

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 17 January 2008 at 10.30 am in
The Anglia Room, Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)	Mrs L.H. Monument
Mr S. Askew	Mr D.G. Mortimer
Mrs J. Ball	Mr J.W. Nunn
Mr S.G. Bambridge	Mr J.D. Rogers
Mr A.J. Byrne	Mr B. Rose
Mr P.D. Claussen	Mr F.J. Sharpe
Mr J.P. Cowen	Mr W.H.C. Smith
Mr P.J. Duigan	Mrs P.A. Spencer
Lady Fisher	Mr A.C. Stasiak
Mr K.S. Gilbert	Mrs A.L. Steward
Mr R.F. Goreham	Mr D.R. Williams JP
Councillor E. Gould	Mr G.P. Balaam
Mr M.J. Griffin	Mr W.P. Borrett
Mrs T. Hewett	Councillor Claire Bowes
Mrs S.R. Howard-Alpe	Mr R.P. Childerhouse
Mr C.R. Jordan	Mrs D.K.R. Irving
Mr R. Kemp	Mr M.A. Kiddle-Morris
Mr R.G. Kybird	Mr D.S. Myers
Mr J.P. Labouchere (Vice-Chairman)	Mrs P. Quadling
Mr T.J. Lamb	Mrs L.S. Turner
Mr K. Martin	

In Attendance

Julie Britton	- Committee Services Officer
Robert Walker	- LSP Officer
Paul Calkin	- Strategic Director (Transformation)
Trevor Holden	- Chief Executive
Ray Johnson	- Asset Manager
Mark Finch	- Chief Accountant
Ian Vargeson	- Democratic Services Manager
Mark Stokes	- Strategic Director (Services)
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1/08 MINUTES (AGENDA ITEM 1)

a) Audit Committee (Minute No. 122/07(e))

Cllr Goreham queried the wording on page 6, paragraph 4 of the Minutes. He felt that the Overview and Scrutiny Commission should have the right to examine all matters within its remit whether financial or not.

The Democratic Services Manager advised that the Overview and Scrutiny Commission would still have the ability for Members to call-in any matters, in accordance with its terms of

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reference.

b) Minutes

The Minutes of the meeting held on 6 December 2007 were confirmed as a correct record and signed by the Chairman.

2/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors M Chapman-Allen, S Chapman-Allen, R Duffield, M Fanthorpe, J Gretton, P Hewett, A Joel, S Matthews, K Millbank, I Monson, I Sherwood and M Spencer.

3/08 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were noted:

- Cllr Cowen - personal interest as an architect in practice in relation to LDF and planning matters as recorded under:
 - Minute No. 145/07 of the Cabinet meeting held on 3 December 2007
 - Minute No. 120/07 of the Overview and Scrutiny Commission meeting held on 13 December 2007
 - Minute No. 190/07 of the Development Control Committee meeting held on 26 November 2007
 - Minute No. 204/07 of the Development Control Committee meeting held on 17 December 2007
 - Minute No. 73/07 of the General Purposes Committee meeting held on 12 December 2007
 - Minute No. 03/08 of the Cabinet meeting held on 8 January 2008.
- Cllrs G Bambridge, S Askew, R Kybird, J Rogers, J Labouchere, W Nunn, P Francis and Lady K Fisher declared personal interests in any matters relating to the Local Development Framework.
- Cllr S Howard-Alpe declared a prejudicial interest in Minute No. 209/07(d) as it related to her previous address and would leave the room if this item was discussed.

4/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

- The Chairman introduced Mr Paul Calkin who had been appointed as the Strategic Director of Transformation. Mr Calkin had previously been employed at Kirklees Council and had a reputation for public and private sector organisation transformation.

Mr Calkin thanked everyone for the warm welcome and said that he was learning fast as there was a lot to learn.

- All Members were invited to attend a training session concerning Development Control issues on 28 January 2008 at 2.15pm in

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the Norfolk Room. Members were asked to inform the Committee Officer if they would be attending.

- The Town and Parish Council Forum would be held on 31 January 2008 in Thetford. The Agenda would include an update on the LDF, the Local Government Reorganisation and Community Forums. There would also be an explanation of the Comprehensive Area Assessment (CAA).
- Two consultation LDF events were being held on 30 January at the Community and Enterprise Centre in Attleborough and 6 February at the Carnegie Rooms in Thetford. A Member asked if the Parish Councils were going to be informed of these events. In response, the Environmental Planning Manager advised that a letter, confirming all the above arrangements, would be sent out to all Members and Parishes. Information would also be on the Council's website and included in the Members' Bulletin.
- The Chairman was pleased to report the progress on the fundraising for Quidenham Hospice. A total of £4,200 had been raised to date and the sum was still rising; Cllr S Askew had yet to contribute the £1,100 from completing his half marathon.
- Members were asked to note that the next full Council meeting for the setting of the Council Tax would be held on 21 February 2008.
- On a sad note, the Chairman reported that he and a number of Councillors had attended the funeral of Christine Cotton. Christine had been an employee of Breckland Council for many years and would be sadly missed.

A list of engagements attended by the Chairman and Vice-Chairman was tabled, for the period 6 December 2007 to 16 January 2008, which included:

<u>DATE</u>	<u>EVENT</u>	<u>HOST</u>
9 Dec 2007	Civic Carol Service	Mayor of St Edmundsbury
13 Dec 2007	Women in Business Luncheon, Lynford Hall	The Thetford Forum
28 Dec 2007	Civic Night at the Pantomime, Gt Yarmouth	The Mayor of Gt Yarmouth, Mr P Garrod

<u>Vice-Chairman</u>		
<u>DATE</u>	<u>EVENT</u>	<u>HOST</u>

9 Dec 2007	Breckland Schools Project	The Theatre Royal, Norwich
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5/08 CABINET MINUTES: 3 DECEMBER 2007 (AGENDA ITEM 5)

- a) Breckland Core Strategy and Development Control Policies Development Plan Document (DPD) – Preferred Policy Options Consultation (Minute No. 147/07)

The Executive Member for Planning confirmed that the consultation period would run for a minimum period of six weeks. The results would be reported back to Members in due course and a final document would be submitted to the Government later in 2008.

All Parish and Town Councils, public and stakeholders would be issued with a copy of the aforementioned document as well as a CD Rom, and the consultation process would be from 28 January to March 2008. All parties who had an interest in the Local Development Framework would also be notified.

An on-line version would become interactive on 28 January for people to make comments and put their views forward electronically.

To accompany the launch of the Strategy document, meetings had been arranged and the local Press would be informed of all the consultation dates.

Cllr Lamb drew attention to paragraph seven on page 13 of the Minutes and on page 18 of the Cabinet Appendix which referred to infrastructure. The appendix that had accompanied the report contained a summary of comments and recommended changes to the Document. Cllr Lamb was aware that the District's existing infrastructure was incapable of meeting its developments needs and he asked for assurance from the Council not to agree to the amount of proposed housing stock before the infrastructure could be secured. In relation to the aforementioned point, the Environmental Planning Manager stated that the life of the Development Plan had been extended from 2021 to 2026; therefore, it was important to identify what infrastructure was needed now before any major further development came forward.

It was agreed that the response section under Core Policy 4 of the appendix – timing of infrastructure in new developments, the word “not” would be removed from the following sentence as it was considered to be a double negative: “In practical terms this would mean that it is unlikely development could ~~not~~ be granted planning permission.....”.

On page 24, Core Policy 3 – jobs figures, Cllr Lamb was concerned about the number of jobs in Thetford being limited to 5,000 when 6,000 new dwellings had been proposed. He felt that all the aforementioned matters were linked to infrastructure

and that there had not been enough emphasis on the “grand plan” for the future.

The Executive Member for Planning reminded Members that these policies would be going forward through the LDF process and that all comments would be taken to each Parish for consultation.

Another concern raised was the lack of control that the Council now had on small extensions to private dwellings particularly with regard to design issues.

In relation to all the above matters, the Chief Executive advised that this Authority was unique in its development of the LDF and he would ensure that this Council would end up with a comprehensive solution.

The Chairman of Development Control Committee wished to point out that her comments on page 27 of the appendix which referred to amending the design policy to include reference to “traditional Norfolk roofs” was intended to save the ones that were left.

b) Adoption

RESOLVED that the confirmed Minutes of the Cabinet meeting held on 3 December 2007 be adopted.

6/08 CABINET MINUTES: 8 JANUARY 2008 (AGENDA ITEM 6)

a) Planning and Building Control Business Case (Minute No. 6/08)

The Executive Member for Transformation explained that the reason for setting up a company was not only to trade Building Control and Planning services but to provide a catalyst for change and real service improvement for customers which would benefit Breckland’s residents. He was pleased that Paul Calkin was in post to assist the Council with this process.

Cllr Lamb queried the recommendations and asked if it meant that the Council would have the last word as far as the planning function was concerned. In response, the Chief Executive drew Members’ attention to the third recommendation which would allow a further report to be presented to Council in two months detailing the proposal rather than having an array of options on the table for Members to consider.

RESOLVED that

- 1) the authority to agree the specifications be delegated to the Chief Executive;
- 2) the authority to deal with the administrative arrangements in respect of setting up the company, including the name, the appointment of a Secretary and the Board and other administrative arrangements be delegated to the Chief

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Executive in consultation with the Leader; and

- 3) a report be submitted to Council within two months to report progress on options and recommend a way forward having allowed the new Strategic Director of Transformation time to consider the options fully.

b) Procurement Strategy Update (Minute No. 7/08)

RESOLVED that

- 1) the two overarching Procurement Aims for the Council be the Procurement Sustainability Principles supported by the Green Purchasing Policy at Appendix B of the report and that these be included as an addendum to the existing Procurement Strategy;
- 2) the Sustainable Procurement Policy at Appendix C of the report as an addendum to the current Procurement Strategy be adopted; and
- 3) Cllr W H C Smith be appointed as the Sustainable Procurement Champion.

c) Houses in Multiple Occupation – Additional Licensing Scheme (Minute No. 8/08)

The Executive Member for Planning reported that Breckland Council was the first Authority that had advocated an Additional Licensing Scheme to cover all houses in multiple occupation (HMOs) in the District. This scheme would help control issues associated with the growth in the number of HMOs in the area and would contribute to reducing anti-social behaviour and nuisances. In Breckland there were currently 526 houses in multiple occupation and this scheme would ensure that these houses were monitored and would benefit residents from improved health and safety and welfare provision.

d) Second Homes Council Tax Monies for Affordable Housing Scheme in Yaxham (Minute No. 9/08)

The Executive Member for Planning reported that these five affordable homes would use new technology to build Eco Homes which would achieve the highest excellence level of energy efficiency. The Chairman of the Overview and Scrutiny Commission felt that the Council ought to be applauding the use of the funds to drive this scheme forward.

e) The Use of Commuted Sums from S106 Agreements for Affordable Housing (Minute No. 10/08)

Members were informed that Breckland Council had identified the need for more affordable homes for its residents by working with social landlords and housing associations and also through the Council's planning policies.

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Cllr Goreham felt that local Members had a duty to consult their parishioners on where this money could be best spent particularly as further housing would have an impact on issues surrounding the LDF such as flooding etc.

Members were advised that a Section 106 Officer had been appointed by the Council and would be working with Ward Members and Town and Parish Councils to consider where the monies could be spent within the locality.

In response to the aforementioned points, the Executive Member for Planning stated that S106 Agreements were going to change dramatically over the next few years as a direct result of the LDF and from the impact of the new Local Government White Paper.

Referring to infrastructure issues, the Leader advised that this scheme would not succeed until everyone could work together in a sustainable manner. He felt that the development of the infrastructure should run alongside the development of houses. The Executive Member for Transformation informed Members that the Government also had a responsibility for water and flooding problems; a S106 alone could not rectify these problems. External bodies such as Anglian Water and the Environment Agency did not seem to contribute anything towards its own responsibilities. Cllr Labouchere who was also a member of the Internal Drainage Board disagreed with the above statement and said that he would enlighten the Executive Member on what the aforementioned Bodies had done and what they were trying to achieve in Breckland.

It was pointed out that at County level it had been found that the more demanded from a S106 the more it could affect the ability of the affordable housing programme.

f) An Environmental Strategy for Breckland (Minute No. 12/08)

The Executive Member for Environment urged everyone to read their Environmental Strategy as it required feedback. The Strategy set out the key challenges facing both the Council and the District as a whole and identified the environmental aims, objectives and priorities.

The Council Leader and the Chief Executive would be asked to sign up to the Nottingham Declaration, which was based on the Kyoto Agreement. The Kyoto Agreement acknowledged the impact of climate change in the 21st century and was committed to tackling the causes and effects of a changing climate in the District.

The Executive Member for Environment hoped that the Council would be funding further environmental projects as part of the Strategy.

g) Strategy to Help Fight Fraud and Corruption (Minute No. 13/08)

RESOLVED that the Anti Fraud and Corruption Strategy be approved.

h) Estimates (Minute No. 14/08)

The Executive Member for the Cabinet Office thanked all Members of the Council for their contribution to the Council's extremely good record in the past nine years with the emphasis being on growth and stability.

For 2008/2009 the Council Tax levels for a Band D property had been calculated at £61.98. This equated to a 2.75% increase which was well below the current rate of inflation; unlike Norfolk County Council and the Police Authority.

Breckland Council had an enviable record, managing to sustain its position as having the lowest district Council Tax in the country whilst providing high levels of excellent services. The Council had become the eighth most improved in the country and overall public satisfaction with the Council had risen by 11%. The Council's aim was for value for money and quality services, based on the priorities identified by the public, through consultation with the Council's Citizen's Panel and local businesses.

The Star Chamber process had been used again this year to ensure Breckland's strategies, projects and priorities that had been incorporated in its Annual Delivery Plan were fully funded and resourced. Funding for service improvements had been supported through investments, efficiency and income generation through the Council's commercial property and through trading activities such as the Anglia Revenues Partnership.

Breckland Council now needs to put in motion service improvements and plans for a sustainable and balanced budget over the next six years.

The Section 151 Officer explained that the General Fund summary highlighted Breckland's estimated budget requirement. Once the central government finance had been taken into account approximately £2.6m would need to be raised by the Council Tax. The recommendation, if accepted, meant that there would only be a 2.75% increase in the Council Tax for 2008-2009 which amounted to £61.98 for properties in Band D; 80% of properties in Breckland were A to C; therefore, most residents would pay less than this amount. This Council was providing excellent value for its services.

The Section 151 Officer further explained that the earmarked Reserves had been used to fund previous budget rounds and initiatives approved by Council. The contributions from earmarked reserves had been included in the estimates, with the balance of earmarked reserves being shown in appendix E of the report. The balance at March 2014 was forecast to be around £1.9m. The Commercial Property reserve had been

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excluded from this appendix as it has been included with the general fund summary to show the impact that the surpluses it had generated had on supporting the Council Tax. This reserve had been drawn on in the revised estimate to maintain a higher balance in the general fund. In future years it was proposed to draw down the surplus generated by Commercial Property trading activity to support the council tax in the same way that interest earned on cash deposits was used. The effect on the Commercial Property Reserve was to maintain an ongoing balance of £2m.

Cllr Lamb felt that there were many matters that had been omitted from the budget; for example, public toilets, play areas and the proposed Thetford bus station. Another issue that he felt should be included was money to replace trees in the District that had been felled on land that was owned by Breckland.

In response, the Leader explained that all Members should be well aware by now that Breckland Council had offered the sum of £275,000 to each of the Town Councils to take over the responsibility of the toilets. The bus station was Norfolk County Council's responsibility and there was a proposal on the table for Dereham. As far as the replanting of trees was concerned, the Council had allocated £100k to access all trees in the District; there was a provision to match fund but not a facility to plant. Members were informed that the Council had topped up and re-introduced the match funding pot and had made it sustainable for the next six years.

Cllr Labouchere wished to congratulate the S151 Officer and the Executive Member for a fantastic result. He highlighted the amount that Breckland was charging for its Council Tax five years ago and hastened to add that if this Authority had followed inflation rates Breckland would now be charging well over £80.

Cllr Goreham echoed the above comments; however, he wished to point out that following discussions from the Town Council meeting, Dereham was unlikely to get a bus station in the near future. He also made a plea to the Council to look after the more vulnerable people in the society and felt that one good contribution to support was the Disabled Facilities Grant. Members were informed that the Government had put £4.6m into the Disabled Facilities Grant and that Breckland would be match funding that amount with £1.7m.

On another matter, Cllr Labouchere highlighted the serious threat that Creative Arts East was faced with in losing its funding from the Government. It was agreed that the Member should discuss this matter with Mr Askew, the relevant Executive Member, after the meeting.

RESOLVED that approval be given to:

- 1) the revised estimates for 2007-08, which included the elements raised by the key issues;

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- 2) the estimates for 2008-09, which included the elements raised by the key issues; and
- 3) setting a level of Council Tax for a band D property in 2008-2009 at £61.98.

i) Code of Governance (Minute No.15/08)

RESOLVED that the Code of Governance be adopted.

j) Whistle-blowing Policy (Minute No. 16/08)

Cllr Monument asked for clarification to the wording with regard to the recommendation at point (c). The Democratic Services Manager advised that the last sentence should read “that the Monitoring Officer be informed”.

This Policy would replace the previous ‘confidential reporting code’ and would complement the Strategy to help fight fraud and corruption.

RESOLVED that subject to the approval by the General Purposes Committee on 30 January 2008 the Whistle-blowing Policy be adopted with the following amendments:

- 1) that paragraph 3.2 be amended to read “an employee has a duty to report, when certain or even reasonably aware of , an occurrence included in the list of disclosures”;
- 2) that paragraph 9.3 – the Council encourage the Trade Unions to support any member of staff who raises a concern with them – should be deleted as superfluous; and
- 3) that in the section on Guidance for Managers (page 19 of the report) it was noted that the “Monitoring Officer” be informed.

k) References from the Overview and Scrutiny Commission (Minute No. 18/08)

The Built Environment – Protection and Listing: Shadwell Park

Cllr Lamb was pleased to note that the matters relating to Shadwell Park were being considered but was upset that Abbey Farm Barns had not received the same attention. The Executive Member for Planning advised that Shadwell Park had until July 2008 to comply with the agreed roof condition. As far as Abbey Farm Barns was concerned, unfortunately, the Secretary of State had not taken an interest in taking up this application even though Breckland Council had done considerably more than other authorities would have done. The Chief Executive surmised that he had spoken with the Monitoring Officer and it had been found that it was more to do with the processes involved with protection and listing rather than individual properties. The Chairman of the Overview and Scrutiny Commission advised that the Shadwell issue had brought the

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matter of process to a head. The Commission would be making recommendations after July 2008 if necessary.

l) **Request for an Exception to Contract Standing Orders (Minute No 23/08)**

In response to a question, the Chief Executive clarified that the £75,000 mentioned in the report was not for the services of a consultant but was for the costs of potential future contracts. If Members were mindful not to agree with this decision, the Council could be in breach of its financial regulations if the use was required.

m) **Adoption**

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 8 January 2008 be adopted.

7/08 OVERVIEW AND SCRUTINY COMMISSION MINUTES: 13 DECEMBER 2007 (AGENDA ITEM 7)

RESOLVED that the unconfirmed Minutes of the Overview and Scrutiny Commission meeting held on 13 December 2007 be adopted.

8/08 DEVELOPMENT CONTROL COMMITTEE MINUTES: 26 NOVEMBER 2007 (AGENDA ITEM 8)

RESOLVED that the confirmed Minutes of the Development Control Committee meeting held on 26 November 2007 be adopted,

9/08 DEVELOPMENT CONTROL COMMITTEE MINUTES: 17 DECEMBER 2007 (AGENDA ITEM 9)

RESOLVED that the confirmed Minutes of the Development Control Committee meeting held on 17 December 2007 be adopted.

10/08 GENERAL PURPOSES COMMITTEE MINUTES: 12 DECEMBER 2007 (AGENDA ITEM 10)

RESOLVED that the unconfirmed Minutes of the General Purposes Committee meeting held on 12 December 2007 be adopted.

11/08 APPEALS COMMITTEE MINUTES: 5 DECEMBER 2007 (AGENDA ITEM 11)

RESOLVED that the unconfirmed Minutes of the Appeals Committee meeting held on 5 December 2007 be adopted.

12/08 STANDARDS COMMITTEE MINUTES: 11 DECEMBER 2007 (AGENDA ITEM 12)

- a) The Democratic Services Manager advised that it had been proposed that the existing two substitute Parish Councillors, the substitute independent lay member, plus one of the existing Breckland Councillors be promoted to full membership of the

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Committee and that one additional independent lay member be appointed. Substitutes would not be required for the three elected Breckland Councillors.

The Breckland Council nominations for the remaining two seats on the Standards Committee were Mr D Myers (to replace Mr R Childerhouse) and Mr F Sharpe.

RESOLVED that

- 1) the size of the Standards Committee be increased to nine Members, effective from 21 February 2008;
- 2) the existing two substitute Parish Councillors and one substitute independent member and one substitute Breckland Councillor be promoted to full membership of the Committee;
- 3) an additional independent lay member be appointed, and a suitable candidate be nominated by the Standards Committee to Council;
- 4) Mr R Childerhouse to be replaced by Mr D Myers with immediate effect; and
- 5) Mr F Sharpe be appointed as a Member of the Standards Committee with effect from 21 February 2008.

b) **Adoption**

RESOLVED that the unconfirmed Minutes of the Standards Committee meeting held on 11 December 2007 be adopted.

13/08 LOCAL GOVERNMENT REVIEW (STANDING ITEM) (AGENDA ITEM 13)

The Chief Executive provided Members with a quick résumé of where the Council was at with regard to the Local Government Review. Members were aware that the process had come to a halt whilst the terms of reference (ToR) were being considered by the Boundary Committee. It was anticipated that the ToR would be agreed by the end of the month.

14/08 LOCAL AREA AGREEMENT: UPDATE (ADDITIONAL ITEM) (AGENDA ITEM 14)

Rob Walker, the LGR Project Officer, provided the council with a presentation concerning the Local Area Agreement (LAA).

A local area agreement (LAA) was a three-year agreement between a local area and central government. The LAA described how local priorities would be met by delivering local solutions. It also contributed to national priorities as set out by the Government. This version was new and had "more teeth" than the previous one.

The LAA would run from June 2008 to June 2011.

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The LAA had been negotiated between the Norfolk County Strategic Partnership (NCSP) and the regional Government Office (GO). The NCSP consisted of all the key players in Norfolk who delivered public services.

Norfolk County Council had a statutory duty to produce a Local Area Agreement for the county. Breckland Council had a statutory to engage with this process.

(A copy of the presentation is attached for Members' information)

Cllr Williams asked how this would all fit in with the Local Strategic Partnership. In response, the Chief Executive explained that the LAA was about invigorating and empowering the LSP to deliver proper constructive community engagement; this was the reason that Councillors were being asked to take a lead in their communities.

Cllr Jordan felt that the LSP had always been a problem and had never really been constructive in the community.

The Chairman of the Overview and Scrutiny Commission welcomed these additional powers but was concerned where it was going to lead. He felt that the Council must ensure that these other agencies came aboard. In response, the LGR Project Officer said that there was a statutory duty to co-operate.

The Chairman thanked the LGR Project Officer for his presentation.

15/08 STRATEGIC ALLIANCE (STANDING ITEM) (AGENDA ITEM 14)

There was nothing further to report.

16/08 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 15)

RESOLVED that further to the Standards Committee appointments above at Minute No. 12/08 the following appointments and changes be noted:

a) Audit Committee

Cliff Jordan to be appointed as Chairman of the Audit Committee

b) General Purposes Committee

Robert Childerhouse to be replaced by Shirley Howard-Alpe

The meeting closed at 12.20 pm

CHAIRMAN