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BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

Held on Thursday, 25 February 2010 at 10.30 am in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

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

Also Present

Mrs J. Jenkins - Chairman, Standards Committee

In Attendance

Robert Barlow	- Director of Governance and Finance
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Mark Finch	- Head of Finance
Trevor Holden	- Chief Executive
Maxine O'Mahony	- Director of Organisational Development
Mark Stokes	- Deputy Chief Executive
Ian Vargeson	- Principal Member Services Officer

21/10MINUTES - 28 JANUARY 2010 (AGENDA ITEM 1)

Minute No. 10/10(a) : Budget Setting Report – Estimates

It was pointed out that part 3 of the Resolution stated that “the fees and charges proposed for adoption on 1 April 2010 be approved”. However there had been two incorrect figures in the schedule of charges as presented, as follows:

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Waste Collection Charges for 240 and 1100 litre bins at non-domestic properties: the proposed charges should read £374.90 and £614.90 respectively.

Subject to noting this, the Minutes of the meeting held on 28 January 2010 were confirmed as a correct record and signed by the Chairman.

22/10 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr P. Hewett, Mr A. Joel, Mr R. Kemp, Mr I. Monson, Mrs P. Quadling, Mr I. Sherwood, Mrs P. Spencer, Mrs A. Steward and Mr D Williams JP.

23/10 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were noted:

Lady K. Fisher Personal & Prejudicial in Agenda Item 9 (Minute No. 17/09 ref the Local Development Framework), and Agenda Item 11 (Minute No. 6/10(d) ref the Thetford Growth Point – Bus Interchange).

Mr J. Rogers Personal interest in Agenda Item 8 (Minute No. 9/10) by virtue of being a County Councillor involved in authorising the S.106 Agreement.

24/10 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Principal Member Services Officer took the opportunity at this point to remind Members that there would be a Scrutiny workshop to consider the Overview & Scrutiny work programme. It would be held during the afternoon of Thursday, 11 March at the Gallery Bar, Watton.

He also mentioned the Member Services Annual Survey, requesting all those who had not yet completed the questionnaire to do so if possible as the feedback and suggestions received are used to improve services provided to Members.

Finally, he read out a card which had been received from Elaine Wilkes, thanking Members for their best wishes on her retirement.

Engagements List - Chairman
28th January, 2010 to 24th February, 2010

Date	Event	Host
8 th February, 2010	Visit to the Council offices by Robert Carter, High Sheriff of Norwich	
16 th February, 2010	Bernard Matthews Youth Awards 2010	Bernard Matthews Farms

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19 th February, 2010	Visit to Town Hall, Gaol and Regalia Room at King's Lynn with Chairman of Norfolk County Council	Mayor & Mayoress of King's Lynn & West Norfolk, Councillor Mrs. Pitcher
21 st February, 2010	Chairman's Civic Service	Chairman of South Norfolk Council, Councillor Beverley Spratt & Mrs. Dawn Spratt

25/10 COUNCIL TAX 2010-2011 (AGENDA ITEM 5)

The Director – Governance & Finance (Section 151 Officer) presented this report, highlighting:

- the Special Expenses listed at paragraph 3.3.1; and
- the formal Council Tax Resolutions at paragraphs 3.4.1 and 3.4.2.

He also drew attention to Appendix D to the report, which gave a clearer definition of the formal resolutions.

At 3.4.2(g), he pointed out that by maintaining the 0% increase, Breckland District Council had retained its record of having the lowest charge for any District Council in England, with many households paying £1.23 per week (or less), for the Breckland-only element of their Council tax.

The other precepting bodies of the Council tax had increased their Council Tax as follows:

- 1.9% - Norfolk County Council
- 3% - Police Authorities; and
- 2.5% - average Parish Council

This meant that the average combined Council Tax would be raised by 1.98% during the Financial Year 2010-2011. He noted that of the total Council Tax collected, only four pence in every pound would actually be available for Breckland Council's use.

He concluded by thanking the Officers and Members for their commitment and support during the whole process, as well as during the final preparation of the report.

The Deputy Leader commented that he was delighted to see that Breckland District Council proposed to retain the District Council tax at current levels through until 2013. That said, everyone would no doubt appreciate that current economic uncertainties meant that it was particularly important to approach budgeting with openness and honesty. At this stage, therefore, these proposals needed to be taken as aspirations, rather than absolute commitments. Retention of the quality and stability of public services remained a major priority for the Council. Officers and Members had worked extremely hard, and

under difficult circumstances, to produce these figures for this year, and next.

He also reminded everyone that details would be published (including in *Breckland Voice*), showing how, and where, those who were eligible for help with payments could receive assistance. Staff in the Contact Centre would be at the front line in terms of giving support and guidance on this.

Later in the meeting a Member congratulated the Chief Executive and Officers for the successful Town & Parish Council forum which had been held that week. She said that the Chief Executive had given a particularly clear and sensible presentation concerning Breckland's approach towards Council Tax, and its goal of maintaining the lowest Council Tax in the country for as long as possible.

RESOLVED that

- (1) the Formal Council Tax resolutions for 2010-2011 be approved;
- (2) the Special Expenses for 2010-2011, as set out in paragraph 3.3.1 of the report, be approved;
- 3) it be noted that the Council has calculated the following amounts for the year 2010-2011 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - (a) £42,537.73 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended by Statutory Instruments 2003/3012 & 2003/3181 made under the Local Government Act 2003, as its Council Tax base for the year;
 - (b) the figures shown in **Appendix A to the report**, being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate;
- 4) the following amounts be calculated by the Council for the year 2010-2011 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 as amended: -

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(a) £72,213,121	being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;	
(b) £55,545,730	being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;	
(c) £16,667,391	being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;	
(d) £11,502,566	being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, reduced by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (council tax deficit);	
(e) £121.42	being the amount at (c) above less the amount at (d) above, all divided by the amount at (a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;	

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(f)	£2,440,251	being the aggregate amount of all special items referred to in Section 34(1) of the Act;	
(g)	£64.05	being the amount at (e) above less the result given by dividing the amount at (f) above by the amount at (a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its areas to which no special item relates;	
(h)		The figures shown in Appendix B to the report , being the amounts given by adding to the amount at (g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate;	
(i)		The figures shown in Appendix C to the report , being the amounts given by multiplying the amounts at (g) and (h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;	
5)		it be noted that for the year 2010-2011 the Norfolk County Council and Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-	

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Band	Norfolk County Council	Police Authority
A	£763.38	£127.44
B	£890.61	£148.68
C	£1,017.84	£169.92
D	£1,145.07	£191.16
E	£1,399.53	£233.64
F	£1,653.99	£276.12
G	£1,908.45	£318.60
H	£2,290.14	£382.32

- 6) having calculated the aggregate in each case the amounts at (4)(i) and (5) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown in **Appendix D to the report** as the amount of Council Tax for 2010-2011 of the categories of dwellings shown.

26/10 CAPITALISATION OF IMPAIRED INVESTMENTS (AGENDA ITEM 6)

The Director – Governance & Finance (S.151 Officer) presented this report, which asked Members to consider the capitalisation of impaired investments following approval to do so by the Department for Communities and Local Government (CLG).

The S.151 Officer explained the background to this request, which lay in the disruption caused by the collapse of the Icelandic economy and the country's inability to honour its financial obligations. He wanted to update Members on the current situation and the work being undertaken to recover some of the deposits, as well as to consider the Council's ability to capitalise any impairments.

Of the £4 million invested with KSF, the latest update from the Administrators was that they forecasted a return of 60-75 pence in the pound. KSF had already repaid £1.25m and a third tranche was expected shortly.

The Council had invested £6 million with Landsbanki and £2 million with Glitnir. The Local Government Association (with whom the Council was working in order to ensure that the best case was being presented to the Icelandic authorities), remained confident that there was a strong legal argument in support of the case for Local Authorities being recognised as depositors (and therefore entitled to priority status in any resolution). However, these matters were still outstanding in the Icelandic court system, so there was no further news in terms of the amount, or timing, of any refunds.

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The S.151 Officer then briefly explained the Impairments process and background, as outlined in Section 3.3 of the report. Acknowledging that this was a somewhat technical and complex subject, he concluded by asking Members to make a procedural decision on the basis of the report's recommendations, which he encouraged them to accept.

The Deputy Leader endorsed the recommendations, with the request that paragraphs 2.3 and 2.4 of the report, and the resolution itself, be amended to note that the Chairman of the Audit Committee should also be consulted.

RESOLVED to:

- (1) agree to the inclusion of impaired investments within the 2009/10 capital programme;
- (2) agree the value of impaired investments to be set at a maximum of £4,580,000;
- (3) delegate to the S151 Officer, in consultation with the Portfolio holder for Governance and Corporate Development **and the Chairman of the Audit Committee**, the power to fund impairments by the setting aside of capital receipts or the consumption of revenue reserves, whichever is deemed most appropriate during the closure of the 2009/10 final accounts; and
- (4) delegate to the S151 Officer, in consultation with the Portfolio holder for Governance & Corporate Development **and the Chairman of the Audit Committee**, the power to replenish resources set aside to finance capital expenditure should the final value of impairments prove to be a lower value.

27/10 SHARED SERVICES (AGENDA ITEM 7)

The Chief Executive presented this report, explaining that this project was potentially in a position to move forwards (on an interim basis) a little earlier than had been anticipated owing to the imminent departure of the Director of Finance and Resources (S. 151 Officer) and the fact that South Norfolk District Council currently had a vacancy for its Deputy Chief Executive.

The Chief Executive stressed that the proposals before Council were not in any way to predetermine how any shared services might look – or even whether or not such an arrangement would be adopted. However, as the Council had agreed to explore and develop a single paid service, and given that both Breckland District Council, and South Norfolk District Council had vacancies at Chief Officer level, it seemed sensible to use the opportunity to share some of the workload, rather than for both Authorities to go through recruitment procedures for each post.

As the appointment of Chief Officers at Breckland District Council was under the remit of Members, and not the Head of the Paid Service,

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the Chief Executive was asking the Council to grant a temporary suspension to the Council's Constitution, in order to delegate relevant authority to him in this instance. This would enable him to consult further with the Chief Executive of South Norfolk Council on this matter, as laid out in the recommendations.

He explained that the senior vacancies at each Authority covered different roles and service areas, so any proposed sharing of posts would require some alignment of responsibilities.

He also pointed out that, in the event that Members agreed to the recommendations, it would be necessary for Breckland to have its own S. 151 Officer during the interim arrangements. It was therefore proposed that Mark Finch, Head of Finance, be appointed, as this Officer, following the departure of the present incumbent in April 2010.

Following questions from Members, the Chief Executive confirmed that:

- South Norfolk would have its own S.151 Officer (the Chief Executive). It was believed that it would be sensible for each Authority to retain its own S.151 Officer, not least to avoid any confusion and to retain neutrality.
- Mark Finch had a detailed knowledge and experience of the financial workings at Breckland District Council, which made him the most suitable person to take on the S.151 Officer role.
- The proposal for a shared senior officer was very much an interim solution. Affected staff would retain their substantive roles in their respective authorities. In the event that it was decided not to go ahead with shared services arrangements, such staff would revert to their original roles. Once a final decision had been taken on this, the relevant recruitment processes would be set in motion for any vacancies arising from that decision.

He added that the purpose of the recommendations before Council was to avoid Members having to go through a senior recruitment process now, for what may possibly turn out to be a relatively short-term tenure.

With regard to the possibility of a joint Scrutiny function, the Chairman of the Overview & Scrutiny Commission said that there had not yet been a formal meeting. However there had been some initial discussion with his opposite number at South Norfolk District Council and other appropriate officers. They had agreed some principles and work practices, and further work would be undertaken. A joint Scrutiny Panel would be formed to review and assist the development of the shared service agenda, prior to each Council being asked to consider a permanent move to a shared paid service. They were aware of, and were aiming to meet, their respective Council's report timetables and Annual Meetings.

Members asked for the recommendations to be amended to ensure that they would be kept informed, particularly of any appointments or

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interim changes to structures, as they developed. Additionally, Members wished to see the "Sector Report", once received.

The Deputy Leader expressed sincere thanks to the current S.151 Officer, Rob Barlow for all his help and hard work. He praised the standard of the reports presented by Mr Barlow, as well as the way the Finance Section had been reorganised, which had greatly improved the quality of the service provided. Wishing him all the best for his new role and the future, the Deputy Leader added that both he and the Chair of the Audit Committee held Mr Barlow's professionalism and knowledge in very high regard, not least since he had had to deal with some particularly challenging and difficult issues during his time at Breckland. Mr J. Labouchere added his personal thanks and best wishes, which were warmly echoed by other Members of the Council.

The Principal Member Services Officer then explained to Members exactly what the recommendations entailed in terms of suspension to Standing Orders and temporary changes in obligations. The following Standing Orders would need to be suspended *for this purpose alone* (in all other respects they would remain in full force and effect):

Standing Orders

- Standing Order 32 (Ref: General Purposes Committee)
- Standing Order 58 (Ref: Recruitment of Chief Officers)
- Standing Order 60(1) (Ref: Appointment of Chief Officers and Deputy Chief Officers)

Delegations

The proposed powers included temporary amendments for the purposes stated in Recommendations 2.1 and 2.2 to the delegations to:

- General Purposes Committee
- Staff Appointments Panel

Constitution

The existing Constitution would otherwise remain in full force and effect.

Overview & Scrutiny Panel for reviewing Shared Services

- (a) Under s.102(2) of the Local Government Act 1972, the number of Members on the Joint Committee and their term of office would be fixed between the two Councils; and
- (b) Political Balance rules would apply.

RESOLVED that:

- (1) Mark Finch, Head of Finance, be appointed S.151 Officer for Breckland Council only, following the departure of the present incumbent in April 2010;

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- (2) Standing Orders be suspended to the extent indicated above and the Chief Executive be delegated authority to allow him to carry out the following:
- (a) to determine interim structures, and agree and appoint officers to joint interim appointments serving both Breckland and South Norfolk, in conjunction with both the Chief Executive of South Norfolk and the Leaders of each Council;
 - (b) to agree to the sharing of chief officer posts on an interim basis and determine the starting salaries for such joint appointments, provided that costs are met within existing approved budgets either in or across portfolios, in conjunction with the Chief Executive of South Norfolk District Council;
 - (c) to provide the Chairman of General Purposes Committee with a summary of any appointments or interim changes to structures under the provision of (a) and (b) above, and to keep Members informed; and
- (3) a joint Overview and Scrutiny Panel be established for the specific purpose of reviewing all aspects of a shared service project.

28/10 OVERVIEW AND SCRUTINY COMMISSION - 4 FEBRUARY 2010
(AGENDA ITEM 8)

- (a) Urgent Business: Shared Services – Joint Scrutiny Group
(Minute No. 3/10)

By way of feeding back to the previous discussion on Shared Services, the Chairman of the Overview & Scrutiny Commission drew Members' attention to the Resolution under this heading, which established a Joint Scrutiny group comprising five members from each Authority (plus substitutes).

- (b) Breckland Youth Council (Minute No. 6/10)

Councillor Diana Irving drew Members' attention to the fact that Stuart Green had since been elected as a member of the Mid-Norfolk Youth Parliament.

- (c) Executive Member Portfolio Update (Minute No. 7/10)

The Leader of the Opposition pointed out that he had, in fact, expressed the hope that the Leader of the Council valued the work of the Commission as a critical friend to the Cabinet, not "the Council".

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(d) Adoption

RESOLVED that, subject to the comments at (c) above, the unconfirmed Minutes of the Overview & Scrutiny Commission meeting held on 4 February 2010 be adopted.

**29/10 DEVELOPMENT CONTROL COMMITTEE - 25 JANUARY 2010
(AGENDA ITEM 9)**

RESOLVED that the confirmed Minutes of the Development Control Committee meeting held on 25 January 2010 be adopted.

**30/10 STANDARDS COMMITTEE - 2 FEBRUARY 2010
(AGENDA ITEM 10)**

RESOLVED that the unconfirmed Minutes of the Standards Committee meeting held on 2 February 2010 be adopted.

**31/10 MOVING THETFORD FORWARD BOARD - 22 JANUARY 2010
(AGENDA ITEM 11)**

(a) Presentation – G-BIC Centre (Minute No. 5/10)

The Deputy Chief Executive clarified that Kevin Horne and John Balch of NWES, who gave a presentation on the outline proposal to develop a green business incubator centre in Thetford, were present only for that item.

(b) Any Other Business: Thetford Skatepark (Minute No. 9/10(a))

The Deputy Chief Executive confirmed that whilst some of the £10,000 which had been allocated to this project would be used towards local consultations, feasibility and preliminary design work, the bulk of that money was expected to be spent on the facility itself.

(c) Adoption

RESOLVED that the unconfirmed Minutes of the Moving Thetford Forward meeting held on 22 January 2010 be adopted.

32/10 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 12)

RESOLVED that

- (1) the Green Agenda Panel cease to be part of the Overview and Scrutiny process and become a Working Group of Cabinet; and
- (2) the Working Group be Chaired by Lady K. Fisher with membership remaining unchanged.

Helen McAleer

The meeting closed at 11.30 am

CHAIRMAN