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To The Members of the Council

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Date 06 March 2009

AGENDA SUPPLEMENT

Dear Sir/Madam

COUNCIL - THURSDAY 12 MARCH 2009

I refer to the agenda for the above-mentioned meeting and enclose the following items:

Item No	Report Title	Page Nos
1.	Minutes To confirm the minutes of the meeting held on 26 February 2009.	155 - 160
5.	Cabinet Minutes - 24 February 2009 Unconfirmed minutes of the Cabinet meeting held on 24 February 2009.	161 - 179
10.	Appeals Committee - 25 February 2009 Unconfirmed minutes of the meeting of the Appeals Committee held on 25 February 2009.	180 - 187

Yours faithfully

Helen McAleer

Committee Officer

At a Meeting of the

COUNCIL

Held on Thursday, 26 February 2009 at 10.30 am in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mr S. Askew	Mr J.P. Labouchere (Chairman)
Mr G.P. Balaam	Mr T.J. Lamb
Mrs J. Ball	Mr K. Martin
Mr S.G. Bambridge	Mrs K. Millbank
Mr W.P. Borrett	Mrs L.H. Monument
Councillor Claire Bowes	Mr D.G. Mortimer
Mr A.J. Byrne	Mr D.S. Myers
Mrs M.P. Chapman-Allen	Mr J.W. Nunn
Mr P.D. Claussen	Mr J.D. Rogers (Vice-Chairman)
Mr P.J. Duigan	Mr B. Rose
Lady Fisher	Mr F.J. Sharpe
Mr P.S. Francis	Mr I. Sherwood
Mr R.F. Goreham	Mr W.H.C. Smith
Mr J.R. Gretton	Mr M. Spencer
Mrs T. Hewett	Mrs P.A. Spencer
Mrs D.K.R. Irving	Mr A.C. Stasiak
Mr C.R. Jordan	Mrs A.L. Steward
Mr R. Kemp	Mrs L.S. Turner
Mr M.A. Kiddle-Morris	Mr N.C. Wilkin
Mr R.G. Kybird	

In Attendance

Mark Finch	- Head of Finance
Trevor Holden	- Chief Executive
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Member Services Officer
Ian Vargeson	- Member Services Manager

15/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 29 January 2009 were agreed as a correct record and signed by the Chairman.

16/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr S Chapman-Allen, Mr R Childerhouse, Mr P Cowen, Mr R Duffield, Mr M Fanthorpe, Councillor E Gould, Mr M Griffin, Mr P Hewett, Mr A Joel, Mrs S Miller, Mrs P Quadling and Mrs L Turner.

17/09 DECLARATION OF INTEREST (AGENDA ITEM 3)

There were no declarations of interest.

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18/09CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

Members joined the Chairman in offering their best wishes to Mr Borrett on his forthcoming marriage.

The Chairman then told Members that this was the last Council meeting that Andrea Long would attend, before leaving the Authority. He thanked her personally for all her help and advice over the years.

The Executive Member for Planning and the Environment echoed those sentiments and thanked Andrea for her dedication and hard work, especially concerning the Local Development Framework and the Thetford Growth Point. She wished Andrea all the best in the future.

Members joined in with a round of applause in appreciation.

Andrea said it had been a pleasure and an interesting 15½ years. She felt she had grown up whilst serving the Council. She thanked Members for their kind wishes.

Engagements List - 29 January to 25 February, 2009

Chairman

Date	Event	Host
10 February, 2009	Cutting the Sod ceremony, Wayland Community High School	Andrea Smith, Director of 14-19 Learning Pathways
14 February, 2009	Ceremonial Opening of Mart	The Worshipful the Mayor of the Borough Council of King's Lynn West Norfolk, Councillor David Johnson
23 February, 2009	Launch of YMCA in Breckland	YMCA Norfolk

Vice-Chairman

Date	Event	Host
23 February, 2009	Launch of YMCA in Breckland	YMCA Norfolk

19/09COUNCIL TAX 2009-2010 (AGENDA ITEM 5)

Appendix F to the report, which had been inadvertently missed from the agenda, had been tabled at the start of the meeting.

The Executive Member for Governance introduced this item and said

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that the process had been long and painful due to the many financial fluctuations outside the Council's control.

Following wide consultation and having received feedback from many sources she was pleased to announce a minimal 4p per week increase on a Band D property and to assure Members that good services would continue to be delivered.

The Council's precept had been set on 29 January and since then the precepts for others including the County Council, Police and Town and Parish Councils had been agreed. These included the re-charge for public lighting, details of which were in the report.

A Member asked why the bill for lighting in Thetford was so much greater than that for the other towns and it was pointed out that when the town was re-developed footpaths linking the town and residential areas had been located separately from the highways, meaning that provision for extra lighting was required.

RESOLVED that

- 1) the formal Council Tax resolutions for 2009-2010 be approved;
- 2) the Special Expenses for 2009-2010, as set out in paragraph 3.3 of the report, be approved;
- 3) it be noted that the Council has calculated the following amounts for the year 2009-2010 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - a) £42,050.69 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended by Statutory Instruments 2003/3012 & 2003/3181 made under the Local Government Act 2003, as its Council Tax base for the year;
 - b) the figures shown in **Appendix B** to the report, being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.
- 4) the following amounts be calculated by the Council for the year 2009-2010 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 as amended:-
 - a) £68,812,098 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
 - b) £52,466,720 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of

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	the Act;	
c)	£16,345,378	being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
d)	£11,297,632	being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (council tax surplus);
e)	£120.04	being the amount at (c) above less the amount at (d) above, all divided by the amount at (a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;
f)	£2,354,228	being the aggregate amount of all special items referred to in Section 34(1) of the Act;
g)	£64.05	being the amount at (e) above less the result given by dividing the amount at (f) above by the amount at (a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its areas to which no special item relates;
h)		the figures shown in Appendix C to the report, being the amounts given by adding to the amount at (g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;
i)		the figures shown in Appendix D to the report, being the amounts given by multiplying the amounts at (g) and (h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in

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that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- 5) it be noted that for the year 2009-2010 the Norfolk County Council and Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

	Norfolk County Council	Police Authority
Band A	£749.16	£123.72
Band B	£874.02	£144.34
Band C	£998.88	£164.96
Band D	£1,123.74	£185.58
Band E	£1,373.46	£226.82
Band F	£1,623.18	£268.06
Band G	£1,872.90	£309.30
Band H	£2,247.48	£371.16

- 6) that having calculated the aggregate in each case the amounts at 4(i) and 5 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts in **Appendix E** to the report, as the amount of Council Tax for 2009-2010 of the categories of dwellings shown.

20/09 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 6)

RESOLVED that the following change be noted:

General Purposes Committee

Mrs M Chapman-Allen to replace Mr S Chapman-Allen.

21/09 BUSINESS COMPETITION

The Member Services Manager informed Members that at its meeting on 24 February 2009 the Cabinet had resolved to support the recommendation at Item 2.1 of the report.

The Executive Member for the Housing and Economic portfolio presented the report and said that the competition had been the Chief Executive's idea. He said it showed that there were still opportunities available despite the difficult times. The winners would receive full funding of a business unit and support for one year, for the first prize and six months for the second prize. He had also just heard that Poultec were giving leadership training and a laptop to the winner. He hoped Members would support this exciting opportunity.

The Leader of the Labour Group fully supported this idea and said that it gave a window of opportunity to small businesses which did not have the same overheads or the same level of borrowing as big businesses. He also supported the Open Days planned, which would give advice to small businesses and individuals, and was pleased that the Council was joining forces with other agencies to offer this help.

RESOLVED to

- (1) authorise the release of £30,000 from the Local Area Business Growth Initiative Reserve (LABGI) to deliver the project; and
- (2) delegate authority to the Portfolio Executive Member to authorise the project criteria and guidance once it has been developed by the Economic Development / Asset Management teams.

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The meeting closed at 10.52 am

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 24 February 2009 at 9.30 am in
The Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)	Lady Fisher
Mr W.H.C. Smith	Mrs T. Hewett
Mr S. Askew	Mrs A.L. Steward
Mr P.D. Claussen	

Also Present

Mr S.G. Bambridge	Mr P.J. Hewett
Mr W.P. Borrett	Mrs D.K.R. Irving
Mr J.P. Cowen	Mr A.P. Joel
Mr P.J. Duigan	Mr M.A. Kiddle-Morris
Mr K.S. Gilbert	Mr J.P. Labouchere
Mr R.F. Goreham	Mrs P.A. Spencer
Councillor E. Gould	Mr M. Spencer

In Attendance

Trevor Holden	- Chief Executive
Tim Leader	- Deputy Chief Executive
Laura Apps-Green	- Community Development Officer
Trisha Bailey	- Commercial Property Manager
Robert Barlow	- Assistant Director (Governance)
Julie Britton	- Senior Member Services Officer
Phil Daines	- Development Services Manager
Keith Eccles	- Building Services Manager
Grahame Green	- Community Safety Officer
Stephen James	- Policy and Performance Manager
Ray Johnson	- Assistant Director (Services)
Robert Leigh	- Head of Marketing and Communications
Andrea Long	- Environmental Planning Manager
Mark Stokes	- Strategic Director (Services)
Steve Udberg	- Asset Manager
Ian Vargeson	- Member Services Manager
Lindy Warmer	- Economic Development Officer

Action By

17/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 13 January 2009 were confirmed as a correct record and signed by the Chairman.

Action By

18/09 DECLARATION OF INTEREST (AGENDA ITEM 4)

Messrs P. Cowen and G. Bambridge declared personal interests in Agenda item 15 by virtue of their professions in practice in the District.

Mr A Joel declared a personal interest in Agenda item 8 by virtue of him being a member of Old Buckenham Parish Council.

19/09 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Messrs G Bambridge, B Borrett, P Cowen, P Duigan, K Gilbert, R Goreham, P Hewett, A Joel, M Kiddle-Morris, J Labouchere and M Spencer and Mesdames E Gould, D Irving and P Spencer.

20/09 TREASURY MANAGEMENT AND INVESTMENT STRATEGY (AGENDA ITEM 7)

The Executive Member for Governance reported that Iceland's assets had been frozen by English courts. Breckland Council was also aware of its exposure to the Irish banks situation and had transferred funds from its instant access accounts to other banks. Members were made aware that a Capital Working Group had been set up to deal with risk and monitoring procedures.

The Assistant Director for Governance presented the report and explained that the treasury management service was an important part of the overall financial management of the Council's affairs and that it was a regulatory requirement under the Local Government Act 2003.

The market uncertainty that had occurred in the second half of 2008 had reinforced the need for Councils to ensure that it had adopted a security-biased approach to its investment strategy. Such an approach was in line with the fundamentals of local authority investing – security first, liquidity second and yield (although important) third.

The following important security-biased approach changes had been implemented as suggested by the Council's advisers:

- Raising the minimum credit ratings for counterparties
- Removing the lower limit category
- Reducing the period that the Council would normally invest to reduce exposure

Another area of change that was highlighted included lending to other authorities; some interest had been expressed.

As far as the banking situation was concerned, the Assistant Director for Governance explained that the Icelandic legal system was being tested to assess whether Breckland Council had preferential creditor status and the Irish Sovereignty had been placed under watch.

In relation to performance it was the Council's intention to have as much money at the end of the year as it had at the start.

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Referring to page 37 of the report, TMP 11 - Use of External Service Providers, the Opposition Leader felt that a particular sentence under this heading was contradictory to what the Council was proposing under Agenda item 15 (Externalisation of Planning and Building Control). The Chairman reminded Members that the Council already used many external providers such as Serco and Steria.

Options

- 1) To approve the recommendations as detailed in paragraph 2 of the report.
- 2) Not approve the recommendations as presented in paragraph 2 of the report and make amendments.

The reason for the recommendation was to comply with the Local Government Act 2003.

RECOMMEND that the Council:

- 1) approve the Prudential Indicators as Limits for 2009/10 to 2011/12;
- 2) approve the Minimum Revenue Provision (MRP) Statement which sets out the Council's Policy on MRP;
- 3) approve the Treasury Management Strategy for 2009/10; and
- 4) approve the Investment Strategy 2009/10.

**Alison
Batley,
Mark
Finch**

21/09 OLD BUCKENHAM PLAY AREA MATCH FUNDING (AGENDA ITEM 8)

The Community Development Officer presented the report which concerned a request for £12,000 Capital Match Funding towards the development of a new junior play area in the village of Old Buckenham.

Members were informed that the project was exclusive of VAT. A revised Proforma B had been circulated.

Mrs K Talbot on behalf of Old Buckenham Parish Council was in attendance. She spoke about the amount of support that had been received from local residents for the project. The play area would be designed to accommodate children and young people of all abilities. If approved this would provide a positive message to future funders. She thanked Breckland Council for its support.

The Executive Member for the Communities Portfolio praised the residents of Old Buckenham for what they had achieved for the village and urged Members to support the project.

The Ward Member explained that this project met with the Council's priorities. He pointed out that this particular part of the Green had been a play area since the early 1970s. The Parish Council Working Party had consulted with schools and residents in the area and had been hugely

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supported. The play equipment provided would be both exciting and challenging for all ages and for youngsters with disabilities.

The Executive Member for the Transformation Portfolio strongly supported initiatives such as these and highlighted the fact that 97% of the questionnaires sent to residents had been returned.

The Chairman conveyed his thanks to the members of Old Buckenham Parish Council.

The options were as follows:-

- 1) Approve the application for funding, subject to offer letter conditions.
- 2) Award funding at a reduced level.
- 3) Reject the application for funding.

The reason for the recommendation was that Old Buckenham Parish Council had developed a sound community project based on consultation and research within the local community. There had been clear evidence of support from the community for this project.

RESOLVED that a Capital Match Funding sum of £12,000 towards the Old Buckenham play area be approved, subject to:

- 1) a maximum sum of £12,000 or 30% of the cost of the project, whichever is the lower;
- 2) confirmation of the total cost of the project;
- 3) the balance of all other funding being confirmed;
- 4) funding being allocated from the 2008/09 Match Funding Reserve.

**Laura
Apps-
Green**

22/09 HOCKERING: BRECKLAND COUNCIL-OWNED LAND AT MANOR CLOSE (AGENDA ITEM 9)

The Assistant Director for Services presented the report which concerned a request for transfer of ownership of Council-owned land to Hockering Parish Council.

The land in question did not have development potential and if the request was approved a covenant would be imposed to restrict the land for amenity purposes only.

The Leader felt that this request fitted well within the Council's priorities.

Option 1

That the Council-owned land at Manor Close, Hockering be transferred, at nil consideration, to Hockering Parish Council, subject to a covenant being imposed restricting the use to amenity purposes only and that the legal costs associated with such a transfer be borne by Hockering Parish

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Council.

Option 2

That the Council-owned land at Manor Close, Hockering be transferred, at or above the District Valuer's valuation, to Hockering Parish Council, subject to a covenant being imposed restricting the use to amenity purposes only and the legal costs associated with such a transfer be borne by Hockering Parish Council.

Option 3

That the Council-owned land at Manor Close, Hockering be sold on the open market; thus receiving a minimum income of £1,200.00 plus VAT.

Option 4

That the Council-owned land at Manor Close, Hockering remains within Breckland Council's ownership.

Reasons

Hockering Parish Council felt that this piece of land was an important amenity area in Hockering and could provide much enjoyment for the Parish.

If approved, the Parish Council would be responsible for future maintenance of the area.

RESOLVED that

- 1) the transfer of Council-owned land at Manor Close, Hockering to Hockering Parish Council be approved at nil consideration;
- 2) a covenant be imposed restricting the use of the land to amenity purposes only; and
- 3) the legal costs associated with such a transfer be borne by Hockering Parish Council.

Zoe Footer

23/09 THOMPSON: BRECKLAND COUNCIL-OWNED LAND ADJACENT TO NO. 1 SCHOOL ROAD (AGENDA ITEM 10)

The Assistant Director for Services presented the report which he felt was slightly more complicated due to Flagship Housing Group being under the impression that it already owned the land adjacent to No. 1 School Road, Thompson. If approved the land in question would enable Flagship to link it in with its proposals to develop the site at Nos. 1 and 2 Airey Houses (land within Flagships ownership). A bungalow would be built on the land adjacent to the site for the current tenants living at no. 2.

The Ward Member fully endorsed the proposal.

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Option 1

That the Cabinet agree to sell the land adjacent to No. 1 School Road, Thompson to Flagship Housing Group at a consideration of £5,000.00; thus contributing the sum of £10,000.00.

Option 2

That the land adjacent to No. 1 School Road, Thompson be sold on the open market.

Option 3

That the land adjacent to No. 1 School Road, Thompson remains within Breckland Council's ownership.

Reasons

To sell the land at a consideration below the District Valuer's recommended minimum level would assist Flagship Housing Group to provide an affordable bungalow in Thompson.

The proposed provision of this bungalow was to accommodate someone within Thompson following the demolition of their existing property. This bungalow, would also in the future, be accommodated by someone with a local connection to Thompson.

RESOLVED that the land adjacent to No. 1 School Road, Thompson be sold to Flagship Housing Group at a consideration of £5,000.00; thus Breckland Council to contribute the sum of £10,000.00.

Zoe Footer

24/09 CARBROOKE: BRECKLAND COUNCIL-OWNED LAND BETWEEN MILL LANE AND MURIEL WAY (AGENDA ITEM 11)

The Assistant Director for Services presented the report which concerned a request to transfer over 50% of Council-owned land between Mill Lane and Muriel Way, Carbrooke to Flagship Housing Group.

Members were informed that records indicated that part of the land in question had been licensed to the occupiers of the Old Chapel in Mill Lane. The Council's Land Management Officer was currently in discussions with the licensees regarding the proposed purchase of the land.

Flagship Housing Group wished to acquire part of the land to allow the construction of two, three bedroom houses for social rent, subject to grant funding being available.

The Opposition Leader was not at all keen to turn this particular piece of open space into housing. He asked whether this land had any amenity value and further asked whether the Parish Council had been consulted. In response, the Assistant Director for Services advised that he was confident that the Parish Council had been consulted as there was a process in place that had to be followed for all land purchases. The

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Development Services Manager pointed out that the planning application for this particular site had been approved at the recent Development Control Committee meeting subject to a legal agreement being imposed that the land could only be developed for social housing. Members were informed that the Parish Council was well aware of the proposal. The Chairman agreed that the process mentioned above included statutory consultees; the Parish Council and the Ward Member being two of them. It was agreed that a copy of the procedure would be forwarded to the Opposition Leader for information. The Chief Executive asked if this information could be included in all future reports.

Zoe Footer

Option 1

That Cabinet agree to transfer Council-owned land between Mill Lane and Muriel Way, Carbrooke to Flagship Housing Group and agree to contribute the value of this land (£50,000.00) to Flagship Housing Group for the provision of two affordable dwellings.

Option 2

That Cabinet agree to transfer Council-owned land between Mill Lane and Muriel Way, Carbrooke to Flagship Housing Group and agree to contribute the value of this land (£50,000.00) to Flagship Housing Group for the provision of two affordable dwellings subject to the simultaneous transfer of the adjacent remaining land to Mr Muller and Ms Harris of The Old Chapel, Mill Lane, Carbrooke.

Option 3

That Cabinet agree to transfer Council-owned land between Mill Lane and Muriel Way, Carbrooke to Flagship Housing Group at or above the District Valuer's valuation.

Option 4

That Cabinet agree to exercise right to end the garden licence on part of this land and re-open negotiations with Anglian Water with a view to a joint sale on the open market.

Option 5

That the Council-owned land between Mill Lane and Muriel Way, Carbrooke be retained in Breckland's ownership.

Reason

This was an opportunity for the Council to dispose of an area of vacant land and contribute towards the provision of two affordable dwellings in the Parish of Carbrooke.

RESOLVED that

- 1) the Council-owned land between Mill Lane and Muriel Way, Carbrooke be transferred to Flagship Housing Group; and

Zoe Footer

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- 2) a contribution of the value of this land (£50,000) to Flagship Housing Group for the provision of two affordable dwellings be approved.

**25/09 POLICY FOR LOCAL LAND AND PROPERTY GAZETTEER
INCORPORATING STREET NAMING AND NUMBERING (AGENDA
ITEM 12)**

The Environmental Planning Manager presented the report which introduced a revised Street Naming and Numbering (SN&N) and Local Land and Property Gazetteer (LLPG) Policy for the Council.

The supporting documents that had been attached to the report included the Policy and the issues that had arisen from the meeting of the Overview and Scrutiny Commission held on 4th September 2008. These issues had been investigated and had been set out in Appendix B of the report.

The Environmental Planning Manager explained that this revised Policy, if approved, would prevent street names being repeated and all information would be linked to a mapping system.

The Chairman of the Overview & Scrutiny Commission said that the report had been well debated at the meeting on 12th February and urged the Cabinet to adopt the LLPG & SNN Policy.

The Executive Member for Planning and the Environment Portfolio conveyed her thanks to the Environmental Planning Team for a timely and difficult piece of work.

Options

- 1) Members adopt the LLPG & SNN Policy and Members approve solutions to all issues 1, 2, 3, 4, 5, 6 & 7 of appendix B (attached to the report)
- 2) Members adopt the LLPG & SNN Policy and Members approve solutions to issues 1, 2, 3, 5, 6 & 7 of appendix B (attached to the report) but insist that Post Codes are included on street name plates.
- 3) Members adopt the LLPG & SNN Policy and Members approve solutions to issues 1, 2, 3, 4, 6 & 7 of appendix B (attached to the report) but insist that shops/businesses display their premise number.
- 4) Members adopt the LLPG & SNN Policy and Members approve solutions to issues 1, 2, 3, 6 & 7 of appendix B (attached to the report) but insist that Post Codes are included on street name plates and that shops/businesses display their premise number.
- 5) Members DO NOT adopt the LLPG & SNN Policy and Members DO NOT approve the "LLPG_SNN Solutions to OSC Issues" (see appendix B attached to the report).

Reason

The reason for recommending option 1 of the report was that it would

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address and resolve the issues listed in paragraphs 3.2.1 and 3.2.3 of the report inclusive.

RESOLVED that the Local Land and Property Gazetteer and the Street Naming and Numbering Policy be adopted subject to the solutions to the issues raised by the Overview & Scrutiny Commission being incorporated as set out in Appendix B of the report.

Jason Elliott

26/09 QUARTER 3 GOVERNANCE AND PERFORMANCE MONITORING REPORT (AGENDA ITEM 13)

The Executive Member for the Performance & Communications Portfolio commended the report to the Cabinet and drew Members' attention to the achievements on pages 86 and 87. She congratulated the Policy and Performance team for such a user friendly report that recorded the Council's performance against measureable targets.

The report detailed how well the Council was using its resources to deliver value for money as well as better sustainable outcomes for local people. It had been structured into four themed sections: Managing Finances, Managing Performance, Governing the Council, and Our People.

The Policy and Performance Manager provided Members with an overview of the report.

The Executive Member for the Economic and Housing Portfolio drew attention to page 87 of the report. He identified that this was the trading part (ARPT) of the Anglia Revenues Partnership that had won the contract. He felt that although the report reflected how well the day job was going it would benefit from including income generated through grant applications in the Finance section as this was an area that the Council was very successful at and supported the delivery of services.

The Chairman conveyed his compliments to the Performance Team on a much clearer format which could be used as a tool to drive performance forward.

The report was noted.

Stephen James

27/09 BUSINESS COMPETITION (AGENDA ITEM 14)

The Economic Development Officer presented the report which concerned a request to deliver a new business competition pilot aimed at start ups or early stage businesses. The competition winner would be provided with a Breckland Council owned business unit fully paid for up to 12 months and the second prize winner would receive the same, but for six months.

The report requested the funding for the project and Executive Member delegation to authorise the project criteria and guidance.

Members were informed that Breckland's business premises were currently 94% let and the winners of the competition would be able to

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choose a unit of their choice. The project, which would be based on the TV programme Dragon's Den, would be quite challenging but would provide the Council with positive publicity. Mentoring and advice to the winners would be provided by Business Link.

Not only would the competition provide support for the aforementioned businesses, but it would also provide a much needed marketing boost for the Commercial Property portfolio.

If approved, it was expected that the project would be fully developed and presented to the Executive Member by the end of February ready for the project to commence in March. It was anticipated that the final presentation event and winner announcement would be at the end of August/early September 2009 which in turn would allow the winners to move into their units by November.

The Executive Member for the Economic and Housing Portfolio fully endorsed this initiative as it showed that Breckland Council was supporting its people.

A Member was in strong support of the project as he felt that it was very important for the Council to be seen to promote entrepreneurship and opportunism. He also felt that it was important that Breckland stayed engaged with young people.

The Chief Executive explained that this initiative was not only about promoting small businesses; it was about showing that Breckland Council cared for and supported its smaller business clientele. The project would also assist by promoting the Council's business units and increasing revenue.

The Leader of the Opposition also supported the scheme. He felt that it showed that in these times of economic peril there were still opportunities to be had. This project would be money well spent. He did suggest, however, that the Council should have a facility on its website that could be linked up to the Norfolk County Council's debt advice page. He conveyed his thanks to the Council's Economic Development team which he felt was excellent.

**Lindy
Warmer**

Options

- 1) To release £30,000 from the LABGI Reserve to deliver the project and to provide the Portfolio Executive Member the delegation to authorise the project criteria and guidance once this has been developed by the Economic Development/Asset Management teams.
- 2) Not to authorise the release of funds and the project will not be delivered.

Reasons

- The project should proceed for the following reasons:
- To demonstrate Breckland Council promotes innovation and

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- entrepreneurship within its business community.
- To promote positivity during the period of economic uncertainty.
- To offer opportunities for promotion of commercial property to increase the occupation rates.
- To raise awareness amongst potential business starts about the benefits of becoming self employed.
- To assist two start-up businesses to move into their first commercial premises.
- To assist and promote a number of businesses.
- To expand the Pride In Breckland campaign into the local economy.
- To provide an excellent opportunity to promote Breckland Council's ongoing commitment to excel in service delivery.

RECOMMEND to Council that

- 1) £30,000 be released from the Local Area Business Growth Initiative Reserve (LABGI) to deliver the project; and
- 2) the Portfolio Executive Member be given delegated authority to authorise the project criteria and guidance once this has been developed by the Economic Development/Asset Management Teams.

Lindy
Warmer

28/09 PROPOSED EXTERNALISATION OF PLANNING AND BUILDING CONTROL (AGENDA ITEM 15)

Further to the Council meeting held on 29 January 2009, Cabinet were asked to consider outstanding contractual issues and to decide whether or not to accept the recommendation to go ahead with the proposed externalisation of Planning and Building Control in principle.

The Executive Member for the Transformation Portfolio gave a broad overview of the matter, reminding Members that this proposal was a manifesto commitment and that the matter had been incorporated into both the Business and Annual Delivery Plans He conveyed his thanks to the Deputy Chief Executive, the staff involved and Members of the Appraisal Panel for all their hard work and commitment thus far, in what had been a very long drawn out process. He commended the synergy of approach to discussions and added that the whole consultation process had been open.

He highlighted the fact that to ensure that the benefits to the Council were maximised any contract entered into had to be viable. There was still much work to be done. The Executive Member for the Transformation Portfolio concluded by saying that, subject to the Deputy Chief Executive resolving any outstanding contractual issues, he was personally satisfied that the key criteria had been, or would soon be, met.

The Executive Member for the Planning and Environment Portfolio said that, as Chairman of the Appraisal Panel, it had been vital that all concerns had been taken into account and addressed. The Panel had met on three occasions; the first meeting had comprised a visit to Salford with the opportunity to consult with Capita staff there, as well as Members across all parties. It was felt to have been very worthwhile and an

Action By

excellent opportunity for discussion on various points, including:

- Staff issues – 100% of the relevant Salford staff had been seconded across to Capita with generally positive results, particularly in terms of motivation and quality of performance. Overall it was felt that there had been good opportunities for career development.
- LDF: Salford representatives had been very complimentary about their experience of working with Capita on major projects. It was likely that Capita's in-house experience would benefit Breckland. The Executive Member pointed out that there were many major projects coming up in the near future that Breckland staff had indicated that they would not be able to manage without Capita.
- IT/Phone Support – There had been concerns about proposals for viewing on-line planning applications and of compatibility with the Council's current IT systems. However, key Council staff had confirmed that they did not anticipate any problems – indeed, such improvements would be generally beneficial. Phone calls would still remain in-house and would be taken by Breckland staff.
- Policies/Member Access – Policies would continue to be set by Members and it had been made very clear from the Salford experience that Members would still have ample input. Member access to staff would essentially be the same and this was being considered as part of the contract.

The Executive Member for the Planning and Environment Portfolio concluded by saying that she felt confident that the questions raised thus far had been satisfactorily answered by the Deputy Chief Executive.

The Deputy Chief Executive referred Members to the report that had been presented to Council and drew attention to page 27 of the report which indicated the amount of work still in progress. Breckland Council was now in a position of having a contract that was fairly crystallised. Following a recent meeting that had been held with Capita a number of issues still had to be resolved. The Deputy Chief Executive advised that the contract had evolved; there had been an update on key parameters and advice from Eversheds had been received (this advice was read aloud).

The contract would remain in force for 15 years and would not be terminable, unless through failure on Capita's part. Failure of income on schedule was one of the terms that was still being negotiated.

As to staff, it was proposed to transfer them through TUPE regulations. In essence there should be no real difficulties with this, although it would be important for HR to discuss the details direct with the staff concerned. Staff should hopefully be motivated and realise that there were opportunities for career development.. The Deputy Chief Executive confirmed that staff would be able to reverse-TUPE at the end of the contract.

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The initial contract price of £2.2m had been subject to rigorous discussion between the Council and Capita and would increase each year to take account of salary increases and inflation. It had been predicted that over the course of the 15 years the total contract cost would be in the region of £39.7m. This should be taken in the context of a prediction of £43.3m if planning and building control work remained in-house over the same period. Therefore, it could be seen that there was potential for significant savings should the Council decide to contract-out.

The Deputy Chief Executive confirmed that Capita had agreed to guarantee savings of £2.6m over the duration of the contract, whilst providing the same level and standard of service. Capita would be required to produce significant savings which they claimed could be achieved by making staff more productive. It was pointed out that that this was Capita's promise and therefore would be their risk.

It had been previously agreed that the Council's income was to be capped at £1.5m over the life of the contract. This would now be an uncapped arrangement, with the Council receiving 1.25% of all growth in turnover once the actual growth turnover exceeded the "growth threshold" of 130% of the baseline contract price. In other words, the better Capita did, the more the Council would benefit, thus making a strong impetus for both to work well together to grow the business in the local community.

The Deputy Chief Executive pointed out that any externalisation arrangement was not just about making money. The Council also wanted to improve the service it provided. The Ocella system and the ability for the public to view planning applications on-line were key factors which would be written into the contract. He confirmed that he would insist that Capita met the whole cost of the Ocella equipment.

There would not be any compulsory staff redundancies as a result of the contract with Capita. Instead savings would be made by natural wastage and some staff not being replaced. It would be in Capita's interest to retain good staff.

Everything that Capita could do on reducing contract specifications should be done. Given the nature of planning and building control work, it was inevitable that there would be some lack of clarity. Ongoing dialogue would play a key role in this process. The Council would need to accept that there would be a residual risk in any externalisation, but it was felt that this would be relatively small.

There would be a clause written into the contract limiting Capita's ability to raise prices. This would enable Members to retain some flexibility. Planning and building control were key services and Members would want to retain the right to cut back, rather than slash such services should conditions warrant.

There would be a £60,000 buffer (equivalent of 1 x senior officer) written into the contract specifically in order to enable suitable staff to be in place once the economic situation improved and further work needed to be absorbed.

Action By

The fact that the contract price was tied to any increase in income had been ensured. Careful cost control would be needed.

With regard to signing-off procedures, the Deputy Chief Executive was confident they would not be changed and that Senior Officers would continue to sign decision notices.

As far as due diligence was concerned, the Deputy Chief Executive pointed out that Eversheds had advised the Council on whether or not it was right to contemplate such a contract under current economic circumstances. However, it was agreed that the view that should be taken was it should be 'business as normal', not least because this proposal had been under consideration for such a long time. The LGR was causing some restraint but there had been no hesitation about signing the contract on the basis of Eversheds' advice.

Staff meetings had been held with both County Council and Capita representatives with regard to pensions. There had also been discussions with Unison. Although many Senior Staff and Members perceived the arrangement with Capita to be beneficial, it was important that the arrangements were well-received by the staff concerned.

In conclusion, the Deputy Chief Executive said that the consultation was still under way. If anything came to light between now and the actual signature which would have a significant impact on the contract price, then the proposal would need to be taken back to Cabinet. Members were informed that the current [working] contract needed to be in place by 31st March. Capita had offered to mobilise with immediate effect; however, this was not considered to be sensible as it could undermine the Council's negotiating position. He therefore felt confident with the recommendation that the Council should accept the proposal in principle on the understanding that further terms would be negotiated to a satisfactory conclusion.

A Member had concerns about the idea of a private company being involved in planning and development control procedures. He felt that these needed to be seen to be under the control of the Council and Members, and remain totally transparent and independent. Members of the public needed to have complete confidence that decisions – especially controversial ones - were being taken fairly and in a totally unbiased manner. He also queried the sense of urgency, not least as the LGR issue was still unresolved, and in the event of this going ahead, Breckland's successors may find themselves tied to an unwanted 15 year contract. Finally, he objected to the fact that, in spite of requests, Council had refused to allow a debate or vote on such a major change.

In response, the Chairman of the Council refuted the complaint, adding that debate was taking place at Cabinet. Also, the possibility of the externalisation of the Planning and Building Control services was something which had been discussed over many years.

The Chairman of the Overview and Scrutiny Commission thanked all those involved in what had been a lengthy process. He was delighted to hear that Capita would be responsible for a comprehensive ICT

Action By

programme to support the Ocella upgrade. On fees, he said that Capita would be working in a commercial market and, as such, would need to be competitive. Any future additional fees which they might charge for consultations would be as a result of market pressure. Referring to savings, he asked whether the Council expected to save £6.2m over the term of the contract. With respect to income, the current recession would not last forever and income would grow over the term of the contract. Additionally, the Thetford Growth Point project meant that Breckland was uniquely placed to benefit from new local development and the income this would generate. The Chairman of the Overview & Scrutiny Commission had not yet seen the contract and was concerned about the validation and registration of all appointments being handled by Capita.

In response to the above matters, the Deputy Chief Executive assured Members that he, himself, would not be recommending the execution of validating and registering; Capita would be doing it all. As for the potential savings, the £6.2m was not guaranteed.

There was some discussion about the need to ensure that both the Council and tax payers received the best value for money. The Council's philosophy of "Breckland Puts People First" and the need to be risk aware, rather than completely risk averse, meant that it would be crucial to maintain a good system of monitoring throughout the duration of the contract. This would be achieved partly through the existing Audit and Scrutiny Committees and the Performance Clinics and partly because Capita would be requested to have 'open books', thus enabling their performance to be monitored by Members and the Council.

Members received much of their public support specifically for their work on planning matters. The strong and positive communication links between Members, their constituents and officers must therefore be retained, although it would be difficult to write this formally into the contract. However, as it would be in the interests of both Capita and the Council to maintain good relations, it was felt that such close wider links could be easily maintained. That said, a realistic balance would need to be achieved since the more time Capita spent speaking directly with people, then the less time would be available to earn income.

With regard to the installation of Ocella, it was felt that it would be important to have this operational as soon as practically possible and that this should be written into the contract to avoid slippage.

It was felt that whenever the Council introduced new business to Capita, commission should be received. Capita seemed open to this, but it was felt that any sum involved would need to be reasonable. It was unlikely that vast amounts of money would be involved in such transactions.

The Leader of the Opposition confirmed that he felt that the scrutiny and questioning process had been very rigorous and his Group would support the proposal subject to the following guarantees:

- 1) That the transformation process would not involve any compulsory redundancies for existing members of Breckland staff.

Action By

- 2) That full, formal dialogue and consultation will be entered into, and continued with, Unison and other staff representatives and free advice offered to Breckland employees concerning pensions and other queries
- 3) That a tight rein was kept on any proposed extension to the present fee structure. The Group felt that charging individual tax payers for brief advice sessions was unfair and might actively discourage people from seeking planning advice.
- 4) That a comprehensive PR exercise be carried out to ensure that all relevant changes to the existing procedures (i.e. contact details, telephone numbers, changes in protocol etc) were notified to both members of the public and councillors alike.

He was happy to hear that there would be no compulsory redundancies. Whilst there had been various meetings, he said that he would like staff to have the opportunity of having one to one talks with key colleagues if they felt the need to do so. He concurred with the Member about the need for the Council to be very conscious of public perception and said that the arrangement with Capita should be presented with great care to the public. Where there would be changes in protocol, telephone numbers, call-in procedures, etc, these should be handled efficiently.

It was confirmed that the basic Council compliance and committee processes would remain and that a proper procedure for governance and performance monitoring would be put in place. The Council would continue to own the actual planning process, including the ability to insist on build quality, design standards etc.

A Member felt that while the financial case was more robust than it had been, there were inevitably risks involved, since no commercial contract could transfer all risks from one party across to the other. However, on balance, he felt that the sharing of risks, along with the various agreed guarantees about income, staff opportunities, etc, meant that the contract would offer a better service for Breckland residents.

It became clear that any improvements to the Committee Suite would probably not be included as part of the proposed contract, as this would not be perceived as part of the Ocella upgrade itself (Salford's suite upgrade had apparently been funded by a Planning Delivery Grant.)

There was also some discussion about the name to be used, with a proposal that 'Breckland' should appear first to emphasise the local dimension and help with public perception. However, it was acknowledged that there might need to be some compromise on this as Capita felt strongly about this too.

It was confirmed that ownership of Breckland documents would remain with the Council. There would be provision in the contract for intellectual property rights. However access to the system and archiving were matters still for consideration.

Finally, it was felt that the externalisation of the Council's planning and

Action By

building control procedures fitted in with the Council's philosophy about linking up with relevant parts of the private sector and other Councils. Two thirds of the public were supportive of this approach, with 46% of respondents of a recent Council Tax survey confirming that they would support "improvements to efficiency by working with partners".

The Deputy Chief Executive concluded by commending the draft resolution to colleagues, who unanimously agreed to accept it.

Options

See report.

Reasons

See report.

RESOLVED that subject to final agreement on the terms and conditions of a contract (which, for the avoidance of doubt, remain to be settled):-

**Tim
Leader**

- 1) The Council's Planning and Building Control Services be contracted out to Capita Symonds Limited for a term of 15 years commencing no later than 1 June 2009.
- 2) Authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Business Transformation and Assistant Director (Governance) to settle the detailed terms and conditions of the contract (including the date of its commencement) and execute the agreement on behalf of the Authority.
- 3) Authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Business Transformation and Chief Executive to take any steps that are required to secure the implementation of the contract provided (for the avoidance of doubt) such steps may only be taken within budget.
- 4) That notwithstanding the delegations set out in paragraphs (2) and (3) above the Deputy Chief Executive shall consider, in consultation with the Portfolio Holder for Business Transformation, whether any matter arising in the course of negotiations is likely to materially affect the price or value of the contract or other benefits derived under it, and if the Deputy Chief Executive concludes (having regard to the opinion expressed by the Portfolio Holder for Business Transformation) that there will be such material effect the matter shall be reported to the Cabinet before the contract is executed.
- 5) The delegated authority granted to the Deputy Chief Executive to settle and execute the contract shall expire on 31st March 2009.

29/09 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 16)

- a) Policy for Local Land & Property Gazetteer (LLPG), incorporating Street Naming and Numbering (SNN)

Action By

This matter had been discussed under Minute No.25/09 above.

b) The Procurement of a New CCTV Service

This matter was discussed under Minute No. 31/09 below.

30/09 NEXT MEETING (AGENDA ITEM 17)

The next meeting of the Cabinet would be held on Tuesday, 7 April 2009 at 09.30am in the Norfolk Room.

31/09 THE PROCUREMENT OF A NEW CCTV SERVICE (AGENDA ITEM 19)

The Strategic Director for Services presented the report which provided Members with the results of the procurement of a new CCTV Services contract. It recommended that, subject to the agreement of all the commercial terms and negotiations to the satisfaction of the Council, and with the satisfactory signing and completion of all contract documentation, the contract be awarded to Advance Monitoring Solutions Limited (AMS).

Members' attention was drawn to paragraph 3.2.4 of the report which highlighted the high level of innovation and technology that AMS could provide.

The Executive Member for the Communities Portfolio explained that this work had been undertaken to improve the service that the Council currently had. The existing equipment was nearing the end of its life and needed to be replaced. The new cameras, unlike the current cameras, would be portable and therefore would be used across the District. He urged Members to support the proposal.

The Chairman of the Overview & Scrutiny Commission said that at its meeting the recommendation had been endorsed as it was seen to be a very good system.

The Executive Member for the Transformation Portfolio welcomed the extension of these facilities into rural areas and was very grateful to the Overview & Scrutiny Commission (O&SC) for considering the protocols. He requested that very tight protocols should be drafted by the O&SC and that it be rigorously scrutinised.

In response to a concern with regard to the cameras having sound recording facilities, the Community Safety Officer explained that this facility would be switched off and would only be used if and when required, such as when a serious crime was being committed.

The Executive Member for the Economic and Housing Portfolio felt that this was absolute 'cutting edge' technology. The contract, if approved, would make Breckland Council the leading CCTV operator in the Country. He asked whether CCTV could be allied to the Council's ICT structure.

Options

**Mark
Stokes**

Action By

- 1) Subject to the agreement to all commercial terms as identified in Appendix A of the report, and subsequent signing and completion of the contract documentation, the Council award the CCTV Services contract to AMS.
- 2) Not to approve the award of the contract to AMS.

Reasons

The existing CCTV equipment was nearing end of life and becoming difficult and increasingly expensive to support.

The new system supported the Council's priorities in terms of community safety, tackling environmental crime and ambitions of an entrepreneurial Council.

RESOLVED that

- 1) subject to the agreement to all commercial terms as identified in Appendix A of the report and subsequent signing and completion of contract documentation, the CCTV Services contract be awarded to Advance Monitoring Solutions Limited (AMS); and
- 2) delegated authority be given to the Strategic Director for Services to:
 - 1) negotiate and resolve all matters outstanding as identified in Appendix A of the report; and
 - 2) proceed with the formal award of contract.

**Mark
Stokes**

32/09 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 18)

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act.

33/09 INFRASTRUCTURE WORKS AT VICTORY PARK, ATTLEBOROUGH (AGENDA ITEM 20)

The Assistant Director for Services informed Members that the additional funding to enable the infrastructure works to be completed was no longer required.

The detail as to how this had transpired was explained.

The information was noted.

**Trisha
Bailey**

The meeting closed at 12.05 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 25 February 2009 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman) Mr M. Fanthorpe
Mrs J. Ball Mrs L.H. Monument
Mr R.W. Duffield

In Attendance

Tiffany Bentley - Technical Officer - Licensing
Sheila Cresswell - Member Services Officer
Josie Haven - Licensing Support Officer
Michael Horn - Head of Legal Services
Mr Philip Mason - Solicitor
Patrick O'Brien - Technical Officer - Licensing
Mark Symonds - Tree Preservation Order Review Officer

Action By

1/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 3 December 2008 were confirmed as a correct record and signed by the Chairman.

2/09 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr I Sherwood.

3/09 DECLARATION OF INTEREST (AGENDA ITEM 4)

Mr Fanthorpe and Mrs Monument both declared a personal interest in Agenda items 7 and 8, as they were members of Dereham Town Council.

**4/09 OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER
2008 - NO. 89 TOFTWOOD, DEREHAM (AGENDA ITEM 7)**

The hearing was held in the absence of any objectors.

The Tree Preservation Order Review Officer (Mark Symonds) presented the case, explaining that the two Oak trees concerned (T1 and T2) had originally been covered by TPO 1990 No. 6. The ongoing TPO review had identified them as being of high amenity value and therefore TPO 2008 No. 89 had been served on Mr Diffey of 18 Hillfields and Mr Rollo of 20 Hillfields, Toftwood, Dereham in November 2008. However, it transpired that this order had been incorrectly served, so it had been re-made to take into account the correct owner, Dereham Town Council.

Action By

The trees were confirmed to be mature, with a considerable life expectancy and to be in a generally satisfactory condition. They formed part of the remnants of an old hedgerow and were considered to be a feature of the local landscape on the edge of developed land in Dereham.

Mr Symonds said that some remedial work had been done on T2 to lift the crown which should help to reduce concern about the impact of leaf fall and overshadowing of the immediate properties. Photographic evidence was provided showing the trees in full, as well as bare, leaf. He confirmed that he had received no evidence concerning damage to property or drainage systems. Both trees met the criteria of the Council's adopted TPO scoring system (details of which were attached to the Agenda documents) and had been found to fall within the suitability range.

He stated that he was fully qualified to assess the health of the trees with respect to any insurance queries. (He holds the LANTRA Awards Professional Tree Inspection qualification.) He then confirmed that there was minor evidence of the presence of a fungi in T1, adding that the tree posed no imminent threat and was unlikely to fail in a storm. There was good, sound, annual growth, which easily countered the amount of damaged wood at this stage.

There was some general discussion about whether or not root damage could, of itself, affect the issue of a TPO, and it was confirmed that if a tree's root system was proven to produce major structural damage or subsidence to a property, then a TPO was less likely to be awarded since there would be concern about future liability.

In the case, as with T1 and T2, where trees were in place before any housing development, then the property developers would have been aware of them and should have taken into account the species and future size of each tree at an early stage in the process. Owners of the land which trees stand on remain responsible for ensuring that the trees are safe and will not cause damage to any property.

Trees T1 and T2 were considered to be about 60 years' old.

In the absence of the two objectors, the Committee re-considered their original objections. It was accepted that trees T1 and T2 would produce some restriction in light to the two properties concerned. There was discussion about the safety of oaks in general. Mr Symonds stated that oaks were considered to be quite resilient to decay and unlikely to shed large branches since their wood tended to crumble away in smaller pieces, rather than get to the point of suddenly losing whole limbs. When asked if the lifting of the crown might have affected the tree's structure, bearing in mind the presence of the fungal infection, Mr Symonds stressed that this was only a minor infection, with small areas of decay. The smaller the area of actual damage, then the quicker new cells would cover the wound. He therefore confirmed that the tree surgery would not have increased the risk of damage to the tree, or its stability.

Action By

In summary, it was concluded that:-

- there was no immediate danger from the trees, which were considered to be sound; and
- there was no evidence that they were causing subsidence.

Accordingly, it was

RESOLVED that

- 1) Tree Preservation Order 2008 No. 89 be confirmed in respect of the two oak trees; and
- 2) Dereham Town Council be held liable if the continued maintenance of the two oak trees (as requested) was not carried out.

5/09 OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2008 - NO. 99 CARBROOKE/GRISTON (AGENDA ITEM 8)

The hearing was held in the absence of the objectors.

The Tree Preservation Order Review Officer (Mark Symonds) presented the case, explaining that this was part of the ongoing TPO Review. The trees concerned had been covered by TPO 1987 No. 2 when the land had been sold by the Ministry of Defence to the developers, Wallsend Estates. At that point, all trees on site had been covered by the TPO. However, the recent re-survey of this area had identified specific trees or groups of trees - perceived as the best ones for the current site - to be of significant amenity value. These were the ones now covered by TPO 2008 No. 99.

TPO 2008 No. 99 had been served upon 15 owners. Mr and Mrs Blatcher of Hendon House had objected to the making of this Order, specifically with respect to two individual trees in their front garden. T10 was a Silver Birch and T11 was a Whitebeam.

Photographic and map evidence was shown to the Committee. Mr Symonds confirmed that the Silver Birch (T10) was a particularly dominant tree at the entrance to the estate. It was reasonably close to the property but the main stem had had a branch raised at an early stage of growth. The crown was well above the footpath and house entrance.

The Whitebeam (T11) was nearer the roadside. It had more naturally spreading growth and a multi-stemmed crown. It was considered to be an attractive tree, valuable to birdlife as it produced berries.

Referring to the letter of objection received from Mr and Mrs Blatcher (dated 22 December 2008), Mr Symonds pointed out that it seemed that they were unaware of the original TPO which had indeed included trees T10 and T11. The existence of this TPO should have been apparent during the Conveyancing process to the current owners.

Action By

Both trees had been assessed using the Council's adopted TPO scoring system (details of which were attached to the Agenda documents) and had been found to fall within the suitability range.

No evidence of actual damage had been submitted. Also, the Silver Birch was noted for its dappled, rather than heavy, shade. However, he felt that reasonable requests for help with remedial tree surgery should be considered favourably by the Council in the future, if it were felt that the trees were endangering buildings, the footpath, or the road itself.

There was some general discussion about the wider area covered by TPO 2008 No. 99. Mr Symonds explained that while the original TPO had covered all trees, the recent review had considered it more practical to break them down into groups or individuals across the area. This was partly for ease of reference and partly to allow for future thinning etc. Both the Silver Birch and Whitebeam were native species which were widely considered to be suitable for urban locations as they have relatively minimal negative impact in terms of maintenance/deep shade or root invasion.

The Silver Birch was estimated to be approximately 20-25 years old, with an estimated lifespan of 60 years. It was acknowledged that its close proximity to the side of the property would mean that some form of tree surgery would be needed in the future.

As to the Whitebeam (T11), the photograph clearly showed that there was some encroachment over the road which would possibly cause problems with high-sided vehicles in the future. However, it was felt that this could be resolved with selective pruning which would not have any impact on the lifespan of the tree. This should be the responsibility of the owners of the property, unless rope/harness work was going to be involved (which usually applied to larger trees). Mr Symonds confirmed that he would be happy to speak to the owners to advise them about this work if they wanted.

**Mark
Symonds**

RESOLVED that Tree Preservation Order No. 99 with respect to T10 and T11 be confirmed.

For the record, Mr Fanthorpe wanted it noted that he agreed with the TPO concerning T10, but not that for T11.

6/09 EXCLUSION OF THE PRESS AND PUBLIC (AGENDA ITEM 9)

RESOLVED that under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they are likely to involve the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

Action By

7/09 APPLICATION FOR THE GRANT OF REMAINDER OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 10)

The application was considered in the absence of the applicant. Mr Phil Mason (solicitor) was also in attendance, representing the Council.

Members were asked to consider an application for the grant of the remainder of a Hackney Carriage/Private Hire driver's licence.

Following the presentation of the report by the Licensing Technician, the Committee heard the appeal in accordance with the Council's agreed procedure.

The application was made as a result of a decision made at an earlier hearing held on 17th September 2008. This had resolved that the applicant be granted his licence for a six month probationary period, at the end of which he would need to re-apply. If he chose to do so, his employer (who had attended the original meeting) was formally requested to either attend the new hearing personally, or to send a written statement in support of the application.

The Chairmen drew Members' attention to a letter from the applicant's employer, dated 4th February 2009, in which he confirmed that the applicant was no longer employed by the company and that, as the former employer, he was no longer prepared to give a personal reference in support of any extension to the Hackney Carriage/Private Hire driver's licence.

Notwithstanding the fact that the applicant was currently on police bail, the Chairman confirmed that the hearing would take place strictly based on the case and evidence as they stood on the day of the hearing.

Full consideration to this case was given by the Committee. However as the applicant was no longer employed by the company, the Committee

RESOLVED, on the evidence available on that day, to suspend the Hackney Carriage/Private Hire Drivers Licence because there was reasonable cause to do so in accordance with Section 61(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976.

8/09 APPLICATION TO SUSPEND/REVOKE A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 11)

The application was considered in the presence of the appellant and his employer. Mr Phil Mason (solicitor) was also in attendance, representing the Council.

Members were asked to consider an application for the Suspension/Revocation of a Hackney Carriage/Private Hire driver's licence.

Action By

Following the presentation of the report by the Licensing Technician, the Committee heard the appeal in accordance with the Council's agreed procedure.

The hearing was in respect of Condition 10 on page 12 of the Licence Conditions booklet, namely:

"The driver shall notify Breckland Council in writing of any conviction, caution or driving offence imposed on him/her during the period of the licence within 7 days of the conviction."

The appellant had not complied with this condition on two separate occasions, thereby breaching his licence conditions.

The appellant said that with regard to the first offence, he had posted a letter to the Council informing them of this and had assumed that it had been received. With regard to the more recent (speeding) offence, he confirmed that he had been doing 46 mph in a 30 mph zone, but that this was not while he was on duty. He admitted that he had failed to produce the required paperwork on this occasion.

The employer spoke in the appellant's defence, commenting that he felt that revocation would be a harsh decision in this instance, not least given the current economic climate and the fact that the appellant was a young father. The employer spoke highly of the appellant as a good worker, and added that there had been no complaints from any customers since he had commenced work the previous year. He was considered to be an asset to the company.

The employer then explained that, with reference to the first incident, the driving conviction was possibly more a case of bad luck rather than inappropriate driving. The company had a delivery contract with Boots and consequently drivers needed to park outside 4-5 times per day in order to load/unload. On this occasion, the appellant had been unable to park properly in the loading bay immediately opposite the entrance. Given the load involved, and the need to be as physically close to the doorway as possible, he had therefore ended up parking with two wheels within the confines of a zebra crossing.

The employer confirmed that he had witnessed the necessary paperwork about this conviction being completed by the appellant, so it was unfortunate that it had apparently failed to reach the Council.

The Committee then retired to discuss the case and then, having heard all the evidence before them,

RESOLVED that the appellant be required to take a Driving Standards Agency test as a condition of continuing to hold a Hackney Carriage/Private Hire driver's licence under Section 51, sub-section 2 of the Local Government (Miscellaneous Provisions) Act 1976. The test was to be taken within three months of this hearing, at the appellant's expense, and the certificate was to be forwarded to Breckland District Council.

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Given the nature of the goods being handled at Boots, the Committee registered concern about the current ad hoc delivery arrangements, not least from a safety perspective. They therefore recommended that these were reconsidered and tightened-up by the taxi company.

9/09 APPLICATION TO SUSPEND/REVOKE A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 12)

The application was considered in the absence of the appellant. Mr Phil Mason (solicitor) was also in attendance, representing the Council.

Members were asked to consider an application for the suspension/revocation of a Hackney Carriage/Private Hire driver's licence.

Following the presentation of the report by the Licensing Technical Officer, the Committee heard the appeal in accordance with the Council's agreed procedure.

The application was made as a result of the failure of the driver to produce the necessary medical certificate which had been requested at the time of his renewal application (and also by verbal reminder). In spite of several attempts having been made to contact the driver, no response had been received. A letter had therefore been sent on 6 January 2009 advising that, in the event of no medical certificate being produced, the matter would be brought before this Committee with the charge of 'non-compliance with licence conditions'.

The Licensing Technical Officer confirmed that since the Agenda for the meeting had issued, the driver had contacted the Council to say that he now resided in Devon. This in itself was a breach of the basic terms and conditions of the licence as he had failed to notify the Council of his move. He was advised that he should either return his badge or else formally confirm in writing that he no longer wished to drive licensed vehicles.

No such confirmation had been received, so the Licensing Technical Officer asked the Committee to change the recommendation under consideration from 'Suspension' to 'Revocation', since this was more appropriate under the new circumstances.

There followed some general discussion about medical certificates and how the timing of their receipt fitted with the renewal paperwork for such licenses. Also, there was some concern as to why this particular case had apparently taken so long to resolve: if the driver had remained a local resident, then presumably he could have continued taking customers under his current licence without having produced full paperwork to the Council.

In response, the Licensing Technical Officer accepted that there had been an error here: the computer system had not worked effectively to draw officers' attention to anomalies. However she assured the Committee that steps had been taken to ensure this would not happen

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again. Members remained concerned at the delay and felt that applications for renewal of a licence should not be granted without full documentation having been produced. However, the Licensing Technical Officer pointed out that, practically speaking, this was not always possible. Criminal Record checks, for example, could take up to two months. Given that any applications for renewal had legally to be lodged before the expiry date of the licence, there were inevitably occasions when timings did not all coincide.

The Licensing Technical Officer explained that the Council's policy was that from the age of 65, medical certificates had to be sent in on the anniversary of the driver's birth, irrespective of when their licence was up for renewal. Thus if a 64 year old applied for a three year badge he would need to produce a medical certificate at the time of application. However, from his 65th birthday onwards he would be required to produce an annual medical certificate for the remainder of the duration of his licence. It was acknowledged that there could be drivers who did not meet the full criteria at any stage during their term of licence. However, the Committee were reminded that it was a condition of the licence that any change of medical (or other – e.g. criminal record, change of address) circumstances should be immediately notified to the Council.

RESOLVED that on hearing the evidence, and hearing that the appellant no longer resided or was capable of working in the district of Breckland, the Hackney Carriage/Private Hire driver's licence be revoked with immediate effect in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 11.45 am

CHAIRMAN