

# Public Document Pack



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To The Chairman and Members of the Council

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Date 30 November 2007

## **AGENDA SUPPLEMENT**

Dear Sir/Madam

### **COUNCIL - THURSDAY 6 DECEMBER 2007**

Further to the Agenda of the above-mentioned meeting, the following supplemental documents are attached for members' information:

<b>Item No</b>	<b>Report Title</b>	<b>Page Nos</b>
5.	Cabinet Minutes: 20 November 2007  Unconfirmed Minutes of the Cabinet meeting held on 20 November 2007.	76 - 85
9.	Licensing Committee Minutes: 21 November 2007  Unconfirmed Minutes of the Licensing Committee meeting held on 21 November 2007.	86 - 89

Yours faithfully

*Julie Britton*

Committee Officer

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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 20 November 2007 at 9.30 am in  
Anglia Room, Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr S. Askew

Mr P.D. Claussen

Lady Fisher

Mr W.H.C. Smith (Vice-Chair, in the Chair)

Mr A.C. Stasiak

Mrs A.L. Steward

**Also Present**

Mr S.G. Bambridge

Mr J.P. Cowen

Mrs S.R. Howard-Alpe

Mrs D.K.R. Irving

Mr K. Martin

**In Attendance**

Mark Finch

Sian Harland

Ray Johnson

Tim Leader

Joe Liggett

Mary Palmer

Keith Stevens

Ian Vargeson

- Chief Accountant
- Senior Committee Officer
- Acting Operations Manager (Commercial Services)
- Deputy Chief Executive
- Senior Leisure Manager
- Marketing & Communications Manager
- Acting Business Transformation Director
- Democratic Services Manager

**Action By**

**127/07 MINUTES (AGENDA ITEM 1)**

The minutes of the meeting held on 9 October 2007 were confirmed and signed as a correct record.

**128/07 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr J.W. Nunn and Mr T. Holden who were both attending a meeting in London to discuss the Local Government Review for Norfolk.

**129/07 URGENT BUSINESS (AGENDA ITEM 3)**

The Chairman agreed to take Minute No. 144 as an urgent item as a business opportunity had arisen within Planning and Building Control that needed a decision as quickly as possible. As this issue contained exempt information it was discussed below the line.

**Action By**

**130/07 DECLARATION OF INTEREST (AGENDA ITEM 4)**

Lady K. Fisher declared a personal and prejudicial interested in agenda item 11 (minute no. 137) and left the meeting whilst the item was discussed and voted upon. Mr S. Askew declared a personal interest in agenda item 11 (minute no. 137) but was able to speak and vote on the matter. Mr P. Cowen declared a personal interest in item 3 (minute no. 144) but was able to speak on the matter.

**131/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Messr G. Bambridge, P. Cowen, K. Martin and Mesdames S. Howard-Alpe and D. Irving.

**132/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)**

The Members thanked the Chairman, Councillors and staff who had worked to make the 'Welcome Home' parade of the Light Dragoons through Dereham such a success.

**133/07 VALUE FOR MONEY STRATEGY (AGENDA ITEM 7)**

The Chief Accountant informed Members that the Value for Money Strategy would provide a clear framework for reviewing and reporting value for money,

The Strategy set a systematic approach for the Council to keep value for money under review, and would help identify areas for improvement, and demonstrate the success that the Council had in delivering value for money services.

Value for money was one of the key elements in the Use or Resources Key Lines of Enquiry used in the Comprehensive Performance Assessment (CPA). It was therefore important for the Council to demonstrate how it embedded value for money into its culture.

Members hoped that the Strategy would enable the Council to achieve a mark of 3 in its CPA scoring. Further to this the Strategy was clear, concise and to the point.

Comments were made with regard to the terms which the Audit Commission used when referring to value for money. It was felt that the Audit Commission needed to simplify its terms in order to ensure that the public could easily interpret their meaning.

This Strategy would provide the tool for proving that Breckland Council delivered value for money services.

The reason for the recommendation was that the Strategy would provide a clear framework for reviewing and reporting value for money.

Members were afforded two options: either to recommend or not recommend the Value for Money Strategy to Council for approval.

**Action By**

**RECOMMEND** that the Council approve the Value for Money Strategy.

**134/07 CHILD PROTECTION POLICY (AGENDA ITEM 8)**

The Leisure Services Manager presented the report which was concerned with the need to update the Council's Child Protection Policy and the process by which the Child Protection Guidance and Procedures would be developed over the next twelve months.

Members were informed that as the procedures relating to the Child Protection Policy were liable to change on a regular basis it maybe prudent to delegate any future changes to the appropriate Executive Member in conjunction with the appropriate Strategic Director.

Concern was raised with regard to which Members should be checked through the Criminal Records Bureau. In response the Deputy Chief Executive stated that it may be prudent to ensure that the Chair and Vice-Chair of Council were checked together with the Executive Members. It was felt that other Members should only be CRB checked if they had significant and regular contact with children. It was agreed that this process should be delegated to the Chairman.

The Council had a statutory duty to have an appropriate Child Protection Policy in place which reflected current guidelines. This updated policy better met the needs of Breckland Council and the process of updating the Procedures and Guidance would ensure that children had improved protection from abuse. In addition staff, councillors and anyone working on behalf of the Council would have improved protection from false allegations and the wellbeing of children was central to how the Council operated.

Two options were made available to Members. The first option was to approve the Child Protection Policy. The second option was to request that officers further review any part of the Policy, and bring it back at a later date.

**RECOMMEND** to Council that:-

- (1) the Child Protection Policy be adopted; and
- (2) future changes to the practices and procedures which support the Council's Child Protection Policy be delegated to the appropriate Executive Member in consultation with the designated Strategic Director.

**RESOLVED** that the identification of those Members for whom it would be appropriate to require a Criminal Records Bureau check be delegated to the Chairman.

**Joe  
Liggett**

**Action By**

**135/07 BRECKLAND COUNCIL-OWNED LAND AT CROXTON ROAD,  
THETFORD – FAMILY ACCOMMODATION (AGENDA ITEM 9)**

The Executive Member for Economic Development presented a report which sought Cabinet approval for the transfer of Council-owned land at Croxton Road, on the Ladies Estate, Thetford to Cotman Housing Association at £200,000.00 for the provision of Family Accommodation and 13 affordable housing units.

Even though the transfer of the land would be below market valuation it would meet one of the Council's main objectives, which was to provide housing. The family unit would ensure that families in need of emergency accommodation could be housed within the District. Sale at less than market value for the purpose was sanctioned under S. 123 of the Local Government Act 1972.

The reasons for the recommendation were that in conjunction with the Council's Community Safety BVPI 225 the Council was required to provide a Family Accommodation unit within the District to meet the needs of families who could not remain in their current accommodation. This contributed to the Council's role under section 17 of the Crime and Disorder Act as well as its statutory duties under part 7 of the Housing Act 1996 (as amended). The site would enable the provision of further affordable housing to meet the housing needs of those on the Council's Housing Register.

The options available to Members were as follows:-

- (1) That the Council-owned land at Croxton Road, Thetford be transferred, at £200,000.00 (Two Hundred Thousand Pounds) to Cotman Housing Association for the provision of a Family Accommodation unit and 13 affordable units.
- (2) That the Council-owned land at Croxton Road, Thetford be transferred, at or above the District Valuer's minimum level to Cotman Housing Association for the provision of Family Accommodation and 13 affordable units.
- (3) That the Council-owned land at Croxton Road, Thetford remain within Breckland Council's ownership.

**RESOLVED** that

- (1) the transfer of Council-owned land at Croxton Road, Thetford, at £200,000.00 (Two Hundred Thousand Pounds) to Cotman Housing Association be approved recognising the added value the provision of Supported Family Accommodation and 13 affordable units will provide for the benefit of the community; and
- (2) Cotman Housing Association reimburse the solicitors acting for Breckland Council in this matter, for the legal costs incurred in this transaction.

**Action By**

**136/07 SUSTAINABLE COMMUNITY STEERING GROUP (AGENDA ITEM 10)**

The Deputy Chief Executive presented a report which recommended establishing a Steering Group to oversee the development of the Sustainable Community Strategy (SCS) and the Local Development Framework (LDF).

Local authorities were strongly encouraged to integrate the Core Strategy of the LDF with the SCS to ensure that key spatial planning objectives for the area were fully aligned with priorities identified with the SCS. The SCS would set out how the area would develop socially, environmentally and economically whereas the LDF would provide a spatial expression of this development.

The Steering Group would have no decision making powers and would report directly to Cabinet. It would meet in public to ensure openness and transparency and it was important that Scrutiny retained the discretion to comment upon and improve the SCS and the LDF as they emerged.

Members agreed with the recommendation but felt that as the District was primarily a rural area there should be an agricultural representation included in the membership.

Concern was raised with regard to the government's guidelines of what constituted a sustainable community. It seemed that only large urban areas could be considered as sustainable in the future. The Strategy would have to satisfy the government guidelines of sustainability whilst meeting the needs of the people.

The reason for the recommendation was that it would ensure that Elected Members could actively steer the development of the Breckland Sustainable Community Strategy and Local Development Framework, based on advice from officers and stakeholders.

The options were either to agree or not agree to the formation of a Sustainable Communities Steering Group as outlined and either nominate or not nominate elected member representation.

**RECOMMEND** that the Council approve the formation of a Sustainable Communities Steering Group and nominates Elected Member representation.

**137/07 RESOURCING LOCAL DEVELOPMENT FRAMEWORK AND THETFORD NEW GROWTH POINT STATUS (AGENDA ITEM 11)**

The Asset Manager presented a report which sought the release of a maximum of £316,899 for temporary additional staff resources to enable progress towards the submission of the Council's Local Development Framework (LDF) Core Strategy in 2008, greater community consultation with the Site Specific elements of the LDF during 2008/9 and also to provide staff resource for the Thetford New Growth Point Status (NGP) Initiative between now and March 2011 to produce the Thetford Area Action Plan element of the LDF and to help deliver the projects

**Mitch  
Kerry,  
Robert  
Walker**

**Action By**

associated with the Thetford Prospectus – Programme of Development recently submitted to Government.

The Executive Member for Housing and Planning hoped that Members would approve the recommendation as it was vital to have the support in place to move the LDF and Thetford Growth Point Status forward.

The Chairman of the Overview and Scrutiny Commission supported the recommendation but queried whether the level of support detailed would be sufficient to take such a huge initiative forward over the next 20 years.

In response the Asset Manager advised that there would be two elements to the project the: first was the planning team and the second would be the delivery team, which would be include specialists such as an urban designer and an ecologist.

Members were requested to approve option 1 which would enable greater community consultation to be undertaken with the Site Specifics DPD and would demonstrate to the Government, GO-East , EEDA and other partners that Breckland was committed to the Thetford New Growth Point Initiative and delivering the projects and infrastructure required to support it.

The options available to Members were:-

- (1) To approve the release of £316,899 and an increase to the establishment for additional temporary staff resource for the LDF Site Specifics and Thetford New Growth Point Status (NGP) as follows:
  - (a) Senior Planning Policy Officer (Grade 8/7) – for 3 years
  - (b) Planning Graduate (Grade 10) – for 3 years
  - (c) Principal Planning Policy Officer (Growth Points) – Extension to existing contract by 23 months or up to March 2011.
- (2) To not approve the release of £316,899 or an increase to the establishment for additional temporary staff resource for the LDF Site Specifics for Thetford NGP.

**RESOLVED** that the release of £316,899 and an increase to the establishment for additional temporary staff resource for the LDF Site Specifics and Thetford New Growth Point Status (NGP) be approved as follows, and that:

- (a) a Senior Planning Policy Officer (Grade 8/7) be employed for 3 years;
- (b) a Planning Graduate (Grade 10) be employed for 3 years;
- (c) the existing contract of the Principal Planning Policy Officer (Growth Points) be extended by 23 months or up to March 2011; and

**Action By**

- (d) the additional cost of £316,889 be covered from the remaining Planning Delivery Grant, bringing the balance down to zero and the remainder from the unallocated LABGI grant.

**138/07 AUDIT COMMITTEE (AGENDA ITEM 12)**

The Democratic Services Manager presented a report which proposed that Breckland Council established an Audit Committee, which was required to attain a higher level on the Use of Resources Assessment.

On the last Use of Resources Assessment Breckland Council achieved level two for Internal Control. In order to attain a higher level there was a need to establish an Audit Committee. This would bring about a number of advantages and addressed the criticisms of the Corporate Performance Assessment Inspectors and Peer Review Teams.

If Members agreed with the recommendation the Independent Remuneration Panel would be convened to consider the appropriate rate for the Chairman of the Audit Committee and any independent persons.

The Chairman of the Overview and Scrutiny Commission endorsed the recommendations and agreed that there was a clear need to take out the financial matters from the Scrutiny agenda. Information relating to risk management needed to be clearly linked and aligned to financial matters. With regard to independent advisers it may be prudent to keep an open mind on the number of independent advisers needed as that there may be a need for specialist targeted advice at different meetings. In relation to substitute members it was felt that as the Audit Committee would only meet on four occasions per year there should not be a need for substitute members and the continuity of the discussion could be lost.

It was understood that there would be a need for training for the Audit Committee Members and this could be extended to include the Executive Members. Members were advised that a Skills Audit would be sent to all officers and Members. This would determine the level of training each Member would need on certain issues.

The reasons for the recommendation were that it was important to establish an Audit Committee to comply with CIPFA best practice, improve Corporate Governance and to enable improved scoring on the Use of Resources Assessment. Failure to do this may impact on future Use of Resources Assessments and the Council's future CPA judgement.

The options were to either establish an Audit Committee or not establish and Audit Committee and maintain the current committee structure.

**RECOMMEND** that Council establish an Audit Committee, with the appropriate amendments to the Council's Constitution, as follows:

- (a) the Committee to comprise Five Members (and named substitute Members) and be politically balanced (currently four Conservatives and one from the minority parties);

**Action By**

- (b) the Terms of Reference, as detailed in paragraph 4.3.1 of the report, be adopted;
- (c) the Committee may appoint external representatives as co-opted advisors, without voting rights, Independent Remuneration Panel to be asked to consider whether these representatives are paid an allowance; and
- (d) The Audit Committee will determine its meeting programme/schedule but at least four meetings will be held each year.

**139/07 BRECKLAND CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT (DPD) - PREFERRED POLICY OPTIONS CONSULTATION (AGENDA ITEM 13)**

This item had been deferred in order to enable the comments of Policy Development and Review Panel 1 to be collated into a succinct record.

Members were advised that a Special Cabinet Meeting had been arranged for Monday, 3 December 2007 to discuss this issue.

**140/07 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)**

Thetford Healthy Living Centre

The Chairman of the Overview and Scrutiny Commission informed Members that following a site visit by Policy Development and Review Panel 3 it became apparent that there was an urgent need for an ambulance turning bay to ensure that the Centre was being used to its optimum level. Further to this there was a need to provide local signage to the Centre as it was not clear to those visiting the Centre where it was situated.

**RESOLVED** that the Norfolk Primary Care Trust be lobbied regarding the need for a turning bay for ambulances and Norfolk County Council be lobbied to provide highway signage for the Healthy Living Centre, Thetford.

**141/07 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 15)**

The Minutes of the Meeting of the Anglia Revenue and Benefits Partnership held on 18 October 2007 were noted and the following recommendations agreed.

- (i) Software (Minute No. 54/07)

**RESOLVED** that £42,210 be released from earmarked reserves to support the project and complete the implementation of the additional software modules.

**Action By**

(ii) Automated Forms Processing (AFP) (Minute No. 55/07)

**RESOLVED** that £34,002 be released from earmarked reserves to support the project and complete the implementation of the automated forms processing project.

(iii) Website (Minute No. 57/07)

**RESOLVED** that £28,500 be released from earmarked reserves to enable the redesign and re-launch of the ARP website, subject to a report back to the Joint Committee on the results of the tendering exercise.

(iv) Local Housing Allowance (LHA) (Minute No. 58/07)

**RESOLVED** that

- (1) the funding from the Department for Work and Pensions be pooled and released to enable the implementation of the LHA to comply with the amended Housing Benefits legislation;
- (2) an update be reported to the next meeting; and
- (3) information on the scheme be sent to members of the partner authorities to raise awareness, together with arrangements for a workshop session for members.

**142/07 NEXT MEETING (AGENDA ITEM 16)**

The next meeting would be a Special Cabinet meeting on 3 December 2007 at 1.45 pm. The next ordinary meeting of the Cabinet would be held on Tuesday, 8 January 2008 at 9.30 am.

**143/07 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 3)**

**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 item of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act.

**144/07 REQUEST TO INCREASE ESTABLISHMENT (AGENDA ITEM 3)**

The Acting Business Transformation Director presented a report which requested approval to appoint an additional Senior Development Control Officer to create capacity for income generating activity

The options were either to appoint or not appoint a Senior Development Control Officer.

**Action By**

**RESOLVED** that

- (1) an additional Senior Development Control Officer be appointed at a cost as indicated in the report.
- (2) delegated powers for urgent action be used to increase the establishment, subject to reporting back to the next available General Purposes Committee.

**Margaret  
Bailey,  
Keith  
Stevens**

The meeting closed at 11.05 am

CHAIRMAN

**BRECKLAND COUNCIL**

**At a Meeting of the**

**LICENSING COMMITTEE**

**Held on Wednesday, 21 November 2007 at 10.00 am in  
The Norfolk Room, Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr I. Sherwood (Chairman)  
Mrs P.A. Spencer (Vice-  
Chairman)  
Mr J.R. Gretton

Mr T.J. Lamb  
Mrs L.S. Turner

**In Attendance**

Nigel Burrows

- Principal Environmental Health Officer  
(Licensing Officer)

Julie Britton

- Committee Services Officer

**Action By**

**1/07 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 13 December 2006 were confirmed as a correct record and signed by the Chairman.

**2/07 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr A Byrne, Mr D Myers, Mrs M Chapman-Allen and Mrs K Millbank. The Chairman stated that he would be sending an email to the Members who had not conveyed their apologies.

**3/07 LICENSING ACT 2003 – REVIEW OF LICENSING POLICY (AGENDA ITEM 6)**

The Principal Environmental Health Officer presented the report which advised of the outcome of consultation on the review of the Council's Licensing Policy.

It was a requirement of the Licensing Act 2003 that the revised Licensing Policy be adopted by January 2008.

A copy of Breckland's Licensing Policy which had been adopted in 2005 had been attached at Appendix A of the report.

Members were being asked to approve the minor revisions of the Licensing Policy subject to the comments shown in Appendix C of the report.

It was explained that the more obvious amendments required, such as staff name changes and the inclusion of a new photograph of the present Licensing Committee Chairman, would be added.

The Committee was informed that the Licensing Team had consulted various stakeholders, as required by the Licensing Act, and had also

**Nigel Burrows**

**Action By**

carried out further consultation that had incorporated a wider range of consultees. Numerous letters had been sent out to the consultees but only nine written responses had been received (as shown at Appendix C of the report). The Principal Environmental Health Officer advised that the review had been discussed with other local authorities in Norfolk where it had been found that the response to their consultations had been very similar.

A number of the responses related to the lengthy and complicated processes involved for smaller businesses, village halls and charitable organisations applying for a licence.

Members were advised that the process of applying for a licence was not related to the Policy but was determined by regulations as set by central government under the Licensing Act.

The Principal Environmental Health Officer informed the Committee that the Licensing Act was currently being reviewed and that any comments received from Local Authorities would be considered.

The response received with regard to the impact of temporary event notices on charitable organisations and village halls would be included in the Licensing Act review.

The comments received with regard to the extension of hours did not relate to the Licensing Policy, but was the responsibility of the Licensing Sub-Committee.

As far as the lack of partnership working was concerned, the Principal Environmental Health Officer felt that this comment was unfair as the Licensing Team had, on a number of occasions, arranged and attended numerous meetings for the voluntary and community sectors of Breckland.

Further concerns raised by Members related to the cost of licensing applications.

The Chairman felt that the consultees deserved a response from the Principal Environmental Health Officer informing them that their comments had been acknowledged.

A Member made reference to Barnsley's Metropolitan Borough Council's Licensing Policy with regard to planning/licensing decisions and asked whether it had been seen and whether Breckland Council would be using some of its material. In response, the Committee was informed that Chris Hepher of Steeles Solicitors had given advice on this matter, as contained in the policy drafted by Barnsley Council, and had suggested that Breckland's policy be re-worded to assist applicants understand this dual role. The re-wording, if agreed, would be inserted in bold in paragraph 9.5 of the current policy.

Another Member felt it would be useful for the Committee and the public to have a re-issue of the Licensing fees. The Principal Environmental Health Officer advised that the fees had been included

**Nigel Burrows**

**Nigel Burrows**

**Action By**

on the web-site but he would email them to Members for information.

Another matter of concern mentioned was with regard to Norfolk Fire Authority's Risk Assessment report.

The Regulatory Reform (Fire Safety) Order 2005 (RRO(FS)) had become law on 1 October 2006. On this date the Fire Precautions Act 1971 was repealed (Fire Certificates ceased to have legal status) and the Fire Precautions (Workplace) Regulations 1997 (as amended) had been revoked.

It was now the responsibility of a responsible person, not the Fire Service, to ensure that a fire risk assessment was carried out. The responsible person would be responsible, in law, for meeting the Order.

The Committee was informed that this was purely a resource issue and remained a great concern within Norfolk.

The Chairman requested that the Fire Policy be included on the next Agenda.

Other matters mentioned were 24hr licenses and the smoking ban. It was noted that there were not any publicans in Breckland Council who currently operated a 24hr licence, and as far as the smoking ban was concerned, Members were informed that only one prosecution had been held since the ban was introduced and that was in Blackpool.

**RECOMMEND** to Council that the revised Policy as amended by the inclusion of the comments suggested in Appendix C of the report, be adopted, as the Council's Licensing Policy.

**4/07 LICENSING TEAM SERVICE PLAN (FOR INFORMATION)  
(AGENDA ITEM 7)**

The Licensing Team Service Plan for 2007/08 had been approved and adopted by the General Purposes Committee at its meeting on Wednesday, 7 November 2007.

The Plan had been included on the Licensing Agenda for Members information.

Members were asked to refer to paragraph 3.1.1 of the Plan which highlighted the amount of Licensing applications that had been received by the team during 2005/06.

A Member referred to the complaints received at paragraph 3.3 of the Plan. The Principal Environmental Health Officer confirmed that the Team did not receive many complaints and that the aforementioned paragraph at 3.1.1 was much greater than the latter.

**5/07 DATE OF NEXT MEETING (AGENDA ITEM 8)**

The next meeting would be held on Wednesday, 9 January 2008 at

**Nigel Burrows**

10.00am in the Norfolk Room.

In regard to the next meeting, the Principal Environmental Health Officer advised that Inspector Chris Spinks of Norfolk Constabulary had offered to attend the meeting to discuss with Members a new project called 'Night Safe'.

**Action By**

**Nigel Burrows**

The meeting closed at 10.45 am

CHAIRMAN