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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 8 June 2010 at 9.30 am in  
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

**PRESENT**

Mr J.W. Nunn (Chairman)	Lady Fisher
Mr W.H.C. Smith	Mr M.A. Kiddle-Morris
Mr S. Askew	Mr A.C. Stasiak (Vice-Chairman)
Mr P.D. Claussen	

**Also Present**

Mr S.G. Bambridge	Mrs T. Hewett
Mr J.P. Cowen	Mrs D.K.R. Irving

**In Attendance**

Julie Britton	- Senior Committee Officer
Stephen McGrath	- Member Services Manager
Mark Stanton	- Head of Economic Development
Mark Finch	- Head of Finance
Robert Walker	- Communities and Place Shaping Manager
Paul Durrant	- Asset Technical Officer
Tony Needham	- Town Clerk, Dereham Town Council
Trevor Holden	- Chief Executive
Maxine O'Mahony	- Director of Organisational Development
Dominic Chessum	- Marketing & Communications Officer
Roger Wilkin	- Interim Environmental Services Manager

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**55/10 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 11 May were confirmed as a correct record and signed by the Chairman.

**56/10 APOLOGIES (AGENDA ITEM 2)**

An apology for absence was received from Mark Stokes (Deputy Chief Executive).

**57/10 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mrs D. Irving, Mrs T. Hewett, Mr G. Bambridge and Mr P. Cowen.

**58/10 OPTIONS FOR INCREASING THE RECYCLING RATE (AGENDA ITEM 7)**

The Environmental Services Manager presented the report which

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provided Members with further information and detail concerning the range of options for increasing the NI192 score (recycling and composting) and decreasing the NI191 score (the amount of residual household waste per household). The report also included an update on progress following the Executive Board meeting of November 2009.

The Executive Member for the Environment and Recycling Portfolio congratulated the Environmental Services Team for working very hard in reviewing the Council's recycling strategy.

The Environmental Services Manager summarised the report which set out a range of options and the cost implications against the benefits of the Council's waste profile. He emphasised that whilst Norfolk County Council's Waste PFI contract was in the midst of being prepared, and was beyond Breckland Council's control, this was not the time to invest in any large programmes. It was about making the most of what the Council already had, without making any compromises.

Attention was drawn to Appendix B of the report which highlighted the amount of recycling credits paid to Community Groups. In the financial year 2009/10, in excess of £24,000 in recycling credits had been paid to local community groups across the district as part of this scheme. The Environmental Services Team was continuing to seek opportunities to expand the network of recycling banks and a number of Parish Councils had been contacted since January 2010 with a view to identifying suitable sites.

A Member announced that Bawdeswell Parish Council had been very pleased with its recycling credits received and was more than happy to encourage its parishioners to increase their recycling rates.

Referring to Option 2, a kerbside glass collection service, Members were informed that there was a public desire to have such a service but with the economic climate at an all time low, it would not be cost effective and would not make that much difference to the recycling rates.

The Executive Member for the Transformation Portfolio queried Option 4 of the report, reducing residual waste, which he felt could have a negative impact on the Council's income. He asked if the Environmental Services Team had thought about the risk to the Council and whether anything would be put in place to mitigate this.

In response, Members were informed that Breckland Council had approached and was working very closely with Serco about increasing recyclable materials and reducing the amount of contamination. Long term solutions were being sought.

The Executive Member added that he had recently read a paper on down-cycling. Down-cycling was a process which converted waste materials or useless products into new materials or products of a lesser quality and reduced functionality. He felt that everyone would eventually have to consider this new process and suggested taking this up with Norfolk County Council.

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The Environmental Services Manager agreed and pointed out that the recycling arena was changing; future emphasis would be to extract value rather than focusing on recycling rates.

A Member felt that the Council should concentrate on educating the public about the three 'Rs' in the following order – reduction, re-using and then recycling.

**Options**

Appendix A of the report details the costs and benefits of the various potential additional schemes and other initiatives available.

**Reasons**

Option 1 of the report would result in a considerable reduction in residual waste, and a parallel significant increase in recycling/composting rates. In addition, food waste as a biodegradable material was precisely the nature of material that was most undesirable in a landfill; this had been reflected in the enhanced recycling credit available for food waste collections. However, the cost of such a collection was very high at up to £400 per tonne collected. This cost did not compare favourably with other recycling and composting schemes, and if rolled out across the whole of Breckland equated to a net revenue cost in excess of £1 million per annum in the long term.

At present there was no strong regulatory or central government driver for collecting this material and the targets for diversion set out in the Waste Strategy for England were already being met. The County Council had proposed thermal treatment of waste as the solution to enable compliance with the landfill directive going forward.

There was likely to be significant developments in the opportunities for waste recycling and treatment over the next two years, with a review of the material Recycling Facility (MRF) contract about to commence, and the forthcoming County waste PFI contract being let in 2011. This could not be guaranteed in the medium to long term, that the enhanced recycling credit for food waste would continue, in particular as such waste could legitimately be treated through the proposed combined heat and power facility proposed under the waste PFI contract. This being the case, it was recommended that the food waste collection option not be adopted at this stage, but be reviewed once there was greater clarity concerning developing waste scenario in Norfolk.

The available data suggested that existing bring bank arrangements in Breckland were highly successful, and that the level of recyclable glass in green bins was relatively low. The bring bank system did show a reasonable net income, and provided support to various community groups within the district.

The kerbside glass collection option was likely to show only a modest increase in recycling rates, and a modest decrease in residual waste and yet was relatively expensive to adopt. It was likely that much glass would be diverted from bring banks to kerbside banks which would impair both the financial and carbon efficiency of the bring bank scheme. Carrying out targeted promotion of glass bring bank usage was likely to release much

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of the recycling and financial potential of the glass currently ending up in green bins, and would result in a modest net income rather than the net cost of a kerbside scheme, therefore it was recommended that option 2 of the report not be adopted

Option 3 of the report did not tackle the underlying problem of waste going to landfill. Nevertheless it was a neutral cost means of increasing composting, and was popular with many householders. Given that increasing subscriptions to this scheme was relatively straightforward, and there was a predictable positive impact on NI192, it was recommended that option 3 be adopted, subject to the successful conclusion of pricing negotiations with Serco.

Option 4 of the report gets to the root of the waste issue, and brought the issue of landfill waste into sharp relief. As the carbon reduction agenda rises, and as a public sector priority, efforts to reduce waste at source must be renewed and revitalised. This initiative would operate within existing budgets (and possibly modestly increase net income through promoting glass bank usage) through the refocusing of the work of the Environmental Services team and Serco, credible long-term solutions would be sought for the problem of waste. Thus the adoption of option 4 was strongly recommended.

There were currently administrative impairments to the recycling of bulky household waste, and this might prove to be significant financial and carbon costs (through additional waste miles) and financial costs in due course. Further detailed analysis was required to ensure that such a scheme was workable, affordable and did actually make a significant positive contribution to waste metrics and the environment. It was recommended that option 5 of the report not be adopted at this stage, but that further work be carried out to firm up fully costed proposals that were acceptable to Norfolk County Council's waste team, and the findings be reported back to Cabinet in September 2010.

**RESOLVED** that:

- 1) options 1 and 2 of the report not be adopted until the review of the Material Recycling Facility (MRF) contract is complete, and the long term waste treatment arrangements for Norfolk are clear;
- 2) options 3 and 4 of the report be adopted;
- 3) the continued negotiations by the Environmental Health Manager with a view to taking a firm recommendation on the adoption of option 5 of the report to Cabinet in September 2010 be supported.

**Roger  
Wilkin**

**59/10 MATCH FUNDING GRANT PANEL REPORT ROUND 1 - 2010**  
**(AGENDA ITEM 8)**

The Communities and Place Shaping Manager presented the report which was for information only.

An overview of the level of funding awarded was provided together with a summary of the funding recommendations and decisions that had been made by the Grant Panel for funding round 1 of the 2010/11 financial year which had been held on 30 April 2010.

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A total of 18 community projects had been awarded with grants totalling an amount of just over £11,000.

The Executive Member for the Transformation Portfolio asked if the criteria for unsuccessful applicants re-applying for such grants had been changed (as previously requested at a Cabinet meeting in August 2009). Members were informed that the review had not taken place as yet; however, a report would be produced and taken to the next Grant Panel meeting.

**Catherine  
Lang/  
Rob  
Walker**

In response to a request, the names of the Panel Members were provided.

The grants awarded under the Match Funding scheme, Pride in Breckland, Access Arts, Activity and Gifted and Talented Grant schemes were otherwise noted.

**60/10 DEREHAM MEMORIAL HALL (AGENDA ITEM 9)**

The report sought Cabinet's approval to grant Dereham Town Council the amount of £250,000 from the Breckland Council Match Funding Reserve toward the refurbishment and extension of the Dereham Memorial Hall.

The Communities and Place Shaping Manager explained that Breckland Council had two standard match funding grant schemes: 1) for small grants up to £3000 and 50% match; 2) for large grants up to £20,000 and 30% match. The Dereham Town Council application fell outside these schemes at £250,000 and 11% match. This did not, however, prohibit the funding being granted but under the terms and conditions of the match funding scheme applications for more than £20,000 must be considered on an individual case-by-case basis.

A detailed Business Plan for the Dereham Memorial Hall project had been attached to the report.

The amount of monies remaining in the Match Funding Reserve pot was over £2,000,000.

The overall cost for the Memorial Hall project was being met by Dereham Town Council, the request to Breckland Council for funding was to address the £250,000 shortfall.

Tony Needham, the Clerk to Dereham Town Council, was in attendance and thanked the Cabinet for considering this project which he felt was very important for the area. He informed Members that he was in receipt of the tenders and, unfortunately, were above the amount that had been tendered for, therefore, savings would have to be made.

There was some confusion with regard to the unspent funding previously awarded to Dereham Town Council towards the Feasibility Study and Business Plan. Now that the Business Plan had been completed, it was asked if the residual amounts would be put back into the Match Funding Reserve pot. It was pointed out that as these monies had already been

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committed in 2006, Members were being requested to allow the Town Council to draw down these amounts (£8,312 and £31,084.86) as well as the £250,000. The Clerk of Dereham Town Council highlighted the project cost figures at section 16 of the Business Plan which showed that the total of £39,397 had already been subtracted from the overall cost. He explained that he had been unable to draw down the monies until the Business Plan had been approved.

The Communities and Place Shaping Manager clarified that the terms and conditions specific to this project were being examined.

If Members were mindful to approve the funding requested, the Chairman suggested that Breckland monies should not be drawn down until the Town Council's own funding had been expended.

As this was a very large project and as there was a very clear pressure on funding, the Overview and Scrutiny Commission Chairman questioned whether a Monitoring Officer should be required to oversee such sums to ensure that the monies being spent were being spent on what was required.

Members were assured that Breckland Council had managed budgets of this extent before and would ensure that the terms and conditions were appropriate for the size and scale of the project.

The Chief Executive believed that a review point ought to be added to the recommendation and suggested that, at the two year mark, a reasonable review should be undertaken.

**Robert Walker**

Referring to the amount of monies raised by the Town Council alone, the Chairman felt that this was a good example of a community showing their own initiative and he hoped that Members would approve the funding requested to enable the Town Council to go forward for the benefit of Dereham and the surrounding communities.

The Vice-Chairman felt that the revamp would certainly benefit Dereham and Breckland as a whole; this was another step in the town's development.

**Option 1**

To approve the Match Funding application for £250,000 from Dereham Town Council for the Dereham Memorial Hall project.

**Option 2**

To reject the Match Funding application for £250,000 from Dereham Town Council for the Dereham Memorial Hall project.

**Reasons**

The Dereham Memorial Hall was a flagship venue for Dereham and the district as a whole. The refurbishment and extension of the Hall would enable a greater range of community activities to take place with

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increased participation by Breckland residents and visitors to the area. A Business Plan had been developed and consideration had been given to the financial viability and sustainability. £250,000 was a large commitment on behalf of Breckland Council but represented only 11% of the overall project cost, with a significant contribution coming from Dereham Town Council themselves.

**RESOLVED** that the Revenue Match Funding application of £250,000 toward the refurbishment and extension of Dereham Memorial Hall for Dereham Town Council as detailed in the report be approved, subject to:

- 1) the details of the grant terms and conditions being delegated to the Lead Member and the Section 151 Officer;
- 2) a maximum of £250,000 or 11% whichever is the lower from the Revenue Match Funding Reserve;
- 3) the remaining balance of £39,396.86 from the funding amount of £44,901 already awarded to Dereham Town Council and approved by Breckland Council in 2006 towards the cost of the completed feasibility study and Business Plan be released to the Town Council; and
- 4) the balance of all other funding being confirmed.

**Robert  
Walker/  
Margaret  
Bailey**

**61/10 RELEASE OF FUNDS - EAST HARLING WALL (AGENDA ITEM 10)**

The Executive Member for the Economic and Commercial Services Portfolio presented the report which sought Cabinet's approval for the release of monies for the reconstruction of the damaged brick and flint wall at East Harling. The proposal included the re-use of materials where possible and the removal of adjacent trees and site clearance.

He explained that the wall was very important and had been made to collapse by the roots under it, hence the request to remove the adjacent trees.

Consultation had taken place with the Council's Solicitors and Historic Buildings Officer over the legal and planning issues respectively, and a structural survey, together with recommendations for the reconstruction had been obtained from an external Structural Engineer.

The wall had fallen onto private property, causing considerable damage to two garden sheds in the rear gardens. Other options had been considered including providing a brick skin as opposed to flint to help reduce the overall cost; however, the adjacent property owners, having already been inconvenienced for the past six months were opposed to using the plain brick skin on their side of the wall as it would look very different to the rest of the boundary and might de-value their properties.

The wall formed a boundary around the perimeter of Grigsons Wood which was part of an ex-Council house estate. The housing stock was transferred to Peddars Way Housing Association in 1993 and Breckland Council retained the wall and still owned large areas of open space on the

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estate.

The Asset Technical Officer went through the technical details and requested that delegated powers be given to the Chief Executive to accept the lowest quotation and release the monies for the construction.

The Executive Member for the Environment and Recycling Portfolio, who was also the Ward Representative for East Harling, was very anxious that these repairs be carried out on the wall as soon as possible.

The site was in a conservation area and the Chairman asked for an explanation of what type of works could be carried out within such an area. He also asked if this was best value for the Council to rebuild as further damage to the remainder of the wall was bound to occur in future.

The Asset Technical Officer pointed out that Conservation Area consent would be required for any proposed demolition work.

As it was a very long wall and as part of it had collapsed, the Overview & Scrutiny Commission Chairman asked if the Council would be doing anything with the remainder. He felt that if the whole wall was in the same state of disrepair, would it not be more sensible to take all of the wall down and rebuild with a view to getting the necessary consent. Members were informed that some sections of the wall particularly along School Lane were continually being repaired.

The Vice Chairman understood the aesthetics of keeping the wall repaired along School Lane but the part being debated was out of view. He asked that the Planning Officer be approached again about taking this piece of damaged wall out and replacing it with something else.

The Chief Executive suggested adding the wording to the end of the recommendation: "subject to a review of all the options available being undertaken".

**Option 1**

Give power to the Chief Executive to accept the lowest quotation and release monies for the reconstruction of the damaged brick and flint wall at East Harling, including the re-use of materials where possible, removal of adjacent trees and site clearance - recommended.

**Option 2**

To consider this matter at a future Cabinet meeting once the quotations had been received – not recommended as this would prevent the commencement of work following the receipt of the quotations.

**Option 3**

Do nothing – not recommended as the Council has a duty to maintain the boundary of the property, as confirmed by the Council's Solicitors and not supported by the Council's Historic Buildings Officer.

**Paul  
Durrant/  
Andrew  
Gayton**



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<p><u>Reasons</u></p>	
<p>The Council had a duty to comply with Legal and Planning obligations relating to the site.</p>	
<p><b>RESOLVED</b> that delegated powers be given to the Chief Executive, in conjunction with the Executive Member, to accept the lowest quotation (see item 3.2.5 of the report), the monies be released for the construction of the damaged brick &amp; flint wall at East Harling, including the re-use of materials where possible, removal of adjacent trees and site clearance, subject to a review of all the options available being undertaken.</p>	<p>Paul Durrant</p>
<p><b>62/10 <u>REQUEST FOR THE RELEASE OF A RESTRICTIVE COVENANT AT SANDY LANE, DEREHAM (AGENDA ITEM 11)</u></b></p>	
<p>The report sought Cabinet's approval for the release of a restrictive covenant affecting the garage forecourt at Sandy Lane in Dereham, at nil consideration, to enable the redevelopment of this site to accommodate two new flats.</p>	
<p>The Executive Member for Economic and Commercial Services reminded Members that the District Valuer had valued the release of the covenant at £5,000.</p>	
<p>It was agreed that the aforementioned amount should be highlighted in the recommendation on all future reports to make the value of the land being transferred for housing or community use more clear.</p>	<p>Zoe Footer</p>
<p><u>Option 1</u></p>	
<p>To release the following restrictive covenant on the Peddars Way Housing Association's title (transfer dated 30 March 1993), in favour of Breckland District Council affecting the garage forecourt (as shown edged in red on the plan attached to the report) at Sandy Lane in Dereham, at nil consideration:</p>	
<p>"subject to Clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other than garages, parking areas, amenity areas, respectively, serving residential dwellings".</p>	
<p><u>Option 2</u></p>	
<p>To release the following restrictive covenant on the Peddars Way Housing Association's title (transfer dated 30 March 1993), in favour of Breckland District Council affecting the garage forecourt (as shown edged in red on the plan attached to the report) at Sandy Lane in Dereham, at or above the District Valuers valuation:</p>	
<p>"subject to Clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that</p>	

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<p>part of the Property and not to permit the same to be used as other than garages, parking areas, amenity areas, respectively, serving residential dwellings”.</p> <p><u>Option 3</u></p> <p>Not to release the restrictive covenant.</p> <p><u>Reasons</u></p> <p>The provision of two flats would provide much needed accommodation in Dereham which had a high housing need.</p> <p><b><u>RESOLVED</u></b> that the following restrictive covenant on the Peddars Way Housing Association’s title (transfer dated 30 March 1993), in favour of Breckland District Council affecting the garage forecourt (as shown edged red on the plan attached to the report) at Sandy Lane in Dereham be released at nil consideration (the Council’s District Valuer valued the release at £5,000.00):</p> <p>“subject to Clause 7, “in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other then garages, parking areas, amenity areas, respectively, serving residential dwellings”.</p>	<p><b>Zoe Footer</b></p>
<p><b><u>63/10 BRECKS COUNTRYSIDE PROJECT - MEMORANDUM AGREEMENT (AGENDA ITEM 12)</u></b></p> <p>As the recipient of the report was unavailable to present the Brecks Countryside Project – Memorandum Agreement, it was agreed that the report would be brought back to a Council meeting at a later date.</p>	<p><b>Mark Stokes</b></p>
<p><b><u>64/10 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION - SICKNESS ABSENCE (AGENDA ITEM 13)</u></b></p> <p>The Overview &amp; Scrutiny Commission Chairman presented the report and commended paragraph 2.4 to the Cabinet. He felt that this had been a very good piece of work carried out by Scrutiny.</p> <p>The Chief Executive agreed and pointed out that over the last 12 months, Breckland Council had made good progress with reducing its sickness absence figures.</p> <p>Referring to paragraph 8 of the report which made reference to the wider comparison of sickness absence with some other 15 local authorities across England in Breckland’s CIPFA “family group”, which although showed Breckland Council to be performing well in comparison to its peer group, it was agreed that other comparators needed to be taken into consideration in future reviews.</p>	<p><b>Lucy Powles</b></p>

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<u>Options</u>	
N/A	
<u>Reasons</u>	
N/A	
<b><u>RESOLVED</u></b> that:	
1) the existing policy be updated with minor changes as shown at Appendix 1 of the report;	
2) an electronic version of the return to work interview form be provided; this would save time and paper and would also allow for automatic generation of e-mail reminders and flagging on non-returns;	<b>Lucy Powles/ Mark Broughton</b>
3) an accident information card be produced for use by officers working out of the office; and	
4) a review of the Out of Hours service be carried out, to safeguard staff and to ensure that staff and the service providers were aware of their respective responsibilities.	
<b>65/10 <u>BUSINESS IMPROVEMENT SUB-COMMITTEE: 4 MAY 2010 (AGENDA ITEM 14)</u></b>	
<b><u>RESOLVED</u></b> that the Minutes of the Business Improvement Sub-Committee meeting held on 4 May 2010 be adopted.	
<b>66/10 <u>NEXT MEETING (AGENDA ITEM 15)</u></b>	
It was noted that the next meeting of the Cabinet would be held on Tuesday, 20 July 2010 at 9.30am in the Norfolk Room.	

The meeting closed at 10.22 am

CHAIRMAN