

**BRECKLAND COUNCIL**

**At a Meeting of the**

**COUNCIL**

**Held on Thursday, 1 October 2009 at 10.30 am in the  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr S. Askew	Mr R. Kemp
Mr G.P. Balaam	Mr M.A. Kiddle-Morris
Mrs J. Ball	Mr R.G. Kybird
Mr S.G. Bambridge	Mr J.P. Labouchere
Mr W.P. Borrett	Mr T.J. Lamb
Councillor Claire Bowes	Mr K. Martin
Mr A.J. Byrne	Mr I.A.C. Monson
Mrs M.P. Chapman-Allen	Mr D.G. Mortimer
Mr P.D. Claussen	Mr D.S. Myers
Mr J.P. Cowen	Mr J.W. Nunn
Mr R.W. Duffield	Mrs P. Quadling
Mr P.J. Duigan	Mr J.D. Rogers (Chairman)
Mr M. Fanthorpe	Mr S. J. P. Rogers
Lady Fisher	Mr B. Rose
Mr P.S. Francis	Mr F.J. Sharpe
Mr R.F. Goreham	Mr W.H.C. Smith
Councillor E. Gould	Mrs P.A. Spencer
Mr J.R. Gretton	Mr A.C. Stasiak
Mrs T. Hewett	Mrs A.L. Steward
Mrs D.K.R. Irving	Mrs L.S. Turner
Mr A.P. Joel	Mr N.C. Wilkin
Mr C.R. Jordan	

**Also Present**

Mrs J. Jenkins - Chairman, Standards Committee

**In Attendance**

Robert Barlow	- Director of Governance and Finance
Sheila Cresswell	- Member Services Officer
Phil Daines	- Development Services Manager
Mark Finch	- Finance Manager
Trevor Holden	- Chief Executive
Robert Leigh	- Marketing and Communications Manager
Maxine O'Mahony	- Director of Organisational Development
Mark Stokes	- Deputy Chief Executive
Steve Udberg	- Asset Management Manager

**99/09 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 30 July 2009 were confirmed as a correct record and signed by the Chairman.

**100/09 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr S. Chapman-Allen, Mr R. Childerhouse, Mr M. Griffin, Mr P. Hewett, Mrs S. Matthews, Mrs K. Millbank, Mrs L. Monument, Mr I. Sherwood and Mr M. Spencer.

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**101/09 DECLARATION OF INTEREST (AGENDA ITEM 3)**

The following declarations of interest were noted:

- |                |   |
|----------------|---|
| Mr P. Claussen | A personal interest in the Property Matter (additional agenda item No 21).  |
| Mr J. Rogers   | A personal interest in Development Control Committee Minute No 149/09(b) as a member of the Parish Council.                                     |
| Lady K Fisher  | A personal and prejudicial interest in Moving Thetford Forward Board Minute No 33/09 concerning stone curlews and Thetford Growth Point status. |

**102/09 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman asked Councillor A. Steward, as the relevant Executive Member, to give a brief update on the LDF situation. Mrs Steward confirmed that the Inspector's report had now been received and that the document was considered sound. Some minor changes had been highlighted, but these had been agreed with other parties during the examination process.

She drew attention to the fact that this was an excellent result and that Breckland Council was one of the leading Local Authorities in this field in the country: less than 60 were so far advanced into the LDF process.

She outlined the next phase, explaining that the Council now had until 13th October to make any necessary amendments. The Inspectors would then have five days to scrutinise the document before the final report would issue. During this process the document would not be in the public domain, but, once finalised, the Report would be placed on the Council website and all those who had participated in the exercise would be notified.

The Executive Member concluded by passing on sincere congratulations, which were later echoed by the rest of the Council, to all the officers who had worked so hard on this project. The Chief Executive endorsed these comments. Quoting from the Inspector's letter, he drew attention to the professionalism of the Council staff, saying that they had been "helpful and courteous" throughout the process. Particular thanks were passed to Charlotte Taylor for her skills and local knowledge in her role of Programme Officer. It was also acknowledged that whilst Capita Symonds had made the final presentations, Council staff had put in all the background preparation over many months.

The Chairman then ran through his list of recent engagements, highlighting his Reception on the 20<sup>th</sup> August. He thanked Sue Allen, his secretary, and all those who had helped to make the event a success. He also expressed particular thanks to Councillor N. Wilkin for the gift of a Rocking Horse for auction, which had proved very popular.

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Another event he had particularly enjoyed was the Joan Mann Special Sports Day on 19<sup>th</sup> September.

**Engagements List – Chairman**  
**30<sup>th</sup> July, 2009 – 30<sup>th</sup> September, 2009**

<b>Date</b>	<b>Event</b>	<b>Host</b>
31 July	100 <sup>th</sup> Anniversary of the Scenic Railway, Great Yarmouth Pleasure Beach	The Mayor of Great Yarmouth Borough Council, Councillor Albert Jones
20 August	Chairman's Reception	Breckland Council
9 September	Change of Command Ceremony – RAF Mildenhall	Lieutenant General Frank Gorenc – Commander, Third Air Force
10 September	EDP Pride in Norfolk Awards Ceremony	The Chairman of Norfolk County Council, Mrs. S. Gurney, and the Chairman of the EDP Pride in Norfolk Awards Committee, Mrs. J. Wilson
14 September	Reception to commemorate the Battle of Britain	The Chairman of Norfolk County Council, Mrs. S. Gurney
16 September	Civic Reception followed by horse racing	The Worship the Mayor of Great Yarmouth Borough Council, Councillor Albert Jones
19 September	Joan Mann Special Sports Day	Colonel Eden J. Murrie, Commander 100 <sup>th</sup> Air Refueling Wing and Colonel Jay B. Silveria, commander 48 <sup>th</sup> Fighter Wing
20 September	Battle of Britain Commemoration Service and refreshments	Mayor of Thetford, Councillor Mrs. Pamela Spencer
22 September	Civic Reception	Chairman of South Norfolk Council, Councillor Beverley Spratt and Mrs. Dawn Spratt

23 September	Annual General Meeting, Norfolk County Scout Council	President, Norfolk County Scout Council, Richard Jewson
25 September	Formal Opening of Reepham College	Mr. C. Hassell, Principal of Reepham High School and College
30 September	Brecks Dragons Den Competition	Breckland Council – Economic Development

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**103/09 CABINET - 4 AUGUST 2009 (AGENDA ITEM 5)**

**RESOLVED** that the confirmed Minutes of the Cabinet meeting held on 4 August 2009 be adopted.

**104/09 CABINET - 15 SEPTEMBER 2009 (AGENDA ITEM 6)**

- (a) Medium Term Financial Strategy and Capital Strategy (Minute No. 82/09)

The Deputy Leader, as Executive Member responsible for this area, took the opportunity to re-state his appreciation to his predecessor, Lady K. Fisher, and to all the officers who had worked so hard to prepare the Council's Medium Term Financial Strategy and Capital Strategy.

**RESOLVED** that:

The Medium Term Financial Strategy and the Capital Strategy be approved.

- (b) Allocation of Breckland Council's Area Based Grant for 2008-2011 (Minute No. 85/09)

**RESOLVED** that:

- (1) The Area Based Grant funding for the Community Liaison Officer post be approved;
- (2) The Area Based Grant funding for the Participatory Budgeting scheme be approved; and
- (3) Cabinet be given delegated authority to approve Area Based Grant funding for Wayland Community Radio and META, on receipt of presentations from both organisations.

- (c) Transfers of Breckland Council-owned land on the Barnham Cross Estate to Peddars Way Housing Association – To Vary the Scheme of Delegation of Officers (Minute No. 86/09)

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The Scheme of delegation to Officers be varied to allow the Land Management Officer to approve transfers of Breckland Council-owned land on the Barnham Cross Estate in Thetford to Peddars Way Housing Association, at nil consideration, subject to:

**RESOLVED** that:

- (1) each request being processed in accordance with the approved land management framework;
  - (2) the legal costs associated with such transfer(s) be borne by Peddars Way Housing Association;
  - (3) any proposed transfer of land with a commercial value exceeding £10,000.00 to be referred to Cabinet for consideration; and
  - (4) full consultation with the relevant Executive Member and Ward Member.
- (d) Governance and Performance Report (Minute No. 87/09)

**RESOLVED** that:

- (1) the budget for both the grant income and expenditure as detailed on page 8 of the Governance and Performance report be approved;
  - (2) the variations to the Capital programme as shown on page 9 of the Governance and Performance report be approved;
  - (3) the new 2009/2010 budget of £8,142.787 be agreed to include the revised funding; and
  - (4) the virements as listed on page 10 of the Governance and Performance report be approved.
- (e) Adoption

**RESOLVED** that the unconfirmed Minutes of the meeting of the Cabinet held on 15 September 2009 be adopted.

**105/09 OVERVIEW AND SCRUTINY COMMISSION - 3 SEPTEMBER 2009  
(AGENDA ITEM 7)**

- (a) Affordable Housing Policy (Minute No. 84/09)

The Leader of the Opposition drew attention to this item, specifically the possibility that the Council might once again consider becoming a mortgage provider. There was a strong framework and precedent already in place for this, and he hoped that the Cabinet would give this further consideration in due course, not least with a view to helping people to take that

first step onto the property ladder.

(b) Adoption

**RESOLVED** that the unconfirmed Minutes of the meeting of the Overview & Scrutiny Commission meeting held on 3 September 2009 be adopted.

**106/09 DEVELOPMENT CONTROL COMMITTEE - 3 AUGUST 2009**  
**(AGENDA ITEM 8)**

**RESOLVED** that the confirmed Minutes of the Development Control meeting held on 3 August 2009 be adopted.

**107/09 DEVELOPMENT CONTROL COMMITTEE - 2 SEPTEMBER 2009**  
**(AGENDA ITEM 9)**

**RESOLVED** that the confirmed Minutes of the Development Control meeting held on 2 September 2009 be adopted.

**108/09 DEVELOPMENT CONTROL COMMITTEE - 21 SEPTEMBER 2009**  
**(AGENDA ITEM 10)**

**RESOLVED** that the unconfirmed Minutes of the Development Control meeting held on 21 September 2009 be adopted.

**109/09 AUDIT COMMITTEE - 11 SEPTEMBER 2009 (AGENDA ITEM 11)**

(a) Update on Treasury Management Strategy, Policy and Prudential Indicators (Minute No. 51/09)

**RESOLVED** that

(1) the following changes to the Treasury Management Strategy and Policy be approved:

(i) Amend TMP 4[4] - Approved Organisations for Cash Deposits - to read:

(a) Money Market Funds – AAA rated and those operated on a Constant Net Asset Value basis.

(ii) Amend TMP 2[1] – Performance Measurement – to read:

The performance of investment earnings will be measured (and the results verified by Butlers) against the following benchmarks:

- a) Maintain liquidity of £5m for less than one month maturity.
- b) The three-month LIBID (London Interbank Bid Rate).
- c) The yield/liquidity security indicator be trialled and monitored in 2009/10 and used

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to inform the parameters for setting a firm security indicator for 2010/11.

- (iii) Amend TMP 4[4] and TMP 4[7] – current investment criteria – to take account of the changing market circumstances by:
- (a) Increasing the maximum dealing size to £5m to enable the Council potentially to access better credit quality counterparties.
  - (b) Updating the ratings to standardise the equivalent ratings between the three rating agencies being used.
  - (c) Including Eligible Institutions on the HM Treasury Credit Guarantee Scheme with a minimum short term rating of F1, a long term rating of A and a support rating of 1.
  - (d) Providing the option for funds to be placed with an external cash and gilt fund manager to allow officers to consider this option in more detail and if appropriate refer to committee for approval.
  - (e) Undertaking direct dealing where appropriate.
  - (f) Allowing investment in foreign banks that meet the criteria, subject to a maximum limit of £5,000,000 with any one counterparty.
  - (g) The policy for long term investments being changed to:

The time limits for institutions on the Council's Counterparty List are as follows (these will cover both Specified and non-Specified Investments):

	Fitch	Moody's	Standard & Poors	Money Limit	Time Limit
Upper Limit Category	F1+ / AA	P-1 / Aa2	A-1+ / AA	£5m	3 years
Middle Limit	F1/AA-	P-1/Aa3	A1/AA-	£3m	2 years
Eligible Institutions	F1/A	P-1/A2	A-1/A	£5m	1 year
Council's Banker	-	-	-	Minimise	Minimise

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- (2) the offer from Butlers for Member training be taken up through the Member Development Programme.

(b) Adoption

**RESOLVED** that the now confirmed Minutes of the Audit Committee meeting held on 11 September 2009 be adopted.

**110/09 APPEALS COMMITTEE - 16 SEPTEMBER 2009 (AGENDA ITEM 12)**

**RESOLVED** that the unconfirmed Minutes of the Appeals Committee meeting held on 16 September 2009 be adopted.

**111/09 STANDARDS COMMITTEE - 4 AUGUST 2009 (AGENDA ITEM 13)**

(a) Local Government Ombudsman Annual Review (Minute No 33/09)

There was some discussion about the fact that the Ombudsman's report had previously been seen by the Overview & Scrutiny Commission. It was confirmed that this had always fallen within the remit of the Standards Committee, but that the Overview & Scrutiny Commission could also consider the report. The Chairman of the Commission asked that the matter be placed in the Commission's agenda.

(b) Adoption

**RESOLVED** that the unconfirmed Minutes of the Standards Committee meeting held on 4 August 2009 be adopted.

**112/09 MOVING THETFORD FORWARD BOARD - 6 AUGUST 2009 (AGENDA ITEM 14)**

(a) Thetford New Bus Interchange (Minute No. 31/09)

Lady Fisher left the room while this matter was under discussion.

A Member raised concerns about whether the required 'green book appraisal' would serve to delay what had already been a very lengthy procedure. However the Chief Executive confirmed that the purpose of this appraisal was to provide the Council with relevant information to enable it to make an informed decision. As part of the information-gathering process, the appraisal was not, of itself, causing delay, and in due course it would also form a useful part of the background reference material.

It was crucial that the Moving Thetford Forward Board should have the fullest possible picture before allocating significant sums of money. He confirmed that the Council remained the sole authority for the ratification of any decisions, as well as retaining ultimate authority over the release of any funds.

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**Susan Allen**

Finally, the Chief Executive said that the results of the 'green book appraisal' would be presented to the next meeting of the Moving Thetford Board, and would thus appear before Full Council in November.

(b) Thetford Area Action Plan – Preferred Options Consultation (Minute No. 33/09)

In response to a query about what exactly was meant by "exceptionally it can be demonstrated that a development would have no significant adverse impact on the area", and whether or not this wording had passed into the final Inspectors' report, the Chief Executive confirmed that various amendments had been made in terms of the proposed overall strategy, but that he would ask the relevant officer to give a written response.

(c) The confirmed Minutes of the Moving Thetford Forward Board held on 6 August 2009 were noted.

**113/09 YOUTH COUNCIL MINUTES - 9 JUNE 2009**

The confirmed Minutes of the Youth Council meeting held on 9 June 2009 were noted.

**114/09 YOUTH COUNCIL MINUTES - 28 JULY 2009**

The confirmed Minutes of the Youth Council meeting held on 28 July 2009 were noted.

**115/09 CONSTITUTION : OFFICER DELEGATIONS - PLANNING (AGENDA ITEM 17)**

The Member Services Manager expanded upon the situation as outlined in the Agenda.

**RESOLVED** that:

- (1) reference to "Development Services Manager" in the Delegations section of the Constitution (Part E5.B) be replaced with the words "Deputy Chief Executive"; and
- (2) with immediate effect, the Deputy Chief Executive be given express power to delegate the function to another officer duly authorised by him, as necessary.

**116/09 APPOINTMENT OF MONITORING OFFICER (AGENDA ITEM 18)**

**RESOLVED** that Maxine O'Mahony be appointed Breckland District Council's Monitoring Officer with immediate effect.

**117/09 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 19)**

**RESOLVED** that the following nominations take effect:

- (a) Mr S. Rogers to replace Mrs M. Chapman-Allen on the

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**David Spencer**

Member Development Panel.

- (b) Mr S. Chapman-Allen to be appointed to the Overview & Scrutiny Commission, replacing Mrs Shirley Miller.
- (c) Mr D. Myers to replace Mr J. Gretton as a Licensing Sub-Committee Chairman.

**Note:** Following a proposal to appoint Mr S Rogers to the Licensing Committee it was ascertained that this Committee was in fact already fully subscribed according to its constitution.

**118/09 EXCLUSION OF PRESS AND PUBLIC (ADDITIONAL ITEM)**  
**(AGENDA ITEM 20)**

In response to a question, the Leader confirmed that, depending on the outcome of the meeting, he would publish a statement concerning the property item on the Council's website later that day.

The Chief Executive then reminded Members that the report contained commercially sensitive information and, as such, it fell within the provisions of the Local Government Act 1972, as stated on the agenda.

**RESOLVED**

- (1) that under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act; and
- (2) that a discretion should be granted in order to allow the Chairman of the Standards Committee to remain in the room to hear the discussion.

Mr. T. Lamb voted against part (1) of this Resolution.

**119/09 PROPERTY ITEM (ADDITIONAL ITEM) (AGENDA ITEM 21)**

After introducing himself and giving some brief personal background, the Head of Asset Management presented the report. He drew Members' attention to the highly confidential nature of the document before them, pointing out three key amendments to the text and reminding them that economic circumstances remained fluid.

The report gave background context, including the sequence of events leading up to the current options and recommendations. It was aimed at helping the Members to take an informed decision about future action. Reference documents could be made available for inspection by Members, should they so wish. He also praised the extremely positive and helpful input by key officers, who had been closely involved in the consultation process thus far.

After detailing the nature of the problem, he pointed out:

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- that the types of solution being recommended were fairly commonplace, and were essentially designed to stabilise the current position for the immediate future.
- the wider impact of the current economic climate.
- the future potential of the property.

He then went on to give details of the various options under consideration, along with some of the acknowledged risks. He also gave a brief update of the very latest situation, (i.e. after the report had issued).

There followed various questions from Members, who raised some concerns. Responding to these, the Chief Executive stressed that:

- (1) the value of the property as an asset was intrinsically linked to its value as a business; and
- (2) the current economic climate might require a variation to the existing agreement, which could be reviewed as the economic climate improved.

Acknowledging some business-related concerns, he pointed out that it would not be appropriate for the Council to get involved in that side of the property. He also said that the terms of the current lease remained favourable to the Authority, and that any decisions the Council made would continue to remain in the best interest of public funds – and subject to the appropriate level of due diligence.

Finally, the Chief Executive also confirmed that, as part of the recommended strategy, there would be monthly Management Board Meetings, which would keep the relevant Council officers fully informed of the situation.

Members voted unanimously to approve the course of action proposed and it was **RESOLVED** that:

- (1) the recommendation at paragraphs 2.1-2.5 of the report, with the amendments proposed by the Head of Asset Management, as agreed, be adopted; and
- (2) the matter be brought back to the Council for further consideration as appropriate.

The meeting closed at 11.20 am

CHAIRMAN