relevant Committee for consideration.’

Further, that the Scheme of delegation in Appendix C, amended as above, be incorporated in the general scheme of officer delegations with the Council’s Constitution amended accordingly.

- (5) That the arrangements for setting timescales during which expressions of interest can be made for service already contracted out which are set out in paragraph 8.41 of [Paper N34](#) be agreed.
- (6) That the Council should actively raise awareness of the Community Rights and the processes for expressing an interest on the Council’s website and in the Council’s interaction with Town and Parish Councils, Voluntary and Community Groups.

17 QUESTIONS FROM THE PUBLIC

None received.

18 QUESTIONS FROM MEMBERS

None received.

19 DESIGNATION OF MONITORING OFFICER

The Chief Executive introduced [Paper N39](#), and asked Members to approve the alternative recommendation in 2.2 of the report as an interim measure, following the failure to make an appointment to the role of Corporate Manager – Legal and Monitoring Officer as a result of the recent recruitment process.

Members were aware that an interim appointment was required to cover the period from Kathryn Seward’s leaving date until a Corporate Manager appointment could be made, or alternative arrangements put in place through any agreement on a Suffolk-wide legal service. It was noted that the two Deputy Monitoring Officers appointed by the current Monitoring Officer would have to be re-appointed by the interim Monitoring Officer from 16 September.

RESOLVED

That Andrew Hunkin, Strategic Director – Corporate be designated as the Monitoring Officer on an interim basis with effect from 16 September 2013 pending the completion of the recruitment process for the post of Corporate Manager – Legal and Monitoring Officer.

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

RESOLVED

That Mr C A Roberts be appointed as a substitute member on the SRP Committee for the remainder of the current municipal year.

The business of the meeting was concluded at 6.05 p.m.

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Chairman