

# Public Document Pack



Rory Ringer – Democratic Services Team Leader  
General Enquiries: Telephone No. 01362 656870  
Member Services Fax No. 01362 690821  
DX743950 Dereham 2

To The Members of the Council

Our Ref: JB/L.18  
Contact: Julie Britton  
Direct Dial: 01362 656343  
E-mail: [julie.britton@breckland.gov.uk](mailto:julie.britton@breckland.gov.uk)  
Date 29 June 2012

## **AGENDA SUPPLEMENT**

Dear Sir/Madam

### **COUNCIL - THURSDAY 5 JULY 2012**

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

<b>Item No</b>	<b>Report Title</b>	<b>Page Nos</b>
8.	Cabinet Minutes  Unconfirmed minutes of the Cabinet meeting held on 19 June 2012.	88 - 99

Yours faithfully

*Julie Britton*

Senior Committee Officer



**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 19 June 2012 at 9.30 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr M. A. Wassell (Vice-  
Chairman)  
Councillor E. Gould  
Mrs L.S. Turner

Mr M.A. Kiddle-Morris  
Mr I. Sherwood  
Mr W.H.C. Smith

**Also Present**

Mr P.J. Duigan  
Mr S.G. Bambridge  
Mr J.P. Cowen  
Mr T. J. Jermy

Mrs E. M. Jolly  
Mr M. S. Robinson  
Mr F.J. Sharpe  
Mr N.C. Wilkin

**In Attendance**

Sarah Bruton  
Mark Stokes  
Julie Britton  
Fiona Inston  
Catherine Lang  
Phil Mileham

Sarah Robertson

Pam Sayle

Dale Robinson

- Environmental Services Manager
- Deputy Chief Executive
- Senior Committee Officer
- Acting Principal Licensing Officer
- Community Development Officer
- Senior Planning Policy Officer (Capita Symonds for Breckland Council)
- Planning Policy Officer (Capita Symonds)
- Corporate Consultation and Communications Officer
- Interim Environmental Services Manager

**Action By**

**70/12 MINUTES (AGENDA ITEM 1)**

**Vice-Chairman in the Chair**

The Minutes of the meeting held on 8 May 2012 were confirmed as a correct record and signed by the Vice-Chairman, subject to it being noted that the Executive Member for Internal Services had asked most of the questions listed in relation to agenda item 13 (Minute No. 65/12).

**Action By**

**71/12 APOLOGIES (AGENDA ITEM 2)**

An apology for absence was received from the Chairman, William Nunn.

**72/12 DECLARATION OF INTEREST (AGENDA ITEM 4)**

The Executive Support Member for Internal Services declared a personal and prejudicial interest in agenda item 9 by virtue of him being a member of Dereham Town Council.

The Executive Member for Assets and Strategic Development declared a personal and prejudicial interest in agenda item 10 as he had been advising on this matter as a member of another Committee at Norfolk County Council. He would leave the room when this item was discussed.

**73/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mrs E Jolly, Mr G Bambridge, Mr P Cowen, Mr P Duigan, Mr T Jermy, Mr M Robinson, Mr F Sharpe and Mr N Wilkin.

**74/12 MATCH FUNDING GRANT PANEL REPORT ROUND 1 2012/13 (AGENDA ITEM 7)**

The Executive Member for Localism, Community & Environmental Services presented the report and briefly outlined the decisions and recommendations made by the Grant Panel for Breckland Match Funding and other grant schemes within the Council.

The Executive Member for Internal Services thought that the Grant Panel was a very good example of how Breckland Council supported its communities. He asked how the recipients qualified for such grants and how it was scored. The Community Development Officer stated that each applicant had to score at least 36 to qualify. She would send a copy of the criteria for Members' information.

The Executive Member for Assets and Strategic Development felt that the Council was being very generous with its main Match Funding applications but asked Members not to ignore or dismiss the smaller ones awarded under the Activity, Arts and Gifted and Talented grant schemes, particularly the £500 that had been awarded to Beeston to assist with the development of its monthly lunch club. He hoped that the monies awarded would enable the club to be sustainable going forward.

The Chairman felt that the report was a great example of Breckland Council's commitment.

Options

Swanton Morley Parish Council

- To approve the match funding for Swanton Morley Kitchen Refurbishment to the value of £9657

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- To approve a lesser amount of match funding towards Swanton Morley Kitchen Refurbishment
- To decline the match funding application

East Harling Parish Council

- To approve the match funding for East Harling Improved Play & Recreation to the value of £8121
- To approve a lesser amount of match funding towards East Harling Improved Play & Recreation
- To decline the match funding application

North Elmham Parish Council

- To approve the match funding for North Elmham Village Green to the value of £20,000
- To approve a lesser amount of match funding towards North Elmham Village Green
- To decline the match funding application

Reasons

The Grant Panel had recommended approval for Swanton Morley Village Hall Kitchen Improvements based on the following reasons:

- Complied with Breckland Council Health & Safety inspection and food hygiene recommendation
- Improved facilities would accommodate the growing community and the developing community need for the increased usage of the facilities.
- To accommodate new projects such as a dedicated breakfast and lunch club
- The project met two of the Council's objectives
- The project had good support from the community and committed individuals.

The Grant Panel has recommended approval for East Harling Improved Play & Recreation based on the following reasons:

- The project met two of the Council's objectives
- It demonstrated robust and in-depth consultation with the local community and therefore demonstrated a need for the equipment.
- Strong financial local support for the project
- Created improved physical and mental wellbeing for the children in Harling and surrounding parishes by installing a challenging and well catered play area.

The Grant Panel had recommended approval for North Elmham Village Green based on the following reasons:

- The project met three of the Council's objectives
- The project had good support from the community
- The Parish Council were contributing a considerable amount of funding towards the project

- The response from the Parish Council following Grant Panel deferral was robust

**RESOLVED** that the following Match Funding applications be approved:

- 1) Swanton Morley Parish Council - kitchen refurbishment for the Village Hall for the sum of £9,657.00, subject to:
  - (i) a maximum of £9,657.00 or 30% whichever is the lower from the Capital match Funding Reserve; and
  - (ii) the balance of all other funding being confirmed.
- 2) East Harling Parish Council – improvement to recreation and play facilities for the sum of £8,121.00, subject to:
  - (i) a maximum of £8,121.00 from the Capital Match Funding Reserve or 30% whichever is the lower; and
  - (ii) the balance of all other funding being confirmed.
- 3) North Elmham Parish Council – purchase of North Elmham Village Green for the sum of £20,000.00, subject to:
  - (i) a maximum of £20,000.00 from the Capital Match Funding Reserve or 23% whichever is the lower; and
  - (ii) the balance of all other funding being confirmed.

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**Cat Lang**

#### **75/12 ACTIVE LAND MANAGEMENT REVIEW (AGENDA ITEM 8)**

The Executive Member for Assets and Strategic Development presented the report that provided Members with information following a review of the Active Land Management framework.

Asset Management had led on the Active Land Management framework since its adoption by Council in November 2009. To date three tranches of land had been considered and actioned accordingly; however, the existing framework had been found to be too prescriptive and needed to be amended in the light of past experience.

The recommendations were highlighted.

In response to a query with regard to the income generated being 'ring-fenced' (see Proforma B), Members were informed that the monies generated from the disposal of the aforementioned three tranches had been 'ring-fenced' to finance the programme to cover costs such as consultancy and legal fees. The land was being sold to keep the process going rather than generating revenue for the Council. Any surplus however, would be put back into the Council's Reserves or churned back into further land for housing. It had been necessary to employ a consultant as the Authority did not have the expertise or the resources in-house to carry out such work.

In response to a concern in relation to liability issues, the Executive

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Member for Assets and Strategic Development explained that the Council, where it could, would aim to divert itself from onus liabilities. Some low priority land related applications proved to be more expensive than the actual receipt and therefore would be declined unless there was a statutory requirement or they created significant receipt/reduction in liability. The Overview & Scrutiny Commission Chairman suggested off-loading the smaller pieces of land as they could end up costing the Council more in maintenance if retained. Members were informed that all land would be prioritised and would be treated on merit.

**Option 1**

As per the review undertaken:

- i. to adopt a new list of sites;
- ii. to cease re-active land management work;
- iii. to make minor amendments to the framework, primarily to the options appraisal and planning process; and
- iv. ring-fence the income generated through disposals of Tranches 1 - 3 to fund future options appraisal(s) of the Active Land Management Programme.

**Option 2**

Not to accept the recommendations.

**Reasons**

The Council's land management resources were limited; therefore, the focus needed to be on pro-actively assessing the sites which had the greatest potential and which were the best use of the limited resources in an attempt to fulfil the Council's income generation targets.

**RESOLVED** that:

- 1) the new list of sites be adopted;
- 2) the re-active land management work be brought to a close;
- 3) minor amendments be made to the framework, primarily to the options appraisal and planning process; and
- 4) the income generated from the disposals of Tranches 1 to 3 be ring-fenced to fund future options appraisal(s) of the Active Land Management Programme.

**Zoe Footer**

**76/12 TRANSFER OF EQUIPPED PLAY AREAS IN DEREHAM TO DEREHAM TOWN COUNCIL (AGENDA ITEM 9)**

The Executive Member for Assets and Strategic Development presented the report and stated that it had long been the aim of Breckland Council to transfer its play areas into local control.

Members were being requested to approve the release of £121,700.00 to Dereham Town Council for the continued future maintenance of nine equipped play areas. The funding had been borne from a commuted sum

**Action By**

given to the Council by the developers and the play areas had since been maintained by the interest generated. The Executive Member for Assets and Strategic Development hoped that the Town Council would continue with the standard Breckland had set and make future improvements.

The Chairman highlighted the fact that Dereham was the fourth Town Council to progress with such a legal transfer. Thetford was still outstanding.

The Executive Member for Performance and Business Development felt that the Town Councils should be in control of their own assets for their communities.

The Executive Member for Internal Services had noticed that the wording on the Proforma B in relation to the sum of money involved differed from the wording in the recommendation of the report and highlighted that it should read that the £121,700.00 was a one-off sum. Further to above and again referring to the Proforma B, he suggested that Breckland's liability should be removed otherwise it could potentially end up being an open ended commitment. The Executive Member for Assets and Strategic Development explained that the cost of maintaining these play areas could not be unpicked at this time as the maintenance of them fell within the Serco Contract. All play areas would be removed when the contract was due for renewal.

The Opposition Leader asked if any guidance had been given to the Town Councils. In response, Members were informed that the sum of monies that Breckland was/had released had all been from developer contributions which at that time was considered to be enough. No further monies would be transferred. The Executive Member for Performance and Business Development stated that the whole idea of these transfers was so that the Town Councils could be master of their own destinies. They had all agreed to the transfers and now the play areas would now become their assets to manage.

The Chairman added that Watton Town Council was already looking to improve its facilities and was considering applying for a match funding grant.

Members were reminded that Parish Councils already looked after their own play areas.

**Options**

- 1) To approve the release of £121,700.00
- 2) Not to approve the release of £121,700.00

**Reasons**

To ensure the facilities in these play areas were kept to a standard acceptable by Dereham Town Council and the facilities available could be changed in response to the town appraisal.

**RESOLVED** that a one-off sum of £121,700.00 to transfer nine Breckland

**Zoe Footer**



**Action By**

equipped play areas to Dereham Town Council be approved.

**77/12 NORFOLK MINERALS AND WASTE SITE SPECIFIC ALLOCATIONS - PRE SUBMISSION DOCUMENT (AGENDA ITEM 10)**

The Executive Member for Assets and Strategic Development left the room whilst this item was being discussed.

The Executive Member for Planning and Environmental Services presented the report in the absence of the aforementioned Executive Member.

Under the Planning and Compulsory Purchase Act 2004 County Councils were required to produce a Minerals and Waste Local Development Framework (MWLDF). As part of the MWLDF Norfolk County Council had already adopted a Core Strategy that set out the policies to deliver the minerals and manage the waste. The Minerals and Waste Site Allocations document would identify what areas of land would deliver the annual mineral requirements outlined in the Core Strategy and what areas of land would manage the waste that the County would produce. The publication of the site allocations document offered the final opportunity to comment on the proposed sites, prior to a public examination.

The document outlined six proposed mineral extraction sites in the Breckland area. These were located at various sites at East Bilney, Snetterton and Shropham.

The document also outlined eight waste allocation sites at East Bilney, Carbrooke, Ashill, Snetterton, Thetford and Attleborough. Breckland Council had previously objected to one of the sites at Snetterton due to the potential impact on the adjoining Swangey Fen. The other site at Snetterton was located on the Snetterton Heath employment area as defined in the adopted Breckland Proposals Maps and was proposed for a variety of uses. The use of the employment area for a waste site had the potential to impact on the wider vision for the area. Objections to both sites at East Bilney had also been previously submitted on the basis of the continued use of these sites and the impact this would have on the community.

It was imperative that Breckland Council recommended soundness objections to the Minerals and Waste sites as outlined in Appendix A of the report.

The Overview & Scrutiny Commission Chairman, who was also the Ward Member for Shropham, said that he was keen to see the site MIN109 developed. Snetterton also abutted his Ward and he was well aware of the concerns raised by the community but he unequivocally supported the conclusions for the remaining sites at Shropham and Snetterton.

The Executive Member for Planning and Environmental Services stated that the community had had enough of the work going on at the East Bilney site.

The Executive Member for Internal Services asked if the proposed

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incinerator negated the necessity for the Waste Site allocations. The Principal Planning Policy Officer said that, although a valid point, any kind of incineration would be part of wider disposal techniques. The Executive Member mentioned site MIN109 that abutted his Ward which he felt had pleasing features such as lakes and had become a very popular leisure facility. There were certain advantages to gravel extraction as it created wider biodiversity. The lakes would provide an alternative habitat and would also increase amenity and tourism. However, although he was in support of the recommendations, he had concerns about there being too much mineral extraction and felt that alternatives should be looked at such as global olivine otherwise resources could diminish.

The Executive Member for Planning and Environmental Services pointed out that the contractors could only dig for mineral if mineral was in the ground; it was the same with waste. Areas that had the required materials could have a negative affect on buyers wishing to purchase neighbouring properties. Members were informed that in the majority of cases, Norfolk County Council were only extending the sites where no houses were in existence; however, there were some areas that had come under scrutiny.

The Overview and Scrutiny Commission added that one of the reasons the community was in support of MIN109 was the way the site had been managed. Since the extraction the area had been backfilled and landscaped; it was not always a good idea just to fill the site with water. He also mentioned the Council's Core Strategy and the high aspirations that Breckland Council had for Snetterton Heath (see pages 34 and 35 of the report).

**Options**

- 1) Respond to the pre-submission publication as contained within Appendix A.
- 2) Provide an alternative response to the pre-submission publication.
- 3) Do nothing.

**Reasons**

It was recommended that Breckland Council respond to the pre-submission consultation as outlined within Appendix A by way of written representation. This would ensure Breckland's views were recorded and inform the public examination into the soundness of the Site Allocations Development Plan Document.

**RESOLVED** that Breckland Council responds to the pre-submission publication as contained within Appendix A of the report.

**Phil  
Mileham**

**78/12 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 11)**

The Overview and Scrutiny Commission Chairman reported that the following three recommendations had been fairly well debated for

Cabinet's consideration.

**79/12 GOVERNANCE & PERFORMANCE MONITORING REPORT  
(AGENDA ITEM 11A)**

This was the first Quarterly Monitoring Report produced by the new Performance Plus system and Members' views were sought on the most appropriate format to present future reports.

The Overview & Scrutiny Commission Chairman advised that the recommendations put forward, if approved, could overtime change the way the report was presented.

The Executive Member for Internal Services agreed with the proposed recommendations.

The Executive Member for Performance and Business Development thanked the Commission for its comments and felt that the points raised were valid.

Options

N/A

Reasons

N/A

**RESOLVED** that:

- 1) the new risks and risks that had been removed be noted in future reports;
- 2) an explanatory note at the start of each section should include information as to why targets were not being met, or were being exceeded;
- 3) detailed explanations to be required to accompany the symbols;
- 4) comments columns should not be left blank;
- 5) not all items to be reported quarterly – attention should be focussed on areas of concern or where performance had been exceeding expectations; and
- 6) the report be presented in full annually.

**80/12 AIR QUALITY MONITORING (AGENDA ITEM 11B)**

The Council had a statutory duty to meet National Air Quality objectives. Changes to Planning Policy 23 (Planning and Pollution Control) would require local authorities to put in place local arrangements relating to planning pollution control measures.

The Cabinet was being asked to adopt the document as technical guidance and the guidance be issued to Breckland Council Planners,

**Action By**

**Samantha  
Dancer**

**Action By**

Developers and Agents.

An Air Quality Monitoring system had already been put in place on the London Road in Swaffham. The town had proposals for increased housing and a large retail development which could exacerbate the problem. These air quality exceedences could equally occur across other parts of the district where increased development would lead to increased traffic movements and pollution levels.

The Executive Member for Internal Services advised that air flows in Breckland could be affected by the London conurbation but he accepted the recommendations.

In response to questions, the Scientific Officer for Breckland Council advised that there was no legal or statutory requirement for Air Quality Strategies but authorities were being encouraged by DEFRA to have one. With regard to any implications on the developers, the document itself had been aimed to help them in terms of what was required. Dialogue would be established with developers at an earlier stage.

The Chairman asked if there would be any impact on air quality from other aspects such as traffic lights etc. Members were informed that the County Council had advised that simple rephrasing of traffic light systems would cost in the region of £10k.

The Executive Support Member for Assets & Strategic Development knew of the problem in Swaffham and knew that the nitrogen dioxide exceeded DEFRA's figures and had concerns that additional dwellings in the town would add to the problems on the London Road. He was well aware of the monitoring equipment on the London Road and asked if it would be possible to have further equipment placed in other areas of the town as mentioned in the report. He also asked how the results from such equipment were dealt with. The Executive Support Member also mentioned costs and did not think it was fair for the residents of Breckland to pay for the monitoring equipment. He thought it would be a good idea for the developers to be made to contribute towards such equipment particularly on larger sites.

The Executive Member for Performance and Business Development, also a Ward Member for Swaffham, who unfortunately suffered with asthma, asked if the European Commission were behind such monitoring equipment. He was not against monitoring that affected people's lives but felt there had to be a balance. Development was needed in Swaffham and he did not want to see it restricted over matters such as these.

The report to the Overview & Scrutiny Commission had been triggered by the proposed Air Quality Technical Guidance document. The Chairman of the Commission believed that nothing much could be done about the traffic and wind direction in Swaffham. However, what the report was doing was looking ahead to manage growth in towns where diminishing air quality had not yet occurred. This document would be a handy tool that would assist developers so that they could put some thought in the way they proposed their developments in future.

The Scientific Officer assured Members that the document had not been

**Action By**

designed to stifle development. There were cost neutral measures that could be put in place and a very useful checklist contained within the Air Quality Assessment document. She understood that there had to be a balance – a need for further development and to live in a healthy area.

The Chairman of Planning highlighted the fact that the road in question in Swaffham had a slight incline and was quite a substantial route going north to south. He did wonder whether the incline affected the driving conditions and increased the traffic emissions and agreed that it should be monitored. Members were informed of how the monitoring equipment had to be installed – best practice for diffusion tubes was head height and 2m from the kerb; background levels also had to be considered.

The Executive Member for Performance and Business Development said that he valued air quality and therefore supported the principles of good quality air.

The Executive Member for Assets & Strategic Development felt that if the cars speeded up the problems in Swaffham would not have occurred. He pointed out that historic towns such as Swaffham had tall buildings and narrow streets that produced a canyon affect unlike modern towns. He suggested that this document should be used as a policy going forward in future. He further suggested that this item be deferred so that the impact this document would have on developers could be found and how much extra work this would cause.

**Options**

- 1) To review the issues set out in the report and recommend adoption of the new guidance by Council for use by the Planning department and developers in terms of assessing and controlling pollution affecting air quality from new developments.
- 2) Do nothing.

**Reasons**

To provide Planners, developers and their agents with guidance when considering Air Quality impacts of development in Breckland.

**RESOLVED** that the Air Quality Monitoring report be deferred for the aforementioned reasons.

**Zandra  
Waterford**

**81/12 MEMBER DEVELOPMENT PANEL (FOR INFORMATION)  
(AGENDA ITEM 12)**

The Minutes of the Member Development Panel meeting held on 16 May 2012 were noted.

**82/12 NEXT MEETING (AGENDA ITEM 13)**

The arrangements for the next meeting on Tuesday, 31 July 2012 at 9.30am in the Norfolk Room were noted.

**Action By**

**83/12 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 14)**

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

**84/12 ENVIRONMENTAL SERVICES CONTRACT - OPTIONS POST 2015 (AGENDA ITEM 15)**

The Executive Member for Localism, Community and Environmental Services presented the report and introduced Dale Robinson, the recently appointed Interim Environmental Services Manager.

Members extended their appreciation to Sarah Bruton, the current Environmental Services Manager who was leaving, for her sterling work over the years.

Members were informed that, if approved, the contract would end at the same time as a number of other Councils which would then present an opportunity to procure a better contract.

Many questions were answered in relation to savings, maximising assets, customer satisfaction, quality of service and performance.

Options

See report.

Reasons

See report.

**RECOMMEND** to Council that subject to legal clarification around EU Procurement Law:

- 1) the Serco Environmental Services contract be extended for a further six years from 2015 to 2021; and
- 2) the options as outlined in Appendix B be approved.

**Dale  
Robinson**

**85/12 THETFORD RIVERSIDE PROJECT (AGENDA ITEM 16)**

This item had been withdrawn.

The meeting closed at 11.45 am

CHAIRMAN