

MINUTES OF THE JOINT SCRUTINY COMMITTEE MEETING HELD AT THE  
COUNCIL OFFICES, MID SUFFOLK DISTRICT COUNCIL, NEEDHAM MARKET  
ON WEDNESDAY 28 MAY AT 5.30 PM

PRESENT:

**BABERGH**

Jenny Antill  
Peter Burgoyne  
Bryn Hurren  
Neil MacMaster  
Jack Norman

**MID SUFFOLK**

Rachel Eburne (Chairman)  
Wendy Marchant  
John Matthissen  
Derek Osborne  
Samantha Powell  
Jane Storey  
Charles Tilbury

ALSO PRESENT: John Gagen, Alan Morgan, Ann Nicholls, Jenny Eason, Ann  
Preston, Valerie Ayton – Parish Representatives

1 APOLOGIES AND SUBSTITUTIONS

An apology for absence was received from Councillors Elizabeth Gibson-Harries,  
Mark Newman and David Wood. Councillor Wendy Marchant was substituting for  
Councillor Martin Redbond.

2 DECLARATION OF INTERESTS

None declared.

3 MINUTES

**RESOLVED**

**That the Minutes of the meeting held on [26 March 2014](#) be confirmed and  
signed as a correct record subject to the following amendments:**

**Page 1: Apologies for absence to be included**

**Page 2: Paragraph 1 – include Members' questions on the area the scheme  
covered and the movement in and out of the area and the two Districts.**

4 PETITIONS

None received.

5 QUESTIONS FROM MEMBERS

None received.

6 REVIEW OF THE COMMUNITY RIGHTS INTRODUCED IN THE LOCALISM ACT  
2011

The report (JSC/08/14) updated the Committee on how the new Community Rights  
had been used by communities since their introduction.

Representatives of three communities that had submitted nominations under the Community Right to Bid (Assets of Community Value Regulations) described their experiences of the process, both positive and negative, to the Committee. It was generally agreed that owners of nominated Assets of Community Value (ACV) became concerned that the nomination would reduce the sale value of the property, which could cause difficulty in the community. Concern was also expressed that even when a property was listed as an ACV it was not protected from a change of use under Permitted Development Rights. It was also felt that if an owner appealed against a listing the community should be permitted to also make their case, which currently was not allowed.

Members raised the following questions and comments:

- How did Permitted Development Rights (PDR) affect any requirement that if premises were in commercial use, a marketing campaign etc must be carried out before any permission to change to residential use would be approved?

It was not possible to change commercial premises to residential under PDR but an owner could change to an alternative under the same use order, eg betting shop, mini supermarket, pay day loan shop.

- What grounds did an appeal tribunal use to reject an appeal against listing?

There were certain criteria to be met to show the property fell within the scope of legislation. However, the main issue seemed to be demonstrating and proving the community value of the property and that there was a 'realistic' chance of success in the future

- It appeared that the perceived decrease in market value of a property that achieved listing was of great concern to the owner, and was it the Council's role to decide if a business would be a successful commercial venture in the future?

If an owner could prove that the nomination had affected the resale value of the property a compensation scheme was in place and a claim could be made against the local authority.

It was felt that the interpretation of viability had become clearer since the start of the scheme and there was now a greater understanding of what was required to prove a 'realistic' chance of success

- Nominations had to be made by a community group. Could a group of people with the necessary funds instigate the process and if successful then purchase the property and retain it until it could be sold at a profit? What was the definition of community group?

Those who could make a nomination were different from those that could bid to purchase a property. A group submitting a nomination could be for example, the parish council or a group of residents, a group bidding to purchase a property must be a Community Interest Group (CIC), in other words a non-profit making company. It was important that there was good support from the Parish / Town.

- It was clear that viability was a difficult issue and that objective, tangible evidence was required.
- The Council should encourage use of the scheme as it was important that villages have a route to try to retain these assets of community value. However, it was also necessary to dispel the fear that a nomination would have an adverse effect to the owner. It should be made clear that the nomination was often not a reflection on the current owner but a means to retain the property for community use.
- The Council should feedback to central government on areas where the scheme did not work well and the interaction with the planning system in relation to PDR.

The Chair of the Committee advised that a request for evidence had been received from the Department for Communities and Local Government (DCLG) regarding increased interest in community rights and evidence that would help inform the scheme. It was agreed that the Committee should respond to the request using the information provided by the case studies presented at the meeting, stressing the issues around legislation. A response would be prepared and e-mailed to Members for comment.

Members felt that despite there being difficulties and inconsistencies in the process that Officers were providing a good service and that the Councils should encourage communities to nominate assets of community value for listing. It was considered very positive that a community group would put themselves through the nomination process and period of fund raising to purchase the property.

It was suggested that some information aimed at owners of nominated properties explaining the process and consequence of listing would be helpful.

## **RESOLVED**

- 1. That the Joint Committee agrees that Members and Officers continue the current support for Community Rights as outlined in the report.**
- 2. That the Joint Committee provides a response to the DCLG request for evidence.**

## 7 SCOPING OF A JOINT SCRUTINY REVIEW OF PLANNING ENFORCEMENT

The report ([JSC/09/14](#)) was presented to enable Members to establish the scope of a Joint Scrutiny Review of planning enforcement in Babergh and Mid Suffolk.

Members made the following comments regarding issues for inclusion in the review:

- Parish Councils regularly raised the issue of why the District Council was not doing something about a building erected without planning permission. Should the District Council speak to the parish councils and ask if it was now considered that the building should be allowed and removed from the outstanding list of cases to be dealt with

- The issue of whether working from home was allowed as it was perceived by the public that some businesses were not paying business rates. Guidance was required on what was allowed and what was enforceable.
- More publicity was required when an enforcement case was successful as a deterrent to others.
- Guidance was needed regarding retrospective planning permissions. How many retrospective applications were received in a year? How long were buildings erected for before permission was applied for? How many were refused and subsequently demolished?
- In order to carry out an effective review it was necessary to drill down into the facts regarding performance, ie the number of complaints received; number of investigations undertaken; number taken to enforcement action; and the cost of appeals against enforcement.

It was agreed that four areas needing to be covered in the review were:

- What learning we can gain
- Actual performance –v- public perception
- Guidance
- Publicity

and that focus should be on the questions raised in the proposed methodology for the review. It is important that the review does not repeat what is covered in the planning training for Members.

It was agreed that due to Data Protection issues parish council representatives would not be invited to attend the meeting and Members would discuss cases they were aware of within their Wards.

## **RESOLVED**

**That the Joint Committee agrees the proposed scope of the review and undertakes the review.**

### 8. SCOPING OF A JOINT SCRUTINY REVIEW ON FUEL POVERTY

The report ([JSC/10/14](#)) was presented to enable Members to establish the scope of a Joint Scrutiny Review on fuel poverty in Babergh and Mid Suffolk.

It was noted that Babergh and Mid Suffolk did not have a specific fuel poverty strategy. It was estimated that fuel poverty affected approximately 8,000 properties in the Districts and the Private Sector Housing team were aware of the importance of this issue. The Environmental Management Officer would also be able to give guidance on energy efficiency in properties.

Members made the following comments regarding issues for inclusion in the review:

- Information was required on the criteria used to judge 'higher than usual energy costs'. Warm Homes Healthy People might be a good starting point for this
- How could the Councils do more to promote energy efficiency?
- Sudbury Citizens' Advice Bureau had been involved in fuel energy funding distribution and could be invited to outline their experience with this
- An energy company could be invited to explain why some people were obliged to have a payment meter, usually the most vulnerable, resulting in them having to pay more for energy.
- A key factor was the type of heating system installed, eg gas, oil, solid fuel, electric storage heaters. Installing a more efficient system could help to prevent other problems, eg rent arrears.
- How successful is the Green Deal?
- The issue should be looked at by housing sector, ie Council housing stock; social landlord stock; owner/occupier; and private rented sector, as there were distinct problems in each sector.
- Information from the Energy Performance Certificates (EPC) required for resale and let of properties should be collated, together with the historical improvement of the EPC in each housing sector.
- Details of the number of Council houses that are energy efficient should be included.
- Comparison of different fuel systems and costs should be included.
- How efficient is the heating system installed in affordable housing?
- How successful are the bulk purchasing schemes for fuel?

## **RESOLVED**

**That the Joint Committee agrees the proposed scope of the review and undertakes the review.**

### 9. JOINT SCRUTINY COMMITTEE WORK PLAN FOR 2014/15

The Annual Work Plan ([Report JSC/11/14](#)) was submitted to Members for approval.

The following suggestions were put forward:

- Districts Role in Public Health – sports facilities to be included as part of the review. It was agreed that as Mid Suffolk Scrutiny Committee had already carried out a review of the Mid Suffolk Leisure Centre facility that it was appropriate for the Babergh Scrutiny Committee to undertake a similar review of its facilities.

- Youth Homelessness – it would be helpful to invite those who had experienced youth homelessness to the meeting to talk about their experiences
- Review of the Council’s Partnerships – when was this work to be brought back to the Committee? It was noted that this was part of the work being undertaken within the Strategic Plan Delivery Programme.

Concern was raised that topics were not being dealt with quickly enough and there was a need for additional meetings to be held in order to carry out the reviews within an appropriate timescale.

**RESOLVED**

**That the Joint Scrutiny Work Plan for 2014/15 be approved.**

The business of the meeting was concluded at 7.40 pm.

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Chairman