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To The Members of the Council

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Date 14 September 2007

AGENDA SUPPLEMENT

Dear Sir/Madam

COUNCIL - THURSDAY 20 SEPTEMBER 2007

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

<u>Item No</u>	<u>Report Title</u>	<u>Page Nos</u>
5	f) Standards: 11 September 2007 Unconfirmed Minutes of the Standards Committee meeting held on 11 September 2007.	53 - 56
	g) Appeals: 12 September 2007 Unconfirmed Minutes of the Appeals Committee meeting held on 12 September 2007.	57 - 60

Yours faithfully

Julie Britton

Committee Officer

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 11 September 2007 at 2.15 pm in
The Norfolk Room, Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman) Mr B.D Rayner
Mrs J. Jenkins

Also Present

Mr M. Whittlely

In Attendance

John Chinnery - Solicitor & Monitoring Officer
Elaine Wilkes - Senior Committee Officer

Action By

32/07 MINUTES

For the sake of clarity, the reference to "parish meetings" in minute 25/07 was amended to read "parish council meetings".

The minutes of the meeting held on 12 July 2007, as amended above, were then confirmed as a correct record and signed by the Chairman.

33/07 APOLOGIES

Apologies for absence were received from Mr R. Childerhouse, Mrs. M. Oechsle, Councillor E. Gould, Mr J.P. Labouchere and Mrs S. Allen.

34/07 URGENT BUSINESS (AGENDA ITEM 5)

The Chairman announced that, following the close of business, there would be a showing for the Committee's information of a recently released training dvd on the new Code of Conduct.

35/07 APPLICATIONS FOR DISPENSATIONS (AGENDA ITEMS 7, 8 AND 9)

(a) Application for Dispensation - Thetford Town Council (Agenda Item 7)

RESOLVED that a dispensation be granted until the end of May 2011 to the under-mentioned named town councillors of Thetford Town Council to allow them to speak and vote on any matters relating to the G.W. Staniforth Charity:

George Patrick Balaam, Roy F.W. Brame, Marion P. Chapman-Allen, Sam H. Chapman-Allen, John A. Harding, Robert G. Kybird, Terence J. Lamb, Derek G. Mortimer, Albert Paines, Thelma I. Paines, Patrick J. Pearson, Gareth M.O. Pickering, Pauline P.

Standards
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Quadling, Michael G. Spencer, Pamela A. Spencer,
Stuart N.H. Wright.

Action By

(b) **Application for Dispensation - Beetley Parish Council
(Agenda Item 8)**

RESOLVED that a dispensation be granted until the end of May 2011 to the under-mentioned named members of Beetley Parish Council to allow them to speak and vote on any matters relating to The Beetley Charity, The Beetley Fuel Allotment Charity, The Richard Farrers Charity and The Bread Charity:

Standards
Officer

Robert Richmond, Angela Leigh, George Hayes,
Adam Luck, David Silk, Michelle Petzer and Ronald
Campbell-Smith

(c) **Application for Dispensation - Harling Parish Council
(Agenda Item 9)**

An inadvertent error in the report was noted which contained the wrong list of parish councillors' names and a correction was made accordingly.

RESOLVED that a dispensation be granted until the end of May 2011 to the under-mentioned named members of Harling Parish Council to allow them to speak and vote on any matters relating to The Recreation Ground East Harling, Harling Old School Hall, East Harling Children's Playing Field (known locally as "The Poplars") and East Harling Youth Centre:

Standards
Officer

Michael R.B. Brown, Jean D. Denniss, Philip Edge,
Anthony Fry, David J.B. Galliford, Donald A.
Grunbaum, Cynthia M.U. Hustler, Graham Jubb, Roy
Kemp, Elizabeth Mould, Michael B. Sarson

(d) **General**

Arising from the above items, a member was concerned that very few applications for dispensations had so far been submitted by parishes since the May local elections, compared to the existing numbers granted previously.

It was agreed that an item be included in the proposed parish newsletter to raise awareness and to remind parishes of the need to submit applications for dispensations where appropriate.

Standards
Officer

36/07 MONITORING OF MEMBER TRAINING (AGENDA ITEM 10)

The Monitoring Officer advised that the Member Charter programme was designed to meet members' personal training and development needs and was private to them and not something that could be published.

However, the Council had earlier this year adopted the

Action By

recommendation from the Committee that: "(1) all Members of the Council should be expected to attend standards training within four months of their appointment and that their positions on Committees should be reviewed if they have not done so; and (2) members' attendance on training be recorded and monitored and published annually." (Council minute 11/07(a), 4/1/2007)

So far as members' attendances at Standards training was concerned, three training sessions had been held since the District Council elections in May 2007 and to date, only 17 out of the 54 District Councillors had attended one of these training sessions.

Members felt that it would be timely to raise awareness once again that training is required following re-appointment to the Council, particularly bearing in mind the recent changes to the Code of Conduct.

It was agreed to preview the new training dvd at the end of the meeting, which would help to determine the level of further advice and/or training which should be offered to members as appropriate.

37/07 STANDARDS COMMITTEE ON THE COUNCIL'S WEBSITE (AGENDA ITEM 11)

The information was noted and it was also explained that this Committee's responsibility was in relation only to the adoption, revision and operation of the Council's policy on confidential reporting and not in regard to the handling of any cases under that policy.

38/07 STANDARDS BOARD FOR ENGLAND DECISION (AGENDA ITEM 12)

The Monitoring Officer explained that this item was intended to highlight the Standard Board for England's policy in regard to political leaflets.

The position was noted.

39/07 ITEMS FOR FUTURE AGENDAS (AGENDA ITEM 13)

The Monitoring Officer informed members of two probable forthcoming hearings, one of which could potentially be held on the same day as the Committee's next scheduled meeting in October; a date for the second hearing remained to be agreed but was likely to be during mid-November.

40/07 NEXT MEETING

The arrangements for the next meeting on 30 October 2007 were noted.

- End of formal business -

Standards Board for England
- Preview of Code of Conduct Training dvd

Following the close of business, members viewed the new training dvd from the Standards Board for England, following which it was felt that it could usefully highlight some of the key aspects of the changes to the Code of Conduct as part of a more general training session for members. The Monitoring Officer was asked to look at arranging a new training session for members to take place at a future meeting of the full Council.

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Monitoring
Officer

The meeting closed at 3.30 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 12 September 2007 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman) Mrs J. Ball
Mr I. Sherwood (Vice-
Chairman) Mr R.W. Duffield

Also Present

Mrs D.K.R. Irving

In Attendance

Richard Fisher - Tree Preservation Order Review Officer
Sian Harland - Senior Committee Officer
Andrea Long - Environmental Planning Manager
Patrick O'Brien - Technical Officer - Licensing

Action By

13/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 11 July 2007 were confirmed as a correct record and signed by the Chairman.

14/07 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received by Mr M. Fanthorpe.

15/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mrs D. Irving.

16/07 OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2007 NO.18: THE ROOKERY, DEREHAM ROAD, SCARNING (AGENDA ITEM 7)

The report was considered in the absence of the objector, Mrs Caroline Hay acting on behalf of Mr and Mrs T. Farnham.

The Tree Preservation Order Review Officer presented the report, which outlined an objection to a Tree Preservation Order (TPO). Photographs of the site had been circulated with the Agenda.

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The Order had been served on Mr and Mrs T. Farnham in respect of 9 individual trees in the grounds surrounding 'The Rookery', Dereham Road Scarning on 25 April 2007 under section 198 of the Town and Country Planning Act 1998 on the grounds that the trees had significant amenity value.

An objection into the making of the TPO was made by Mrs Caroline Hay of Caroline Hay Associates acting on behalf of Mr and Mrs T. Farnham and was received on 22 May 2007. Although the objection was to only tree numbers T4 and T8.

Whilst Oak Trees T4 and T8 had amounts of deadwood this was, in itself, not an indication that the trees were in poor condition and was a good habitat for a variety of living things. Oak trees, by their nature, would form a new, secondary, crown when they reached a mature stage; this was to ensure the continuation of the tree. The larger pieces of deadwood could be removed leaving the newer, healthy crown to flourish.

The liability in terms of health and safety of the trees lay entirely with the owners and it would be their responsibility to make the appropriate checks on the trees.

In terms of biodiversity the deadwood should be left in the tree; although the owners could remove the deadwood but would need to notify the Local Authority before any works to the trees could be undertaken. However, unless the tree had a fungal infection it was understood that dead oak tree wood was very strong. If time allowed the tree could be assessed by the Local Authority to ensure that only the deadwood had been removed.

If the tree had a fungus, which would affect the strength of the deadwood, it would be the responsibility of the land owner to undertake an independent investigation and liability would lie with the owner.

In response to queries regarding making an TPO on a tree which had rot and then subsequently fell the Tree Preservation Order Review Officer stated that it would depend entirely on where the tree was situated. In this case the tree was in the middle of the garden and a recommendation may be different if a tree was situated at the side of a road.

To summarise the Chairman affirmed that the owners were only objecting to trees T4 and T8 which they felt were dying. However, the Tree Preservation Order Review Officer stated that as the trees were oak trees they would, eventually, form a second crown and would re-grow.

Another Member stated that if the owners undertook an independent specialist survey of the trees and it was found that the trees were rotten they could be removed upon submitting this evidence to the Local Authority.

Action By

With regard to the type of wildlife which would make the hole on T8 its home Members were informed that this could be anything from the smallest insect to possibly an owl or bats.

Members wished to thank the Officers for producing such clear and concise maps and photographs.

RESOLVED that Tree Preservation Order 2007 No. 18 be confirmed.

17/07 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 8)

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 may involve the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Schedule 12A to the Act.

18/07 APPLICATION TO GRANT A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE (AGENDA ITEM 10)

The Licensing Officer explained the process concerning spent and unspent convictions.

The application was considered in the presence of the applicant.

Following the presentation of the Operations Manager's report, the Committee heard the appeal in accordance with the Council's agreed procedure.

Members were reminded that the decision to bring these matters to the Appeals Committee was at the discretion of a Senior Officer.

Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority had to be satisfied that an applicant for a Hackney Carriage/Private Hire Vehicle Drivers Licence was a 'fit and proper person' before granting that licence.

Previous convictions which had been spent were not required to be disclosed; however, following the advice provided from the Licensing Officer Members felt that a fuller picture was required and the convictions should be made known.

The Licensing Officer read out the copy of the enhanced disclosures.

The applicant was given the opportunity to put his case forward in support of his application.

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Members noted the applicant's personal circumstances and felt that he should be given a chance but was informed that as the primary function of the Appeals Committee was to ensure public safety and Hackney Carriage/Private Hire drivers must be considered responsible in every way.

RESOLVED that the Hackney Carriage/Private Hire Vehicle Licence be granted, subject to:

- 1) the licence being restricted to six months, enabling the applicant to prove that he was a responsible person; and
- 2) delegated authority be given to Officers on renewal unless further concerns arise.

The meeting closed at 11.00 am

CHAIRMAN