

# Public Document Pack



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To The Members of the Council

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Date 24 September 2008

## **AGENDA SUPPLEMENT**

Dear Sir/Madam

### **COUNCIL - THURSDAY 25 SEPTEMBER 2008**

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

<b>Item No</b>	<b>Report Title</b>	<b>Page Nos</b>
5.	Cabinet Minutes - 9 September 2008  Unconfirmed minutes of the Cabinet meeting held on 9 September 2008.	58 - 72
12.	Breckland Community Car Schemes  Further to Minute 124/08 (b) of the meeting of the Cabinet held on 9 September 2008, to consider the report of the Strategic Director Services.	73 - 79

Yours faithfully

*Helen McAleer*

Member Services Officer

**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 9 September 2008 at 9.30 am in  
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

**PRESENT**

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

**Also Present**

Mr S.G. Bambridge	Mrs D.K.R. Irving
Mr W.P. Borrett	Mr A.P. Joel
Mr J.P. Cowen	Mr M.A. Kiddle-Morris
Mr P.J. Duigan	Mr D.S. Myers
Mr K.S. Gilbert	Mrs L.S. Turner
Mr R.F. Goreham	

**In Attendance**

Julie Britton	- Senior Member Services Officer
Mark Finch	- Chief Accountant
Andrew Grimley	- Principal Environmental Health Officer
Trevor Holden	- Chief Executive
Ray Johnson	- Assistant Director (Services)
Tim Leader	- Deputy Chief Executive
Andrea Long	- Environmental Planning Manager
Riana Rudland	- PFI Monitoring Officer
Alison Sawyer	- Consultation Officer
Mark Stokes	- Strategic Director (Services)
Robert Walker	- Sustainable Communities Manager
Mike Wheatley	- Environmental Health Manager

**Action By**

**109/08 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 22 July 2008 were agreed as a correct record and signed by the Chairman.

**110/08 APOLOGIES (AGENDA ITEM 2)**

There were no apologies for absence.

**111/08 DECLARATION OF INTEREST (AGENDA ITEM 4)**

Lady K Fisher declared a personal and prejudicial interest in Agenda item 7, (Minute No. 114/08 below refers) and left the room whilst this item was being discussed.

**Action By**

**112/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mrs D Irving, Mrs L Turner, Mr G Bambridge, Mr B Borrett, Mr P Cowen, Mr P Duigan, Mr K Gilbert, Mr R Goreham, Mr A Joel, Mr M Kiddle-Morris and Mr D Myers were in attendance.

**113/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)**

The Strategic Director for Services announced that, as part of the Pride in Breckland Campaign, Councillors would be issued with disposable cameras to take photographs of any fly-tipping areas.

**114/08 THE USE OF COMMUTED SUMS FROM SECTION 106 AGREEMENTS (AGENDA ITEM 7)**

The report sought Cabinet's approval for the use of commuted sums in Section 106 Agreements to be delegated to the Executive Member in consultation with the Strategic Director.

The report was presented by the Environmental Planning Manager.

The use of the Section 106 Agreements had already been agreed through the signing of the legal agreement between the Council and the other parties involved. The Council was unable to use the monies for any other purpose.

By allocating the resources through a delegated decision with the Executive Member, in consultation with the Strategic Director (and Section 151 Officer if necessary) proper controls over the funds would be retained but would allow flexibility in terms of the timing and the speed of when the monies were used.

The monies which were negotiated fell within three general categories:

- a) Monies received for a specific purpose on a specific site (i.e. money received for play equipment) where the Council was just acting as a trustee and therefore no formal approval would be required. These monies would be passed down to a Town or Parish Council.
- b) Monies taken when the circumstances were less specific i.e. money for an identified recreational need in the vicinity of the site. The Council would need to identify where the money needed to be spent. In these circumstances Cabinet approval would be necessary.
- c) Most monies received for Norfolk County Council would go straight to that authority. Approval was not necessary as Breckland Council just acted as a "post box".

The Executive Member for Planning and the Environment supported the recommendation but felt that Ward Members and the Town and Parish Councils should be involved at the beginning of the planning process.

**Action By**

This would enable Members to see how the monies had been spent. Following a request from the Opposition Leader, it was agreed that consultation should include the Ward Member and relevant Town and Parish Councils.

The Executive Member for the Transformation Portfolio asked whether a S106 Agreement could be put in place for drainage matters. In response, the Environmental Planning Manager explained that relevant authorities such as Anglian Water would have to be consulted so that such a scheme could be brought about. The Chairman of the Overview and Scrutiny Commission felt that problems could evolve from such a scheme, particularly where drainage was concerned. If a local community developed drainage problems, which were another authority's responsibility, the cost of repairs etc could far exceed the commuted sum. He asked how the monies were monitored and spent when Breckland Council was not in control. The Environmental Planning Manager pointed out that the Council could only take money that was related to the development. It was very much a negotiation; money towards a school had to be spent on a school in that area. A monitoring system had been developed and Members would receive bi-monthly reports and a S106 report which would be attached to future Development Control Agendas.

Members were informed that the public was already aware what the community benefits would be as planning applications had to have an agreed S106 Agreement at the time of approval.

The Executive Member for Governance left the room as she declared an interest in an LDF related matter concerning Thetford.

The options available to Members were:

- 1) To operate within the existing Finance Procedure rules so that every scheme which included a commuted sum would be presented to Cabinet for approval.
- 2) To give delegated authority to the Executive Member in consultation with the Strategic Director.
- 3) To allow Section 106 Agreement funds to be spent within the terms of the legal agreement by the Strategic Director without reference to Cabinet or the Executive Member.

The reasons for the recommendation were:

- 1) The use of the Section 106 monies had already been agreed through the signing of the legal agreement between the Council and the other parties involved. The Council was unable to use the monies for any other purpose.
- 2) By allocating the resources through a delegated decision with the Executive Member, in consultation with the Strategic Director (and Section 151 Officer if necessary) proper controls over the funds would be retained but would allow flexibility in terms of timing and speed of when the monies were used.

**Action By**

**RESOLVED** that delegated authority be given to the Executive Member, in consultation with the Strategic Director, and following consultation with the Ward Member and the relevant Town and Parish Council, for the allocation of commuted sum monies from Section 106 Agreements.

**115/08 MEDIUM TERM FINANCIAL STRATEGY (AGENDA ITEM 8)**

The Executive Member for the Governance Portfolio requested that Members consider the Medium Term Financial Strategy prior to recommendation to Council for approval.

A number of amendments were proposed (see recommendation below).

In response to a question concerning the amendment in recommendation number (1) (see below) the Chief Executive advised that it would be wrong to state that the £2m Commercial Property Reserve was a fixed figure as it depended on any downturn in the economy; it was there to shield the council tax in any downturn that might occur.

The Opposition Leader asked whether this strategy should reflect, not just the economic downturn, but also the Local Government Review (LGR), as an unquantified and unspecified risk which might result to the extent of the Council looking favourably at schemes that were being developed. The Executive Member for the Business Transformation Portfolio advised that the Council would continue to support its communities. He reminded Members; however, that if the LGR did continue to go ahead communities should be made well aware that their council tax could double.

The options available to Members were either to recommend or not to recommend the strategy to Council for approval.

The reason for the recommendation was to provide a clear framework for Officers to manage the Council's finances over the medium term and to meet the requirements of the Use of Resources Key Lines of Enquiries.

**RECOMMEND** to Council that, subject to the following amendments, the Medium Term Financial Strategy be approved:

- 1) Appendix A, page 32 of the report - additional wording be added to the end of the fourth paragraph, to read: "the Authorities annual assessment of reserves will be used to ensure this risk is mitigated against *by maintaining the Commercial Property Reserve at £2m*".
- 2) Appendix D, page 66 of the report - the wording to Budget Principles number 6, to read: "we should seek additional scrutiny and challenge for accessing capital resources and ensure the programme only reflects schemes that are sufficiently scoped to allow delivery *which commence* during the financial year (although schemes may cross over financial years where their nature necessitates this commitment)".
- 3) Appendix D, page 67 of the report - additional wording to Budget Principles number 16, to read: "A Revenue and Capital Budget *is set*

**Action By**

*for one year with an indicative budget being set for a five year period up to 2013/14 in line with the Business Plan”.*

- 4) Appendix F, page 71 of the report – additional wording be added to the fourth paragraph, to read: “the Cabinet receives quarterly governance reports *and the Audit Committee receives reports on financial and risk matters*”.

**116/08 TREASURY MANAGEMENT PERFORMANCE REPORT (AGENDA ITEM 9)**

The annual treasury report was a requirement of the Council’s reporting procedures. It covered the treasury activity for 2007/08 and the actual Prudential Indicators for 2007/08.

The Chief Executive had recognised the volume of work that had gone in to delivering these reports and the work involved in the development of the capital programme. He thanked the Officers responsible for all their hard work.

The options available to Members were to approve or not to approve the actual 2007/08 Prudential Indicators within the report and note the treasury management performance report for 2007/08.

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

**RESOLVED** that

- 1) the actual 2007/08 Prudential Indicators within the report be approved;
- 2) the Treasury Management Performance report for 2007/08 be noted; and
- 3) the Minimum Revenue Provision Policy be approved.

**117/08 CAPITAL STRATEGY (AGENDA ITEM 10)**

The Executive Member for the Governance Portfolio requested that Members consider the Capital Strategy prior to recommendation to Council for approval.

The options available were to recommend or not to recommend the strategy for Council approval.

The reason for the recommendation was provide a clear framework for Officers to manage the Council’s finances over the medium term and to meet the requirements of the Use of Resources Key Lines of Enquiries.

**RECOMMEND** to Council that the Capital Strategy be approved.

**Action By**

**118/08 PRIVATE SECTOR HOUSING STRATEGY (AGENDA ITEM 11)**

The purpose of the report was to bring forward a Strategy for the private sector housing function reflecting changes in legislation and good practice.

The Principal Environmental Health Officer explained that whilst there was no statutory requirement to have a separate Private Sector Housing the Audit Commission had recommended it as good practice. This Strategy would not change anything that the Housing Team was currently doing; it would just provide the public and Members with clear lines of how this Strategy should and would be driven.

The options available to Members were:

- 1) to adopt the new strategy which reflected current legislative provision and the powers already adopted by Cabinet; or
- 2) not to adopt the new strategy. The Audit Commission had commented in its last report that the Council did not have a separate Private Sector Housing Strategy.

The reasons for the recommendation were:

- 1) To enable the Council to comply with the Audit Commission's suggestion that the Council should have a separate Private Sector Housing Strategy to direct its housing enforcement function.
- 2) For the Council to be able to justify its actions to a Residential Property Tribunal.

**RESOLVED** that the Private Sector Housing Strategy be adopted.

**119/08 NEW BUCKENHAM PLAY AREA - MATCH FUNDING (AGENDA ITEM 12)**

The Sustainable Communities Manager presented the report which outlined the reasons for requesting £15,900 capital match funding towards the development of a new play area in the village of New Buckenham.

The Ward Member for New Buckenham was in attendance and explained that the play area sat on the edge of the common. The existing equipment, although well used by children of all ages, had to be removed due to Health and Safety reasons. The Village Hall Committee would also be donating a sum of money towards the new play equipment.

The Executive Member for the Communities Portfolio stated that New Buckenham, as a community, had been exceptional; it had delivered questionnaires to families in the village and had generated a 60% response rate.

Three options were made available to Members. These were:

**Action By**

- 1) to approve the application for funding on the grounds of the high score and subject to offer letter conditions;
- 2) to award funding at a reduced level;
- 3) reject the application for funding.

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

**RESOLVED** that a capital match funding sum of £15,900 to New Buckenham Parish Council for a new play area be approved, subject to:

- 1) a maximum sum of £15,900 or 30% of the cost of the scheme, whichever is the lower;
- 2) confirmation of the total cost of the project;
- 3) the balance of all other funding being confirmed; and
- 4) the funding being allocated from the revenue 2008/09 match funding reserve.

**120/08 EMPTY HOMES POLICY (AGENDA ITEM 13)**

The report concerned a replacement policy for the existing Empty Dwellings Policy reflecting changes in legislation.

The legislation surrounding the powers available to a Local Authority had changed with the enactment of the provisions in the Housing Act 2004.

Members were informed that in reality this policy would be rarely used as all avenues had to be exhausted before Empty Management Orders (EMO) could be applied.

The Assistant Director for Prosperous Communities drew Members' attention to page 127 of the report which stated that, where a dwelling had been unoccupied for at least two years immediately prior to being refurbished and improved for occupation, the works could be rated at 5% VAT, and in certain cases, the sale of renovated dwellings could be zero rated for VAT if the dwellings were being sold after being empty for ten years or more since the completion date of the renovation.

A Member wished to know what the timetable was for restoring these empty dwellings for human habitation as he knew full well that in the area of Breckland there were more than 1000 empty properties. In response, the Principal Environmental Health Officer explained that bringing an empty dwelling back into use was actually cheaper than a new build. He then explained how long it took to get to the EMO stage.

The concerns expressed by the Overview and Scrutiny Chairman regarding extreme cases where property owners could not be found was



**Action By**

noted.

The options available were:

- 1) To adopt the new policy that reflected current legislative provision and the powers already adopted by Cabinet.
- 2) Not to adopt the new policy and to continue with the old policy that did not reflect the new powers already adopted by Cabinet. Such a conflict could result in the Council being unable to justify its actions to a Residential Property Tribunal.

The reasons for the recommendation were to enable the Council to exercise the powers already adopted by Cabinet and to be able to justify its actions to a Residential Property Tribunal.

**RESOLVED** that the replacement Private Empty Dwellings Policy be adopted subject to the following amendments:

- 1) to require that the Ward Member be informed of any instances where an Empty Dwellings Management Order was to be pursued in their Ward; and
- 2) to require that in extreme cases, where the owner cannot be traced, and it was proposed that a property was required to be demolished and/or redeveloped, such action to be subject to the approval of full Council.

**121/08 MATCH FUNDING APPLICATION - THOMAS PAINE FESTIVAL 2009  
(AGENDA ITEM 14)**

The report considered a match funding application for the sum of £10,000 made by the Thetford Society to assist with the cost of celebrating the life of Thomas Paine; 2009 would be the 200<sup>th</sup> anniversary of his death.

The Executive Member for the Communities Portfolio felt that this event would encourage tourism in the area.

**Options**

- 1) The advantage of not supporting the proposal would be that the Council could retain its funding. There were significant disadvantages in this approach principally in terms of poor publicity implicit on the Council not taking the opportunity to support a significant opportunity to celebrate a major event.
- 2) To support the application would enable the Council to play an important part in supporting an event which fitted well within its corporate objectives and contributed to the Council's aims.

The reason for the recommendation was that the application had been well considered and it had provided good evidence of consultation which had been used to shape the activities and community involvement. There was a sound fit with the Council's corporate objectives and the Thetford

**Action By**

Society through the Project Group having given significant thought to the management arrangements that needed to be put in place.

**RESOLVED** that a revenue match funding sum of £10,000 to the Thetford Society to assist with the cost of celebrations for the anniversary of Thomas Paine be approved, subject to:

- 1) a maximum sum of £10,000 or 10% whichever is the lower;
- 2) confirmation of the total cost of the project;
- 3) the balance of all other funding being confirmed; and
- 4) the funding being allocated from the revenue 2008/09 match funding reserve.

**122/08 WATTON HORSE FAIR (AGENDA ITEM 15)**

The Deputy Chief Executive presented the report. The report had been considered at the Overview & Scrutiny Commission at its meeting on 4 September 2008.

The two main issues involved were as follows:

1. The issue of the Watton Horse Fair.
2. The issue of the stationing of caravans on a field which occurred at the time of and on land adjoining the site of the Horse Fair.

So far as the Horse Fair was concerned, it had been consistently stated that the Fair as presently comprised did not require planning permission; there were no contraventions of law and no licence was required. Therefore, there was no question of any enforcement action by the Council as there was no contravention of any law.

With regard to the issue of the stationing of caravans, the report clearly stated there had been a contravention of law that was a criminal offence in that a field had been used without a Caravan Sites Licence. There was evidence of this offence and the Council could conduct a prosecution.

However, the report concluded that it was not in the public interest to pursue a prosecution and, even if the Council were to prosecute, it would have no impact on whether the Fair continued or not. The other reason behind this decision was that it was likely to lead to a widespread relocation of caravans onto far less suitable land. The reasons a prosecution was not considered to be in the public interest were as stated in the report at paragraphs 3.4.2, 3.4.3 and 3.4.4.

A Ward Member for Watton was in attendance for this item. He thanked the Leader for bringing this matter forward to Cabinet. He stated that the area in question was near to land designated as a Site of Special Scientific Interest (SSSI) and urged Members not to accept the Overview and Scrutiny Commission's recommendation which was not to prosecute. The Ward Member felt that the perception of the public would be that the

**Action By**

Council was providing one law for the travellers and one for others. By prosecuting, the Council would be sending out a message to other landowners that any illegal caravan sites would not be tolerated. He again urged Members to prosecute as everyone that had been involved in the matter, who he knew, had agreed that a criminal act had been committed.

Mr Philips, who ran a legitimate caravan site on the adjoining land, spoke against the recommendation not to prosecute, as he felt this would set a precedent and would indicate to others that Breckland would not take action against similar offences. He quoted a statement from the Overview and Scrutiny Commission meeting that the Executive Member for the Governance Portfolio had cited and requested that a further report be represented to the Commission without delay.

The Opposition Leader reminded Members of the annual aftermath of these fairs and of the damage done to the environment. He did, however, accept part of the recommendation, to continue to monitor the site (see 2.2 of the report) but agreed with Mr Philips and the aforementioned Ward Member that prosecution proceedings should take place.

In response to the above comments, the Executive Member for the Governance Portfolio was unsure who Breckland Council would prosecute, if the Council decided to go down this route: the owner of the land or the owner of each caravan?

The Chairman of the Overview and Scrutiny Commission stated that the Council could not take out a blanket prosecution for something that might or might not happen. There was undoubtedly a large amount of sympathy with the people who suffered whilst the fair was taking place but, on balance, it was felt that it was in the public interest not to prosecute, hence the recommendation from the Overview and Scrutiny Commission.

The Deputy Leader felt that what the Council had done had been completely consistent over the years. This fair had taken place since 1971 and when referring to breaches of the law, in certain situations, the Council needed to take a practical response.

The Deputy Chief Executive advised that there was no risk at all of a precedent being set as there had been no similar problems emerging from other areas over the years. If Members decided that they wanted to pursue the prosecution route in the future then the Council would oblige; however, even if successful, this would not secure the cessation of the use of the land. There was no continuing offence under the legislation and, should such use reoccur, it would require further gathering of evidence and further prosecutions, potentially culminating in the application by the Council to Court for an injunction. For all these reasons, the Council's advice was to leave it alone.

Options

- 1) Prosecution for the offence of use of land for the stationing of caravans for human habitation without a licence under Section 1 Caravan Sites and Control of Development Act 1960. Prosecution

**Action By**

proceedings are taken for the offence but, even if successful, this would not per se secure the cessation of the use of the land. There is no continuing offence under the legislation and, should such use recur (as seems likely), it would require further gathering of evidence and further prosecutions, potentially culminating in the application by the Council to Court for an injunction. But to what ends? In this regard, please see Paragraphs 3.4.2, 3.4.3 and 3.4.4 of the report.

- 2) No further action to be taken in respect of the use of the land for the stationing of caravans for human habitation. The use is concurrent to the holding of the Horse Fair which as stated above is, and presently remains, a legal, non-licensable event occurring on two occasions per annum. The land is not used for the stationing of caravans at other times of the year. It is considered that such use will remain at historical levels. This will be monitored.

**Reasons**

- 1) There was an insoluble conflict between two pieces of legislation preventing the granting of a licence under the 1960 Act. Whilst a potential way forward would be for the occupier of the land to apply for a Certificate of Lawful Use, thereby regularising the use of the land in planning terms, there was absolutely no requirement for him to make such an application.
- 2) Given the present extremely limited use of the land for the stationing of caravans ( 4 nights per year ), if a licence were able to be granted, any conditions attached to such a licence would apply no greater requirements or constraints than those which currently are adhered to voluntarily, i.e. provision of sanitary accommodation and a supply of potable water. A licence would offer no further control of any event occurring beyond the site boundaries than those which currently exist through applicable legislation. This all being the case, it would be difficult to see what practically the actual issue of a licence would achieve over and above what was on site already - the current practices presently being satisfactory.
- 3) There was a considerable risk, given that the Fairs would continue, that a prosecution might lead to the withdrawal of the use of the land for the stationing of caravans, whilst between 30 and 50 caravans would still arrive in the vicinity at the time of the Fairs. These would then locate onto any available pieces of land with potential for trespass, road safety issues and anti-social behaviour. There was no doubt that considerable officer and constabulary time would be required in attempting to resolve those issues. It was the view of both the Norfolk Constabulary and officers of this Authority that the use of the field for the stationing of caravans was the most satisfactory solution in the circumstances due to the very short term nature of the event and accordingly, it was not seen by officers to be in the public interest to prosecute.
- 4) Even if the Council was to commence prosecution proceedings against the owner of the site - as it was highly arguable by the Defendant that if he had continued with his application to the Council for a CLEUD, his application would ultimately have been

**Action By**

granted - it was quite possible that these prosecution proceedings would result in an absolute discharge of the Defendant.

**RESOLVED** that

- 1) the present legal position concerning the Watton Horse Fair be noted;
- 2) Officers continue to monitor the site to ensure that any future changes in the nature, extent and use of the site be acted upon, where relevant; and
- 3) no further action be taken in respect of the stationing of caravans on land at Thetford Road, Watton on 3<sup>rd</sup> and 4<sup>th</sup> May 2008.

**123/08 FREE SWIMMING PROGRAMME (AGENDA ITEM 16)**

The Strategic Director for Services introduced the report which outlined the Departure of Culture and Media and Sports (DCMS) proposal for free swimming as publicly announced in June 2008. The report detailed the level of grant support available to the Council and the various options that were being proposed. It also provided an overview of the practical issues relating to the implementation of the scheme and the current position of other districts and their anticipated response to the offer.

It was felt that this scheme would make swimming more accessible to the people of Breckland. The Executive Member for the Communities Portfolio thought it was a great idea but was disappointed that the DCMS had set time limits on its budgets and felt that further time to consider the offer should be requested.

The Opposition Leader agreed with the aforementioned comment and asked the Cabinet to request more time. He also felt that assistance should be offered, not only in swimming, but also for other types of sports. In response, the PFI Monitoring and Sports Development Officer pointed out that there were a number of other sports initiatives available.

The Chief Executive stated that there were many issues that had to be considered. Tactically and politically it was a very good idea and this was a scheme that Breckland Council should embrace; however, he agreed the funding should not be ring-fenced as it would be difficult to predict the impact it could have on the Council Tax. He felt that Officers should also be instructed to write to the DCMS expressing Breckland Council's concern around the two year funding opportunity and the shortness of time to consider this scheme and suggested that a further recommendation be added to incorporate all of the above.

The options available were:

- 1) not to take part in the scheme;
- 2) to sign up to provide free swimming for people aged 60 and over;

**Action By**

- 3) to sign up to provide free swimming to people aged 60 and over and submit an expression of interest to provide free swimming to people aged 16 and under.

The reason for the recommendation was that this scheme would make swimming more accessible to the residents of Breckland whilst providing an opportunity to increase participation in sport and physical activity. The health benefits of such a scheme were clear and in addition it would provide a legacy for the Breckfest programme.

**RESOLVED** that:

- 1) the Government grant of £47,574 be accepted to offer free swimming for people aged 60 and over;
- 2) an expression of interest be submitted to roll out the scheme to people under the age of 16 subject to clarification from the Department of Culture Media and Sports (DCMS) of arrangements for pools managed by third parties; and
- 3) Officers be instructed to write to the DCMS and express concern over the time given to consider this, the two year funding opportunity and the transfer of the risk of potential overspend to the local authority and its ability to set the Council tax.

**124/08 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (OS&C)**

(a) Fuel Poverty Policy - Reference from O&SC

The Overview and Scrutiny Chairman explained that attention had been drawn to this matter under the Housing Strategy item that had been discussed at the Policy Development & Review Panel meeting on 29 July 2008.

Members had concerns around the issue of fuel poverty in the light of the current level of increases in fuel costs and their view that the Council needed a policy to address the poverty problems that would occur in the forthcoming months.

The Leader was in favour of the recommendation as long as the Government provided the funding for such a policy.

**RESOLVED** that:

- 1) a policy be put in place to address the fuel poverty problems that might occur in the forthcoming months; and
- 2) the Council be seen to support local people by actively raising awareness of fuel poverty in the District by placing articles on the matter in future editions of Breckland Voice.

**Action By**

(b) **Breckland Community Car Schemes - Reference from the O&SC**

The Commission had considered a report on the Breckland Community Car Schemes and proposals for the future delivery of this service. It had also considered that there was a need for substantially more funding than the £10,000 proposed if the Council was to achieve the aims to expand the scheme and to support existing schemes in the future. It had been suggested that a more realistic figure of £100,000 be considered. It had been further suggested that the Council should meet the costs of the CRB and medical checks.

The Chief Executive felt that more clarity was required as there was a significant difference between £10,000 and £100,000 and that officers should provide a further report on costs.

Although there were a number of concerns with regard to the funding, the Overview and Scrutiny Committee's comment that seldom had any Council initiative been so unanimously supported was noted.

**RECOMMEND** to Council that:

- 1) robust governance arrangements and legal agreements between Breckland Council and all scheme operators and volunteer drivers be put in place as a requirement to qualify for funding support;
- 2) the principle of substantial funding for new and existing Community Car Schemes, to include meeting costs of required CRB and medical checks be supported; and
- 3) a further report be submitted to the Council to establish full costs and clear reasoning for greater investment in this scheme.

**125/08 NEXT MEETING (AGENDA ITEM 18)**

The next meeting of the Cabinet would be held on Tuesday, 14 October at 9.30am in the Norfolk Room.

**126/08 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 19)**

**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 disclosure of exempt information as defined in paragraphs 2 and 3 of Schedule 12A to the Act.

**127/08 PROVISION OF PEST CONTROL SERVICE (AGENDA ITEM 20)**

The Principal Environmental Health Officer presented the report.

The three options that were being examined were explained.

In response to a question concerning call-out costs, Members were

**Action By**

advised that this issue would need to be addressed at the final contract stage.

The risks had been addressed in the report at paragraphs 4.1.1 of the report.

Options

See report.

Reasons

See report.

**RESOLVED** that the service be put out to private contractor with a 12 month contract with an option to renew for a further year.

The meeting closed at 11.20 am

CHAIRMAN



**BRECKLAND COUNCIL****REPORT OF THE STRATEGIC DIRECTOR OF SERVICES – MARK STOKES**  
**FULL COUNCIL 25<sup>th</sup> SEPTEMBER**  
**BRECKLAND COMMUNITY CAR SCHEMES****1. Purpose of Report**

- 1.1 This report considers the current status of the Breckland Council Community Car Schemes, sets out recommendations for the future delivery of this service and requests additional funding to support the effective operation of the Community Car Schemes.

**2. Recommendations**

It is recommended that Full Council agree to the following:

- 2.1 Putting in place robust governance arrangements and legal agreements between Breckland Council and all scheme operators and volunteer drivers as a requirement to qualify for funding support.
- 2.2 To provide additional funding of up to £27,041 per year to support new and existing Community Car Schemes and to implement robust governance arrangements.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

**3. Information, Issues and Options****3.1 Background Information**

- 3.1.1 Breckland Council has been operating the community car scheme service for 20 years. There are 22 car schemes operating in the Breckland area. These schemes are run in an informal manor with no contracts or written agreements in place. The Council provides funding to each scheme, with the day to day management and operation carried out by a number of local volunteers.
- 3.1.2 The Council, similar to many other Local Authorities across the country operating similar schemes, are faced with the challenge of providing greater governance in terms of putting in place monitoring and controls procedures to protect all parties.

**3.2 Purpose and Effectiveness of Schemes:**

- 3.2.1 The problems with rural isolation are heightened for those who have difficulty accessing services and transportation, such as, the young, those on low incomes and the elderly. The majority of the community car scheme users are the elderly. Key factors for this are generally low incomes and an increase in health issues.
- 3.2.2 The car schemes are mainly used for medical and medical related journeys, for example, hospital and doctors appointments. The scheme is also sometimes used for visits to the sick and elderly and occasionally for long distance transport connections.
- 3.2.3 Those people using the community car schemes would not be able to afford the cost of a taxi to make regular and essential medical journeys. In 2006/07 the Breckland car schemes totalled 12217 journeys, transporting a total of 12782 passengers.
- 3.2.4 The community car scheme journeys are charged at 40p per mile, this cost is split between

the passenger (20p), Parish Council (10p) and Breckland (10p).

- 3.2.5 Rising fuel costs have however raised concerns from volunteers not being able to recover their costs, with the risk of losing their support. There are however, implications with increasing the mileage rates. This is the Inland Revenue approved rate, therefore should drivers receive an enhanced rate, they would be liable to tax implications, unless they can prove that the increased mileage only covered their costs.
- 3.2.6 There is an annual budget of £21,890, however the estimated cost of the scheme per year as it currently stands is £25,500. The cost of running each scheme differs significantly depending on the population size and the promotion of the scheme throughout the community.
- 3.2.7 The average cost of one scheme amounts to just over £1000. Smaller villages cost less compared to running a scheme within a town.
- 3.2.8 There are a number of parish requests to set up new community car schemes, and a current commitment to developing a new scheme in Bawdeswell. The Council, should it wish to continue supporting new and existing schemes will need to consider increasing the current budget.

### 3.3.1 **Insurance & Liability**

- 3.3.2 Council officers currently provide town and parish council's or voluntary groups the support and guidance required to set up a car scheme. Following this initial support, all the schemes are managed locally at town or parish level, based on trust and goodwill.
- 3.3.3 Breckland Council pays for public liability insurance to cover the car scheme and the volunteer drivers, although each volunteer driver has to have in place a valid motor insurance policy for the vehicle and driver, which includes an endorsement on the policy permitting the driver to use the vehicle for carrying people in relation to car scheme.
- 3.3.4 The Council's insurance indemnifies the car schemes and their drivers in respect of sums they may become legally liable to pay in respect of accidental injury, damage to property, claimants' costs and expenses, other than risks covered by the motor insurance.
- 3.3.5 Although these insurance policies are in place there is a risk that claims could still be made against Breckland Council as there is no contract or agreement in place with the volunteers that run the schemes and although it is recommended, no formal training is given to the car scheme organisers or volunteer drivers.

### 3.6.1 **Competition with taxi's**

- 3.6.2 There is an ongoing national debate around the competition between the community car schemes and private hire vehicles (PHV).
- 3.6.3 The car schemes are restricted to medical and medical related journeys, for example, hospital and doctors appointments. The scheme is also sometimes used for visits to the sick and elderly and occasionally for long distance transport connections. The cost to the passenger under the community car scheme is set at 20p per mile, which the Private Hire Vehicles are unable to compete claiming loss of business opportunity.

### 3.7.1 **Post Offices**

- 3.6.4 Consideration could be given to diversify the service in terms of providing help and support to other key services such as post offices, should members feel this is a viable option.

### 3.8.1 **Governance Arrangements**

There is best practice guidance on driver checks and risk assessments regarding the operating of a community car scheme, for example vehicle and driver checks:

- i) Current tax disc, MOT certificate
- ii) Valid, fully comprehensive insurance
- iii) Letter of agreement from the drivers' insurers

- iv) Valid driving license (*Points on licenses may be taken into consideration*)
- v) Conduct Criminal Record Bureau (CRB) checks on each individual driver
- vi) Medical check on each individual volunteer driver
- vii) Training – First Aid, Driving Theory

Volunteer drivers should carry out a basic risk assessment and review on a regular basis. This involves making sure that any risks to the volunteer driver and/or the passengers are kept to a minimum by checking and adhering to user guidelines.

3.8.2 Breckland Council do not currently enforce or pay for any of the checks or training listed above.

### 3.9.1 Summary of Key matters

- The need for robust governance procedures and legal agreements between Breckland Council and car scheme providers so that the responsibility for management and operation is placed with the respective car scheme operator.
- Requirement to consider additional funding to support new and existing schemes
- Consideration for scheme to expand to support post offices.

## 4.0 Options

### 4.1 Option 1 - Continue to run the existing scheme

#### 4.2 Associated Risks

- Exposure to risk to the Council with minimal governance arrangements in place
- Volunteers could choose to withdraw from the service robust controls are placed on each scheme. Furthermore the rising costs of fuel presents a threat to schemes
- No budget in place to increase the scheme to other parishes.

#### 4.2 Option 2 - To continue the scheme, including new :

- Put in place the necessary governance procedures and legal agreements to protect the Council, Car scheme operators and volunteers.
- Consider a further allocation of funding up to £27,041 in order to accommodate new schemes and the implementation of new governance.

#### **Associated Risks**

- Car scheme operators may not want to take on the legal responsibility of operating the car schemes.
- Volunteers may not support the tighter control procedures

### 3.4 Reasons for Recommendation(s)

3.4.1 Meets the priorities of the Council

3.4.2 The scheme is extremely successful, well supported and held as a 'best practice' model.

3.4.3 Robust control procedures will protect the Council, Parish and volunteer drivers

3.4.4 To bring the operation of the Community Car Scheme up to date and fit for purpose in today's society

## 4. Risk and Financial Implications

4.1 I have completed a risk assessment in accordance with the Council's Risk Management methodology and have identified the following risks that I propose to mitigate in the following ways with the additional insurance/control costs outlined.

#### **Risk:**

There is a risk that there will not be sufficient funds available to cover the rising cost of the existing

car scheme and taking on new schemes.

**Control measure/mitigating plan:**

Keeping finance informed of any potential over spend on the scheme at its current level. If members agree to increase the budget we can look at calculating the average claim per car scheme and monitor spend consistently during the year.

**Risk:**

There is a risk that the car scheme operators will not like the new governance and legal agreement between Breckland Council and could therefore lead to the closure of some of the car

**Control measure/mitigating plan:**

The new rules will be phases in on a gradual basis.

**4.2 Financial**

4.2.1 Proforma B

**5. Legal Implications**

5.1 The recommendation of this report will reduce the liability to the Council by putting in place robust best practice governance arrangements and legal agreements between the car scheme operators and Breckland Council in order for the car schemes to be eligible for funding.

The risk of taking this approach is the potential rejection of the individual car scheme operators in taking on the responsibility and following best practice governance in the management of the schemes. This could therefore lead to the closure of some of the car schemes.

**6. Other Implications**

- a) Equalities: Yes – See attached report
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights:

There are no Human Rights implications within the content of the report itself. However, depending on the outcome of the final arrangements surrounding the operation of the community car schemes implications are likely to arise. If the scheme collapsed because Parish Councils felt it had become too burdensome on them, the service may cease which may give rise to a challenge.

- f) Other: None

**7. Alignment to Council Priorities**

7.1 This scheme fits within the Council priority of supporting Stronger Communities

**8. Ward/Community Affected**

8.1 This is a Breckland district wide initiative

Background Papers

Lead Contact Officer:

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Key Decision Status (Executive Decisions only):

*This is a key decision*

Appendices attached to this report:

*Car Scheme estimated costs*

## Car Scheme Estimated Costs

### Estimated Community Car Scheme Costs a current service levels

Item	Estimated Cost
Annual shortfall in funding for the current scheme	£3,610
CRB checks @ £36 per head for current volunteer levels (165 Volunteers)	£5,940
Medical checks @ £35.25 per head for current volunteer levels (165 Volunteers)	£5,816.25
Training – First Aid based on a phased approach with 40 people per year receiving training and Driving theory ½ day session x 4	£1,645 (First Aid) £936 (Theory)
On-Line Licence Checks	£1,320
Total funding needed to cover existing scheme with the new checks in place	<b>£19,267.25</b>

### Estimated Community Car Scheme Costs with a 10% Increase in service levels

Item	Estimated Cost
Annual shortfall in funding for the current scheme	£3,610
CRB checks @ £36 per head (179 Volunteers)	£6,444
Medical checks @ £35.25 per head (179 Volunteers)	£6,309.75
10% increase in car schemes (2 New Car Schemes set up)	£2,000
Training – First Aid based on a phased approach with 40 people per year receiving training and Driving theory ½ day session x 4	£1,645 (First Aid) £936 (Theory)
On-Line Licence Checks (179 Volunteers per year)	£1,432
Total funding needed to cover existing scheme and increase service by 10%	<b>£22,376.75</b>

### Estimated Community Car Scheme Costs with a 20% Increase in service levels

Item	Estimated Cost
Annual shortfall in funding for the current scheme	£3,610
CRB checks @ £36 per head (200 Volunteers)	£7,200
Medical checks @ £35.25 per head (200 Volunteers)	£7,050
20% increase in car schemes (5 New Car Schemes set up)	£5,000
Training – First Aid based on a phased approach with 40 people per year receiving training and Driving theory ½ day session x 4	£1,645 (First Aid) £936 (Theory)
On-Line Licence Checks (200 Volunteers per year)	£1,600
Total funding needed to cover existing scheme and increase service by 20%	<b>£27,041</b>

**BRECKLAND COUNCIL**

PROFORMA FOR EXECUTIVE MEMBER APPROVAL OF THE RELEASE OF RESOURCES (CAPITAL AND REVENUE BUDGETS)

FROM: Mandy Ashton (Revenue & Projects Team Leader)

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS IN RESPECT OF THE ATTACHED

REPORT: **Breckland Community Car Scheme**  
 REPORT DATE: **25<sup>th</sup> September 2008**

	£ Year 1 2008/09	£ Year 2 2009/10	£ Year 3 2010/11	£ Year 4 2011/12	£ Year 5 2012/13
<b>Capital</b>	0	0	0	0	0
<b>Revenue</b>					
502 **** ** 6123	13,520	27,040	27,040	27,040	27,040
<b>Total Capital + Revenue</b>	<b>13,520</b>	<b>27,040</b>	<b>27,040</b>	<b>27,040</b>	<b>27,040</b>

<b>Funding required:</b>		<b>Considered by:</b>	<b>Date:</b>
Total capital cost	£0	Exec Board:	04/08/08
Revenue cost	£121,680	Overview & Scrutiny	04/09/08
		Cabinet	09/09/08
		Full Council	25/09/08

**Financial Services Comments**

The report requests approval of additional budget to support the Community Car Scheme. The cost of the scheme in 2006/07 was £25,166, in 2007/08 £25,517, and the budget for 2008/09 is £20,000. The cost of the scheme to date for 2008/09 is £9,948. There is insufficient budget identified within the 2008/09 approved budget. It may be possible for this sum to be funded from savings within the current year's budget.

**Risk**

If additional ongoing costs cannot be met within existing budget there is a risk that by approving additional expenditure, the Council may not be able to set a balanced budget in the future without having to reduce other services.

**Procurement**

There are no procurement issues identified at present.

**Value for Money Efficiency**

The scheme may provide value for money efficiencies if additional schemes are set up and a greater number of participants are identified.

This PB is valid for 3 months from PB date	If this PB is not longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.
23/09/2008	Page 1 of 1	D:\moderngov\Data\AgendaItemDocs\2\0\3\A\100005302\FinalB250908CommunityCarScheme0.doc