
BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 19 October 2010 at 9.30 am in
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)	Lady Fisher
Mr W.H.C. Smith	Mr M.A. Kiddle-Morris
Mr S. Askew	Mr A.C. Stasiak (Vice-Chairman)

Also Present

Mr J.P. Cowen	Mrs S.M. Matthews
Mr R.G. Kybird	Mrs D.K.R. Irving
Mr P.J. Duigan	Mrs L.S. Turner
Mr A.P. Joel	

In Attendance

Mark Stokes	- Deputy Chief Executive
Julie Britton	- Senior Committee Officer
Phil Daines	- Development Services Manager (Capita Symonds for Breckland Council)
Michael Horn	- Legal Services Manager
Mark Finch	- Head of Finance
Anita Brennan	- Assistant Director - Environmental Health & Housing
Andrew Grimley	- Principal Environmental Health Officer
David Spencer	- Principal Planning Policy Officer (Capita Symonds for Breckland)
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
Maxine O'Mahony	- Director of Corporate Resources
Robert Leigh	- Assistant Director, Communications and Communities
Roger Wilkin	- Interim Environmental Services Manager
Terry Huggins	- Chief Executive

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100/10 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 7th September 2010 were confirmed as a correct record and signed by the Chairman.

101/10 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr P. Claussen and Mr R. Goreham.

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102/10 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following declarations were made:

- Lady K Fisher - personal and prejudicial interest in Agenda item 7, Housing Strategy, due to her being a Board Member of the YMCA.
- Mr W. Smith – personal and prejudicial interest in Agenda item 18, Delivery of the Contract for the Housing Register and Choice Base Lettings Service, the nature of which related to his position on the Anglia Revenues Partnership Trading Board (ARPT).
- Mr P. Cowen – personal interest in Agenda item 11, Attleborough and Snetterton Heath Area Action Plan – Issues and Options Consultation Document, by virtue of his profession as an architect in practice.
- Mr A. Stasiak – personal interest in Agenda item 11, Attleborough and Snetterton Heath Area Action Plan – Issues and Options Consultation Document, in relation to him owning a number of properties in Attleborough and in relation to him being a Member of the Attleborough Task Force.
- Mr R. Walker – personal and prejudicial interest in Agenda item 18, Delivery of the Contract for the Housing Register and Choice Base Lettings Service, by virtue of him being Company Secretary of the ARPT Board.

103/10 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

The following Members were in attendance:

Mrs L. Turner
Mrs D. Irving
Mrs S. Matthews
Mr R. Kybird
Mr A. Joel
Mr P. Cowen
Mr P. Duigan

104/10 HOUSING STRATEGY (AGENDA ITEM 7)

Members were asked to consider and adopt the Housing Strategy for Breckland for the period 2010 to 2013 which covered the strategic housing functions for the authority. This Strategy would replace the previous one that had been adopted in 2005.

The Principal Housing Officer (Strategy and Enabling) informed Members that the Housing Strategy had been formulated to be short and flexible so that as policies and challenges changed it could be easily adapted. It also reflected local needs.

The Strategy had been well debated by Members of the Overview & Scrutiny Commission.

The Executive Member for the Environmental Well-Being & Communications Portfolio hoped that Breckland Council would continue to search for new homes for the young and was disappointed that the

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Strategy had not made any provision for domestic violence victims within Breckland.

The Principal Housing Officer (Strategy and Enabling) advised that the funding for a domestic violence refuge had unfortunately been lost and as Breckland Council did not have any further resources it was meeting those needs as best as it could in different ways. There were outreach services provided by charitable and voluntary organisations which also included services for men who suffered from domestic violence. Officers would continue to work in partnership with a range of organisations including other Local Authorities.

The Executive Member for the Corporate Development & Performance Portfolio referred to the national indicators highlighted on page 14 of the agenda which he thought had been abolished. Members were informed that the future of the Local Area Agreement was unknown but local indicators would be continued to be developed as they were reflective of what the Council had already signed up to. It was pointed out, however, that new legislation was expected in April 2011 and new targets would be set.

The Overview & Scrutiny Commission Chairman thanked the Principal Housing Officer for a much easier and understandable document. He hoped that with the localism agenda the Council would be able to work within a framework rather than a strategy.

Options

- 1) To adopt the Housing Strategy would enable the strategic aspirations of the Council and its partners to be set for the next three years. It would provide an umbrella document to a number of other strategies and policies adopted by the Council and assist with the context required to develop other aspects of Council services.
- 2) Not to adopt the Breckland Housing Strategy would not enable the Council to have a strong platform for delivering its housing services and meeting the expectations of its customers for those services.

Reasons

See report.

RECOMMEND to Council that the Breckland Housing Strategy 2010-13 be adopted

**Darryl
Smith**

**105/10 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2011-12
(AGENDA ITEM 8)**

The Member Services Manager presented the report which recommended the calendar of meetings for 2011-12 to Council for approval.

The Executive Member for the Corporate Development & Performance Portfolio asked why the Council meeting in February 2012 had been scheduled on a Wednesday. The Member Services Manager advised

Action By

that he would ask the relevant Officer why this day had been set.

Options

- 1) To recommend the attached schedule of meetings for the Council's approval.
- 2) To suggest amendments.

Reasons

To comply with Standing Orders and the scheme of delegation for the recommendation to Council for adoption of a calendar of meetings for 2011-2012.

RECOMMEND to Council that the schedule of Council and Committee meetings for 2011-12 be approved.

**Helen
McAleer**

**106/10 IMPLEMENTATION OF A LICENCE FOR HOME BOARDING OF
DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT
1963 (AGENDA ITEM 9)**

The Assistant Director of Housing & Environmental Health presented the report which concerned implementing conditions and a fee for the home boarding of dogs.

Members were informed that this matter had been prompted by a complaint which Breckland Council had been unable to take enforcement against as there was no such provision to license such an activity. Not being able to take any action against the complaint had caused great concern amongst Officers.

Members were assured that the licence and fee would only apply to those establishments providing accommodation for other people's dogs in private homes for payment.

Option 1

To approve the Home Boarding Licence, the proposed fee and the conditions

Option 2

To amend the Home Boarding Licence, the proposed fee and the conditions

Option 3

To reject the Home Boarding Licence, the proposed fee and the conditions

Reasons

To bring home boarding establishments in line with regulations and other animal boarding establishments.

Action By

RESOLVED that

- 1) the Regulations under the Animal Boarding Establishment Act 1963, relating to home boarding of dogs be adopted;
- 2) the conditions provided by Local Authority Coordinators of Regulatory Services (LACORS) as attached at Appendix A of the report be adopted; and

**Fiona
Inston**

RECOMMEND to Council that the fee for a home boarding licence in 2010/2011 be set at £110.

**107/10 VARIATION TO ENVIRONMENTAL SERVICES (SERCO) CONTRACT
(AGENDA ITEM 10)**

The Executive Member for the Environmental Wellbeing & Communications Portfolio advised that if Members were mindful to approve the recommendation it would be of benefit to the Council Tax payers.

The Environmental Services Manager presented the report which concerned a proposal to settle invoices for the Gross Annual Services Charges (GASC) of the contract up to three months in advance in order the realise early payment discounts from Serco.

This offer had been born out of the desire by Serco to explore various financial options. Serco had been very open and transparent in its discussions and would like it to be known that this offer did not indicate any financial weakness.

The Environmental Services Manager advised that two other councils that had similar contracts with Serco had accepted the 1% discount for early payment. There would be a degree of flexibility within the agreement to take into account of variable contract volumes.

The Executive Member for the Corporate Development & Performance Portfolio asked the Head of Finance if this proposal would be of any real benefit to the Council. In response, Members were informed that the breakeven point would be around 4%; all options listed at paragraph 3.1.3 of the report could be seen to be attractive but would be dependent upon interest rates. He felt that the decision should be based on the risk assessment and option 3 (invoice to be paid 3 months in advance), in his opinion, would be a too greater risk in this current climate.

The Overview & Scrutiny Commission Chairman had not seen sight of any true risk analysis in the report from Serco. He knew that the idea of saving 40k would appeal to many people, but he had concerns as to why all these other authorities that had similar contracts with Serco had not been approached. He felt from a Scrutiny point of view that there were not enough options on the table.

Given the timing of the comprehensive spending review a Member felt that this was not the ideal time for the Council to be making such a decision. With the current risk monitoring procedures in place, by the

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time the Council was aware of any problems, it would be too late to take the necessary action.

The Chairman recommended that alternative options should be explored and the Audit Committee should be tasked with investigating the financial aspects of the proposal.

Options

Serco had offered three levels of discount, dependant upon whether payments were made 1, 2 or 3 months in advance.

Should the concept of advance payments be accepted, there was no particular reason why any option other than Option 3, which provided the greatest discount, be accepted.

Reasons

It was recommended that the option to make GASC payments three months in advance be accepted, as this provided a significant cashable efficiency, with no reduction in service quality.

The likelihood of any overall volume reductions in contract volumes, which would reduce the GASC payment due, was low. Should any reduction take place, the Environmental Services Manager was very confident that existing contract management systems were sufficiently robust to ensure that any minor overpayment that came about through reductions in contract volumes could be quickly identified and recovered.

RESOLVED that

- 1) the commencement of the proposal to settle invoices for the Gross Annual Service Charges be deferred;
- 2) the Audit Committee be commissioned to investigate the financial aspects of such a proposal; and
- 3) alternative options be explored.

**Roger
Wilkin**

**108/10 ATTLEBOROUGH AND SNETTERTON HEATH AREA ACTION PLAN
(ASHAAP) - ISSUES AND OPTIONS CONSULTATION DOCUMENT
(AGENDA ITEM 11)**

The Principal Planning Policy Officer presented the report which sought Members approval to consult on the Attleborough and Snetterton Heath Area Action Plan (ASHAP) – Issues and Options document.

The ASHAAP was a 153 page document which had been through two meetings of the Attleborough Task Force from which many changes had been made.

If approved by Cabinet, the Area Action Plan would be subject to the Issues and Options consultation outlined in the report and the responses would be recorded, analysed and presented to the Attleborough Task Force in due course. The consultation response, together with updated

Action By

evidence would be fed into a Preferred Options document which would present the preferred sites for housing and employment and further detail on infrastructure. The Preferred Options document would be shaped by the Attleborough Task Force in the first half of 2011 before being reported back to Cabinet for approval. There would then be a six week public consultation in the summer of 2011 on the preferred sites version of the document.

The consultation would provide the public with a chance to have a say on documents containing policies that would shape the future of where they lived and offered an ideal opportunity to reach many different parts of the community.

The document set out four broad options in respect of the directions of growth, employment, the directions of the proposed new distributor road and infrastructure. It also included options for Snetterton Heath as a strategic employment location. The ASHAAP would need to identify where the additional 20 hectares of land would be allocated. The continued development of Snetterton Heath as a strategic employment location had been endorsed through the preparation of the Council's Core Strategy.

Subject to agreement, the consultation programme would take place over a period of 11 weeks starting on 15th November, to coincide with the delivery of Breckland Voice, and ending on 28th January 2011. Two documents would be produced. The first would be quite a sizeable document which would be put on the Council's website. The second document would be more of a user friendly questionnaire of between 8 and 12 pages that would contain enough information for the reader to make an informed decision about the questions being asked, without having to read the main document.

A Member congratulated the Planning Policy Team for producing such an excellent document. Referring to the questionnaire, he asked if he could be afforded with more information with regard to the traffic flow from the new link road through the villages that would be affected, as he felt that this would be one of the main questions he would be asked by the public. Members were informed that there were five options regarding the direction of the distributor road set out in the document available for the public to put forward their views. He pointed out that further evidence of Attleborough's infrastructure needs was required and needed to be developed further.

The Executive Member for the Corporate Development & Performance Portfolio agreed with the comments made about the traffic issues and had concerns that the relief road, if the preferred routing option was for it to come out via a certain roundabout, could have an impact on Great Ellingham. He hoped that the document would be sent out to all the affected Parish Councils.

The Executive Member for the Communities and Benefits Portfolio did have a slight concern with regard to the planned growth in certain villages which he felt was nil.

A Member was pleased that schools would be given the opportunity to respond to the questionnaire and asked if the Youth Council could be

Action By

approached. The Principal Planning Policy Officer was pleased to accept the offer of involving the Youth Council. He pointed out that the questions being included in the questionnaire would be presented to the Chairman of the Attleborough Task Force in the first instance before publication. The Chairman suggested inviting the Youth Council to a meeting of the Attleborough Task Force.

The Overview & Scrutiny Commission Chairman was disappointed that the Council was referring to maps in the document that were out of date by some years. He also felt that the maps and plans should be in the same scale. He mentioned the housing and employment numbers that could be changed by the Government and suggested including a rider in the document stating that these numbers were under review. He also supported and agreed with the aforementioned Executive Member's views with regard to village growth and felt that it would be a travesty if the ones that were being most affected by this growth were sidelined. He found it shameful that these fundamental points had not been recognised. One further issue he mentioned was the option for improvements at the railway station which he felt should be critical.

The Chairman agreed that it was vitally important that the document was comprehensible for people to understand. It was also important to ensure that the public were made aware that they had a choice of the amount of housing in Attleborough even though that fewer houses meant less infrastructure levy. The Planning Policy Team also needed to ensure that villages were involved in the whole process.

The Vice-Chairman, who was also the Chairman of the Attleborough Task Force, had picked up on all the aforementioned points and was aware that the document had its imperfections due to the fact that it was unfinished, as it was, as it was named, a consultation document. He disagreed with the point about the villages being sidelined as had been assured that all villages in the NR17 area would be notified, everyone would be given the opportunity to consult. He was also aware that the Railway Station would have to grow with the town if developed and could not remain as it was.

The Principal Planning Policy Officer assured Members that the maps would be updated and there would be further text on the scale of housing development and as such, the document would be brought up to standard for consultation. The Chief Executive proposed that the document should be signed off by the appropriate Portfolio Holder to enable it to go out to consultation as per the timetable instead of it coming back to Cabinet for approval. The Development Services Manager said that it was crucial that this document moved forward and agreed with the Chief Executive's aforementioned suggestion.

Options

- A) To consider the contents of the report and agree it, subject to any changes, for a consultation period of eleven weeks starting on 15th November 2010.
- B) Not to agree the document for consultation.

Action By

Option B presented a considerable risk to the Council as failure to make good progress with the Area Action Plan could result in the location of housing being determined through early applications for development without the appropriate contributions to the required strategic infrastructure for the town.

Reasons

The recommendation to endorse option A of the report would ensure the Area Action Plan document was presented for public consultation in accordance with the Council's adopted Local Development Scheme timetable.

RESOLVED that the 11 week programme of consultation from 15th November 2010 to the end of January 2011 be approved; subject to, the Attleborough and Snetterton Heath Area Action Plan Issues and Options document being updated, in consultation with the Deputy Chief Executive, the Chairman of the Attleborough Task Force and the Portfolio Member, as recommended, to include:

- updated maps;
- further consistency in terms of scale with regard to the maps and plans; and
- additional introductory text to be added with regard to the housing and employment numbers possibly being reviewed.

109/10 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 12)

(a) **Contaminated Land Inspection Strategy**

The Overview & Scrutiny Commission Chairman presented the Contaminated Land Inspection Strategy which had been discussed at great length at the Overview & Scrutiny Commission meeting on 7 October 2010.

The Chairman of the Task & Finish Group (a Group that had been set up to review the original strategy), pointed out that he had been having second thoughts about whether the strategy should be approved at this point in time as the resourcing issues had not been addressed.

The Deputy Chief Executive agreed and explained that there were already a number of sites that needed to be investigated which, if Cabinet were mindful to approve the strategy at this time, would cause resource and unknown financial implications.

The Executive Member for the Corporate Development & Performance Portfolio asked if the Council could be looking at open ended liabilities. Members were informed that future external funding could not be relied on; therefore, any financial requirements would have to be brought back to Cabinet for approval.

Members were informed that as part of the Environmental Protection Act, all local councils were now required to inspect their districts for

**David
Spencer**

Action By

potentially contaminated land and where found, ensure that the land, currently not under development, was suitable for its present use. Under proposals in the strategy, each site that had been considered to have a potential for contamination would have to undergo a six stage process, one of which was a detailed desk top study; such a study was currently being carried out on a piece of land that had already been identified.

The Chairman was more than pleased to have a Strategy but was afraid to sign it off at this point in time until the financial implications had been investigated.

The Chairman of the Contaminated Land Task & Finish Group stressed that the 'do nothing' option was not an option as it was a statutory duty.

The Assistant Director of Housing & Environmental Health asked Members to consider the risk assessment. Breckland did have a responsibility but it needed to be put into context such as dealing with contaminated land on a case by case basis. DEFRA would expect Breckland to pay any costs up front and then claim it back.

The Executive Member for the Corporate Development & Performance Portfolio asked if the Council would still be liable if the original polluter or land owner could not be found or identified. In response, the Principal Environmental Health Officer explained that the Strategy had been developed to reflect this type of risk. Sites would remain fenced off if the owner could not be found. He mentioned the sites that had been identified which would have desk top studies carried out on them; the findings of which would be reported back to Cabinet to be assessed whether there was any funding or not. The issue for review was whether the aforementioned sites were indeed contaminated.

The Chairman felt that further advice from Senior Officers/Directors should be sought.

For this reason, it was agreed that the matter be deferred so that the financial and resource implications could be investigated.

RESOLVED that the approval of the Contaminated Land Inspection Strategy be deferred until the next Cabinet meeting on 30 November 2010 to enable the financial and resource implications to be investigated.

**Andrew
Grimley**

(b) Review of Car Parking in Watton

Having read the report, the Executive Member for the Economic & Commercial Portfolio knew that some of the recommendations could not be taken on board, particularly recommendation number six. He explained that the Police were no longer responsible for enforcement and that Norfolk County Council would be taking over this responsibility in 2011.

A Member stated that the Council's current car parking orders were illegal and had to be changed as they did not conform with regulations.

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Members were informed that the Council was trying to devise a one size fits all policy across all the market towns.

It was agreed that the matter be deferred for further investigation and guidance.

RESOLVED that the report be deferred until the next Cabinet meeting on 30 November 2010 to enable the Head of Property Services and Head of Finance to provide further guidance on the implementation of each of the recommendations.

**Steve
Udberg/
Mark
Stokes**

**110/10 REFERENCE FROM THE GENERAL PURPOSES COMMITTEE
(AGENDA ITEM 13)**

RESOLVED that a Cabinet Member or an Executive Support Member attend Local Joint Consultative Committee meetings in future on a rota basis.

**111/10 BUSINESS IMPROVEMENT SUB-COMMITTEE: 31 AUGUST 2010
(AGENDA ITEM 14)**

a) Urgent Business – New Website (Minute No. 74/10)

In response to a concern, the Director of Community Services advised that the end of September target had been delayed and the new website would now 'go live' at the beginning of November 2010.

b) Microfiche Reader/Printer (Minute No. 77/10)

RESOLVED that a replacement device for the existing Microfiche reader/printer be purchased at a maximum cost of £5,000.

**Kevin J
Taylor**

c) Adoption

RESOLVED that the Minutes of the Business Improvement Sub-Committee meeting on 31 August 2010 be adopted.

**112/10 BUSINESS IMPROVEMENT SUB-COMMITTEE: 5 OCTOBER 2010
(AGENDA ITEM 15)**

a) Ocella Consultancy Days (Minute No. 93/10)

RESOLVED that £7,437.50 be released from the Organisational Development Reserve to deliver the required development works needed for the Ocella system.

**Kevin J
Taylor**

b) Adoption

RESOLVED that the Minutes of the Business Improvement Sub-Committee meeting on 5 October 2010 be adopted.

113/10 NEXT MEETING (AGENDA ITEM 16)

It was noted that the next meeting of the Cabinet would be held on

Tuesday, 30 November 2010 at 9.30am in the Norfolk Room.

114/10 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 17)

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 item of business on the grounds that it involves the disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act.

115/10 DELIVERY OF THE CONTRACT FOR THE HOUSING REGISTER AND CHOICE BASE LETTINGS SERVICE (AGENDA ITEM 18)

The Assistant Director of Housing & Environmental Health presented the report which asked Members to consider the options for the future delivery of the allocations and Choice Base Lettings service.

An addendum to the agenda was circulated and Members were provided with a verbal update.

The options available were summarised.

The Overview & Scrutiny Commission Chairman was not happy about the additional paper being circulated at the meeting and felt that it was impossible to make a decision at this stage.

The Head of Legal Services was in attendance and he highlighted the concerns relating to contractual issues. The legal aspects were explained.

Options

See report.

Reasons

See report.

The Chief Executive felt that Members were not in a position to make a decision at this moment in time, and accordingly, it was:

RESOLVED that the matter be deferred, to enable:

- 1) the Chief Executive and the Head of Legal Services to have further conversation with the Managing Director of ARPT;
- 2) contractual issues to be reviewed and possibly renegotiated; and
- 3) potential alternative arrangements to be further explored.

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**Anita
Brennan/
Terry
Huggins/
Mike Horn**

The meeting closed at 11.45 am

CHAIRMAN