

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 5 July 2012 at 10.30 am in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S. Askew	Mr K. Martin
Mr S.G. Bambridge	Mrs K. Millbank
Mr W.P. Borrett	Mrs L.H. Monument
Councillor C Bowes	Mr T F C Monument
Mr A.J. Byrne	Mrs J A North
Mr T R Carter	Mr J.W. Nunn
Mr C. S. Clark	Mrs P. Quadling
Mr P.D. Claussen (Vice-Chairman)	Mr R. R. Richmond
Mr J.P. Cowen	Mr W. R. J. Richmond
Mr P R W Darby	Mr M. S. Robinson
Mr P.J. Duigan	Mr J.D. Rogers
Mr K.S. Gilbert	Mr B. Rose
Mr R.F. Goreham (Chairman)	Mr F.J. Sharpe
Councillor E. Gould	Mr I. Sherwood
Mr S R Green	Mr W.H.C. Smith
Mr T. J. Jermy	Mrs P.A. Spencer
Mrs E. M. Jolly	Mr A.C. Stasiak
Mr C.R. Jordan	Mrs L.S. Turner
Mr M.A. Kiddle-Morris	Mr M. A. Wassell
Mr R.G. Kybird	Mr N.C. Wilkin
Mr T.J. Lamb	

In Attendance

Julie Britton	- Senior Committee Officer
Terry Huggins	- Chief Executive
Helen McAleer	- Senior Committee Officer
Leanne Neave	- HR Advisor/Member Development Trainer
Vicky Thomson	- Assistant Director - Democratic Services

66/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 24 May 2012 were confirmed as a correct record and signed by the Chairman.

67/12 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs Armes, Mr C Carter, Mr Childerhouse, Mr Duffield, Mrs Irving, Mr Joel, Mrs Matthews, Mr Skull and Mrs Steward.

Action By

68/12 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 3)

The Chairman thanked all the organisations for the invitations he had received and the Vice-Chairman for standing in for him at the Meeting Point open day.

He asked Members to book their PDP annual reviews as soon as possible. Leanne Neave would be available to take bookings at the end of the meeting.

He also reminded Members about the Future of Breckland Workshop taking place in the afternoon in the Dereham Memorial Hall.

Mr Wilkin expressed Members' concern for Mr Bernard English who had recently resigned due to ill health. The Chairman asked that a card be sent on behalf of all Members wishing him well.

The Chairman then advised Members that Agenda Item 7 would be heard next as it impacted on the rest of the meeting.

69/12 THE LOCALISM ACT - THE AMENDED STANDARDS REGIME (AGENDA ITEM 7)

The Executive Member for Finance & Democratic Services presented the report which included an updated Code of Conduct and arrangements for dealing with complaints against Members.

The date for implementation of the required changes was 1 July 2012. However, as the Regulations had not been published until 8 June 2012, the current meeting was the earliest opportunity to adopt them.

He noted that failure to register a Disclosable Pecuniary Interest (DPI) would be an offence dealt with by the police. A person found guilty of an offence relating to a DPI was liable on summary conviction to a fine and disqualification from being a Member. They would also have a criminal record.

Members were invited to remain at the end of the meeting for a short briefing on the Code of Conduct, DPIs and registering interests.

To avoid any further delay in adopting the new procedures the Executive Member proposed the suspension of Standing Order 54 which would require any changes to Standing Orders to stand adjourned until the next ordinary meeting of the Council. The proposal was seconded and moved.

RESOLVED that Standing Order 54 be suspended for the current item of business, so that the recommendations at item g) of the report could take immediate effect.

Action By

Attention was drawn to the following minor amendments to the report:

- Section 2.2 of the Code of Conduct amended to read:

The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the meeting room as stated in the Standing Orders of this Council.

- Stage 4 of the Arrangements for dealing with standards allegations under the Localism Act 2011 – first paragraph under The Hearing Panel – amend final sentence to read:

“No member will be selected to sit on the Hearing Panel if they are a resident of the same town / parish / ward as the subject member *or the complainant* or they have a close association.”

Mr Kybird noted that a number of Parishes would be adopting the Breckland Council Code of Conduct as an interim and it needed to be made clear that the Standing Order clause applied only to the District Council.

RESOLVED that:

- a) Members approved the arrangements for Standards (Appendix 1) as detailed within this report to be implemented with effect from 5 July 2012.
- b) Members delegate authority to the Monitoring Officer and the Audit Committee as detailed in the arrangements (Appendix 1).
- c) Members delegate authority to the Monitoring Officer any further procedural decisions on implementing the arrangements detailed within this report.
- d) Members delegate authority to the Monitoring Officer to amend the constitution to reflect the approved arrangements as agreed by Council and any further amendments agreed in future by Council as necessary.
- e) The Standards Committee is disbanded with immediate effect as set out in the Regulations to the Localism Act 2011.
- f) Members approve the Terms of Reference for the Audit Committee as detailed in Appendix 2 and delegate powers accordingly.

Action By

- g) The following amendments to Standing Orders be approved:

Standing Order 43 – Item 2 and Item 5(a) replace prejudicial interest with Disclosable Pecuniary Interest.

Standing Order 43 – Item 5(b) replace Standards Committee with Hearings Panels of Audit Committee and replace General Purposes Committee with Appeals Committee.

Standing Order No 46 – amend wording to read:

‘The Council’s Code of Conduct adopted under the Localism Act 2011 or any re-enactment thereof will apply where a member has a Disclosable Pecuniary Interest and the term ‘Disclosable Pecuniary Interest’ in these Standing Orders has the same meaning as defined in regulations.

Where a member has a Disclosable Pecuniary Interest the member must declare the interest to the meeting, and leave the room without participating in any discussion or making a statement on the item, except where a member is permitted to remain as a result of the grant of a dispensation.’

Standing Order 52 – Item 2 replace prejudicial interest with Disclosable Pecuniary Interest.

70/12 DECLARATIONS (AGENDA ITEM 4)

The Norfolk County Councillors (Mr Borrett, Mr Byrne, Mr Duigan, Mr Jordan, Mr Kiddle-Morris and Mr Rogers) (with the exception of Mr Nunn) declared an interest in Agenda Item 8 (Cabinet Minutes) Minute No 77/12 concerning Norfolk Minerals & Waste Site Specific Allocations.

Mr R and Mr W Richmond declared a Disclosable Pecuniary Interest in the item above by virtue of having sites in that process.

Mr Claussen declared an interest in Agenda Item 10 (Planning Committee Minutes) Minute No 59/12(b) by virtue of family members owning land in the area.

It was clarified that Members only needed to declare Disclosable Pecuniary Interests and Code of Conduct interests.

**71/12 BRECKLAND, GREAT YARMOUTH AND SOUTH HOLLAND
SHARED MANAGEMENT (AGENDA ITEM 5)**

The Chief Executive presented the report which was a matter of record. It explained the current position with regard to Shared Management arrangements.

RESOLVED to:

- (1) acknowledge the end of the joint working arrangements with Great Yarmouth Borough Council; and
- (2) approve the continuation of the additional work streams described in the report.

**72/12 ADOPTION OF THE THETFORD AREA ACTION PLAN (AGENDA
ITEM 6)**

The Executive Member for Assets & Strategic Development introduced the report. The Plan had been submitted before the implementation of the Localism Act and the National Planning Framework and if approved by Council would be adopted under the new planning regulations.

The TAAP was the culmination of a process that had begun in 2008 and had been subject to four rounds of public consultation and Examination in Public by an independent Government Inspector in March 2012. The Government Inspector had heard submissions from various parties questioning the area action plan. Some of the issues of concern included the lack of a town centre masterplan, the potential for the creation of a two-centre town and the moving of the bus interchange to the proposed Minstergate site.

Another representation centred on the lack of land allocated for development to the south east of the town. That was due to the imposition of the 1500m buffer zone to protect Stone Curlews. The Inspector had agreed with the Council's precautionary approach and concluded that the single direction for expansion to the north was justified.

The precautionary principle had contributed to a reduction in housing numbers planned for through the TAAP from 6,500 to 5,000 dwellings. An approach the Inspector concluded was justified. Mitigation measures were being investigated to understand how development could proceed in the buffer zone without causing harm to the nesting sites of the Stone Curlew. It was noted that the Woodlark and Nightjar had a separate 400m buffer zone.

With regard to the Thetford Town Centre Masterplan, a team had been appointed to carry out the work, which would take approximately six months.

Action By

The potential for creation of the two centre town had been assessed by the Inspector and he had stated that the other policies in the TAAP, taken together, convinced him that the northern extension to the town would not operate as a separate entity.

Moving the bus interchange had been the subject of much debate and criticism, however the Inspector had concluded that, on balance, it would seem to be a better solution for the regeneration of the town centre.

The Executive Member concluded by thanking the team of Phil Mileham, Natalie Beal, Jamie Smith and Sarah Robertson from Capita, under the direction of David Spencer, for their diligence and hard work in producing the document and he commended the Plan to Members.

Mr Jermy, speaking as a Thetford Member was concerned. He welcomed growth and opportunities but they needed to be meticulously planned and he believed that the Plan would do little to improve residents' lives. The peripheral development would affect the town centre and create a two tier Thetford. He could not support the Plan.

Mr Lamb clarified the position of the Town Council which he said was investigating the feasibility of challenging the Plan. No decision had yet been made and he would therefore be abstaining from the vote.

Mr Kybird noted that the Plan was a Policy document not a delivery plan and would need sources of finance to make it deliverable.

The Leader of the Council encouraged the Town, District and County Councillors to work together to give the community what it needed for the best outcome for the Town.

The Chairman of the Overview & Scrutiny Commission was disturbed that some of the District Councillors were not supporting the Plan which had been thoroughly worked through. Without growth for Thetford he believed that the town would be bypassed.

Mr Borrett echoed those comments and said that no other town in the District had received the amount of time, effort and consultation that Thetford had.

Mr Clark was concerned that education needed to be considered and without the necessary Infrastructure at an early stage there would be no place for the school children generated from the development.

RESOLVED to adopt the Thetford Area Action Plan DPD, including the minor modifications and the main modification recommended in the Inspector's Report.

73/12 CABINET MINUTES (AGENDA ITEM 8)

Action By

- a) Match Funding Grant Panel Report Round 1 2012/13 (Minute No 74/12)

Mr Borrett, Mrs Jolly and Mr Robert Richmond thanked the Council on behalf of their Parish Councils, for the grants awarded.

- b) Transfer of Equipped Play Areas in Dereham to Dereham Town Council (Minute No 76/12)

The Leader of the Labour Group noted that handing over of the Play Areas was pertinent to the wider debate and was not as altruistic as suggested. A firm eye needed to be kept on value for money. The cost to the Parish Councils was greater than to the District Council due to the loss of economy of scale.

The Leader of the Council noted that it was up to each Parish to take responsibility for the needs of its community and to determine where facilities were needed.

Various concerns were raised about the amount that Parishes had to pay to support facilities such as playing fields and public conveniences.

- c) Environmental Services Contract – Options Post 2015 (Minute No 84/12)

A Member noted that he received many complaints from residents about grass being cut and left in piles. He asked why the Council did not insist that the contractor picked up the grass.

The Executive Member for Localism, Community & Environmental Services advised that that was being considered as part of the contract renegotiations.

RESOLVED that, subject to legal clarification around EU Procurement Law:

- (1) the Serco Environmental Services contract be extended for a further six years from 2015 to 2021; and
- (2) the options as outlined in Appendix B be approved.

- d) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 19 June 2012 be adopted.

**Dale
Robinson**

74/12 OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 9)

a) Executive Member Portfolio Update (Minute No 64/12)

With regard to a question he had raised (on page 43) Mr Gilbert noted that he accepted the figures provided for Land Charges turn-around.

b) Adoption

RESOLVED that the unconfirmed Minutes of the Overview & Scrutiny Commission meeting held on 7 June 2012 be adopted.

75/12 PLANNING COMMITTEE (AGENDA ITEM 10)

A Member pointed out a number of small amendments which would be dealt with at the next Planning meeting when the Minutes were approved.

RESOLVED that the unconfirmed Minutes of the Planning Committee meeting held on 11 June 2012 be adopted.

76/12 GENERAL PURPOSES COMMITTEE (AGENDA ITEM 11)

a) PRP Outcomes 2012

RESOLVED that a review of PRP with any new scheme to be implemented for 2013/14, be approved.

b) Breckland Training Services (Minute No 37/12)

The Chairman of the Audit Committee asked for the recommendation to be deferred as the matter had been referred to the Audit Committee and a number of questions had been raised and more information was awaited.

RESOLVED to defer consideration of the recommendation.

c) Property Inspections & Visits Review

RESOLVED that:

- (1) the implementation of the Property Inspections and Visits Review be approved;
- (2) the commencement of formal consultation with affected staff be approved; and
- (3) the Assistant Director of Commissioning be delegated authority to make changes to the establishment (in consultation with the Chairman of General Purposes) as detailed in the report and appendices.

d) Adoption

RESOLVED that the unconfirmed Minutes of the General Purposes Committee meeting held on 13 June 2012 be adopted.

77/12 AUDIT COMMITTEE (AGENDA ITEM 12)

RESOLVED that the unconfirmed Minutes of the Audit Committee meeting held on 15 June 2012 be adopted.

78/12 YOUTH COUNCIL MINUTES (FOR INFORMATION)(AGENDA ITEM 13)

The Youth Council Minutes of the meeting held on 29 May 2012 were noted.

79/12 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 14)

The Leader of the Council noted that the vacancies on Committees caused by resignations would not be filled until after new Councillors had been elected.

RESOLVED that:

- (1) Mr Robinson would replace Mr W Richmond on the Member Development Panel
- (2) Mr Jermy would replace Mr Clark on General Purposes Committee and Mrs Armes would be Substitute Member
- (3) Mrs Armes would replace Mr Clark on Planning Committee and Mr Jermy would be Substitute Member.

80/12 REFERENCE FROM THE ANGLIA REVENUES & BENEFITS PARTNERSHIP JOINT COMMITTEE (AGENDA ITEM 15)

The Executive Member for Internal Services explained the background to the report and advised that the expenditure would be fully funded by Waveney District Council.

RESOLVED that:

- (1) Breckland Council would be the lead authority for procurement of the ICT equipment; and
- (2) the budget noted at point 2.3 of the report be approved.

The meeting closed at 11.45 am

CHAIRMAN