

To The Members of the Council

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Date 05 December 2014

## **AGENDA SUPPLEMENT**

Dear Sir/Madam

### **COUNCIL - TUESDAY 9 DECEMBER 2014**

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.	<b><u>Change to Standing Order No. 5 - Order of Business</u></b>  To change Standing Order No. 5 of the Council's Constitution to allow for the addition of Leader's Announcements as part of Order of Business	68 - 70
9.	<b><u>Planning Committee</u></b>  Unconfirmed Minutes of the Meeting held on 24 November 2014	71 - 80
10.	<b><u>General Purposes Committee</u></b>  Unconfirmed Minutes of the General Purposes Committee meeting held on 12 November 2014.	81 - 88
11.	<b><u>Appeals Committee</u></b>  Unconfirmed Minutes of the Appeals Committee meeting held on 26 November 2014.	89 - 93
14.	<b><u>Report and Recommendations from the Local Asset Backed Vehicle (LABV) Project Board</u></b>  Members are asked to note that the appendix to this report is confidential and if they wish to discuss those details the following resolution will need to be moved:	94 - 112

“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 likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Schedule 12A to the Act”.

Yours faithfully

*Julie Britton*

Senior Democratic Services Officer



**BRECKLAND DISTRICT COUNCIL**

**Report of:** Vicky Thomson, Democratic Services & Legal Manager / Monitoring Officer  
**To:** Council – 9 December 2014  
**(Author:** Vicky Thomson, Democratic Services & Legal Manager / Monitoring Officer)  
**Subject:** Change to Standing Order No. 5 - Order of Business  
**Purpose:** To change Standing Order No. 5 of the Council's Constitution to allow for the addition of Leader's Announcements as part of the Order of Business

**It is recommended that:**

1. Delegated authority is given to the Monitoring Officer to update the Constitution of Breckland Council to include the following:
  - a) Leader's Announcements to be added to 'Standing Order No. 5 - Order of Business' to allow for the addition of Leader's Announcements as part of the Order of Business
  - b) The Leader's announcement will be in the form of a verbal report to Council.
  - c) All Members may ask questions of the Leader on the content of the Leader's announcements.
  - d) Questions and answers on the Leader's announcement will be limited to a period of 30 minutes in total.
  - e) The Leader may invite Members of the Council's Executive to respond to questions on the Leader's behalf.
  - f) The Leader has the right to respond to questions raised after the meeting. This will be in writing and to all Members of the Council.

**1.0 BACKGROUND**

- 1.1 At the meeting of Full Council held on 6 November 2014, Members were asked to trial a new agenda item of Leader's Announcements.
- 1.2 At the meeting, 15 minutes were set aside for the Leader to present a verbal report and to receive questions from Members relating to the content of his report.
- 1.3 Members were asked to provide their feedback in relation to the trial and through a show of hands, Members unanimously supported having Leader's Announcements and Questions as a Standing Item on the agenda.
- 1.4 It was therefore agreed that the Monitoring Officer would be invited to bring a report to the next meeting of Full Council to seek changes to the Constitution to allow Leader's Announcements to be part of the formal agenda of Council.

## 2.0 **OPTIONS**

- 2.1 To approve the recommended changes to the Constitution as detailed within the recommendations of this report.
- 2.2 To approve in part, or with changes, the recommended changes to the Constitution as detailed within this report.
- 2.3 To do nothing.

## 3.0 **REASONS FOR RECOMMENDATIONS**

- 3.1 The recommendations within this report support the request of Members as set out in the meeting of Council held on 6 November 2014.

## 4.0 **EXPECTED BENEFITS**

- 4.1 Members will have the opportunity to be provided a regular update by the Leader Council.
- 4.2 Members will have the opportunity to raise questions to the Leader of the Council on the content of the verbal report.

## 5.0 **IMPLICATIONS**

### 5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 It is the opinion of the Report Author that there are no implications.

### 5.2 **Constitution & Legal**

- 5.2.1 The nature of this report is to make changes to the Constitution of the Council.

### 5.3 **Contracts**

- 5.3.1 It is the opinion of the Report Author that there are no implications.

### 5.4 **Corporate Priorities**

- 5.4.1 It is the opinion of the Report Author that there are no implications.

### 5.5 **Crime and Disorder**

- 5.5.1 It is the opinion of the Report Author that there are no implications.

### 5.6 **Equality and Diversity / Human Rights**

- 5.6.1 It is the opinion of the Report Author that there are no implications.

### 5.7 **Financial**

- 5.7.1 It is the opinion of the Report Author that there are no implications.

## 5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

## 5.9 **Risk Management**

5.9.1 It is the opinion of the Report Author that there are no implications.

## 5.10 **Staffing**

5.10.1 It is the opinion of the Report Author that there are no implications.

## 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 It is the opinion of the Report Author that there are no implications.

## 5.12 **Other**

5.12.1 There are no other implications to be considered as a result of this report.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Changes to the Constitution have the potential to affect all communities in Breckland.

## 7.0 **ACRONYMS**

7.1 None are used within this report.

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Background papers:- None

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### **Lead Contact Officer**

Name and Post: Vicky Thomson, Democratic Services & Legal Manager / Monitoring Officer

Telephone Number: 07827 843 173

Email: vicky.thomson@breckland-sholland.gov.uk

### **Director / Officer who will be attending the Meeting**

Name and Post: Vicky Thomson, Democratic Services & Legal Manager / Monitoring Officer

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

**Appendices attached to this report:** None

**BRECKLAND COUNCIL**

**At a Meeting of the**

**PLANNING COMMITTEE**

**Held on Monday, 24 November 2014 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs S Armes	Mr T.J. Lamb
Councillor C Bowes	Mrs J A North
Mr T R Carter	Mr F.J. Sharpe
Councillor M. Chapman-Allen	Mrs P.A. Spencer
Mr P.D. Claussen	Mr N.C. Wilkin (Chairman)
Mr P.J. Duigan	

**Also Present**

Mr S.G. Bambridge  
Mr K. Martin  
Mr A.C. Stasiak

**In Attendance**

Heather Burlingham	Assistant Development Control Officer*
Gary Hancox	Principal (Major Developments)*
Paul Jackson	Planning Manager
Charlotte Lockwood	Solicitor
Helen McAleer	Senior Democratic Services Officer
Nick Moys	Principal Planning Officer *
Jayne Owen	Senior Planner*
Martin Pendlebury	Director of Planning & Business Manager *

\* Capita for Breckland Council

**110/14 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 27 October 2014 were confirmed as a correct record and signed by the Chairman.

**111/14 APOLOGIES & SUBSTITUTES (AGENDA ITEM 2)**

During the meeting apologies for absence were received from Councillor M Robinson.

**112/14 DECLARATION OF INTEREST AND OF REPRESENTATIONS RECEIVED  
(AGENDA ITEM 3)**

Agenda Item 8a, Deferred Item (Colkirk) – all Members had received direct correspondence.

Agenda Item 9:

Schedule Item 1 (Lyng) – all Members had received direct correspondence.

Schedule Item 5 (Attleborough) - for clarity Councillor North declared that she knew the Applicant's son.

**Action By**

**113/14 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman thanked Members for attending the coach tour which had been very successful. He also thanked Mr and Mrs Cross for allowing Members to view their home, Mr and Mrs Abel for showing Members their site, Broom Hall Hotel for a lovely lunch; the coach driver for his skill in manoeuvring in tight spaces and the Officers for enabling the tour.

**114/14 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)**

The Planning Manager advised that Agenda Item 9, Schedule Item 2 (Bridgham) had been deferred from the agenda as the consultation with the Secretary of State, required by the Environmental Impact Regulations, had not been carried out. It was therefore premature to debate the matter. It was likely that the item would be included on the 22 December 2014 agenda.

**115/14 URGENT BUSINESS (AGENDA ITEM 6)**

None.

**116/14 LOCAL PLAN UPDATE (AGENDA ITEM 7)**

The Director of Planning & Business Manager provided the following update.

The Issues and Options Consultation had commenced and would run until 9 January. Drop in sessions would be held in each of the District towns. Approximately 50 people had attended the town and parish council meeting held on 17 November and the same number at the Dereham session held on 20 November. Anyone interested was encouraged to attend one of the four remaining drop in sessions and to ensure they got their comments in before the 9 January deadline. The remaining sessions would be held at:

Swaffham Assembly Rooms 2pm – 6:30pm 24 November  
Watton Queens Hall 2pm – 7pm 27 November  
Attleborough Town Council 2pm – 6pm 4 December  
Thetford Guildhall 2pm – 7pm 9 December

A call for sites for people to put forward additional land for consideration through the Local Plan was also being carried out. There had been a very good response so far and everyone was reminded that this opportunity would also close on 9 January.

An Agent's Forum would be held in the Anglia Room on 28 November, 2.15pm – 4pm, when amongst other matters the Issues and Options consultation and call for sites would be drawn to the attention of regular local planning agents.

A formal request from Kenninghall parish council to designate a neighbourhood plan area following the parish boundary had been received. A six week consultation was being carried out and would close on 22 December. The plan area would be considered by Cabinet on 13 January 2015.

The Retail Study has now been completed and would be considered by the Local Plan Working Group on 11 December, so that it could be used as part of the evidence base for the Local Plan and also as a material consideration for all retail planning applications. The new retail study included floorspace figures for each of the District towns up to 2036.



Councillor Claussen was aware that four parish councils had raised concerns about the Local Plan process, not directly linked to the Issues & Options document. He asked if those concerns could be addressed at a Town & Parish Council Forum.

The Director of Planning & Business Manager agreed that there would be an opportunity to raise those concerns at the next Forum (date to be confirmed).

**117/14 DEFERRED APPLICATIONS (AGENDA ITEM 8)**

117 .a COLKIRK: Site at Jarvis Drive: Proposed 5 No dwellings and related garages/parking: Reference: 3PL/2014/0885/O

All Members had received direct representation on this matter.

The application had been deferred from the October meeting for clarification on the loss of trees, access arrangements and concerns about overdevelopment.

The Senior Planner recapped the details of the proposal and showed Members additional photographs of Jarvis Drive and the access to the site. The dimensions of Jarvis Drive were clarified and the area to be widened was pointed out on the photographs.

An indicative site layout had been provided and the Agent had confirmed that a paved area would be provided beside the access from Jarvis Drive for refuse bins to be taken to, to save the refuse lorry from having to access the site.

The majority of trees on the site would be retained with just two being removed.

Future residents would be reliant on cars but would enhance and maintain existing amenities in the village. The development would also contribute to the Council's housing land supply.

Mrs Filby (Objector) said the photographs seen by Members had shown an empty road because existing properties on Jarvis Drive had large driveways. The new dwellings had no provision for visitor parking. She had brought photographs showing two vehicles passing each other on Jarvis Drive. It was only just possible for two cars to pass and even when widened there would not be enough room for a lorry to pass a car. If the refuse lorry could not enter the site neither could removal vans or fire engines. An additional condition from Highways required all vegetation to be cut down to ground level up to 2.4metres back from the road, meaning the loss of the existing hedge which was valuable for wildlife. Finally she pointed out that the ownership of the verge had not been decided by Land Registry.

Mr Starling (for Applicant) said the mix of housing would provide a natural infill and help to sustain the local school, public house and bus service. The existing paddock was unused and had become neglected.

Mr Moulton (Agent) advised that an ecologist had revisited the site and deemed it to be of negligible value. The two trees to be removed had structural defects. The bin area had been provided to avoid the lorry having to access the site but access was possible for lorries, etc. The proposal was below the density level for rural areas; would look similar to existing; and had been designed to avoid overlooking. The Council had indicated it was willing to sell the land once legal issues were overcome.

**Action By**

Councillor North was concerned about the loss of the hedgerow but the Officer confirmed that only two trees would be lost.

Councillor Lamb did not agree with allowing development outside Settlement Boundaries in unsustainable locations. He felt the five year housing land supply deficit was being used to get houses anywhere.

Councillor Chapman-Allen was concerned about parking provision and thought that the widening of the road would not make a difference. She asked where the objector had got her information about the Highways condition and Mrs Filby offered to show a copy of their memo.

The Planning Manager pointed out that the hedgerow could be removed at any time as it was not protected. However, permission would provide for its maintenance and protection.

Councillor Claussen was concerned that the density and one and a half storey form of development was wrong for a rural location.

Councillor Duigan noted that a similar application in Litcham which had been refused by the Committee had been allowed on appeal.

Members did not support the recommendation of approval.

**RESOLVED** that the application be refused on the grounds that it was outside the Settlement Boundary, in an unsustainable location and harmed the form and character of Jarvis Drive.

117 .b THETFORD: 27 Croxton Road: Variation of S106 on p/p 3PL/2012/0509/F - to remove the obligation to provide affordable housing: Reference: 3OB/2014/0009/OB

This application to vary the terms of the legal agreement had been considered by the Committee in October. The details were recapped for Members. The original proposal had been for seven houses of which two units were to be affordable houses. The build was almost complete, but due to viability issues the developer was requesting the removal of the requirement to provide two affordable houses. Financial supporting information had been submitted to show that even without affordable housing the development would not provide the benchmark 20% return for the developer.

Government guidance encouraged Councils to be flexible to ensure that housing was released wherever possible.

Although a number of the open market units were already sold the developer was currently not in a position to repay their borrowing and the units could be repossessed by the mortgage lender. If that happened the lender was not bound by the legal agreement and could dispose of the affordable housing as open market units. The applicants had made extensive efforts to sell the affordable housing without success.

The application had not been referred to the District Valuer as under the terms of the legislation the Council only had 28 days to make a decision. However, the financial appraisal had been done by a professional and Officers had no reason to believe it was not correct.

**Action By**

Councillor Carter was very concerned that in his time on the Committee he had seen regular requests for reductions in contributions. In this case the local area would get nothing from the development.

Councillor Chapman-Allen thought that as experienced developers they should have priced the build more accurately.

In response to a question from the Chairman the Principal Planning Officer advised that although it might cause delays to the enforcement of planning conditions if a development went into Receivership, when the matter was eventually resolved the general conditions would still apply.

Members discussed the figures provided and the possibility of reducing the time limit for completion or adding a claw-back clause.

Councillor Armes was extremely disappointed as the Committee had compromised by offering to accept one affordable unit. Thetford needed affordable homes and the developer should recognise that.

The Chairman suggested an amendment to the recommendation, to vary the legal agreement to omit the requirement for affordable housing subject to completion within three years. Councillor Duigan suggested a further amendment to reduce the time limit to 12 months. The proposal was not supported.

Councillor Claussen said that Developers needed to realise that they had to give something.

**RESOLVED** to defer the application for renegotiation with the Developer to get some form of contribution.

**118/14 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 9)**

**RESOLVED** that the applications be determined as follows:

- a) Item 1: LYNG: Lakeside Country Club, Quarry Lane: Revocation of part consent 3/90/1720/F (16 units – 1 bed) and install 9 holiday lodges (static caravans) and works: Applicant: Lakeside Lakes & Apartments: Reference: 3PL/2014/0373/F

All Members had received direct correspondence on this item.

A previous scheme for 13 lodges had been refused and this revised application had reduced the density of development. Officers considered that most of the concerns raised could be addressed by conditions. An extant permission for 16 units could still be implemented and the new proposal was not expected to generate more traffic than that. The applicant was happy to relinquish that permission if the current proposal was approved.

Concerns about the piecemeal development of the site and enforcement issues were also addressed. The use of the holiday units as permanent dwellings had been investigated and could not be proven therefore no further enforcement action was proposed although the use would continue to be monitored. An additional occupancy condition was proposed if Members were minded to approve the application. A legal agreement would also be required to revoke part of the extant permission.

**Action By**

Mr Lambley (Parish Council) said the site was close to residential properties which shared the access road. The Club was not a good neighbour. The Bowls Club which used the facilities had been given notice to quit. The need was not justified; the existing permission would have been implemented if there was a need. It was common knowledge some units were used as permanent accommodation. He urged Members not to approve the application without a clear plan for the future of the site and further enforcement action and suggested a site visit should be made.

Mr Booth (Objector) lived next to the site. When he had bought his property the access track had been a metalled road with traffic calming, but the surface had been skimmed and the track was not well maintained. Surface water flowed into gardens; debris was thrown up by passing traffic; dust was a problem in dry weather. Acoustic fencing had been removed and the buffer zone did not work. Residents suffered from anti social behaviour from Club visitors. Before more development the road should be made up to a satisfactory standard.

Mr Futter (Agent) said the Club was very successful and offered various facilities including bowls, snooker and a swimming pool. The complex had been inundated with enquiries from families requiring larger accommodation. They were therefore seeking to replace the extant permission for one bed units with nine, two and three bed units. Planning policy supported tourism and sustainable leisure development and the Club benefitted local businesses and the community.

Councillor Bambridge (Ward Representative) noted that the bowls complex should be a jewel in the crown, but it was not. It was in a rural location close to the River Wensum, which had high protection status. There were many unresolved matters and he asked Members to defer their decision and 1) carry out a site visit to see what was already there and what was proposed; 2) request a full appraisal of the outstanding applications and agree the total extent of future development; and 3) establish the actual use of the units.

Councillor Spencer wondered why it had taken so long for the applications to come to fruition. She asked to see an updated business plan but was advised that the applicant was not required to submit that sort of information.

Councillor Duigan asked what constituted holiday accommodation as opposed to permanent accommodation. If 11 months' residence was permitted that was more or less a permanent permission. He asked if the time limit could be reduced. He was also concerned about the maintenance of the access track and lighting.

The Principal Planning Officer explained that there were lots of variations of 'holiday accommodation'; some were seasonal but more often there was no restriction on the months of occupation as tourism went on all-year. The Government encouraged flexibility. It made it very difficult to determine the difference between holiday and permanent accommodation. With regard to lighting the concerns were in respect of the previous permission and could not be address in the current application although lighting for that could be restricted to low-level only. The applicant had agreed to bring Quarry Lane up to a good standard

which should mean less maintenance would be required in future. Other properties used the access and it would be expected that they would make a private arrangement to contribute to the maintenance costs.

Councillor North asked about the Bowls Club and the Agent advised that he was unaware they had been given notice to quit. Mr Booth said that he had been informed that the bowls rink would be used as a children's indoor play area in future.

In response to a further question about job creation the Agent advised that he did not know if there would be more jobs, but year round accommodation meant that people were employed all year.

After further discussion Councillor Claussen proposed that a site visit was needed and Members supported that suggestion.

**Deferred, for a Site Visit.**

- b) Item 2: BRIDGHAM: Land at Hall Farm and Field Barn Farm: Solar farm and associated works (inverter cabins, switchgear, access tracks, security measures and landscaping): Applicant: RE:think Energy Limited: Reference: 3PL/2014/0589/F

This item was deferred from the Agenda. See Minute No 115/14 above.

- c) Item 3: NECTON: Town Farm, Chantry Lane: Erection of four dwellings: Applicant: Mr I Thompson: Reference: 3PL/2014/0590/O

This outline application for four dwellings was on a site outside the Settlement Boundary which was partly occupied by a car sales enterprise. The proposal was for four detached, two storey 4-6 bedroom dwellings with no affordable housing to be provided due to viability issues which had been confirmed by the District Valuer.

The proposal was considered to be sustainable as Necton had a full range of amenities. The site was well screened so there would be no significant negative impact.

Mrs Allen (Objector) was concerned because the access road was only six to eight feet from her windows and she could not see how it could be widened.

Mr Reeve (Agent) explained that the applicant could not make ends meet with the car business. The site was immediately adjacent the Settlement Boundary and the village had adequate services. The houses would be constructed to code level 4 and would be 'built for life'.

Councillor Carter was sorry to hear the business was not viable as it had been when the applicant had moved to the site from Fransham two years previously.

Councillor North agreed, she remembered that it had been a thriving business unable to find other premises. She had concerns about the lack of viability and the access road. Large houses would generate a lot of traffic movements and there did not seem to be any passing places.

The Senior Planner advised that Highways required the road to be

widened to 4.5 metres for the first ten metres into the site only.

Councillor Claussen felt that if no affordable housing was offered permission should be refused and Councillor Lamb agreed and noted that all the applications on the agenda were outside the Settlement Boundary.

The Chairman asked the Planning Manager to explain why the application was before the Committee. The Planning Manager explained that the Council's policies were out of date in the context of the NPPF (National Planning Policy Framework). The requirement for development had increased. As the site already had commercial use National guidance was very much in favour of allowing its development for housing.

The Director of Planning & Business Manager pointed out that Settlement Boundaries were relevant as a starting point for determining the relationship with existing development in the context of deciding sustainability in relation to the five year housing land supply shortage.

Councillor Claussen accepted that but said there was only one mechanism for delivering affordable housing and he objected to it being lost.

Councillor Carter pointed out that the houses would rely on the village for services but were giving nothing towards its resources. Councillor Bowes agreed and said she could not support the application without an affordable housing contribution.

Councillor Claussen proposed that the application be deferred and the Planning Manager be asked to negotiate with the developer before a decision was made. The Planning Manager was happy to do that.

**Deferred, for investigation into affordability.**

- d) Item 4: HOLME HALE: Site adjacent No 12 Station Road: Proposed dwelling and new access/parking to No 12 (donor property): Applicant: Mr J M Wright: Reference: 3PL/2014/0763/F

This application sought permission for a single dwelling in the side garden of an existing dwelling which formed part of a mixed, linear form of development. The new dwelling would be built gable end on to the road and would have a simple, contemporary feel. Although the proposal did not perform well with regard to access to local services, there were villages nearby with better services. Other issues were finely balanced but overall Officers felt it would be consistent with the character of the area and were recommending approval.

Mrs Hammond (Objector) lived in the adjacent property which was on land much lower than the application site. She was concerned that she would have problems exiting her driveway if vehicles were parked on the highway which might occur as there would be less parking with a shared driveway. The application was for a self-build which would mean noise and disturbance at weekends. The application would set a precedent.

Mrs Kerr (Objector) lived over the road and said the driveway opposite would look directly into her bedroom and sitting room being very intrusive and leading to loss of privacy. She also pointed out that the road was very narrow and there would be problems caused by vehicles parked on

the road during construction.

Mr Wright (Applicant) had bought the site with the intention to self build a home for his family. The existing planning permission had expired because he had needed to move the footprint of the dwelling. The original permission had been granted when the site was within the Settlement Boundary – it was now outside. He acknowledged that there would be some disruption during the build but he would try to address any issues as he did not want to fall out with his future neighbours. He had shrunk the design and obscured the windows to overcome other concerns.

Councillor Bowes asked to look again at the elevations to see the extent of overlooking. The window layout was explained.

**Approved, as recommended.**

- e) Item 5: ATTLEBOROUGH: Land south side of Bellevue Bungalow, Poplar Road: Erection of one dwelling house: Applicant: Mrs Suzanne Large: Reference: 3PL/2014/0952/F

For clarity, Councillor North declared that she knew the Applicant's son.

The application sought permission for a two storey dwelling in garden land between two bungalows with a ditch to one boundary. The height had been kept to a minimum and it was not considered that the development would be out of place. It was recommended for approval subject to conditions including an assessment of the capacity of the existing septic tank and an archaeological condition which had been requested by the NCC Historic Environment Officer.

Councillor Stasiak (Ward Representative) supported the application which was on land that the applicant had owned for 30 years. It was a perfect infill plot. The nearby railway line now had automatic barriers which had improved safety. The recent decision on the route for the relief road would lead to major development in the area in future.

Mrs Large (Applicant) had signed a Unilateral Undertaking to provide £1400 for Open Space improvements. The proposal met sustainable development criteria and concerns raised by residents could be overcome.

Councillor Martin (Ward Representative) said that both he and the Town Council fully supported the application. He agreed that concerns could be overcome.

Councillor Bowes asked whether responsibility for maintenance of the ditch would rest with the applicant or the occupier of the proposed property. She was advised that the responsibility would run with the owner of the land. The ditch would be covered by drainage conditions.

**Approved, as recommended.**

**Notes to the Schedule**

Item No	Speaker
1	Cllr Bambridge – Ward Representative Mr Lambley – Parish Council Mr Booth – Objector Mr Futter - Agent
3	Mrs Allen – Objector Mr Reeve - Agent
4	Mrs Hammond – Objector Mrs Kerr – Objector Mr Wright - Applicant
5	Cllr Stasiak – Ward Representative Cllr Martin – Ward Representative Mrs Large - Applicant
Agenda Item 8a Deferred Item Colkirk	Mrs Filby – Objector Mr Moulton – Agent Mr Starling – for Applicant

**Written Representations taken into account**

Reference No	No of Representations
3PL/2014/0373/F	11
3PL/2014/0590/O	2
3PL/2014/0885/O	10
3OB/2014/0009/OB	1
3PL/2014/0763/F	3
3PL/2014/0952/F	4

**119/14 APPLICATIONS DETERMINED BY THE EXECUTIVE DIRECTOR OF PLACE (AGENDA ITEM 10)**

Noted.

**120/14 APPLICATIONS DETERMINED BY NORFOLK COUNTY COUNCIL (AGENDA ITEM 11)**

Noted.

**121/14 APPEAL DECISIONS (AGENDA ITEM 12)**

Noted.

The meeting closed at 12.50 pm

CHAIRMAN



**BRECKLAND COUNCIL**

**At a Meeting of the**

**GENERAL PURPOSES COMMITTEE**

**Held on Wednesday, 12 November 2014 at 10.00 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr P.J. Duigan (Chairman)	Mr A.C. Stasiak
Mr T R Carter (Vice-Chairman)	Mrs A.L. Steward
Mr R.F. Goreham	Mr D.R. Williams JP
Mrs S.M. Matthews	Mr R. R. Richmond (Substitute Member)
Mrs K. Millbank	

**Also Present**

Mr R Atterwill - Chairman, Swanton Morley Parish Council

**In Attendance**

Sue Daniels	- Electoral Services Manager
Josie Hoven	- Licensing Officer
Helen McAleer	- Senior Democratic Services Officer
Rory Ringer	- Democratic Services Team Leader

**Action By**

**43/14 MINUTES (AGENDA ITEM 1)**

The Chairman welcomed Councillor Millbank to her first meeting as a member of the Committee.

The Minutes of the meeting held on 17 September 2014 were confirmed as a correct record and signed by the Chairman.

**44/14 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Borrett, Chapman-Allen and Skull. Councillor Robert Richmond was present as Substitute for Councillor Skull.

The Executive Member for Democratic Services and Public Protection had also sent his apologies.

**45/14 DECLARATION OF INTERESTS (AGENDA ITEM 3)**

No declarations were made.

**46/14 URGENT BUSINESS (AGENDA ITEM 4)**

None.

**47/14 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mr Roger Atterwill, Chairman of Swanton Morley Parish Council was in attendance. The Chairman agreed to allow him to speak on Agenda Items 8 and 9.

**48/14 REQUEST FOR AMENDMENTS TO HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING PROCEDURES (AGENDA ITEM 6)**

The Licensing Officer presented the report which sought permission to change the conditions which the Council had discretionary powers to apply to licences.

Currently only road wheels supplied by vehicle manufacturers were approved as spare wheels. However, many modern vehicles were being manufactured with only puncture repair kits provided, or with run flat tyres.

To allow those newer vehicles to be included in the licensed fleet it was proposed that the conditions be amended. It was noted that the omission of a spare wheel reduced the weight of a vehicle and therefore improved its fuel consumption.

**RESOLVED** that the Breckland Council Hackney Carriage & Private Hire Licensing Procedures be amended to include spare wheels, space saver wheels, inflation devices and run flat tyres as set out at Appendix B to the report.

**49/14 REQUEST FOR AMENDMENTS TO HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING PROCEDURES (AGENDA ITEM 7)**

The Licensing Officer presented the report and requested an amendment to the recommendation. The report had originally been presented to the Appeals Committee where the proposals had been supported. Members were asked to ratify that approval.

The Council had received a request from an operator of high class, executive vehicles used predominantly for chauffeur hire for an exemption from the requirement to display a rear identification plate. It was proposed that in such cases an identification sticker should be applied to the front and rear windows of the vehicle instead. Other authorities had already adopted such a practice.

Councillor Carter accepted the proposal for executive type vehicles but not for taxis and it was clarified that the exemption would apply to executive Private Hire vehicles only and not to Hackney Carriages.

The Chairman suggested an amendment to the wording of the recommendation to ensure that the exemption was controlled by changing the word 'predominantly' to 'solely'.

**RESOLVED** that:

- (1) exemption from displaying a rear identification plate for executive Private Hire Vehicles used solely for chauffeur hire be approved; and
- (2) the display of front and rear window, formal identification stickers be required in such vehicles.

**50/14 REVIEW OF POLLING DISTRICTS AND POLLING PLACES (AGENDA ITEM 8)**

The Democratic Services Team Leader presented the report which had been prepared following the publication of the Local Government Boundary Commission's final recommendations on their review of the District.

It had been necessary to review the Polling Districts to align them with the new Wards as the Electoral Registers were produced from those Districts. The majority remained unchanged; Attleborough, Dereham and Thetford being the most effected.

Mr Atterwill was invited to comment. He wished to pass on an observation made at a recent Parish Council meeting. They had been notified that Parishes would now have to cover a sizeable amount of the cost of elections and that might prompt a big increase in the charge to the Council for the hire of village halls for Polling Stations. He suggested that that should be borne in mind when budgets were calculated.

Councillor Stasiak asked if that meant that the Council would be charged more than the usual day rate, hire cost for a venue and Mr Atterwill confirmed that it might.

The Democratic Services Team Leader pointed out that such costs would be re-charged to the Parish Council.

Councillor Williams noted that it was not always the Parish Council that controlled Polling Station venues some were managed by Charities and Trusts and he thought it would be unfair for them to have to pay extra.

Councillor Goreham did not have a problem with the Polling Stations

proposed for Dereham but he thought it would cause confusion and people would not know where they were meant to vote. The Council needed to look at ways to disseminate the information about the changes. With regard to Scarning, he pointed out the village hall was a long way from the majority of electors and he thought a more realistic alternative should be sought.

The Democratic Services Team Leader advised that the school had refused to allow the use of its building as a Polling Station.

Councillor Millbank suggested that it would save money if the two Toftwood Polling Stations opposite each other were combined in one venue, but the Democratic Services Team Leader pointed out that that would mean that over 4000 electors would be using one building which might cause delays. In view of that Councillor Millbank thought that it would be better to split the electorate more evenly as one Polling Station only had 395 electors.

Councillor Goreham agreed and thought that it indicated that the Wards had not been split properly if the geographic mass was so uneven.

Other similar examples were discussed, such as Attleborough where two stations were only a few hundred yards apart and Swaffham where elderly electors had problems reaching their allocated Polling Station but another Station was within walking distance.

It was pointed out that Polling Stations were in the remit of the Returning Officer not the Committee. That was further complicated by the fact that part of the District including Swaffham, Watton and Thetford fell within South Norfolk Parliamentary District and their Polling Stations would be in the remit of the Kings Lynn & West Norfolk Returning Officer for the May 2015 elections.

Members raised various concerns about that including cost and risk, with ballot boxes being transported to King's Lynn and back to Dereham. The Chairman thought that Members needed more information on the roles of the Returning Officers at the next election and said that he would speak to the Executive Member for Democratic Services & Public Protection to discuss how to address that need.

Councillor Goreham returned to the disparity in the distribution of the East and West Toftwood Wards. He could not understand why there was such imbalance.

The Chairman thought it had been caused back in 2002 when the Wards had been changed. He then read out comments sent from the Executive Member Democratic Services & Public Protection as he was unable to attend.

**RESOLVED** that:

- (1) the creation of six new polling districts in Dereham
  - Neatherd Ward (Dereham Neatherd East & Dereham Neatherd West)
  - Toftwood Ward (Dereham Toftwood West & Dereham Toftwood East)
  - Withburga Ward (Dereham Withburga North & Dereham Withburga South);
  
- (2) the creation of ten new polling districts in Thetford
  - Boudica Ward (Thetford Anne Bartholomew and Thetford Boudica)
  - Burrell Ward (Thetford Burrell North and Thetford Burrell South)
  - Castle Ward (Thetford Castle East and Thetford Castle West)
  - Priory Ward (Thetford Priory East, Thetford Priory West, Thetford Priory South and Thetford Vicarage Road); and
  
- (3) the revised polling districts in Attleborough
  - Burgh & Haverscroft Ward (Attleborough Burgh & Haverscroft East and Attleborough Burgh & Haverscroft West)
  - Queens Ward (Besthorpe, Attleborough Queens East and Attleborough Queens West) be approved.

**51/14 COMMUNITY GOVERNANCE REVIEW - SWANTON MORLEY**  
**(AGENDA ITEM 9)**

The Electoral Services Manager presented the report which had been produced following a request from the Clerk of Swanton Morley Parish Council to increase the number of Swanton Morley Parish Councillors from seven to nine. A Community Governance Review was recommended.

Mr Atterwill, Chairman of Swanton Morley Parish Council was given the opportunity to address Members. He clarified the expected growth in the village brought about by the additional dwellings already built and those approved and expected to be built in the next few years, together with the change in the number of soldiers and their families stationed in the village. Overall there would be a 20% increase in the population since 2006. He pointed out that in the new Local Plan there might be scope for further growth in the village and noted that other villages of a similar size to Swanton Morley had nine Parish Councillors.

Councillor Carter was concerned that a similar request by Watton had been turned down and consistency was an issue.

Action By

The Electoral Services Manager pointed out that Officers had recommended that a Review be carried out in that case also, but the Committee had decided that the change should be incorporated in the Breckland District Review which would be carried out in 2016.

Councillor Goreham agreed that consistency and being seen to be fair were key issues. However he felt that each community knew its own business best and he commended Swanton Morley on being a very proactive Parish Council. In terms of local democracy he thought the request should be supported but he was concerned that the residents of Watton might feel aggrieved.

Councillor Williams was concerned about the cost of a review. However, he acknowledged that Swanton Morley was a vibrant village. Other Parishes had difficulty recruiting Parish Councillors he asked if the same applied in Swanton Morley and Mr Atterwill advised that they had no problems filling vacancies.

In response to a question from Councillor Millbank it was confirmed that changes from the District Review in 2016 would not become effective until 2019.

Councillor Stasiak asked if it was appropriate to increase the number of Parish Councillors when the number of District Councillors was being reduced.

Councillor Robert Richmond agreed with Councillor Goreham's comments. He regularly attended Swanton Morley Parish Council meetings and they were very constructive. The Parish Councillors were active and 'hands-on', doing as much as they could themselves to save residents money and look after the community.

Councillor Goreham thought that the increase should be supported as Swanton Morley had a proven track record. He recalled that Watton had actually requested a reduction in the number of their Councillors and so their situation was not urgent, whereas with Swanton Morley the increase in their population meant that they needed more Councillors.

Councillor Carter also fully supported the proposal. His only concern had been consistency and he agreed that this was very different to the Watton case.

Councillor Williams noted that in his own village there were a separate Committee for the Village Hall. The amount of people on that Committee combined with the number of Parish Councillors meant there were 15 or 16 people working for the community, whereas in Swanton Morley the seven Parish Councillors managed the village hall as well.

Mr Atterwill agreed. They had taken over the management of the village hall which was a registered charity in 2009 when the existing Committee

had resigned. At that time the hall had a debt of £3000. They had worked with the Charity Commission and held a public meeting at which it had been agreed that the Parish Council would become the managing trustee. They held separate meetings for the Parish Council and the Village Hall committee and the Parish Clerk managed the bookings for the hall. It had been a success and the debt had been cleared, but it was a lot of work for just seven people. He went on to respond to the comment about the number of District Councillors being reduced by saying that that made it even more important to do things at a local level, in line with the Localism agenda.

The Chairman asked if there was sufficient capacity within the team for the review to go ahead if approved and the Electoral Services Manager confirmed that there was. The majority of work had been done the only issue would be collating and analysing the responses to the public consultation and compiling the report to the Committee.

**RESOLVED** that:

- 1) delegated authority be given to the Executive Director, Commissioning and Governance to carry out a Community Governance Review for Swanton Morley;
- 2) delegated authority be given to the Executive Director, Commissioning and Governance to agree the Timetable and Terms of Reference for the review; and
- 3) further reports to be brought to General Purposes Committee in order that decisions may be made in respect of the final recommendations of the Community Governance Review.

**52/14 COMMUNITY GOVERNANCE REVIEW - GREAT ELLINGHAM  
(AGENDA ITEM 10)**

The Electoral Services Manager presented the report which responded to a request from Great Ellingham Parish Council for a review to include properties on the south side of the A11 which were currently in the adjoining Attleborough ward. It was the Officers' view that it would be a very complex review due to the change in boundaries that was being requested. That would require the permission of the Boundary Commission and they had indicated that they would not support the review. It was considered that it would be better to consider the proposal in the wider review which would take place in 2016.

Councillor Stasiak asked for clarification of the change to the ward boundaries and Members were directed to maps which had been hung on the wall which showed the existing ward boundaries and the new ward boundaries from 2015 following the recent Boundary Commission review.

Action By

Councillor Millbank had lived in Great Ellingham and she felt that residents around the A11 would have more affinity with Attleborough.

**RESOLVED** to do nothing at this time and to carry out the review under the full Community Governance Review of the Breckland Council area scheduled to commence in 2016.

**53/14 NEW REMUNERATION PACKAGE (AGENDA ITEM 11)**

The Chairman advised Members that there was nothing to report. The HR Manager would give a verbal update to the next meeting.

**54/14 NEXT MEETING (AGENDA ITEM 12)**

The arrangements for the next meeting on 17 December 2014 at 10.00am in the Norfolk Room, Elizabeth House, Dereham, were noted.

The meeting closed at 11.15 am

CHAIRMAN



**At a Meeting of the**

**APPEALS COMMITTEE**

**Held on Wednesday, 26 November 2014 at 10.00 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs L.H. Monument (Chairman)	Mr S. Askew
Mr W. R. J. Richmond (Vice-Chairman)	Mr R.W. Duffield
Mrs S Armes	Mrs J A North

**In Attendance**

Tiffany Bentley	- Licensing Officer
Yvonne Blake	- Solicitor
Josie Hoven	- Licensing Officer
Helen McAleer	- Senior Democratic Services Officer

**38/14 MINUTES (AGENDA ITEM 1)**

The Chairman requested an amendment to the second bullet point on page 3 to read 'If a driver's licence is revoked and later *the driver* is found to be ....'

Subject to that amendment the Minutes of the meeting held on 3 September 2014 were confirmed as a correct record and signed by the Chairman.

**39/14 APOLOGIES (AGENDA ITEM 2)**

None.

**40/14 URGENT BUSINESS (AGENDA ITEM 3)**

None.

**41/14 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

No declarations were made.

**42/14 NON-MEMBERS WISHING TO ADDRESS THE MEETING  
(AGENDA ITEM 5)**

None.

**43/14 HEARING PROCEDURES (AGENDA ITEM 6)**

The Hearing procedures were noted.

**Action By**

**44/14 APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE AS AN EXECUTIVE VEHICLE (AGENDA ITEM 7)**

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

The Hearing took place in the presence of the Appellant, a Licensing Officer and Mrs Y Blake, the Council's Solicitor.

The Chairman made introductions and explained the procedure.

The Licensing Officer then presented the report. The Council's current Taxi Licensing Policy did not allow tinted windows except in stretch limousines and luxury vehicles. There was no definition of luxury in the Policy.

Mr Walton's people carrier had been refused a Licence as it had failed the tinted window test. He asserted that it was a luxury vehicle and that he would meet all the requirements in the Executive Vehicle Policy. He had brought the vehicle with him so that Members could inspect it for themselves. He had also submitted a letter and some additional information from the manufacturers which had been issued in an Agenda Supplement. Some Members had not seen the supplement and so time was given for them to read the information.

Councillor North asked if the Council's requirement for 70% of light to be transmitted through the windows was a local or National standard. The Licensing Officer advised that it had been a National standard, but many Local Authorities were moving away from that requirement.

In response to a question the Licensing Officer advised that it was normally an Officer decision whether a vehicle was luxury and qualified for an Executive Licence Plate, but it was a more difficult decision with people carrier vehicles. It was also confirmed that a Licensing Assistant had seen a brochure only, not the car itself, and had given Mr Walton the wrong advice.

The Licensing Officer had not wanted to set a precedent by approving the vehicle without advice from the Committee on the interpretation of luxury status. A report would be presented to General Purposes Committee asking them to agree an exemption to vehicles with tinted windows.

Mr Walton gave further details of the intended use of the vehicle which would not be used for private hire. He explained that his existing luxury vehicle did not have the space to take four passengers and their luggage on airport transfer journeys. He had been looking for a larger, high-spec vehicle to meet their requirements. He also hoped to secure work with armed forces personnel; taking them to ceremonial events when they would be wearing uniform and tinted windows would be needed for security.

Action By

Members left the room to inspect the vehicle. On their return they asked Mr Walton and the Licensing Officer to leave the room whilst they determined the application.

The Solicitor thought that it would be useful to have guidelines on the definition of luxury and executive vehicles.

Members discussed possible safety issues with people on the outside being unable to see into the vehicle. As the vehicle would not be used to transport unaccompanied children and it was felt unlikely that the vehicle would be used for single passengers, those fears were not considered sufficient reason for a refusal.

The Licensing Officer was consulted and confirmed that she was of the opinion that the people carrier was a luxury vehicle. Members agreed with that.

Councillor Duffield was concerned that the Appeals Committee had to administer the Policy and they should have more input to General Purposes Committee which approved the Policy. He was also unhappy that advice had been given based on a brochure. Officers should not give advice without seeing the vehicle.

The Chairman assured him that the Appeals Committee's views would be made clear to General Purposes Committee. She also noted that it was difficult to buy a luxury vehicle without tinted windows.

Mr Weston and the Licensing Officer were invited back into the room. The Solicitor read out a summary of the Committee's decision.

It was **RESOLVED** to grant the appeal for the following reasons:

1. The Committee agreed that it was a luxury vehicle designed for executive use;
2. The Committee required all of the standard Breckland conditions from the Policy for Executive Private Hire to be imposed; and
3. On those conditions the Committee would make an exception to the existing Policy regarding tinted windows as Mr Weston had effectively demonstrated that there was a market demand for vehicles of this kind, and the Committee were aware that such vehicles were produced with tinted windows as standard.

General Purposes Committee would be asked to consider an amendment to the Policy.

**45/14 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 8)**

**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 items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 1, 2 and 7 of Part 1 of Schedule 12A to the Act.

**46/14 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE (AGENDA ITEM 9)**

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

The Hearing took place in the presence of the Appellant, the Appellant's cousin, a Licensing Officer and Mrs Y Blake, the Council's Solicitor.

The Chairman made introductions and explained the procedure.

The Licensing Officer presented the report and advised Members that a print out of the Appellant's conviction details was available if required.

Members wanted to see that information. Copies were tabled and time was given for it to be read. The Appellant had also brought copies of references from employers which were tabled and read by Members.

The Chairman asked the Appellant why he was seeking a Breckland Licence when he lived in Oxfordshire. He responded that he was seeking a fresh start. He acknowledged that he had made mistakes in his youth which he had not realised would have such a long-term effect on his life. He was now married. In his work as a van driver he had visited Breckland and got to know and like the area.

The details of the convictions were explained and Members asked questions to clarify the circumstances.

It was noted that the Appellant had been refused an application for a Licence by Daventry Council in 2012. They had advised him to reapply in 2015 but in the meantime he had decided to move away from that area.

The Appellant, his cousin and the Licensing Officer were asked to leave the room whilst the Committee deliberated on their decision.

Members debated the matter thoroughly. They were split two for and two against allowing the application. One Member abstained. The Chairman used her casting vote. She was inclined to give the Appellant a chance but in view of the number of convictions and the split in the Committee she felt her prime duty was to the people of Breckland.

Action By

The Appellant, his cousin and the Licensing Officer were invited back and the Solicitor read out the Committee's decision.

The Committee felt they could not grant the application at the current time due to the number of recent convictions, most of which were for driving offences. If he chose to apply again in one year they would be willing to reconsider his application. The Committee admired his commitment to remain crime free, but their primary concern was the safety of the residents of Breckland.

**RESOLVED** to refuse the application for the grant of a Hackney Carriage / Private Hire Licence on the grounds that at the moment the Appellant was not found to be a fit and proper person on the evidence before the Committee.

The Chairman reiterated that the information had been thoroughly discussed and it had not been an easy decision.

**47/14 NEXT MEETING (AGENDA ITEM 10)**

The arrangements for the next meeting on 8 January 2015 were noted.

The meeting closed at 12.30 pm

CHAIRMAN

**BRECKLAND DISTRICT COUNCIL**

**Report of:** The LABV Project Board

**To:** Full Council: 9 December 2014

**(Author:** Julie Kennealy, Executive Director of Place)

**Subject:** Selection of Preferred Bidder in anticipation of the creation of a Breckland Local Asset Backed Vehicle (LABV).

**Purpose:** To recommend to Full Council to appoint a preferred bidder and proceed with a LABV joint venture (subject to legal and financial close).

**Recommendations:**

Full Council is asked to agree one of the following options:

Option 1 - Agree Land Group LLP's LABV solution and appoint Land Group LLP as the Preferred Bidder following the procurement exercise and complete the final phase of the procurement consisting of finalisation of the contractual documents. Prior to signing the contractual documents approval will be sought from Full Council.

Option 2 - Do not continue the LABV procurement project and cease all activity.

If Option 1 is selected, Full Council is asked to approve the following recommendations:

- 1) To select Land Group LLP's variant LABV solution and appoint Land Group LLP as the Preferred Bidder.
- 2) The initial business plan sites for the LABV joint venture will be Riverside, Burghwood Drive Mileham and Chapel Road Attleborough.
- 3) To delegate authority to the LABV Project Board to complete the financial and legal requirements necessary to reach legal and financial close, within the existing budget as previously approved for this project.
- 4) That prior to financial and legal close approval of Full Council is sought to approve entering into the contract.
- 5) The LABV Project Board with existing membership will continue to meet as required.
- 6) To delegate authority to the Chief Executive to identify and instruct appropriate officers to set up a wholly owned local authority company which is limited by shares which will be the Special Purpose Vehicle to deliver the LABV.

## 1.0 BACKGROUND

- 1.1 In October 2013 Full Council authorised the establishment of a project that would seek to procure a private sector partner through an EU competitive dialogue procurement process which would aim to create a Local Asset Backed Vehicle (LABV) joint venture.
- 1.2 The LABV procurement was initiated, following an options appraisal in response to an identified need to address four identified “drivers for change” These are:
- (1) Step change in financial performance of asset base;
  - (2) Accelerate growth in the District;
  - (3) Provide a vehicle to enable stalled projects to proceed; and
  - (4) Provide a vehicle for Regeneration;
- 1.3 The drivers for change were translated into specific objectives, which the solution arising from the procurement process was to meet :

No	LABV Objective
1	Achieve economic growth outputs
2	Secondary financial benefits
3	Contribute to fulfilment of LDF delivery (through LABV sites) and unlock stalled and unviable projects
4	Create a set of linked schemes to deliver change across a series of sites / area
5	Deliver sustainable high quality built form and design
6	Visible improvements to public spaces / public realm
7	Communication and consultation with the public
8	Financial return
9	Financial robustness
10	Financial deliverability
11	Appropriate risk allocation
12	A LABV that works well with the Council as a joint venture partner
13	Council does not cede control
14	Single cohesive interface
15	Acceptable exit strategy

- 1.4 The Council appointed a team of professional expert advisors to the project being Trowers & Hamblins LLP for legal and procurement advice, PriceWaterhouseCoopers (PWC) for financial advice and Urban Delivery for property advice.

In October 2013 the procurement formally started with the issue of the Official Journal of the European Union (OJEU) Notice, which was followed by a Pre-Qualification Questionnaire (PQQ). Three bidders submitted completed questionnaires; these were Morgan Sindall Investments Ltd, Land Group LLP and Guildhouse UK Ltd.

- 1.5 All three bidders passed the PQQ assessment and were invited to the next stage which was to submit their outline solutions (Invitation to Submit Outline Solutions (ISOS)). In May 2014 the Council received three ISOS returns and these were

evaluated following which all three bidders were invited to the next stage which was to undertake dialogue with the Council in anticipation of the bidders submitting their final detailed solutions (Invitation to Submit Detailed Solutions (ISDS)).

- 1.6 During the dialogue the Council developed the solutions with bidders which resulted in a progressive step by step approach to a longer term 50/50 joint venture based on the successful delivery of an agreed group of projects ( alongside other qualifying criteria). This solution will involve the Council initially owning the majority of the shares in the joint venture. In November 2014 final bids (solutions) were received from two remaining bidders, Land Group LLP and Guildhouse UK Ltd (Morgan Sindall Investments Ltd having withdrawn from the process). The final two bids (solutions) were formally evaluated according to predefined and pre-published evaluation criteria. This identified a clear differential between the bids (solutions). The most economically advantageous tender in terms of being measured against the tender evaluation criteria which was formulated in advance to the original objectives and financial return has been evaluated by the Council's project team and the appointed external Financial, Property and Legal advisors.

### **1.7 Market Intelligence / Tailored LABV**

- 1.8 The aim of establishing a LABV joint venture with the preferred bidder is to deliver a number of objectives and to achieve overall economic benefit for the area the LABV serves. To date Breckland Council's focus has been on commercial asset management with the main aim to obtain the best immediate receipt for the Council. Recently there has been a broader focus adopted by the Council which centres on district growth and district benefits thus enabling total economic benefit.
- 1.9 Traditionally LABVs have been the domain of large public bodies, attracting major private sector partners in areas of high land value. Breckland is a smaller district, mainly rural with low land values, so a traditional model LABV does not lend itself readily to these current circumstances. However the value of a LABV as a delivery vehicle to enable us to meet wider district growth objectives remains high.
- 1.10 The Council's core business is not direct property development delivery and this along with the need to create more economic benefit led the Council to change its approach and develop a tailored LABV approach that best meets our own specific organisational and district needs.

This new approach was different in that an arrangement for a LABV has been created with a two stage process. Initially in the first stage the Council will own a majority of the shareholding in the joint venture and the LABV will deliver three property projects. There is then an incremental approach to establishing the partnership (second stage) and that the longer term partnership is based on success. The success criteria being (1) actual delivery completed (2) financial standing of partner tested and (3) agreed future business plan. This allows the Council to:

- Test the partner's capacity – i.e. on three sites.
- In the medium term – obtain professional asset management capacity to develop the business plan for longer term.
- Move to a longer term arrangement – with confidence and experience.



## **1.11 The Solution**

1.12 Land Group LLP's solution in response to the Council's requirements is to deliver the following in the initial business plan:

- Burghwood Drive, Mileham – The proposal is for the direct build out of the existing outline planning permission of 11 residential units of which 4 are affordable. This project will have an immediate start and an indicative timetable for construction to be completed in March 2016 and sales to be completed by December 2017.
- Riverside, Thetford – The proposal is for the direct delivery of the existing full planning permission for a mixed use scheme for leisure and retail use. This will be via a head lease solution where the Council retains the freehold. A start on site planned for May 2015 and practical completion by September 2016.
- Chapel Road, Attleborough – The proposal is for the direct development of a residential scheme based on 12 units of which 5 are affordable. Due to the existence of a licence for the adjacent school to use this site as a playing field this scheme will not start immediately. However a planning application will be submitted by the end December 2015 with a view to construction being undertaken by end of December 2016 and sales to be completed by December 2018.

## **1.13 Land Group London LLP ('Land Group') - Profile**

1.14 Land Group is based in Suffolk and is a corporate company with many subsidiaries created for different projects they are involved in. Land Group specialises in property development, consultancy and project finance with principle activities of property investment, development consultancy, property investment, development consultancy, Private Finance Initiative (PFI), Public Private Partnerships (PPP), project management and building consultancy.

1.15 Land Group has experience of delivering a number of high value public sector projects, particularly in the PPP and PFI sectors, including working with NHS Trusts on projects to deliver an £8m new hospital facilities, a £35m new mental health facility and residential units, a £45m project for a new pharmacy and laboratory, and working with a County Council on an £85m project to refurbish, redevelop or relocate 11 fire stations. Land Group has no shareholding in a contractor or house-builder.

## **1.16 Financial & Legal Close - Procurement Stage**

1.17 Following the decision to award the contract to the preferred bidder, Land Group as per the recommendations of this report, the Council will issue debriefing letters to the bidder who was unsuccessful and a preferred bidder letter to the successful bidder. A 10 day standstill period will apply following issue of the debriefing letters during which the Council will be prohibited from entering into the contract with the preferred

bidder and giving the unsuccessful bidder the opportunity to challenge the award decision.

1.18 Following the standstill period, the Council will finalise the contractual documents with the preferred bidder through the financial and legal close stage during which the Council will clarify aspects of the successful tender or confirm commitments contained within the tender. The Council expects to enter into the Shareholders Agreement and other contractual documents with the preferred bidder in February 2015 but this is an estimated date and may be subject to change.

### **1.19 Riverside**

1.20 By choosing Land Group's solution for a LABV and delivering Riverside via this solution the Council commits to delivering Riverside whether the LABV reaches legal and financial close or not, because the hotel operator agreement will have become unconditional on 20 December 2014.

## **2.0 OPTIONS**

### **2.1 Option 1**

Agree Land Group's LABV solution and appoint Land Group as the Preferred Bidder following the procurement exercise and complete the final phase of the procurement consisting of finalisation of the contractual documents. Prior to signing the contractual documents approval will be sought from Full Council.

### **2.2 Option 2**

Do not continue the LABV procurement project and cease all activity.

## **3.0 REASONS FOR RECOMMENDATIONS (PURSUANT TO OPTION 1)**

3.1 The LABV model and identification of a preferred bidder has been procured through a competitive dialogue process as advertised in the OJEU.

3.2 The LABV model has been assessed by external consultants, Price Waterhouse Coopers and their analysis demonstrates the opportunity for the Council to obtain added value from the proposed developments within the initial commitment phase of up to £1million, relating only to the initial wrapper of three recommended sites. In addition to the financial benefit, the LABV model provides added value to the Council over alternative development methods through:

- A phased approach to the partnership with the Council holding the majority share for the period of the initial agreed business plan (maximum 5 years from legal close (est. February 2015) after which point and subject to evidence of successful delivery and robust financial standing a built in opportunity for incremental progression to a full 50/50 traditional LABV structure will apply;

- A governance structure designed to guarantee equal Council engagement and control in all decision making;
- Time to deliver the longer term partnership if the Council want to and allows time to develop the larger business plan.
- The delivery of Riverside, Thetford, a key project for the District as well as the delivery of two further residential schemes within the first business plan period;
- Full flexibility over future land transfers with no exclusivity beyond the initial wrapper of 3 sites
- Open book accounting, market testing for all fees and charges and an agreement to review fee structures in line with any increase in scale and scope of the private sector partner interest beyond the initial business plan period and
- Critically, the LABV provides the Council with an opportunity to secure a partner, who offers strategic expertise and experience to kick start, maintain and support the delivery of key development priorities in a compliant, efficient and flexible way than would otherwise be the case.

#### **4.0 EXPECTED BENEFITS**

- 4.1 LABVs are created for a number of reasons ranging from general regeneration and rounded “place making” drivers to specific requirements for unlocking difficult sites or managing a suite of assets.
- 4.2 Although the drivers behind the creation of a LABV are variable, all share a fundamental purpose which is namely the use of private sector expertise and capacity to drive through and realise economic benefits.
- 4.3 The Breckland LABV provides a sound mechanism to deliver wider growth objectives and in so doing secure economic benefit across our district.
- 4.4 It is important to measure performance across a broad spectrum and the LABV performance criteria is as follows:

##### **Growth and Regeneration**

1. Achieve economic growth outputs
2. Secondary financial benefits
3. Contribute to fulfilment of LDF delivery (through LABV sites) and unlock stalled and unviable projects
4. Create a set of linked schemes to deliver change across a series of sites / area
5. Deliver sustainable high quality built form and design
6. Visible improvements to public spaces / public realm
7. Communication and consultation with the public

### **Financial**

8. Maximise financial return
9. Robustness of financial proposals
10. Financial Deliverability
11. Appropriate Risk allocation

### **Partnership**

12. A LABV that works well with the Council as a joint venture partner
13. Council does not cede control
14. Single cohesive interface
15. Acceptable exit strategy

Each LABV additional project will be assessed according to the Project Approval process set out in the Shareholders Agreement.

## **5.0 IMPLICATIONS**

### **5.1 Carbon Footprint/Environmental Issues**

- 5.1.1 These have been considered and in the opinion of the author there are no direct implications as a result of the report.

### **5.2 Constitution & Legal**

- 5.2.1 The Council has the power to invest in a company pursuant to section 12 of the Local Government Act 2003. The Council also has a power of general competence pursuant to section 1 of the Localism Act 2011 and where the Council is proposing to exercise its power of general competence for a commercial purpose, it must do so through a company as required in section 4 of the Localism Act 2011. The Council has the power to enter into contracts such as the shareholders agreement, development services management agreement and related documents pursuant to section 1 of the Local Government (Contracts) Act 1997. When disposing of an interest in land in excess of a leasehold of interest of seven years, the Council has a duty pursuant to section 123 of the Local Government Act 1972 to obtain the best consideration reasonably obtainable or where the land is held for planning purposes, pursuant to section 233 of the Town and Country Planning Act 1990. The Council will receive independent valuation advice to ensure that it is complying with its duty to obtain the best consideration reasonably obtainable when disposing of any relevant interests in land to the LABV or its subsidiaries. With the exception of the first three projects (Riverside, Mileham and Chapel Road, Attleborough) all further projects will be subject to a two-stage project approval process by the LABV's board which will include Council-appointed directors.
- 5.2.2 Elected members should be aware that the Council's exercise of functions pursuant to the LABV and all decisions made in relation to the recommendations in this report are separate to the Council's functions as a local planning authority. Any planning applications made by the LABV or its subsidiaries will therefore be subject to the usual separate statutory procedures.

- 5.2.3 Where Council elected members or officers are to be appointed to represent the Council as directors on the LABV, they will be given appropriate training in order that they have a full picture with regard to their responsibilities and it is intended that the next report to Council with regard to the recommendation to sign the shareholders agreement and related documents will address the arrangements to be put in place with regard to appointing and indemnifying Council-appointed directors and therefore that detail will follow in the next report.
- 5.2.4 The proposed form of the LABV has now evolved from a company by shares which was owned equally by the Council and its private sector partner with equal profit sharing to a solution which involves a majority shareholding by the Council and minority shareholding by its private sector partner with profit sharing adjusted to reflect each parties' relative levels of investment.
- 5.2.5 Provided the Riverside, Mileham and Attleborough projects are successfully delivered and the private sector partner meets the Council's required assessment with regard to financial and economic standing, there will be an option for the private sector partner to subscribe for shares in the LABV to increase to an equal shareholding with the Council and the option to put forward further sites in the LABV "wrapper" subject to a two stage project approval process.
- 5.2.6 In procuring this solution, the Council has advertised in OJEU and conducted a competitive dialogue process on the grounds that Council was "not objectively able to specify in advance the legal and financial make-up of the project or define in advance the technical means capable of satisfying its needs and objectives" - this is standard justification for use of the competitive dialogue procedure. The Council has therefore conducted the competitive dialogue in successive stages in order to identify a solution capable of meeting the Council's requirements. Following selection of the preferred solution, the Council may request the participant identified as having submitted the most economically advantageous tender, to clarify aspects of that tender or to confirm commitments contained in the tender provided that this does not have the effect of modifying substantial aspects of the tender or the Invitation to Submit Detailed Solutions and does not risk distorting competition or causing discrimination.

### **5.3 Contracts**

- 5.3.1 The subject matter of this report will be referred back to council prior to entering into any formal contract for the private sector partner and the formal incorporation of the shared LABV. The contractual obligations to the hotel provider for Riverside are covered within the body of this report.

### **5.4 Corporate Priorities**

- 5.4.1 This approach underpins the corporate priority 'To support our local economy'.

### **5.5 Crime and Disorder**

- 5.5.1 In the opinion of the report author having considered the issue of crime and disorder there are no implications.

## **5.6 Equality and Diversity/Human rights**

5.6.1 In the opinion of the report author having considered the issue of equality and diversity / human rights, there are no implications.

## **5.7 Financial**

5.7.1 The Council's external Financial Advisor has undertaken an independent review of Land Group LLP's proposal and the solution offered generates a significant net return to the Council in addition to delivery of key sites.

5.7.2 This report is to select a preferred solution and the financial offer supports this recommendation. However, there remain a number of detailed financial issues to clarify after selection of preferred solution to achieve financial and legal close to ensure the Council is not exposed to unnecessary or unforeseen financial implications.

5.7.3 The report to approve signature of the Shareholders Agreement and related contractual documents will be supported by a full financial analysis of the final contract arrangements

## **5.8 Health & Wellbeing**

5.8.1 The Council needs to demonstrate that it has had regard to its public sector equality duty and that the Council before commencing and throughout the procurement has considered how this contract might improve the economic, social and environmental well being of its area pursuant to the Council's duties under the Public Services (Social Value) Act 2012.

## **5.9 Risk Management**

5.9.1 Land Group LLP has presented a sound bid and they have clearly undertaken a lot of work and have developed their solutions during dialogue to accommodate the Council's requirements.

5.9.3 This report is to select a preferred solution. The report to Council to enter into a contract will be accompanied by a full contract risk log.

## **5.10 Staffing**

5.10.1 At this stage there are no implications for staffing.

## **5.11 Stakeholders / Consultation / Timescales**

5.11.1 The 20 December 2014 is the critical date for the council's obligations to the hotel provider for the Riverside development.

5.11.2 All planning applications will be subject to the usual separate consultation procedures.

## **6.0 WARDS/COMMUNITIES AFFECTED**

All

## **7.0 ACRONYMS**

LABV – Local Asset Backed Vehicle  
OJEU – Official Journal of European Union  
LLP – Limited Liability Partnership  
PQQ – Pre Qualification Questionnaire  
ISOS – Invitation to Submit Outlines Solutions  
ISDS – Invitations to Submit Detailed Solutions

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Background papers: None

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### **Lead Contact Officer**

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### **Director / Officer who will be attending the Meeting**

Name and Post: Julie Kennealy, Executive Director of Place

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

**Appendices attached to this report:**

Appendix 1 – Supplementary Confidential Information

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted