

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 1 September 2011 at 2.00 pm in the
Norfolk Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr J.P. Cowen (Chairman)	Mr A.P. Joel
Mr A.J. Byrne	Mr R.G. Kybird
Mr C G Carter	Mrs S.M. Matthews
Mr K.S. Gilbert	Mr R R Richmond
Mr R.F. Goreham (Vice- Chairman)	Mr J.D. Rogers
Mrs D.K.R. Irving	Mr B. Rose

Also Present

Mr S.G. Bambridge	Mr M.A. Kiddle-Morris
Mr R.P. Childerhouse	Mr W R J Richmond
Mrs E M Jolly	Mrs L.S. Turner

In Attendance

Ralph Burton	- Strategic Property Manager
Teresa Cannon	- District Emergency Planning Manager
Keith Eccles	- Building Control & Development Services Manager (Capita Symonds for Breckland Council)
Helen McAleer	- Senior Committee Officer
Maxine O'Mahony	- Director of Commissioning
Jamie Smith	- Environmental Planning Officer (Capita Symonds for Breckland Council)
Teresa Smith	- Committee Officer (Scrutiny & Projects)
Robert Walker	- Assistant Director of Commissioning
Ben Wood	- Business Development Manager

57/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 14 July 2011 were confirmed as a correct record and signed by the Chairman.

58/11 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

None.

59/11 URGENT BUSINESS (AGENDA ITEM 3)

None.

60/11 DECLARATION OF INTEREST (AGENDA ITEM 4)

Mr P Cowen declared a personal interest in Agenda Item 7 (Review of the LDF) by virtue of being an architect in practice in Breckland.

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61/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mr Bambridge, Mr Childerhouse, Mrs Jolly, Mr Kiddle-Morris, Mr W Richmond and Mrs L Turner were in attendance.

62/11 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)

Mr Kiddle-Morris, Executive Member for Assets and Strategic Development gave the Commission an update on his Portfolio which had recently changed title and now also included Strategic Planning and Parkwood PFI.

Assets

The Council owned over 200 properties, most of which were commercial. As at 22 August 2011 97% of the premises were let providing annual revenue of about £2.3million. However, it was acknowledged that there were likely to be vacancies in the future due to the economic situation and cuts in grants. Therefore expectations were being downgraded with regard to targets for lettings and some properties were being sold.

The property portfolio was constantly reviewed and the property department did a very good job. They concentrated on investing in properties which offered a 7-10% return. Money received from the sale of properties would be re-invested.

The Council also owned over 6,000 parcels of land. Some of these were being investigated under the Active Land Management scheme for possible capital/revenue return, but most were former Highway Surveyors land, which would be looked at in the future.

Economic Development

The Rev Active Project, which advised small to medium sized enterprises on how to lower their operating and utility costs, was working well and the savings they were helping to find were safeguarding jobs. The project would be receiving a Green Apple Award in November and had also been shortlisted for an EDIE award.

The team were continuing to encourage power provision for the Snetterton Heath area. A planning application for a straw burner was in the pipeline which might provide electricity for thousands of jobs. The team were also involved in the Attleborough and Snetterton Heath Area Action Plan (ASHAAP) and in the Moving Thetford Forward project.

Strategic Planning

The latest stage in the Local Development Framework had been the submission of the Site Specifics proposals. Breckland was one of only 22 local authorities to have made such a submission. The Inspector's report was awaited.

The Thetford Area Action Plan (TAAP) had also been approved for submission and was currently out for consultation until 11 October. It would be examined in November 2011 with any hearings taking place in early 2012. The Inspector's report was expected in April and it was hoped that the plan could be implemented in June 2012.

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Further consultation would take place on the ASHAAP during the winter. Additional transport work was needed.

Development of the Community Infrastructure Levy (CIL) was at stage one. Only one other authority had already implemented a CIL and they were experiencing problems. There were various issues to be addressed.

Currently the Council only had 1.9 years Housing Land Availability. When the Site Specifics proposals were approved there would still be slightly less than the required five years of availability. However, when the TAAP was published the amount would increase to 12 years' worth.

The effects of the National Planning Policy Framework on the LDF needed to be assessed. The draft document was only 58 pages long. It would replace over 25 Planning Policy Statements.

A benchmarking process was due at the end of the year with regard to the Parkwood PFI and Officers were working on stage one already.

Members were then invited to ask questions of the Executive Member.

Mr Rogers was concerned that land at Blenheim Grange was not being developed. He suggested that if the Council bought the land they could put small units on it to bring it into use. The Executive Member said he would look into it.

Mr Bambridge raised three points:

- 1) had any investment been made in villages yet particularly with regard to commercial properties?
- 2) if land was freed up in the villages for housing development it would help the current housing land shortage and
- 3) when the Parkwood Leisure project was approved, it had been proposed that there would be a bus service provided. Was there any chance of transport from the villages to the pools?

The Executive Member responded that:

- 1) he had been looking to invest in villages but the problem was that the LDF was very prescriptive and might need to be changed before development could take place
- 2) the National Planning Policy Bill contained a Local Development Order which meant that if communities were minded to they could potentially develop land
- 3) he did not know about the provision of a bus service but he was aware that the 40% rebate for buses was to be reduced to 20% next year.

Mr Gilbert thanked the Executive Member for a good and thorough report. He mentioned that it wasn't just villages that needed access to the swimming pools, Watton residents did too. He asked if any re-investment in property would be purely within Breckland.

The Executive Member said that the Council did own one asset outside the District and he had looked at a retail opportunity in Bury St

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Edmunds, but had decided against it. He did prefer to re-invest in the district. The Council was known as a good landlord and got a good return for its money. Tenants often moved on from small Council units to larger Council units. He thought it was good for the District that the Council was a substantial landlord.

Mr Childerhouse asked if the Thetford housing land supply would all be developed within five years and the Executive Member advised that the figure was up until 2026 and it was hoped that development would take place in stages.

Mr Joel asked whether the proposed planning application for the Snetterton power supply would generate enough power for the area.

The Executive Member thought not. About 40 megawatts of power was needed but it depended on what was developed as some uses required less electricity than others.

The Chairman noted that Snetterton Heath was designated as an employment area and he hoped that it would not be used as a distribution area as that would not generate enough jobs to meet the need created by the additional 5,000 houses to be built in Thetford. He also urged caution with regard to the proposed incinerator plant.

Mr Byrne asked how the CIL was progressing and the Executive Member advised that he would know more by the middle of the month. There were eight front runners being assessed. In consultation with Capita he would be looking at all the options.

The Vice-Chairman noted that under the Active Land Management (ALM) proposals there was no option to retain the status quo. He felt that representations made by Ward Representatives were not being taken into consideration. Historically there had been a Commercial Property Committee which had made decisions about land sales which had been a fairer method.

The Executive Member explained that an option to retain the land would have cost implications. There was an option to transfer the land to Town or Parish Councils if they were not suitable to provide a capital receipt. The ALM scheme was investigating the constraints through a legal process which provided a clear audit trail. Some land was likely to prove unsuitable for development and other options would be considered when that was confirmed.

The Chairman asked if future re-investment could be in smaller parcels of land – or larger areas that could be sub-divided to provide starter units. He also asked if there would be any investment in housing.

The Executive Member confirmed that that it was the intention to invest in smaller premises, particularly in villages. With regard to housing he noted that at Cabinet when the ALM was discussed it had been decided that suitable land would be developed as design and build by the Council.

Mr R Richmond said that some older citizens were unhappy that they might need to use a car to access amenities if their local areas were developed. He was therefore glad that the Executive Member had

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confirmed that other options were available.

The Chairman thanked the Executive Member for his report.

63/11 REVIEW OF LOCAL DEVELOPMENT FRAMEWORK (AGENDA ITEM 7)

The Chairman advised Members that following the discussion of the Thetford Area Action Plan (TAAP) at Cabinet he had decided not to consider the representation from Shadwell Estates until after the consultation was complete. However, he had hoped to receive a written report on the comments made during that discussion, to inform his response to the letter received. He believed that the concerns had been addressed during the discussions, particularly with regard to Stone Curlews.

He also noted that the draft National Planning Policy Framework was a broad brush document which could cause problems in the future and might affect the Site Specifics proposals. More detail was needed about that and the Localism Bill.

It was therefore agreed that the review would be deferred to the next meeting when more information should be available.

64/11 OPEN PUBLIC SERVICES WHITE PAPER CONSULTATION (AGENDA ITEM 8)

The new Business Development Manager was introduced to Members.

He advised that the White Paper was not really a consultation document but actually more a general policy statement summarising the Government's proposals. He thought it would be useful for the Council to respond in a general way as it would give an opportunity to point out that Breckland was at the forefront and already implementing many of the proposals. He sought Members' advice on the nature of the response.

The Vice-Chairman thought there was nothing wrong with the principles and philosophy in the proposals but was concerned about how to make them happen. Town and Parish Councils would need training and support if they were to take on additional responsibilities for which they had no expertise or competence. He thought it would be difficult to translate the proposals into actions and deeds.

The Chairman was also concerned about the Localism aspect and devolved decision making and wondered how it could be made to work. He asked Members how they wished to respond to the White Paper.

Some Members favoured an individual response by the Council but the Chairman suggested that as partnerships and joined up services was at the heart of the document it might be better to respond jointly with South Holland.

The Business Development Manager had attended a meeting of South Holland's Scrutiny Committee and they favoured a joint response.

A question was raised about whether the Council would be disclosing its

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assets to the Government and Mr Kiddle-Morris said there was no problem with disclosing what the Council owned and where it was, but no information on individual rentals would be provided.

The Chairman suggested that there should be a two tier response to the White Paper, one from the Council and one to underscore that Breckland was already delivering efficiencies and sharing services.

RECOMMEND TO COUNCIL that Breckland Council responds to the Open Public Services White Paper Consultation and that the response includes the points set out in the report and the concerns raised in the debate about supporting devolved decision making.

65/11 DISASTER RECOVERY PLANNING (AGENDA ITEM 9)

The Emergency Planning Officer was in attendance. She explained that she worked in partnership with Norfolk County Council and John Ellis, the NCC Resilience Officer was also in attendance.

Following a Business Continuity exercise in 2010 a strategy for the way forward had been agreed. In accordance with the Civil Contingencies Act 2004 the Council (as a Category 1 responder) was required to have adequate measures in place to maintain essential services and subsequently recover from the effects of any significant disruption to normal working. That process was known as Business Continuity Management.

Contingencies needed to be in place to deal with disruptions such as the loss of premises, loss of key infrastructure, loss of key staff or supplier failure.

It had been suggested that a back-up generator was needed for Elizabeth House, but the Emergency Planning Officer considered that the resilience of the Council as a whole needed to be addressed – not just back up power for the Council offices.

She had raised the issue of the Bunker as a possible useful resource to be considered within the business continuity plan. It needed upgrading to make it fit for purpose. If there was IT and telephony resilience it would be possible to continue service delivery from alternative work areas, such as the bunker. The Emergency Planning funds currently covered the the rates, telephony, broadband and service costs of the bunker.

With the advent of shared management with South Holland the Business Continuity framework needed to cover both authorities. The Corporate Management Team had strategic responsibility and Business Plans were to be completed as soon as possible to identify priority services and strategies to ensure their continuity.

As part of the evaluation the Business Improvement & Projects Sub-Committee had proposed that the matter be passed to the Commission for more detailed discussion and to provide assurance on the effectiveness of plans and procedures.

The Chairman then asked the Strategic Property Manager to present

his report.

The Strategic Property Manager explained that his report was made from a property perspective only. As part of the Business Continuity plans they had been asked to provide a quote for a feasibility study to bring the bunker up to the required standards. They had received a quote of £4,500 to carry out that study. The bunker contained a lot of specialist equipment including a ventilation system. There were fuel cells and no natural light. The access, which was down a flight of steps, was not DDA compliant.

The bunker had never been let previously and was currently used to store the Council's Deeds. From a property perspective there was not considered to be any significant commercial letting value. There was other, better space available locally.

The option to undertake the feasibility study still existed but was not seen as a viable option. The Strategic Property Manager recommended that the bunker be used for corporate storage, releasing other space for letting.

The Executive Member for Localism, Community and Environmental Services said that the bunker came under her Portfolio. She suggested that Members should visit the facility. It was a large area and needed to be used somehow. It was currently used for document storage however, there were no fire precautions in the bunker.

The Executive Member for Assets and Strategic Development said that it would cost a lot of money to bring the bunker up to habitable standard. It had not been clearly identified how much space would be required for business continuity purposes and it might be that only part of the bunker would need to be upgraded. The size of any back-up generator also had yet to be determined.

Mr Bambridge thought that a generator that would supply the whole of Elizabeth House would not be much more expensive than one to supply only part of the building. Even with added on-costs the generator would be a justifiable investment when set against close-down wage costs.

The Director for Commissioning informed Members that the Council had recently acquired the ability to 'mirror' its IT and telephony. That meant that no generator would be needed for those services as IT and telephony could be switched to Breckland House in Thetford if needed.

The Emergency Planning Officer said that a generator might not be needed as the Council could operate from another location and some people might work from home.

Mr Gilbert asked if it would be possible to work from South Holland but the Director for Commissioning explained that currently there was no connection of services or telephony, although some staff might be able to work there.

The Chairman could not believe that the Deed Store was in an area without fire protection. That issue needed to be addressed right away and costs were irrelevant.

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Ralph
Burton

The Executive Member agreed that officers should look at electrical safety etc and report back to the next meeting. He also suggested that resilience during disaster and emergency response could be looked at by a Task & Finish Group.

The Chairman agreed. The Commission could not currently endorse the recommendations in the report. A Task & Finish Group should look at all the implications and see if it was possible for the bunker to be brought back into use.

RESOLVED that:

- (1) an immediate fire protection assessment be carried out on the bunker; and
- (2) a Task & Finish Group be set up to look at all the issues. Mr Kybird to liaise with the Scrutiny Officer to set up the Group.

66/11 TASK AND FINISH GROUPS (AGENDA ITEM 10)

Nothing to report.

67/11 SCRUTINY CALL-INS (AGENDA ITEM 11)

None.

68/11 COUNCILLOR CALL FOR ACTION (AGENDA ITEM 12)

None.

69/11 WORK PROGRAMME (AGENDA ITEM 13)

Mr Bambridge noted that Members had been involved in the original negotiation of the Serco contract and he was surprised that they had not been invited to participate in the re-negotiations.

Mr Kybird said that Lady Fisher and he had attended NCC Health Scrutiny Committee. He thought that the District needed to analyse its needs to inform County and suggested that the Health Item should be postponed until that could be done.

As various items from the current agenda would be coming back to the next meeting the Chairman suggested that Drainage & Flooding should also be put back to November, to replace the Stone Curlew item.

70/11 NEXT MEETING (AGENDA ITEM 14)

It was agreed that there had not been sufficient room in the Norfolk Room and that future meetings should be moved into the Anglia Room.

The arrangements for the next meeting on 6 October 2011 were noted.

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Teresa
Smith