

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Tuesday, 28 June 2016 at 2.30 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr T J Ashby	Mr K. Martin
Mr S.G. Bambridge	Mrs S.M. Matthews
Mrs E J Bishop	Mrs K. Millbank (Vice-Chairman)
Mr W.P. Borrett (Chairman)	Mrs L.H. Monument
Councillor C Bowes	Mr T F C Monument
Mr R F W Brame	Mr M J Nairn
Mr C G Carter	Mr J.W. Nunn
Councillor M. Chapman-Allen	Mr D R R Oliver
Mr S H Chapman-Allen	Mr R. R. Richmond
Mr H E J Clarke	Mr W. R. J. Richmond
Mr P.D. Claussen	Mr M. S. Robinson
Mr D M Crawford	Mr J.D. Rogers
Mr P R W Darby	Mr F.J. Sharpe
Mr P M M Dimoglou	Mr I. Sherwood
Mr P.J. Duigan	Mr W.H.C. Smith
Mr K.S. Gilbert	Mr A.C. Stasiak
Mrs J Hollis	Mrs L.S. Turner
Mr T. J. Jermy	Mr N.C. Wilkin
Mr A.P. Joel	Mr P S Wilkinson

In Attendance

Anna Graves	- Chief Executive
Helen McAleer	- Senior Democratic Services Officer
Maxine O'Mahony	- Executive Director of Strategy & Governance
Mark Stinson	- Executive Manager Governance (Deputy Monitoring Officer BDC)

70/16 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 12 May 2016 were confirmed as a correct record and signed by the Chairman.

71/16 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Askew, T Carter, Cowen, Duffield, Gould, Hewett, Jolly, Newton, Stasiak, Taylor, Wassell and Webb.

72/16 DECLARATION OF INTERESTS (AGENDA ITEM 3)

No declarations were made.

73/16 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman advised that Agenda Item 13 - Breckland Housing Allocation Policy, had been deferred.

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74/16 LEADER'S ANNOUNCEMENTS (AGENDA ITEM 5)

The Leader had three topics to discuss, one of which was Devolution which he would leave until Agenda Item 15. The other two subjects were the EU Referendum and the flash flooding experienced on that day particularly in Dereham, Shipdham, Saham Toney and Watton. The Council had managed the response to the flooding at the same time as running the referendum and the count. The Council offices and two Polling Stations had been flooded. Presiding Officers had struggled to get their ballot boxes to the count venue and some had been helped by the police. The response to the flooding had been well co-ordinated with the emergency services and the count had been able to take place and be completed on time. The Council offices had been open on the Friday and there had been minimal disruption to waste collection services. All properties affected by flooding had been visited on the Friday. The Leader thanked all the staff who had continued working, some of whom had been flooded themselves.

With regard to the referendum, he noted that the Customer Contact Centre had received a number of calls from residents asking what effect the result would have locally. Residents were being given the following information:

The referendum last week saw UK voters decide that the country should leave the European Union. Putting that decision into practice will be led at a national level by the government and is likely to take some time. In the meantime, the UK continues to be a member of the EU and local and national policies remain in place. Breckland, therefore, has no immediate plans to change its policies or access to its services as a result of the referendum. The council will be working closely with other government bodies to ensure the transition to the UK being outside of the EU – and the implications of this – is carefully managed, and will consider any necessary changes to its policies at the appropriate time.

He concluded by stressing that the Council was united against hate and racism and those people that had used the referendum as a tool to be divisive.

Those comments were strongly supported by Members of all parties and they were urged to report any incidents of hate crime and to encourage their residents to do the same.

Councillor Gilbert asked Members to collate evidence of flooding problems to present to Anglian Water and the Environment Agency.

Councillor Jermy asked the Leader what Breckland could do to create more cohesive communities and the Leader responded that it was up to all Councillors to show leadership and to encourage people to report any problems.

Councillor Wilkinson asked the Leader to put his thanks to staff in writing and he agreed to pass his comments to the Chief Executive to use at the next All Staff Briefing.

Finally Councillor Turner urged Councillors to encourage their villages to adopt an Emergency Plan as the Shipdham plan had proved very worthwhile in the recent flooding.

75/16 QUESTIONS ON NOTICE UNDER STANDING ORDER NO 6 (AGENDA ITEM 6)

None.

76/16 QUESTIONS WITHOUT NOTICE UNDER STANDING ORDER NO 7 (AGENDA ITEM 7)

Councillor Gilbert asked the Executive Member for Growth to investigate why he had not received an answer to a query he had raised three months ago with Capita, regarding a development in Watton. He suggested that if Capita were too busy to fulfil the terms of their contract it should be terminated.

The Executive Member for Growth said he would look into the matter and he asked other Councillors to advise him if they were having similar problems.

Councillor Jermy asked the Executive Member for Growth for his assurance that there would be a full public consultation with the Registered Social Landlords (RSLs) on the Housing Allocation Policy before the Council made any changes.

The Executive Member for Growth said the Housing Allocation Policy would be discussed at the Overview & Scrutiny Commission meeting in July and he confirmed that RSLs would be consulted.

Councillor Clarke asked the Executive Member for Place for an update on the Dereham Transport Study and asked her to ensure its expeditious publication.

The Executive Member for Place did not have that information to hand. She would send it out to all Members.

77/16 CABINET MINUTES (AGENDA ITEM 8)

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 17 May 2016 be adopted.

78/16 PLANNING COMMITTEE (AGENDA ITEM 9)

a) Schedule of Planning Applications (Minute No 70/16 e)

Councillor Monument requested that the word 'gifted' used in three places on page 31, be replaced by either 'given' or 'donated'.

The Chairman of the Planning Committee said it was a term that had always been used but he would take her suggestion under advisement.

b) Adoption

RESOLVED that the now confirmed Minutes of the Planning Committee meeting held on 31 May 2016 be adopted.

79/16 GENERAL PURPOSES COMMITTEE (AGENDA ITEM 10)

RESOLVED that the unconfirmed Minutes of the General Purposes Committee meeting held on 25 May 2016 be adopted.

80/16 APPEALS COMMITTEE (AGENDA ITEM 11)

RESOLVED that the unconfirmed Minutes of the Appeals Committee meeting held on 18 May 2016 be adopted.

81/16 AUDIT COMMITTEE (AGENDA ITEM 12)

- a) Annual Report of the Audit Committee (Minute No 27/16)

RESOLVED that the content of the Annual report be approved.

- b) Treasury Management Out-turn Report (Minute No 32/16)

RESOLVED that:

1. the actual 2015/16 prudential indicators be approved; and
2. the Treasury Management Stewardship report for 2015/16 at Appendices B and C of the report be noted.

- c) Adoption

RESOLVED that the unconfirmed Minutes of the Audit Committee meeting held on 10 June 2016 be adopted.

82/16 BRECKLAND HOUSING ALLOCATION POLICY (AGENDA ITEM 13)

This report had been withdrawn from the Agenda.

83/16 REFERENCE FROM OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)

This item was considered after Agenda Item 15.

RESOLVED that, as the proposals include a directly elected Mayor, the Devolution Governance Review and final scheme is not supported.

84/16 DEVOLUTION (AGENDA ITEM 15)

The Leader of the Council presented the report and informed Members that they had a free vote on the recommendation.

He highlighted the risks of the Council 'walking away' from the deal, in terms of reputation, influence, money and benefits.

Power and funding would be devolved to the Combined Authority. If the Council was not signed up to the deal it would not be part of the decision making process when it came to prioritising projects or deciding where funding would be spent. As part of the Combined Authority it would be in on the debate and able to fight for the things that Breckland wanted.

Whilst the Leader did not support the proposal for a Mayor, he would be willing to accept a Mayor if it meant getting projects delivered. He knew that he was asking Members to make a leap of faith, but he believed it was best to stay involved and work with the Partner Authorities. He then invited questions from Members.

The Chairman advised Members that as a result of the outcome of the Referendum, paragraph 12 on page 100 relating to the management of EU funding, was no longer relevant and would be removed from the final document.

Councillor Sherwood thanked the Leader for allowing a free vote. He could not support the proposal and urged other Members to vote against it. If the

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Government was serious they should offer a deal that really devolved power, this did not.

Councillor Gilbert agreed. He thought the proposal put too much power in the hands of one person. He did not think it was about devolving power, it was about the Government controlling one person rather than 13 Councils.

Councillor Brame asked for confirmation that if the majority of Councils supported the proposals and Breckland voted against them the deal would go ahead. The Council would be side-lined and projects such as the Thetford Enterprise Park (TEP) might not go ahead.

The Leader of the Council confirmed that he was correct. If the Council did not sign up to the deal and the other authorities did, the Council would be on its own.

Councillor Sharpe said that he could not sign up to the deal without knowing how much it would cost.

The Leader agreed but said that at the moment the Council was only being asked for permission to go out to consultation on the deal. He believed that information about the cost would be available by the end of the summer, before the Council was asked to sign up to the agreement in October.

Councillor Claussen thought the Leader should be allowed to stay 'at the table' until October. The money was important and if the Council was not involved in the negotiations it was unlikely that the money would be spent in Breckland.

Councillor Jermy was against the deal. It was not democracy. It would dilute the influence of District and County Councils and have very little added value. He was not willing to take the risk. A new tier of Government was not what people wanted, it would add to bureaucracy and costs and should be rejected.

Councillor Bambridge had attended many meetings about Devolution but still felt ill informed. However, there would be another opportunity to reject the proposals in October and therefore he could see the merit of staying 'at the table'.

Councillor Crawford was against the deal. The money on offer was not enough and an elected Mayor would put too much power in one person's hands.

Councillor Oliver had previously raised concerns about index-linking of the money; opt-out of Breckland's assets; operation of the two-thirds majority provisions in the scheme, the power of veto; and the Mayor, etc. The document did not contain any answers. The money did not add up, it was a meaningless amount. He would vote against the proposal and if the Council supported it, the decision would be open to judicial review as there was no good evidence base.

Councillor Smith agreed that the funding was problematic. He was concerned about the complicated structure which would add another layer and more cost to local government.

The Deputy Leader of the Council was in a difficult position. He was anti an elected Mayor but felt he should allow his residents to have an opportunity to comment. The Thetford Sustainable Urban Extension was in his Ward and affected parishes should have their say.

Councillor Hollis felt that the Council was 'damned if we do and damned if we

don't'.

Councillor Dimoglou thought that devolution was sucking up time and energy and the Council should be brave enough to stop it.

Councillor Sharpe asked how Breckland's consultation would differ from Norfolk County Council's consultation.

The Chief Executive explained that the aim was not to duplicate their methods. NCC were planning a county-wide leaflet delivery to all households signposting them to the website, whereas Breckland would piggy-back existing community meetings to get the message out.

Councillor Brame asked if the points raised by Councillor Oliver would be addressed by October and if it could be guaranteed that opting out in October would not hurt residents.

The Leader said the guarantee was at Recommendation 5 on page 83. If the answers were not known in October the Council could walk away.

The Chief Executive said that work had already started on what the Mayor would cost, but it would depend on what existing resources were used. At the moment there were no details, but in four months options and costings should be available.

Councillor Wilkin thought it was a leap into the unknown; his head said 'in' and his heart said 'out'.

Councillor Claussen said it would be wrong to pull out now. The Council should take the opportunity to consult and give residents the opportunity to receive the information and decide if they supported the proposal.

Councillor Oliver said it was not a consultation that asked understandable questions. It didn't even ask if people wanted a Mayor. Elected Members already knew there was nothing good about the deal and he urged them to vote against it.

Councillor Duigan suggested that if the Council agreed to the consultation it should set its own questions.

The Chief Executive explained that the consultation questionnaire had been developed by the Norfolk and Suffolk Programme Team. The Combined Authority had to have a Mayor, so that question could not be included, but if Councillors wished Breckland could do their own consultation.

Councillor Sherwood said that the thinking minds of the Council had commented and he had not heard many say this was a good idea. Councillors were elected by residents to do their best for the District. He felt the Council was being locked into a decision it did not want and that it was killing democracy. A Mayor of Suffolk and Norfolk would not care about Breckland's communities. He urged Members to vote against it.

The Leader of the Council said he was pleased and proud about the free vote and the proper debate that had been held.

In response to the questions he said that he did think it was a better deal which would bring more money. The appointment of an Independent Chair (Andy Wood) to represent the Partner Authorities in negotiations with the Minister had brought

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improvements to the deal. He had come to accept that a Mayor could enhance the Combined Authority and help it to flourish.

He reminded Members that they were not being asked to sign up to the Order which had changed many times and was still evolving. The Order would be laid before Parliament in October – that was the significant time. It was not necessary to walk away from the deal today.

If Members were concerned the Council could carry out its own consultation over the summer and ask residents whatever questions Members wanted.

He concluded by saying he liked the idea of devolved power, it would be good for the Council and good for the County.

The recommendations were taken en-bloc. Members were advised that the same recommendations were being presented to all Norfolk and Suffolk Authorities. It was not, therefore, possible to make amendments without undermining the proposals and the timetable.

RESOLVED not to support the devolution proposals set out in the report.

85/16 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 16)

RESOLVED that:

Councillor M Chapman-Allen be appointed to the Planning Committee;
Councillor J Bishop be appointed to the Overview & Scrutiny Commission;
and
Councillor A Stasiak be appointed Vice-Chairman of the Overview & Scrutiny Commission.

86/16 AMENDMENTS TO THE CONSTITUTION (AGENDA ITEM 17)

RESOLVED that the four minor amendments to the Constitution set out in the Agenda, be agreed.

87/16 ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT (AGENDA ITEM 18)

None.

The meeting closed at 4.05 pm

CHAIRMAN