

MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON TUESDAY, 28 JUNE 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Jennie Jenkins
Sue Ayres	Frank Lawrenson
Melanie Barrett	Margaret Maybury
Simon Barrett	Alastair McCraw
Tony Bavington	Mark Newman
Sue Burgoyne	John Nunn
Tom Burrows	Adrian Osborne
Dave Busby	Jan Osborne
Tina Campbell	Lee Parker
Sue Carpendale	Peter Patrick
Michael Creffield	Stephen Plumb
Derek Davis	Nick Ridley
Siân Dawson	David Rose
Alan Ferguson	William Shropshire
Barry Gasper	John Ward
Kathryn Grandon	Stephen Williams
David Holland	

The following Members were unable to be present:

Peter Beer, John Hinton, Michael Holt, Bryn Hurren, Richard Kemp, James Long, Ray Smith, Harriet Steer and Fenella Swan.

13 DECLARATION OF INTERESTS

None declared.

14 MINUTES

RESOLVED

That the Minutes of the Annual Meeting held on 26 April 2016 be confirmed and signed as a correct record.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to Paper S28 outlining recent events attended by the Chairman and Vice-Chairman.

Civic Events

The Chairman's Reception will be held at Wherstead Hall on 7 September and there will be a carol service in Boxford on 7 December. The Chairman is also looking at a possible event in the Sudbury area.

16 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

17 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule No. 15, Michael Evans asked the following question:

“Local plan policy HS17 states that approximately 4.4 hectares of land east of Carsons Drive is to be allocated for about 170 dwellings and that this housing site is deleted from the special landscape area.

Officers now state that 4.8 hectares is now the area proposed for residential development. The extra land is due to the inclusion of the open space in the definition of development area (see Paper R6 planning meeting 27 May 2015).

Does this mean that there could be planning applications for additional housing on this open space?”

Simon Barret, Portfolio Holder for Business Growth and Increased Productivity, responded as follows:

“The allocation set out in policy HS17 provides for approximately 4.4 hectares of land to be allocated for about 170 dwellings. The scheme that was brought forward was for 166 dwellings across 4.8 hectares of the site (the total site area being 12.7 hectares), although this also included open space within this area. These variances are considered to be reasonable within the terms of the approximation provided for in the policy which does not provide finite figures. The open space is an important part of the layout of the approved scheme and is integral to the development. It is designated for such use within the approved documents and controlled for such use by virtue of planning conditions and the associated legal agreement. It would, therefore, be highly undesirable for the use of this area to be lost for further housing and we are not aware of any proposals to do so. Such a change would require planning permission and, as such, the Local Planning Authority would retain control over any such proposal”.

As provided for by Council Procedure Rules, Michael Evans then asked a supplementary question as follows:

“This redefinition looks like an unauthorised manipulation of the Local Plan. The areas, i.e. the woodland, the public open space, the improved habitat, the farm track and some land between the track and the building site are all in the Special Landscape Area as defined in the Local Plan. Therefore any development in this area – such as upgrading the track, tree planting, lighting, signs, play areas etc, must blend in with the landscape and avoid any suburbanisation effect – visitors to Abbas Hall should not be aware that they are passing a housing estate or see views of unnatural play equipment, neat rows of tree planting or an upgraded tarmacked farm track. All development in the SLA must be done in accordance with the regulations set out in the Local Plan. Will this be done?”

Simon Barrett stated that a formal response would follow outside the meeting.

Note: the response which was subsequently sent to Mr Evans is reproduced below:-

The Committee report makes clear that the development is partly within, and would affect, the Special Landscape Area (SLA). Indeed, the report makes reference to the SLA and to saved Local Plan Policy CR4 at a number of points, most notably at paragraphs 261-269 which deals specifically with this issue. Paragraph 174 of the committee report also draws attention to how the Planning Inspector considered the impact on the SLA within the preceding appeal. Conditions have been imposed to deal with a number of the specific issues raised by Mr Evans, most notably conditions 3 (Materials), 7 (Levels), 8 (Construction Management), 9 (External Lighting), 11, 12, 13 (All Landscaping), 14 (Play Equipment and Surfacing), 15 (Boundary Treatments), 16 (Road Surfacing) and 18 (Tree Protection). The Planning Committee considered these conditions to be necessary with regards to ensuring suitable control over the details of these elements of the proposal, and is satisfied that sufficient controls are in place to ensure an acceptable scheme is delivered.

18 QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule No. 16, Derek Davis asked the following question:

“While Babergh’s Open For Business initiative is to be applauded, surely it can’t be right that street vendors are free to trade in our district without the need to pay anything towards our economy, therefore providing unfair competition to those outlets that pay what are already crippling business rates, now without retail rate relief, so what will this council do to address this?”

Simon Barret, Portfolio Holder for Business Growth and Increased Productivity, replied to Councillor Davis’ question as follows:

“Babergh District Council adopted street trading legislation back in 1992, primarily at the request of Sudbury Town Council/local town centre businesses, due to the cumulative impact of uncontrolled street vendors on static businesses/business rate payers, and the impact on the designated Thursday/Saturday Sudbury Market.

Whilst most of the district is not restrictively controlled for street trading purposes, there are various resolutions in effect in Babergh to designate controls, licensing arrangement or prohibitions specifically in Sudbury, and some other areas of the district where there have been similar cumulative impact or disproportionate impact from street trading. The Council website gives further information at <http://www.babergh.gov.uk/business/licensing/street-trading/>. Street trading resolutions are costly and time-consuming to create and are mainly a tool, where proportionate, to address cumulative impact rather than the isolated problematic individual trader issues that may arise from time to time and be addressed by other means. Some late night businesses are also regulated by the Licensing Act 2003 where they sell hot food or drink between 11pm and 5am.

Any business wishing to trade in the street would also need consent from the landowner/controller (which is often SCC Highways) as a precursor to considering whether any street trading permissions are required. Without prior consent to pitch, or use a legitimate or legal/insured/taxed vehicle, the consideration of street trading authorisation (or prohibition) may not arise.”

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

“Will the administration and their Officers ensure all businesses affected, especially on the Shotley peninsula, are given discretionary business rate discount with immediate effect?”

Simon Barrett responded as follows:-

“The suggested approach would not be practicable because a policy would need to apply across the whole District and this matter would have to be addressed through any Business Rate relief review.”

19 PETITIONS

None received.

20 RECOMMENDATIONS AND REPORTS FROM JOINT AUDIT AND STANDARDS COMMITTEE

Joint Annual Treasury Management Report 2015/16 (Joint Audit and Standards Committee – 20 June 2016)

John Ward, Vice-Chairman of the Joint Audit and Standards Committee, introduced the Committee’s recommendation to note the Treasury Management activity for the year 2015/16, as set out in [Paper JAC82](#).

Katherine Steel, Assistant Director – Corporate Resources confirmed that the Council’s Treasury Management advisers were proactively monitoring the situation but their current advice to the Council in relation to the situation following the recent EU referendum was that the prudent strategy followed by the Council remained appropriate.

RESOLVED

That the Treasury Management activity for the year 2015/16 as set out in Paper JAC82 and its Appendices be noted. Further, that it be noted that performance was in line with the Prudential Indicators set for 2015/16.

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

21 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES AND JOINT COMMITTEES

Jeanette McGarry, Interim Head of Democratic Services, introduced [Paper S32](#) seeking Member approval of the revised numerical allocation of seats as set out in Appendix 1 to Paper S32.

RESOLVED

- (1) That the Committees' size and numerical allocation of seats as detailed in Appendix 1 to Paper S32 be approved.**
- (2) That Committee seats as set out in Appendix 2 to Paper S32 be allocated.**

22 APPOINTMENT OF MEMBERS TO JOINT GROUPS

Jeanette McGarry, Interim Head of Democratic Services, introduced [Paper S33](#) seeking Member approval of the revised appointment of Members to joint bodies.

RESOLVED

- (1) That the political representative calculations for the bodies referred to in Paragraph 8.2 as contained in Appendix 1 to Paper S33 be approved.**
- (2) That the membership of the groups as detailed in Appendix 2 be approved.**

Note: Peter Quirk, Interim Head of Democratic Services, confirmed that the names of the Independent Conservative Group members in relation to Papers S32 and S33 had yet to be advised by the Group Leader.

23 DEVOLUTION FOR NORFOLK AND SUFFOLK

Prior to asking Jennie Jenkins to introduce this item, Peter Burgoyne, Chairman of the Council, gave the following statement:-

“I have received advice about amendments on this item.

All authorities in Norfolk and Suffolk have now published their reports and all Council meetings are taking place this week.

The short window available for Council meetings, which had to take place after the EU Referendum and before the public consultation deadline of 4 July, means that it will not be possible to make individual amendments to the Deal Document or the Scheme (other than minor amendments of a typographical or correcting nature) at the Council meetings. So please bear that in mind in this debate.

That is not to rule out other amendments to the recommendations which will be considered in line with our Constitution.”

Members had before them [Paper S29R](#), which replaced Paper S29 previously circulated and included an additional Appendix E – Summary of Consultation Responses to Suffolk’s survey on Devolution (May-June 2016).

Jennie Jenkins, Leader of the Council, introduced Paper S29R which set out the Suffolk and Norfolk approach to the East Anglia Devolution Deal and sought Member support for various aspects of the Deal to date.

The Leader and Officers provided replies to Members’ questions, including in relation to human resources implications and the related service delivery, election of a single Mayor and establishment of a Mayoral Combined Authority, the consultation process and how the feedback would be communicated, potential effect on the housing needs, house building and infrastructure in Babergh and any effect of the recent EU referendum on the devolution plans.

Members also expressed their thanks to Jennie Jenkins for her hard work and leadership on the devolution proposal.

RESOLVED

- (1) That the Authority endorses the signing of the Norfolk and Suffolk Devolution Agreement by the Leader.**
- (2) That, on the basis of the Governance Review, and having regard to any impact on equalities explored in the Equalities Impact Assessment (EqIA) at Appendix D, the Authority concludes that the establishment of a Mayoral Combined Authority for Norfolk and Suffolk is the option which most fully permits the effective discharge of the functions that Government is prepared to devolve to this area.**
- (3) That the Authority endorses and supports the publication of the draft Scheme for a Norfolk and Suffolk Mayoral Combined Authority as at Appendix C to this report for consultation purposes, subject to such final revisions as may be approved by the Chief Executive in consultation with the Leader, and prior to the commencement of the formal consultation exercise. Such formal consultation, on the Scheme, to commence once all Norfolk and Suffolk Councils have considered the matters in this report and, in any event, no later than the 4 July 2016. In the event that a Constituent Authority named in the attached Scheme does not agree to endorse the Deal Agreement and/or the Scheme, the Authority authorises, through its Chief Executive, the relevant/any necessary changes to be made to the Deal Agreement, the Scheme and the Governance Review to reflect that Authority’s non-participation.**
- (4) That the outcome of the consultation exercise is submitted to the Secretary of the State by the Chief Executive in consultation with the Leader, by early September.**
- (5) That Council meets no later than the 28 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Norfolk and Suffolk.**

- (6) That, insofar as any of the matters referred to in this report concern the discharge of functions related to the endorsing and signing of the Norfolk and Suffolk Devolution Agreement and the publication of the Scheme, authority is delegated to the Chief Executive in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in this report.
- (7) That in the event that any technical changes are required to reflect legislative requirements and the contents of the Deal Agreement, authority be delegated to the Chief Executive, in agreement with the other Chief Executives and Managing Directors across Norfolk and Suffolk to make the necessary changes to the Scheme.
- (8) That further reports be presented to the Authority as appropriate as the Devolution process develops.

24 CONSTITUTIONAL UPDATE – PHASE 1

Suki Binjal, Interim Assistant Director – Law and Governance, introduced Paper [S30](#) seeking Member approval to adopt the Constitution as contained in Appendix A to Paper S30. Members also had before them revised pages 77-80 which covered minor corrections to be made to the draft Constitution in Appendix A.

The recommendation in 2.1 of Paper S30 was moved, following which Councillor McCraw proposed an additional recommendation, as follows:-

“That the Members Allowances section, the Compliments/Complaints Policy, the Petitions and Public Participation Scheme, the Filming and Videoing Guidance and the Whistleblowing Policy, along with the Planning Charter, be published as a supplement to the Constitution and available in the same places.”

Councillor McCraw subsequently withdrew his proposal on the basis that further consideration would be given in Phase 2 of the Review as to how items withdrawn from the main Constitution document might best be made available in an appropriate and transparent way.

Further matters identified during the course of the debate for consideration in Phase 2 included:-

- Recommendations from Joint Audit and Standards Committee
- Role and responsibilities of Deputy Leader
- Clarification on voting by ballot/recorded means.

RESOLVED

That the Draft Constitution (Appendix A to Paper S30) be adopted, subject to minor corrections including those identified in revised pages 77 to 80.

25 RECRUITMENT OF THE NEW JOINT CHIEF EXECUTIVE

Jennie Jenkins, Leader and Portfolio Holder for Assets and Investments, introduced [Paper S31](#) and asked Members to approve its recommendations to set up a cross-party Task and Finish group to oversee the recruitment process. Katherine Steel, Assistant Director – Corporate Resources, confirmed that relevant Officers, Members and stakeholders would be involved in the process.

Members noted that the group would be a joint arrangement with Mid Suffolk.

RESOLVED

That a Joint Task and Finish group be established to work with officers to select and make a recommendation to Council on the recruitment of a new Joint Chief Executive in accordance with the details set out in Appendix A to Paper S31.

26 AMENDED PAY POLICY STATEMENT FOR 2016/17

Jennie Jenkins, Leader, introduced [Paper S34](#) asking Members to approve the amended Pay Policy Statement for 2016/17 as set out in Appendix A to Paper S34, the main adjustment being the Chief Executive's salary range, which was linked to the recruitment process as outlined in Paper S31.

During the course of the debate, reference was made to various related matters including the Focussed Management Review and the use of temporary staff.

RESOLVED

That the amended Pay Policy Statement for 2016/17 as contained in Appendix A to Paper S34 be approved.

27 CONSTITUTIONAL UPDATE – PHASE 2

Suki Binjal, Interim Assistant Director – Law and Governance, introduced Paper S35, seeking Member approval to update the Constitution as set out in [Paper S35](#), which would be brought back to Council for approval.

Members noted that the roles of Councillors in the implementation of the Joint Strategic Plan and roles of Portfolio Holders and Members with Special Responsibilities would be taken into account in Phase 2 together with the matters identified for further consideration in Minute No. 24 above.

RESOLVED

- (1) That the Constitution be updated as set out in Paper S35 and the changes to be carried out be delegated to the Monitoring Officer.**
- (2) That on completion of the proposed changes the Monitoring Officer to report back to the Council with a revised Constitution for further approval.**

28 ACTION OUT OF MEETING

Suki Binjal, Interim Assistant Director – Law and Governance, referred to Paper [S36](#) and asked Members to note the Urgent Action authorised on 19 May 2016 to appoint a temporary Parish Councillor to Raydon Parish Council to ensure it was quorate and able to act.

RESOLVED

That the contents of Paper S36 be noted.

The business of the meeting was concluded at 7.25 p.m.

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Chairman