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To The Members of the Council

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Date: 01 November 2010

AGENDA SUPPLEMENT

Dear Sir/Madam

COUNCIL - THURSDAY 4 NOVEMBER 2010

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

Item No	Report Title	Page Nos
5.	Cabinet Minutes - 19 October 2010 Unconfirmed minutes of the Cabinet meeting held on 19 October 2010.	97 - 108
6.	Overview and Scrutiny Commission - 7 October 2010 Unconfirmed minutes of the meeting of the Overview and Scrutiny Commission held on 7 October 2010.	109 - 117
11.	Appeals Committee - 20 October 2010 Unconfirmed minutes of the meeting of the Appeals Committee held on 20 October 2010.	118 - 121
16.	Calendar of Meetings 2011/12 –Revised Version Report of the Director of Corporate Resources.	122

Yours faithfully

Julie Britton

Senior Committee Officer

Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE

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BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 19 October 2010 at 9.30 am in
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)
Mr W.H.C. Smith
Mr S. Askew

Lady Fisher
Mr M.A. Kiddle-Morris
Mr A.C. Stasiak (Vice-Chairman)

Also Present

Mr J.P. Cowen
Mr R.G. Kybird
Mr P.J. Duigan
Mr A.P. Joel

Mrs S.M. Matthews
Mrs D.K.R. Irving
Mrs L.S. Turner

In Attendance

Mark Stokes
Julie Britton
Phil Daines

Michael Horn
Mark Finch
Anita Brennan

Andrew Grimley
David Spencer

Darryl Smith

Maxine O'Mahony
Robert Leigh

Roger Wilkin
Terry Huggins

- Deputy Chief Executive
- Senior Committee Officer
- Development Services Manager (Capita Symonds for Breckland Council)
- Legal Services Manager
- Head of Finance
- Assistant Director - Environmental Health & Housing
- Principal Environmental Health Officer
- Principal Planning Policy Officer (Capita Symonds for Breckland)
- Principal Housing Officer (Strategy and Enabling)
- Director of Corporate Resources
- Assistant Director, Communications and Communities
- Interim Environmental Services Manager
- Chief Executive

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100/10 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 7th September 2010 were confirmed as a correct record and signed by the Chairman.

101/10 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr P. Claussen and Mr R. Goreham.

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102/10 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following declarations were made:

- Lady K Fisher - personal and prejudicial interest in Agenda item 7, Housing Strategy, due to her being a Board Member of the YMCA.
- Mr W. Smith – personal and prejudicial interest in Agenda item 18, Delivery of the Contract for the Housing Register and Choice Base Lettings Service, the nature of which related to his position on the Anglia Revenues Partnership Trading Board (ARPT).
- Mr P. Cowen – personal interest in Agenda item 11, Attleborough and Snetterton Heath Area Action Plan – Issues and Options Consultation Document, by virtue of his profession as an architect in practice.
- Mr A. Stasiak – personal interest in Agenda item 11, Attleborough and Snetterton Heath Area Action Plan – Issues and Options Consultation Document, in relation to him owning a number of properties in Attleborough and in relation to him being a Member of the Attleborough Task Force.
- Mr R. Walker – personal and prejudicial interest in Agenda item 18, Delivery of the Contract for the Housing Register and Choice Base Lettings Service, by virtue of him being Company Secretary of the ARPT Board.

103/10 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

The following Members were in attendance:

Mrs L. Turner
Mrs D. Irving
Mrs S. Matthews
Mr R. Kybird
Mr A. Joel
Mr P. Cowen
Mr P. Duigan

104/10 HOUSING STRATEGY (AGENDA ITEM 7)

Members were asked to consider and adopt the Housing Strategy for Breckland for the period 2010 to 2013 which covered the strategic housing functions for the authority. This Strategy would replace the previous one that had been adopted in 2005.

The Principal Housing Officer (Strategy and Enabling) informed Members that the Housing Strategy had been formulated to be short and flexible so that as policies and challenges changed it could be easily adapted. It also reflected local needs.

The Strategy had been well debated by Members of the Overview & Scrutiny Commission.

The Executive Member for the Environmental Well-Being & Communications Portfolio hoped that Breckland Council would continue to search for new homes for the young and was disappointed that the

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Strategy had not made any provision for domestic violence victims within Breckland.

The Principal Housing Officer (Strategy and Enabling) advised that the funding for a domestic violence refuge had unfortunately been lost and as Breckland Council did not have any further resources it was meeting those needs as best as it could in different ways. There were outreach services provided by charitable and voluntary organisations which also included services for men who suffered from domestic violence. Officers would continue to work in partnership with a range of organisations including other Local Authorities.

The Executive Member for the Corporate Development & Performance Portfolio referred to the national indicators highlighted on page 14 of the agenda which he thought had been abolished. Members were informed that the future of the Local Area Agreement was unknown but local indicators would be continued to be developed as they were reflective of what the Council had already signed up to. It was pointed out, however, that new legislation was expected in April 2011 and new targets would be set.

The Overview & Scrutiny Commission Chairman thanked the Principal Housing Officer for a much easier and understandable document. He hoped that with the localism agenda the Council would be able to work within a framework rather than a strategy.

Options

- 1) To adopt the Housing Strategy would enable the strategic aspirations of the Council and its partners to be set for the next three years. It would provide an umbrella document to a number of other strategies and policies adopted by the Council and assist with the context required to develop other aspects of Council services.
- 2) Not to adopt the Breckland Housing Strategy would not enable the Council to have a strong platform for delivering its housing services and meeting the expectations of its customers for those services.

Reasons

See report.

RECOMMEND to Council that the Breckland Housing Strategy 2010-13 be adopted

**Darryl
Smith**

**105/10 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2011-12
(AGENDA ITEM 8)**

The Member Services Manager presented the report which recommended the calendar of meetings for 2011-12 to Council for approval.

The Executive Member for the Corporate Development & Performance Portfolio asked why the Council meeting in February 2012 had been scheduled on a Wednesday. The Member Services Manager advised

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that he would ask the relevant Officer why this day had been set.

Options

- 1) To recommend the attached schedule of meetings for the Council's approval.
- 2) To suggest amendments.

Reasons

To comply with Standing Orders and the scheme of delegation for the recommendation to Council for adoption of a calendar of meetings for 2011-2012.

RECOMMEND to Council that the schedule of Council and Committee meetings for 2011-12 be approved.

**Helen
McAleer**

**106/10 IMPLEMENTATION OF A LICENCE FOR HOME BOARDING OF
DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT
1963 (AGENDA ITEM 9)**

The Assistant Director of Housing & Environmental Health presented the report which concerned implementing conditions and a fee for the home boarding of dogs.

Members were informed that this matter had been prompted by a complaint which Breckland Council had been unable to take enforcement against as there was no such provision to license such an activity. Not being able to take any action against the complaint had caused great concern amongst Officers.

Members were assured that the licence and fee would only apply to those establishments providing accommodation for other people's dogs in private homes for payment.

Option 1

To approve the Home Boarding Licence, the proposed fee and the conditions

Option 2

To amend the Home Boarding Licence, the proposed fee and the conditions

Option 3

To reject the Home Boarding Licence, the proposed fee and the conditions

Reasons

To bring home boarding establishments in line with regulations and other animal boarding establishments.

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RESOLVED that

- 1) the Regulations under the Animal Boarding Establishment Act 1963, relating to home boarding of dogs be adopted;
- 2) the conditions provided by Local Authority Coordinators of Regulatory Services (LACORS) as attached at Appendix A of the report be adopted; and

**Fiona
Inston**

RECOMMEND to Council that the fee for a home boarding licence in 2010/2011 be set at £110.

**107/10 VARIATION TO ENVIRONMENTAL SERVICES (SERCO) CONTRACT
(AGENDA ITEM 10)**

The Executive Member for the Environmental Wellbeing & Communications Portfolio advised that if Members were mindful to approve the recommendation it would be of benefit to the Council Tax payers.

The Environmental Services Manager presented the report which concerned a proposal to settle invoices for the Gross Annual Services Charges (GASC) of the contract up to three months in advance in order the realise early payment discounts from Serco.

This offer had been born out of the desire by Serco to explore various financial options. Serco had been very open and transparent in its discussions and would like it to be known that this offer did not indicate any financial weakness.

The Environmental Services Manager advised that two other councils that had similar contracts with Serco had accepted the 1% discount for early payment. There would be a degree of flexibility within the agreement to take into account of variable contract volumes.

The Executive Member for the Corporate Development & Performance Portfolio asked the Head of Finance if this proposal would be of any real benefit to the Council. In response, Members were informed that the breakeven point would be around 4%; all options listed at paragraph 3.1.3 of the report could be seen to be attractive but would be dependent upon interest rates. He felt that the decision should be based on the risk assessment and option 3 (invoice to be paid 3 months in advance), in his opinion, would be a too greater risk in this current climate.

The Overview & Scrutiny Commission Chairman had not seen sight of any true risk analysis in the report from Serco. He knew that the idea of saving 40k would appeal to many people, but he had concerns as to why all these other authorities that had similar contracts with Serco had not been approached. He felt from a Scrutiny point of view that there were not enough options on the table.

Given the timing of the comprehensive spending review a Member felt that this was not the ideal time for the Council to be making such a decision. With the current risk monitoring procedures in place, by the

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time the Council was aware of any problems, it would be too late to take the necessary action.

The Chairman recommended that alternative options should be explored and the Audit Committee should be tasked with investigating the financial aspects of the proposal.

Options

Serco had offered three levels of discount, dependant upon whether payments were made 1, 2 or 3 months in advance.

Should the concept of advance payments be accepted, there was no particular reason why any option other than Option 3, which provided the greatest discount, be accepted.

Reasons

It was recommended that the option to make GASC payments three months in advance be accepted, as this provided a significant cashable efficiency, with no reduction in service quality.

The likelihood of any overall volume reductions in contract volumes, which would reduce the GASC payment due, was low. Should any reduction take place, the Environmental Services Manager was very confident that existing contract management systems were sufficiently robust to ensure that any minor overpayment that came about through reductions in contract volumes could be quickly identified and recovered.

RESOLVED that

- 1) the commencement of the proposal to settle invoices for the Gross Annual Service Charges be deferred;
- 2) the Audit Committee be commissioned to investigate the financial aspects of such a proposal; and
- 3) alternative options be explored.

**Roger
Wilkin**

**108/10 ATTLEBOROUGH AND SNETTERTON HEATH AREA ACTION PLAN
(ASHAAP) - ISSUES AND OPTIONS CONSULTATION DOCUMENT
(AGENDA ITEM 11)**

The Principal Planning Policy Officer presented the report which sought Members approval to consult on the Attleborough and Snetterton Heath Area Action Plan (ASHAP) – Issues and Options document.

The ASHAAP was a 153 page document which had been through two meetings of the Attleborough Task Force from which many changes had been made.

If approved by Cabinet, the Area Action Plan would be subject to the Issues and Options consultation outlined in the report and the responses would be recorded, analysed and presented to the Attleborough Task Force in due course. The consultation response, together with updated

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evidence would be fed into a Preferred Options document which would present the preferred sites for housing and employment and further detail on infrastructure. The Preferred Options document would be shaped by the Attleborough Task Force in the first half of 2011 before being reported back to Cabinet for approval. There would then be a six week public consultation in the summer of 2011 on the preferred sites version of the document.

The consultation would provide the public with a chance to have a say on documents containing policies that would shape the future of where they lived and offered an ideal opportunity to reach many different parts of the community.

The document set out four broad options in respect of the directions of growth, employment, the directions of the proposed new distributor road and infrastructure. It also included options for Snetterton Heath as a strategic employment location. The ASHAAP would need to identify where the additional 20 hectares of land would be allocated. The continued development of Snetterton Heath as a strategic employment location had been endorsed through the preparation of the Council's Core Strategy.

Subject to agreement, the consultation programme would take place over a period of 11 weeks starting on 15th November, to coincide with the delivery of Breckland Voice, and ending on 28th January 2011. Two documents would be produced. The first would be quite a sizeable document which would be put on the Council's website. The second document would be more of a user friendly questionnaire of between 8 and 12 pages that would contain enough information for the reader to make an informed decision about the questions being asked, without having to read the main document.

A Member congratulated the Planning Policy Team for producing such an excellent document. Referring to the questionnaire, he asked if he could be afforded with more information with regard to the traffic flow from the new link road through the villages that would be affected, as he felt that this would be one of the main questions he would be asked by the public. Members were informed that there were five options regarding the direction of the distributor road set out in the document available for the public to put forward their views. He pointed out that further evidence of Attleborough's infrastructure needs was required and needed to be developed further.

The Executive Member for the Corporate Development & Performance Portfolio agreed with the comments made about the traffic issues and had concerns that the relief road, if the preferred routing option was for it to come out via a certain roundabout, could have an impact on Great Ellingham. He hoped that the document would be sent out to all the affected Parish Councils.

The Executive Member for the Communities and Benefits Portfolio did have a slight concern with regard to the planned growth in certain villages which he felt was nil.

A Member was pleased that schools would be given the opportunity to respond to the questionnaire and asked if the Youth Council could be

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approached. The Principal Planning Policy Officer was pleased to accept the offer of involving the Youth Council. He pointed out that the questions being included in the questionnaire would be presented to the Chairman of the Attleborough Task Force in the first instance before publication. The Chairman suggested inviting the Youth Council to a meeting of the Attleborough Task Force.

The Overview & Scrutiny Commission Chairman was disappointed that the Council was referring to maps in the document that were out of date by some years. He also felt that the maps and plans should be in the same scale. He mentioned the housing and employment numbers that could be changed by the Government and suggested including a rider in the document stating that these numbers were under review. He also supported and agreed with the aforementioned Executive Member's views with regard to village growth and felt that it would be a travesty if the ones that were being most affected by this growth were sidelined. He found it shameful that these fundamental points had not been recognised. One further issue he mentioned was the option for improvements at the railway station which he felt should be critical.

The Chairman agreed that it was vitally important that the document was comprehensible for people to understand. It was also important to ensure that the public were made aware that they had a choice of the amount of housing in Attleborough even though that fewer houses meant less infrastructure levy. The Planning Policy Team also needed to ensure that villages were involved in the whole process.

The Vice-Chairman, who was also the Chairman of the Attleborough Task Force, had picked up on all the aforementioned points and was aware that the document had its imperfections due to the fact that it was unfinished, as it was, as it was named, a consultation document. He disagreed with the point about the villages being sidelined as had been assured that all villages in the NR17 area would be notified, everyone would be given the opportunity to consult. He was also aware that the Railway Station would have to grow with the town if developed and could not remain as it was.

The Principal Planning Policy Officer assured Members that the maps would be updated and there would be further text on the scale of housing development and as such, the document would be brought up to standard for consultation. The Chief Executive proposed that the document should be signed off by the appropriate Portfolio Holder to enable it to go out to consultation as per the timetable instead of it coming back to Cabinet for approval. The Development Services Manager said that it was crucial that this document moved forward and agreed with the Chief Executive's aforementioned suggestion.

Options

- A) To consider the contents of the report and agree it, subject to any changes, for a consultation period of eleven weeks starting on 15th November 2010.
- B) Not to agree the document for consultation.

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Option B presented a considerable risk to the Council as failure to make good progress with the Area Action Plan could result in the location of housing being determined through early applications for development without the appropriate contributions to the required strategic infrastructure for the town.

Reasons

The recommendation to endorse option A of the report would ensure the Area Action Plan document was presented for public consultation in accordance with the Council's adopted Local Development Scheme timetable.

RESOLVED that the 11 week programme of consultation from 15th November 2010 to the end of January 2011 be approved; subject to, the Attleborough and Snetterton Heath Area Action Plan Issues and Options document being updated, in consultation with the Deputy Chief Executive, the Chairman of the Attleborough Task Force and the Portfolio Member, as recommended, to include:

- updated maps;
- further consistency in terms of scale with regard to the maps and plans; and
- additional introductory text to be added with regard to the housing and employment numbers possibly being reviewed.

109/10 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 12)

(a) **Contaminated Land Inspection Strategy**

The Overview & Scrutiny Commission Chairman presented the Contaminated Land Inspection Strategy which had been discussed at great length at the Overview & Scrutiny Commission meeting on 7 October 2010.

The Chairman of the Task & Finish Group (a Group that had been set up to review the original strategy), pointed out that he had been having second thoughts about whether the strategy should be approved at this point in time as the resourcing issues had not been addressed.

The Deputy Chief Executive agreed and explained that there were already a number of sites that needed to be investigated which, if Cabinet were mindful to approve the strategy at this time, would cause resource and unknown financial implications.

The Executive Member for the Corporate Development & Performance Portfolio asked if the Council could be looking at open ended liabilities. Members were informed that future external funding could not be relied on; therefore, any financial requirements would have to be brought back to Cabinet for approval.

Members were informed that as part of the Environmental Protection Act, all local councils were now required to inspect their districts for

**David
Spencer**

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potentially contaminated land and where found, ensure that the land, currently not under development, was suitable for its present use. Under proposals in the strategy, each site that had been considered to have a potential for contamination would have to undergo a six stage process, one of which was a detailed desk top study; such a study was currently being carried out on a piece of land that had already been identified.

The Chairman was more than pleased to have a Strategy but was afraid to sign it off at this point in time until the financial implications had been investigated.

The Chairman of the Contaminated Land Task & Finish Group stressed that the 'do nothing' option was not an option as it was a statutory duty.

The Assistant Director of Housing & Environmental Health asked Members to consider the risk assessment. Breckland did have a responsibility but it needed to be put into context such as dealing with contaminated land on a case by case basis. DEFRA would expect Breckland to pay any costs up front and then claim it back.

The Executive Member for the Corporate Development & Performance Portfolio asked if the Council would still be liable if the original polluter or land owner could not be found or identified. In response, the Principal Environmental Health Officer explained that the Strategy had been developed to reflect this type of risk. Sites would remain fenced off if the owner could not be found. He mentioned the sites that had been identified which would have desk top studies carried out on them; the findings of which would be reported back to Cabinet to be assessed whether there was any funding or not. The issue for review was whether the aforementioned sites were indeed contaminated.

The Chairman felt that further advice from Senior Officers/Directors should be sought.

For this reason, it was agreed that the matter be deferred so that the financial and resource implications could be investigated.

RESOLVED that the approval of the Contaminated Land Inspection Strategy be deferred until the next Cabinet meeting on 30 November 2010 to enable the financial and resource implications to be investigated.

**Andrew
Grimley**

(b) Review of Car Parking in Watton

Having read the report, the Executive Member for the Economic & Commercial Portfolio knew that some of the recommendations could not be taken on board, particularly recommendation number six. He explained that the Police were no longer responsible for enforcement and that Norfolk County Council would be taking over this responsibility in 2011.

A Member stated that the Council's current car parking orders were illegal and had to be changed as they did not conform with regulations.

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<p>Members were informed that the Council was trying to devise a one size fits all policy across all the market towns.</p> <p>It was agreed that the matter be deferred for further investigation and guidance.</p> <p>RESOLVED that the report be deferred until the next Cabinet meeting on 30 November 2010 to enable the Head of Property Services and Head of Finance to provide further guidance on the implementation of each of the recommendations.</p>	<p>Steve Udberg/ Mark Stokes</p>
<p>110/10 <u>REFERENCE FROM THE GENERAL PURPOSES COMMITTEE (AGENDA ITEM 13)</u></p> <p>RESOLVED that a Cabinet Member or an Executive Support Member attend Local Joint Consultative Committee meetings in future on a rota basis.</p>	
<p>111/10 <u>BUSINESS IMPROVEMENT SUB-COMMITTEE: 31 AUGUST 2010 (AGENDA ITEM 14)</u></p> <p>a) <u>Urgent Business – New Website (Minute No. 74/10)</u></p> <p>In response to a concern, the Director of Community Services advised that the end of September target had been delayed and the new website would now 'go live' at the beginning of November 2010.</p> <p>b) <u>Microfiche Reader/Printer (Minute No. 77/10)</u></p> <p>RESOLVED that a replacement device for the existing Microfiche reader/printer be purchased at a maximum cost of £5,000.</p> <p>c) <u>Adoption</u></p> <p>RESOLVED that the Minutes of the Business Improvement Sub-Committee meeting on 31 August 2010 be adopted.</p>	<p>Kevin J Taylor</p>
<p>112/10 <u>BUSINESS IMPROVEMENT SUB-COMMITTEE: 5 OCTOBER 2010 (AGENDA ITEM 15)</u></p> <p>a) <u>Ocella Consultancy Days (Minute No. 93/10)</u></p> <p>RESOLVED that £7,437.50 be released from the Organisational Development Reserve to deliver the required development works needed for the Ocella system.</p> <p>b) <u>Adoption</u></p> <p>RESOLVED that the Minutes of the Business Improvement Sub-Committee meeting on 5 October 2010 be adopted.</p>	<p>Kevin J Taylor</p>
<p>113/10 <u>NEXT MEETING (AGENDA ITEM 16)</u></p> <p>It was noted that the next meeting of the Cabinet would be held on</p>	

Tuesday, 30 November 2010 at 9.30am in the Norfolk Room.

114/10 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 17)

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

115/10 DELIVERY OF THE CONTRACT FOR THE HOUSING REGISTER AND CHOICE BASE LETTINGS SERVICE (AGENDA ITEM 18)

The Assistant Director of Housing & Environmental Health presented the report which asked Members to consider the options for the future delivery of the allocations and Choice Base Lettings service.

An addendum to the agenda was circulated and Members were provided with a verbal update.

The options available were summarised.

The Overview & Scrutiny Commission Chairman was not happy about the additional paper being circulated at the meeting and felt that it was impossible to make a decision at this stage.

The Head of Legal Services was in attendance and he highlighted the concerns relating to contractual issues. The legal aspects were explained.

Options

See report.

Reasons

See report.

The Chief Executive felt that Members were not in a position to make a decision at this moment in time, and accordingly, it was:

RESOLVED that the matter be deferred, to enable:

- 1) the Chief Executive and the Head of Legal Services to have further conversation with the Managing Director of ARPT;
- 2) contractual issues to be reviewed and possibly renegotiated; and
- 3) potential alternative arrangements to be further explored.

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**Anita
Brennan/
Terry
Huggins/
Mike Horn**

The meeting closed at 11.45 am

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 7 October 2010 at 2.15 pm in the
The Village Hall, Mundford**

PRESENT

Mr J.P. Cowen (Chairman)	Mr A.P. Joel
Mr S.G. Bambridge	Mr K. Martin
Councillor Claire Bowes	Mrs S.M. Matthews
Mr A.J. Byrne	Mr J.D. Rogers
Mr K.S. Gilbert	Mr B. Rose
Mr R.F. Goreham (Vice-Chairman)	

Also Present

Lady Fisher

In Attendance

Stephen McGrath	- Member Services Manager
Mark Broughton	- Scrutiny Officer
Mark Stokes	- Deputy Chief Executive
Robert Walker	- Director - Community Services
Andrew Grimley	- Principal Environmental Health Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
Kay Wilcox	- Technical Officer, Environmental Health
Roger Wilkin	- Interim Environmental Services Manager

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85/10 MINUTES

The Chairman welcomed everyone to the meeting.

The minutes of the meeting held on 2 September 2010 were confirmed as a correct record and signed by the Chairman.

86/10 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Mr S. Chapman-Allen, Mrs D. Irving and Mr R. Kybird. Cllr C. Bowes and Mr G. Bambridge were in attendance as substitutes.

87/10 URGENT BUSINESS

None.

88/10 DECLARATION OF INTEREST

Mr Gilbert and Mr Rogers declared a personal interest in Agenda item 11 (b) (Watton Parking Task and Finish Group) by virtue of being Watton Town Councillors.

89/10 NON-MEMBERS WISHING TO ADDRESS THE MEETING

Lady K Fisher and Mr SG Bambridge were in attendance.

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90/10 EXECUTIVE MEMBER PORTFOLIO UPDATE

Lady Kay Fisher, Executive Member for Environmental Well Being and Communications, had been invited to attend the meeting to update Members on the key ongoing issues and policies within her portfolio and to answer any questions.

She began her presentation by stating that she was proud to be the Executive Member in charge of two of the most public facing departments (rubbish collection and the Call Centre) in the Council. In addition, her portfolio also covered Marketing and Communications which was responsible for all our relationships with the media (local, national and international).

The total budget for her portfolio is £5.3m; which is made up of £1.159m for Customers Services, £3.7m in Environmental Services, and £450,000 for Marketing and Communications. To date, this financial year, there had been a £200,000 under spend, 31.7% of which was down to timing and staff vacancies.

Lady Kay Fisher stated that the Marketing and Communications Department had really taken off, headed up by the Assistant Director of Communications and Communities. They had recently been involved in the media enquiries for the revised smoking policy. Other achievements included the redesign of Breckland Voice, refreshing the website, market research to identify the priorities of local residents and the development of Social Media.

The Customer Service and Contact Centres provide public access to our services, so it is important that they are efficient and well run. The early problems are many calls receiving an engaged tone have now been resolved, with the average down from 70% to 24% and an average wait of thirty seconds which is good for call centres.

Further ways to improve service provision in future include making more staff available at peak times, and an investment in technology to upgrade the telephony system and server. The professionalism of the staff is to be commended, and Lady Kay Fisher invited Members to either act as a mystery shopper or attend the Contact Centre to listen to calls. All views on how the service operates – both positive and negative – would be welcome.

Despite that, given the financial constraints the authority is facing, a detailed strategy on a way forwards or indeed backwards is required. It is true that urgent improvements have to be made in-house, including a better interface with some departments, more protocols and better training throughout the Council. Likewise, it would be a good time to consider providing call centre expertise to the wider market - including other councils, our ARP partners, statutory providers and even small businesses. Members would need to determine whether this was something that we wanted to invest in and promote, or do we just want to join in with other providers.

The Customer Service Centres in our market towns were another opportunity for us to engage with the public. Thetford and the new facility in Thetford are thriving, but the offices in Attleborough, Watton

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and Swaffham are less busy, and thus more costly. The future of these facilities would need to be discussed after the outcome of the Comprehensive Spending Review on 20 October 2010.

One of the most challenging issues that Members face is refuse collection and pollution, mostly litter. The challenging targets for waste performance have slipped slightly due to the recession and people buying less, thus recycling less. A decision was made that it was not economic for the authority to invest in additional collection services such as food waste, or a kerbside collection. However, the village hall recycling centres and WEEE electrical days (when over 30 tonnes were collected) have proven extremely popular.

Likewise, the contract with our contractor, Serco, is being reviewed by Members and officers alike. It is intended to provide more biodiversity in public open spaces, and different ways to connect with the public and educate them about recycling and saving energy.

A Green Agenda Panel has been instigated to promote Green Initiatives throughout the Council, which along with the work being undertaken by the Pride in Breckland team (e.g. The Wensum Valley Project, plastic bottle bid to the Guinness Book of records, etc) is very exciting. REV Active has been engaged to survey our energy usage and waste management in-house, to learn about energy saving appliances, develop energy saving solutions to properties old and new (and we will be visiting the Eco House in Thetford shortly).

The Green Panel members are not debating hot issues on climate change, or delivering pronouncements on the merits of wind turbines, ground source heat pumps, solar panels, anaerobic digesters, etc; but are looking at ways to change behaviours in order to reduce energy costs and promote more sustainable living. No matter which Government is in power, some form of carbon or energy tax is imminent in order to manage the earth's resources more proactively.

This just provides a flavour of my exciting life at Breckland Council.

During discussion of the presentation, the following comments were made:-

- A discussion ensued as to why Wayland Hall was not being used. It was pointed out that the disabled access needed to be improved, albeit work was already underway to rectify this.
- With regard to the One Stop Bus, there was a need to improve communication as to when the bus was visiting a particular locality. Indeed, last month it broke down and nobody was told that the vehicle would not be visiting that week. It was felt that publicity through posters and local magazines should be used to advertise an excellent service.
- Likewise, the route for the bus should be reviewed. It currently visits villages that have excellent internet access, but not other communities which cannot access broadband.
- The Department of Communities and Local Government was currently consulting with local authorities regarding council

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newsletters and magazines. It is expected that councils would be limited to a maximum of four each year, whereas we currently provide six to our local residents. We would feed into this consultation process.

- The use of the Contact Centre to provide a service and generate income from public and private sector companies, like the Attleborough GP surgeries, should be explored. In response, Lady Fisher explained that before this could be implemented, there was a need to improve the technology and performance of the team. The staff were excellent, but there is a need to drive better performance.
- Likewise, it was felt that these organisations could be offered some space within Breckland Voice in which to publicise their services to local residents.

Lady Kay Fisher was then thanked for attending, providing an interesting presentation and answering Members questions.

91/10 HOUSING STRATEGY 2008-13

Members were asked to consider and adopt the Housing Strategy for Breckland for the period 2010-2013. It was explained that this document would cover the strategic housing functions for the authority and would replace the previous strategy which had been adopted in 2005.

The Principal Housing Officer informed Members that the Council had adopted numerous strategies and policies in the past five years. In addition, responsibility for the Housing Register and allocations had been contracted out to ARPT.

It was pointed out that the new localism agenda for the new Coalition Government would shape the future provision of housing. At this stage, however, there was insufficient information available as to how this would affect the authority and also the grants that we used to provide prevention services.

The Principal Housing Officer then took Members through the key parts of the strategy and highlighted the changes made at Executive Board. In addition, the document would be corrected for typing mistakes and a glossary of terms added.

During discussion of the report and strategy, the following comments were made:-

- The localism agenda needs to be different at a village level compared to the district level in order to reflect local needs within an area. It was pointed out that the Housing Strategy has to reflect the needs of the whole district, and then applied at a local level (e.g. provision of affordable housing).
- A Member highlighted that a development in Carbrooke had caused numerous problems in that locality. In response, the Principal Housing Officer replied that the local Housing

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Associations were now trying to address the causes of the problems.

- A discussion ensued about the infrastructure capacity to support additional development in some towns. It was pointed out that some villages had both the capacity and local interest to provide small developments. It was felt important to invite the appropriate utility companies to attend a future meeting of the Commission to discuss this issue
- A number of Members highlighted the key pieces of intervention and support that were being provided by the Housing Department. It was felt important that these should continue to be provided, even if the grant funding was cut or reduced.
- Given the stagnant housing market, there was a need to bring empty homes back into occupation. The Principal Housing Officer gave a brief resume of powers available to the authority if a property was left unoccupied or was falling into disrepair.

It was therefore **RESOLVED TO RECOMMEND TO CABINET** to adopt the revised Breckland Housing Strategy 2010-2013.

DS

It was further **RESOLVED** to invite all the appropriate utility companies to attend a future meeting to discuss the infrastructure requirements to deliver the additional housing needs for Breckland.

MB

92/10 NORFOLK HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Mr Labouchere was not in attendance to present his report.

The report was noted.

93/10 SCRUTINY OF FUTURE ICT ARRANGEMENTS

The Member Services Manager presented the report which requested Members to set up a new Joint Audit and Scrutiny Panel to review the provision of ICT equipment and facilities for Elected Members ahead of the District Council Elections in May 2011, with a view to completing the investigation by 31st December 2010.

It was **RESOLVED** that the following Members of the Overview and Scrutiny Commission be elected:

- P Cowen
- G Bambridge
- C Bowes.

94/10 SHARED SERVICES

In the absence of the Director of Corporate Resources, the Interim Environmental Services Manager gave an update on Shared Services. He explained that Maxine O'Mahony was Project Sponsor and he was Project Manager.

A Project Board had been established incorporating the Leader and two

Executive Members, together with the Joint Chief Executive and Directors from each Council. A Project Team was working alongside the Project Board to deliver the new Management Structure.

It was explained that the first stage of the review was to deliver a minimum 35% saving in overall management costs from 2011/12. The process for achieving this cut was explained to Members. This would enable improved service delivery and a rationalisation of the commissioning/client functions.

During discussion of the presentation, Members were advised that the General Purposes Committee was responsible for agreeing the new management structure, with any financial implications above budget provision having to be agreed by Full Council. The role of Scrutiny would be to ensure that service delivery was being maintained by the proposals.

It was agreed that the Chairman and Member Services Manager discuss with the Director of Corporate Resources how the Shared Management Structure would be scrutinised in future.

Action By

PC/SMcG

95/10 TASK AND FINISH GROUPS

(a) Contaminated Land Task & Finish Group

In March 2010, a Task and Finish Group was established to review the original strategy in light of an internal audit report and the need to identify the council's new priorities for investigating contaminated land and the procedures to be used in prioritising work activities taking account of the resources available.

A revised strategy has now been produced – see attached. The draft document recommends that the Council's objectives and priorities are set as follows:-

- The strategy to be consistent with the minimum requirements of the statutory guidance
- Identify high risk sites to undergo a detailed risk assessment regardless of ownership
- Determine whether any sites are contaminated land
- Ensure that remediation is carried out by the appropriate person
- Review redevelopment of sites as consultee to the Planning Department and make recommendations to assist in ensuring that any land contamination is dealt with at the time of new development to ensure it is suitable for its intended use
- Minimise the Council's risk of obtaining new liabilities associated with land acquisition of further land.

Under proposals in the strategy, each site that is considered to have a potential for contamination would have to undergo a six stage

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process. This is in order to make a decision on whether the site should be determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The six stages, which are identified in the strategy, are:-

- Initially identify potentially contaminated sites
- Establish the potential hazards of sites
- Carry out a preliminary desk study to establish the potential risk for each site working in turn through the high, medium and low hazard sites
- Undertake a detailed desk study to further quantify this risk
- Carry out intrusive investigation
- Determine whether the site is contaminated land and needs remediation.

With regard to timescales for completing this work, the key deadlines are:-

- Within 12 months – to have undertaken preliminary desk studies for all sites which have a high potential hazard score. There are currently less than 20 in this category.
- Within 36 months – produce the risk score for the high potential sites to identify the sites with the highest risk; undertake the detailed desk study for the sites with the highest risk scores; and begin the preliminary desk studies for the sites with a medium potential hazard score.

It was confirmed that the document would need to be subject to consultation with appropriate external organisations before adoption.

During discussion of the report and strategy, Members sought clarification on the number of contaminated sites within Breckland, how these would be inspected, who is responsible for funding this work and the process of dealing with contaminated sites.

Accordingly, the Commission **RECOMMENDS TO CABINET** that the attached revised Strategy and Work Plan, as detailed in the draft revised contaminated land inspection strategy, be approved.

(b) **Parking Task & Finish Group**

The Commission received a comprehensive report from the Task and Finish Group which had been set up to examine the on and off street parking provisions in Watton.

The primary directive had been to establish if improvements could be made in respect of car parking provision in Watton to Breckland residents, businesses and visitors.

The Task and Finish Group would continue its work to examine the

AG

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parking provisions in all five market towns, moving next to Swaffham.

The Commission supported the majority of the recommendations in the report, only amending recommendation 8 to incorporate the Town Council's observation about allowing parking on the High Street on Wednesdays from approximately the stretch from Barclays Bank to Lings.

Accordingly, the Commission: **RECOMMENDS TO CABINET THAT:**

- 1) The Council retains its policy of providing free parking in all three Breckland-owned car parks in Watton.
- 2) The Council adopts parking orders to cover the Goddard's Court and Thetford Road car parks in Watton with a maximum 2 hours period of parking for business hours.
- 3) The Kittell Close car park be retained as a long stay facility without any time limit.
- 4) The Council stipulates a minimum default fine of £30 for infringement of the short term parking orders.
- 5) The Council seek a partner agency to undertake off street parking enforcement in the Thetford Road and Goddard's Court car parks at an early opportunity.
- 6) Norfolk Constabulary resumes operational and regular on-street enforcement both in the High Street as well as other residential areas fringing the commercial centre of Watton at an early opportunity in order to increase turnover of parking spaces and aid traffic flow.
- 7) Breckland Council, Norfolk County Council and Norfolk Constabulary liaise over de-criminalisation of on-street parking in Watton in a multi-agency approach, seeking a transfer of responsibility and action enabled through joined-up thinking and use of resources.
- 8) Norfolk County Council – as the Highways Authority – undertakes a full assessment of restricting parking to only one side of the High Street only (with parking to be permitted on the High Street on Wednesdays from approximately the stretch from Barclays Bank to Lings), in order to facilitate the traffic flow in future, such an assessment to also include the extension of the bus bays to accommodate two buses, the possible relocation of the existing pedestrian crossing and take into account any relocation of the taxi rank.
- 9) Breckland not seek to implement any resident parking permit schemes in the town as the evident issues in regard to residential parking can be best addressed through on-street enforcement.
- 10) Officers speak to the local bus operators and Norfolk County Council to request that any vehicles being temporarily parked up should utilise the dedicated bus parking spaces at Kittell

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<p>Close car park rather than being parked on narrow residential streets.</p> <p>11) Breckland Council undertakes remedial works to bring the Thetford Road car park up to an acceptable standard in terms of surfacing and white lining as a matter of urgency.</p> <p>12) The appropriate agency ensures grounds maintenance is properly carried out in respect of ensuring that approach signage is free from obstruction from overgrown foliage.</p> <p>13) An action plan be devised in order to track implementation of the recommendations and report progress into the Overview and Scrutiny Commission in June 2011.</p>	SU
<p>96/10 <u>SCRUTINY CALL-INS (STANDING ITEM)</u></p> <p>None.</p>	
<p>97/10 <u>COUNCILLOR CALL FOR ACTION (STANDING ITEM)</u></p> <p>None.</p>	
<p>98/10 <u>WORK PROGRAMME</u></p> <p>The Scrutiny Officer presented this item.</p> <p>The only changes required to the programme were:-</p> <ul style="list-style-type: none">• To invite the Chief Executive to attend the meeting in February 2011.• To invite the various utility companies to attend a future meeting (as per minute 91/10)• To ask the Car Parking Task and Finish Panel to begin a review of on and off street parking in Swaffham, with a view to reporting back to this Commission on 24 March 2011.	MB
<p>99/10 <u>NEXT MEETING</u></p> <p>The next meeting of the Commission would be held in the Town Hall, Attleborough on 18 November 2010.</p>	

The meeting closed at 5.00 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 20 October 2010 at 10.00 am in
Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)
Mrs J. Ball

Mr I. Sherwood (Vice-Chairman)
Mr S.G. Bambridge

Also Present

Mr P. Mason

In Attendance

Mr Philip Mason
Julie Britton
Tiffany Bentley
Jane Osborne

- Solicitor
- Senior Committee Officer
- Senior Licensing Officer
- Committee Officer

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74/10 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 9 September 2010 were confirmed as a correct record and signed by the Chairman.

75/10 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr R. Duffield, Mrs L. Monument and Mrs S. Butcher.

The Chairman welcomed Mr. G Bambridge to his first Appeals Committee meeting as substitute for Mr. R. Duffield.

76/10 EXCLUSION OF THE PRESS AND PUBLIC (AGENDA ITEM 7)

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 it involves the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

77/10 DETERMINATION OF A REVOCATION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (AGENDA ITEM 8)

Mr P Mason was in attendance as the Council's Solicitor.

For clarification purposes, the Solicitor afforded Members with advice as requested at the previous meeting.

The appellant's Hackney Carriage/Private Hire drivers licence had already been suspended by the Licensing Team. This had been due to the practitioner's letter received earlier in the year which stated that the appellant had not met the required Group II standards.

Following his appearance before the Appeals Committee on 9th September 2010, the Committee had decided to adjourn the matter until further

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information had been obtained from the Practice Manager at the surgery that the appellant attended.

The letter had been received by the Licensing Team on 18th October 2010 and was circulated at the meeting.

The letter clarified a number of matters but not all, and given the unique situation of the appellant's case, the Solicitor asked Members if they would be prepared to consider this as an exception.

The Medical Practitioners 'At a glance Guide to Medical Standards of Fitness to Drive issued by the DVLA in March 2010 (attached at appendix C) stated that under Group II any new applicants or existing drivers on insulin should be barred in law from driving Light Goods vehicles or Passenger Carrying Vehicles. "Exceptional case" drivers could apply for or renew their entitlement to drive C1/C1E (small lorries) subject to meeting all the "Qualifying conditions".

If the Committee was mindful not to consider the appellant as an "Exceptional Case", the licence would have to be revoked.

The Solicitor provided the reasons why it would be appropriate to consider this case as an exception:

- 1 The length of time the appellant had had his licence
- 2 There had not been any problems with his driving ability
- 3 He was a responsible person (with regard to his sugar levels)
- 4 This was his only source of income
- 5 If the DVLA guidance was applied, the Appellant would have to be examined every 12 months by a hospital consultant (which he had not done thus far)

If Members were mindful to treat this as an "Exceptional case", then the appellant would have to be asked whether he would, in the first instance, be prepared to be seen by such a consultant. In the interim, Members needed to decide what should be done with the appellant's current licence – to continue with the suspension or be allowed to drive until the consultant's report was received. The Vice-Chairman felt that such a decision could not be made until the Appellant had seen the consultant.

The Hearing then took place in the presence of the appellant, his wife and employer.

The Committee heard the appeal in accordance with the Council's agreed procedure.

The Chairman explained to those present the meaning of an "Exceptional case". He further explained that if the Committee decided not to treat this as an "Exceptional case" the Hackney Carriage/Private Hire Licence would have to be revoked. If the Committee agreed to the contrary, the licence would remain suspended until the consultant's report was received.

The Senior Licensing Officer (SLO) drew Members' attention to the last paragraph of the Practitioner's letter which stated that he would be prepared to refer the appellant to a consultant. The SLO reported that the Licensing Team had been in contact with the hospital and the GP, and as

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there was a waiting list, it could not be determined how long it would be before the appellant could be seen.

The appellant was given the opportunity to put his case forward.

He asked Members to refer to the Practitioner's letter which referred to the DVLA's guidelines which stated that all applicants must be in possession of a full driving licence for at least the preceding 12 months. The appellant stated that he had passed his driving test in 1990. He explained that he had been closely monitored by his doctor and that he had also been monitoring himself since being diagnosed as a diabetic.

The Chairman brought to the appellant's attention page 20 of Appendix D of the report – the qualifying conditions that the appellant must meet; one of which was that if Members decided to treat him as an exception, would he be prepared to be examined every 12 months by a hospital consultant who specialised in diabetes. In response, the appellant said that he would.

The Vice-Chairman still felt that the Committee, even with the Practitioner's letter, did not have proof that the appellant met with the required standards.

In response to a concern by the appellant's wife, the Vice-Chairman afforded her with the relevant information.

The appellant's employer was given the opportunity to speak. She felt that her employee deserved to have his licence back as, in her opinion, he was fit to drive and he had been doing so for the past eight years. She was happy with his work which consisted of driving children to and from school for two hours per day of which he undertook with a safety aide. The Chairman responded by stating that this Hearing was being conducted in relation to public safety.

The Solicitor asked the employer if the appellant was licensed with another authority and whether his work had been extended. The employer answered no to both questions.

The Vice-Chairman asked how much of the appellant's employment required the Hackney Licence. In response, both the employer and the appellant's wife said that the Hackney Carriage Licence did not apply to the school runs as no fares were paid to the driver.

The appellant stated that he had other employment but the two hours work he did each day was 80% of his income.

The appellant, his wife and employer together with the Senior Licensing Officer were asked to leave the room so that the decision of this case could be considered in private session.

After discussing the case in great detail, the meeting returned to open session, and in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976, it was:

RESOLVED that:

- 1) the appellant must be required to seek an examination by a hospital Consultant, who specialises in diabetes;

- 2) the Consultant must require sight of the appellant's blood glucose records for the last three months;
- 3) the doctor to be made aware of the referral and the need for them to supply records to the Consultant
- 4) the appellant's licence to remain suspended until the Consultant's report has been received;
- 5) the findings of the Consultant's report, if positive, must be considered by the Appeals Committee at a future hearing; and
- 6) if negative, the decision be delegated to the Licensing Team and the licence will be revoked.

The reasons for the decision were that the Appeals Committee had applied the "Exceptional Case" rules as advised by the DVLA in determining the application.

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Tiffany Bentley

The meeting closed at 11.15 am

CHAIRMAN

BRECKLAND COUNCIL CALENDAR OF MEETINGS 2011/12

COMMITTEE & Usual Day/Venue	MEETING DATE													
	2011								2012					
	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	
DEVELOPMENT CONTROL Mon 9.30am (except *) - Anglia Room	16	6 27	18	8 31*Weds	19	10 31	21	12	9 30	20	12	2 23	14	
AUDIT Fri 10.00am – Norfolk Room		10 24@			30 agr		25			3 tmp/ag				
LICENSING Weds 10.00am - Norfolk Room			13			26			25			18		
GENERAL PURPOSES Weds 10.00am - Norfolk Room (except *)	25* (Anglia Room)		27		21		16		4		7		2	
APPEALS Weds 10.00am - Norfolk Room (except *)		9*Thurs	20		7	19	30		11	22		4	16	
OVERVIEW & SCRUTINY COMMISSION Thurs 2.15pm - Norfolk Room		2	14		1	6	17		5	9	15	26		
CABINET Tues 9.30am - Norfolk Room (except *)	10	14	26		6	18	29		10 E	14	27		8	
STANDARDS Tues 2.15pm - Norfolk Room	17* (Anglia Room)		5	30		11	22		3	21		3	15	
COUNCIL Thurs 10.30am (except *) - Anglia Room	12 AM	23		4	15	27		8	19 B	29* Weds CT		12	24 AM	
MEETINGS NOT OPEN TO THE PUBLIC:														
JOINT CONSULTATIVE (JCC) Thurs 10.00am - Norfolk Room (except *)	18* (Anglia Room)		7		8		3	15	26	23		19		
Key to Symbols: AM = Annual Meeting @ = Statement of Accounts (annual report for approval) agr = Annual Governance Report E = Draft Estimates for 2011-12 B = Budget setting for 2011-12 tmp = Treasury Management Policy (annual report) ap = Internal Audit Plan (annual report) CT = Council Tax setting 2011-12				Bank & Public Holidays 2011 – 2 & 30 May, 29 Aug, 26 & 27 Dec 2012 – 2 Jan, 6 & 9 Apr, 7 May Other Notable Dates 5 May 2011 – District & Parish Elections 29 & 30 Jun 2011 – Norfolk Show				Key to Venues All meetings take place in the Conference Suite at Breckland Council Offices, Elizabeth House, Walpole Loke, Dereham NR19 1EE, unless stated otherwise on agenda. Please refer to published agenda for confirmation of meeting arrangements.						