

---

**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 14 February 2012 at 9.30 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mrs L.S. Turner  
Mr J.W. Nunn (Chairman)  
Mr W.H.C. Smith  
Mr S. Askew

Mr P.D. Claussen  
Mr M.A. Kiddle-Morris  
Mr A.C. Stasiak (Vice-Chairman)

**Also Present**

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

Mr T. J. Jermy  
Mr W. R. J. Richmond  
Mrs E. M. Jolly  
Mr M. A. Wassell

**In Attendance**

Dominic Chessum

Phil Adams  
Robert Walker  
Terry Huggins  
Vicky Thomson  
Julie Britton  
Mark Finch  
Gordon Partridge  
Chris Brooks  
Fiona Inston

- Joint Marketing & Communications Team Leader
- Environmental Health Manager
- Assistant Director of Commissioning
- Chief Executive
- Assistant Director - Democratic Services
- Senior Committee Officer
- Assistant Director of Finance
- Principal Environmental Health Officer
- Governance and Performance Accountant
- Acting Principal Licensing Officer

**Action By**

**24/12 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 10 January 2012 were confirmed as a correct record and signed by the Chairman.

**25/12 APOLOGIES (AGENDA ITEM 2)**

None.

**26/12 DECLARATION OF INTEREST (AGENDA ITEM 4)**

The Chairman and the Vice-Chairman declared a personal interest in agenda item 10 due to them being property landlords.

Mr Wassell declared a personal interest in agenda item 9 due to a family member being currently in receipt of DFG funding.

**Action By**

The Chief Executive declared a personal and prejudicial interest in agenda item 17 as part of the report related to his post. The Chief Executive left the room following presentation of the report.

**27/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mrs E Jolly, Mrs D Irving, Mr G Bambridge, Mr P Cowen, Mr P Duigan, Mr T Jermy, Mr W Richmond and Mr M Wassell.

**28/12 RISK MANAGEMENT POLICY AND RISK MANAGEMENT PROCESS GUIDE (AGENDA ITEM 7)**

The Deputy Leader and Executive Member for Performance & Development introduced this item.

The Governance & Performance Accountant presented the new Risk Management Policy and Risk Management Process Guide that had been based on current best practice. He highlighted the different roles within the authority.

The Anglia Revenues Partnership used the same process and approach to risk management but used a 5 x 5 scoring matrix for risk assessment as previously agreed by the Joint Committee (see Appendix A of the report).

The new Policy and Process Guide would be supported with a full implementation plan and training for Members and Officers.

It was noted that the Audit Committee had discussed and had agreed the report at its meeting on 3 February 2012.

In response to a concern about whether this document included new procedures for mitigating potential risks, Members were informed that these had been captured in the Process Guide.

The Executive Member for Planning & Environmental Services felt that Officers within the authority had the wrong attitude towards risk and he hoped that by having this in place there would be more effective and appropriate behaviour towards it.

The Chief Executive stated that this Policy and Process Guide concentrated on mitigating risks and it would not stifle the authority from its day to day business.

**Option 1**

That the Risk Management Policy and Risk Management Process Guide be recommended to Cabinet for adoption.

**Option 2**

Continue to operate with two separate Risk Management Strategies

**Action By**

across the two authorities.

**Reasons**

The new Risk Management Policy and Risk Management Process Guide reflected best practice in risk management and were based on the principles of ISO 31000 and OGC's Management of Risk (M\_o\_R) guidelines and would introduce a standardised approach to risk management for both authorities.

**RESOLVED** that the Risk Management Policy and Risk Management Process Guide be adopted, subject to a small amendment to Appendix A on page 24 of the agenda, 3<sup>rd</sup> paragraph to read: "the needs of all *four* partners".

**29/12 THE FOOD LAW ENFORCEMENT PLAN (AGENDA ITEM 8)**

The Executive Member for Planning & Environmental Health introduced this item.

The Principal Environmental Health Officer explained that the food safety function was a statutory role for all local authorities and the delivery of the service was defined by the Food Standards Agency Framework Agreement (2000). This required all Councils to produce an annual Food Law Enforcement Plan describing how the service would be delivered during that year.

A detailed report was provided.

The Executive Member for Internal Services asked how the Plan was monitored and overseen and whether it was looked upon as a potential risk. Members were informed that the Plan was subject to periodic external audits by the Food Standards Agency and not by the Council's Audit Committee.

The Chairman pointed out that this was one of those traditional documents that all authorities had to complete.

**Option 1**

To recommend to Full Council the approved Food Law Enforcement Plan as at Appendix 1 of the report.

**Option 2**

Not to approve the Food Law Enforcement Plan.

**Reasons**

The Food Law Enforcement Plan was one of the plans and strategies recommended by the Secretary of State to form part of each local authority's policy framework.

The Council's Constitution reserved the approval of the Food Law

**Action By**

Enforcement Plan to Full Council after consultation with Cabinet.

Central Government held default powers where local authorities failed to effectively undertake their food safety service.

The function was statutory and the range of possible approaches was prescribed by Regulations and Statutory Guidance.

**RECOMMEND** to Council that the Food Law Enforcement Plan for 2012/13 be adopted.

**30/12 DISABLED ADAPTATIONS FUNDING (AGENDA ITEM 9)**

The Executive Member for Planning & Environmental Services urged the Cabinet to support this new grant system so that all adaptations could be provided to disabled persons in a timely manner.

The Principal Environmental Health Officer presented the report which allowed Members to discuss and decide whether to introduce a new form of grant aid called 'Reable' that would replace Disabled Facilities Grants (DFGs) in some circumstances.

DFGs had been place for many years and had been designed to work with an inbuilt means test. The application form for this type of grant was, in itself, a considerable sized document and was unnecessarily bureaucratic and burdensome for the vast majority of cases dealt with. Furthermore, the bid based grant had been ring-fenced and could only be spent on DFGs. However, the Government had just recently changed the rules and, although nominally still classed as bid based funding, the support funding could be allocated on a historical spend basis as part of an overall Housing Capital Grant that was no longer ring-fenced and could be spent on other forms of assistance.

The vast majority of DFGs granted over the years had been under £7,000 for adaptations that were classed as small scale. It was therefore felt that the current DFG process was far too long for relatively simple works at minimal costs.

The introduction of 'Reable' would allow grants for adaptations to be processed far quicker and more flexibly and would significantly improve the efficiency of the process. This would enable unit costs per application to be lowered and ultimately decreasing the cost of service provision.

The Executive Member for Internal Services asked how targeted this mean testing was. He further asked if adaptations that had been installed could be removed and recycled for another person's use if the original applicant moved on. The Principal Environmental Health Officer explained that 'Reable' was designed for non-means tested applicants; however, the DFG process would still be used. As far as the latter question was concerned, the answer was yes, equipment was recycled. In response to another question with regard to the role of Social Services, Members were informed that part of the bureaucracy with DFGs was that welfare was with County Services, local authorities, such as Breckland did not have this type of mandatory service built in. The introduction of

**Action By**

'Reable' would enable the Council to bypass that part of the consultation process; however, it was not the intention to remove County Services altogether.

Mr Wassell informed Members of the struggle that his grandson had experienced, not only with the grant but also with suitable housing. The Private Sector Housing Team had tried its utmost to sort these problems out. He felt sorry for others in the same predicament that did not have the same background knowledge as he had and he urged the Cabinet to support the recommendation.

The Principal Environmental Health Officer said that it was the process that was a problem not the individuals within it. County Services and Breckland was aiming, through 'Reable' to cut out the middleman and have better integration with officers.

The Chairman agreed that there should not be barriers for this type of grant and concurred with the above comments. He thought it would be a good idea to try and bring both teams together as had been done with part of the Community Services Team working together in the same building. The Executive Member for Localism, Community & Environmental Services said that she would take the multi working idea forward with the Clinical Discussion Group of which she was a Member.

The Vice-Chairman also concurred with the above views but asked, from a planning point of view, if enough single storey dwellings were being built that could be adapted for such applicants during construction. Members were informed that single storey dwellings were classed as 'land hungry' and although new buildings could be constructed to such a standard it was not mandatory. Also, with the techniques and the equipment available much more could be done to adapt a dwelling than in the past.

Mrs Jolly stated that there were huge cost implications for people who had to remain in hospital until their home had been adapted.

The Overview & Scrutiny Chairman found the housing comment very interesting. He felt that the Council's planning policies should play a part in this when reviewed to drive the "Home for Life" agenda forward for the people it represented.

Mrs Irving gave an example of one of her constituents who had been waiting for a doorway to be widened for wheelchair access. This new scheme could only improve the process and she assured the Cabinet that she would take this up with the Director of Adult Social Services in her role as a County Member.

As a note of financial caution, the Chief Executive reminded Members that the organisation making the investment was not the same organisation that was reaping the rewards. The amount of grant received was fixed and the amount that Breckland match funded was fixed and therefore the monies would be used up much earlier if the process itself was made quicker. Discussions had been on-going with PCTs about trying to get more money for disabled facilities and as a public sector it was an unknown area that it needed to get better at. The Overview &

**Action By**

Scrutiny Chairman pointed out that the costs could be reduced if the design of the building was built in such a way, for example, the doors were of the right width then the cost to the taxpayer would be considerably less.

Option 1

To use the powers in Regulatory Reform order and the un-hypothecated funding for adaptations provided through the Housing Capital Grant to create a new form of assistance 'Reable', to deliver adaptation grants where the value of the work was less than £7000 and where the applicant was in receipt of a passport benefit or was a non-means tested applicant.

Option 2

In cases where the cost of the work was expected to exceed £7000 or the applicant was required to go through means testing to continue to use DFGs as the preferred process.

Option 3

To continue to use DFGs for all adaptation grants.

Reasons

The introduction of 'Reable' would allow grant for adaptations to be processed far quicker and more flexibly than by using Disabled Facilities Grants (DFGs). This would significantly improve the efficiency of the adaptation process thereby lowering unit costs per application from the Authority's aspect decreasing the cost of service provision. It was expected that contractor costs for carrying out the work would also decrease due to the improved efficiency eventually leading to lower costs of work.

**RESOLVED** that the new form of grant aid called 'Reable' be approved.

**31/12 ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (AGENDA ITEM 10)**

The Executive Member for Planning & Environmental Health introduced this item and highlighted the fact that the public consultation had raised a number of concerns from the Eastern Landlords Association and the National Landlords Association. He asked if he could address some questions to the Principal Environmental Health Officer.

Firstly, he asked what the justification was for Breckland Council introducing this scheme. Members were informed that following waves of migrant workers to the area a significant amount of properties were turned into houses of multiple-occupation. Many were and remained as unsuitable and did not fall into the current mandatory licensing scheme category of being 3 or more storey dwellings. Introducing this additional scheme would provide the Council with prior notification of who owned and managed these unfit properties. The Private Sector Housing Team did not want to be responsible for people living in unsafe housing or

**Action By**

neighbours feeling threatened by the occupiers.

The second question related to the challenges with regard to public consultation and the Executive Member asked if the Principal Environmental Health Officer could provide assurance that proper wider consultation had been carried out. Members were informed that certain groups such as all Parishes, Town Councils, Landlord Associations and a sample of known HMO owners, neighbours and Landlord Forums had been targeted. The 12 week consultation had also been made available on the Breckland website. The Executive Member was content that due process had been followed and that support for this scheme was being requested. In response, the Principal Environmental Health Officer advised that he had been heavily involved in this matter from the start and he was satisfied that he had followed the consultation process as set out.

The third question related to how the fee had been arrived at. Members were informed that following guidance the fee would be classed as a cost recovery for administration costs only not for enforcement. The original figure for the mandatory current scheme had been set several years ago at £225; this fee had since increased to £300. Other authorities' fees had been examined and compared and it was amongst the cheapest and less than other Norfolk authorities. This cost could be justified as a minimum cost.

The Executive Member was happy with the responses.

The Chairman guessed that with the current system these HMOs were difficult to locate and asked if they would be more identifiable in future if this additional Licensing Scheme was introduced. The Principal Environmental Health Officer explained that anyone who wanted to open an HMO would have to apply for a licence; this new scheme would also allow direct application of conditions and standards.

Referring to the Housing Act, which classed HMOs as three or more storey dwellings with five or more occupiers, the Chairman asked if his house would be classed as such as he lived in a three storey house with a family of four but sometimes with a lodger. His mind was put at rest when it was highlighted that one or two lodgers living with a family would not be classed as an HMO. Also certain educational establishments were ruled out.

Multiple-occupancy was classed as a high risk as there was no one person to take responsibility for safety. The Principal Environmental Health Officer mentioned the time when he worked in Norwich where five deaths had been reported in two storey HMOs. Most landlords were very good and obeyed the rules but unfortunately, due to the sign of the times, he felt that multiple- occupancy would increase.

Mr Wassell, in his capacity as a Watton Town Councillor, had been contacted by both sides and he wanted assurance on their behalf that Breckland Council would be taking full note of their concerns. Members were assured that Breckland Council was already doing this but needs and concerns had to be balanced and he had no wish to unduly penalise landlords.

**Action By**

There was some confusion in relation to fees and it was confirmed that the fee was £300 per HMO and was a licence that lasted five years.

The Overview & Scrutiny Chairman thought that this was a very serious matter and Breckland Council needed to be mindful that HMOs were a potential risk. He raised concerns about enforcement costs not being included and asked for assurance that when enforcement was required it was carried out with vigour and that costs were recovered. Further to this, he asked if the Council ever visited the property during the five year term. The Principal Environmental Health Officer explained that there was an element of cost recovery previously agreed by Cabinet some years ago. All Officers had been trained to deal with enforcement and complied with all regulations and all were content that what they did was as good as they could make it. As far as inspections were concerned, properties were inspected before a licence could be granted following which there would be a visiting period every three years or more regularly if necessary.

The Chairman suggested that Councillors should be notified of such properties in their Wards; the Councillor could then report any wrong doing to the Licensing Team. Members were informed that a public register was held and it was agreed that it would be put on the Council's website.

A question was asked about fire risk and whose liability it would be if a fire occurred at a licensed property. The Principal Environmental Health Officer explained that the Team did provide appropriate advice in relation to fire risk and ensured the structural element was satisfactory. It was a requirement that the Licence Holder was a fit and proper person and that they had ultimate responsibility to maintain smoke alarms etc. A benefit of having such a licence was that landlords had to abide to a management code and if the ownership changed there would have to be a change to the licence holder. Worst cases would be prioritised and inspected more frequently to minimise the risk and the Council's reputation. The Council did not work in isolation and did consult with a number of authorities including the Fire Service and the only way that Breckland could be held accountable was if it failed in its duty.

The Chairman was satisfied that Breckland Council was fully compliant with legislation.

The Vice-Chairman considered this additional scheme as another layer of 'red tape' but agreed that there had been excellent representations in the report. He asked if Breckland Council had contacted Officers at South Holland Council and whether Gt Yarmouth Borough Council had been approached. Members were informed that South Holland had only just created a Private Sector Housing Team and preliminary discussions had been had. There had been no direct contact made with Gt Yarmouth as yet. It was pointed out, however, that there was a Private Sector Housing Forum in Norfolk that met quarterly where individual cases and good and bad practices were discussed.

The Executive Member for Planning and Environmental Health was aware

**Action By**

that the Licensing Scheme was very much determined to local authority boundaries. The Principal Environmental Health Officer agreed and highlighted the fact that there were very few authorities that had this additional Licensing Scheme apart from a Council in Oxford. As Breckland was one of the first authorities to introduce this scheme, the Vice-Chairman felt it was unnecessary and therefore did not support it.

The Executive Member for Planning & Environmental Health classed Breckland Council as being completely reactionary and took on board new schemes as and when required and as necessary. This would not be seen as an extra burden as the Council would have more of a monitoring role and the emphasis would be on the landlord.

Members from the Eastern Landlords Association were in attendance and with the Chairman's permission were allowed to put their views and ideas forward.

There was some debate in relation to whether it was legal to have such a scheme in place for longer than five years (the term of the licence). The Principal Environmental Health Officer emphasised that Breckland Council could only operate within the law to the best of its ability. No-one knew what the law would be in future but at the moment landlords would have to re-apply after a five year period.

**Options**

Having considered the replies to the public consultation the options available to Cabinet were as follows:

- To either confirm progress to introduction of the scheme
- To modify any part of the scheme; or
- Not to introduce the scheme.

**Reasons**

Following waves of migration of workers from EU countries into the area, large numbers of houses in multiple-occupation (HMOs) had been established and continued to be established, to house them. A considerable amount of officer time was taken up establishing ownership and management responsibility which would have to be declared at the licensing application stage. Licensing also allowed direct application of conditions and standards.

Following a vote, with one abstention, it was

**RESOLVED** to proceed with the introduction of the Houses in Multiple Occupation Additional Licensing scheme.

**32/12 BRECKLAND COUNCIL GRANT FUNDING: FUNDING ROUND 4  
2011/12 (AGENDA ITEM 11)**

The report summarising the funding recommendations that had been made by the Grant Panel for Funding was just for information as all applications made had been approved by a delegated decision. These

**Action By**

included:

- Dereham Festival (£2,000 or 15.83% of the total project costs)
- Festival on the Farm (£1,750 or 50% of the total project costs)
- Ashill Allotment Improvements (£843.80 or 45% of the total project costs)
- Swaffham Cricket Club (£3,000 or 10% of the total project costs)
- Breckland Basketball Academy (£2,550 or 50% of the total project costs)

The Opposition Leader asked about Match Funding status. As the Officer responsible was not in attendance it was agreed that the information would be found and reported back to the Opposition Leader forthwith.

The report was otherwise noted.

**33/12 ANGLIA REVENUES AND BENEFITS PARTNERSHIP JOINT COMMITTEE (AGENDA ITEM 12)**

a) First Phase of Partnership Expansion (Minute No. 6/12)

The Executive Member for Internal Services was pleased to report that this was the first step of taking on two new partners to the Partnership.

b) Adoption

**RESOLVED** that the Minutes of the Anglia Revenues and Benefits Partnership Joint Committee meeting held on 25 January 2012 be adopted.

**34/12 BUSINESS IMPROVEMENT AND PROJECTS SUB-COMMITTEE (FOR INFORMATION) (AGENDA ITEM 13)**

The Minutes of the Business Improvement and Project Sub-Committee meeting held on 3 January 2012 were noted.

**35/12 NEXT MEETING (AGENDA ITEM 14)**

The arrangements for the next meeting on Tuesday, 27 March 2012 were noted.

**36/12 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 15)**

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of the Act.

**37/12 ENVIRONMENTAL HEALTH REVIEW (AGENDA ITEM 16)**

The Assistant Director of Commissioning described in great detail the

**Action By**

proposal for a shared Environmental Health and Licensing Service at South Holland and Breckland Council and furnished Members with the IT investment needed in order for the shared service to function.

Option 1

No change – to continue to deliver services independently. This would not provide the savings or deliver the other service changes benefits highlighted in the report. There would also be less resilience and breadth of skills and less scope for expansion.

Option 2

Partial change – to undertake the HR changes without investment in IT. The investment in IT would enable staff to work more efficiently with streamlined processes and procedures and increased mobile working. The ability to effectively share management and administration would be restricted without investment in IT. As noted above, the secure connection would benefit and facilitate the ease of joint working generally.

Option 3

Alternative – to share staff at all levels within the structure. This would limit the ability of each authority to determine its own service standards, requirement for non statutory work and consequent staffing levels. It would also impact on the field officers that have established local relationships, contracts and knowledge and would impact on the 'customer experience'.

Reasons

To develop an appropriate service delivery model that realised savings whilst ensuring that the service was able to best meet the needs of the Council.

**RECOMMEND** to Council that:

- 1) the proposal for a shared Environmental Health and Licensing service at South Holland and Breckland Council be approved; and
- 2) the capital investment in IT to make possible the shared service be approved.

**38/12 BRECKLAND, GREAT YARMOUTH AND SOUTH HOLLAND SHARED MANAGEMENT (AGENDA ITEM 17)**

The Chief Executive gave a detailed report on the proposed joint management arrangement for the three Councils.

Although the proposal had been welcomed, there were a number of concerns in relation to the affect the proposal would have on the level of management below the Directors, and the affect reviews were having on staff morale. Members were informed that these concerns had already been recognised and a structure chart with contact numbers was being

**Action By**

produced so that the said Officers, now known as the Key Officers Group (KOGs), could be easily recognised and contactable in the Directors absence. As far as the latter was concerned, there would have to be changes to some services and some would have to be re-designed to close the financial gap but another partner provided resilience unlike other authorities who were constantly reducing staff particularly from the top down to save money.

Members were satisfied that all concerns raised had been taken into account.

The Chief Executive left the room.

Members were in support of the consultation going forward.

**Options**

To support or not to support the proposals.

**Reasons**

See Report.

**RESOLVED** to support the recommendation to the Special Council meeting to be held on 9 March 2012.

The meeting closed at 11.45 am

CHAIRMAN