

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 21 February 2008 at 10.30 am in
The Anglia Room, Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)	Mr C.R. Jordan
Mr S. Askew	Mr R. Kemp
Mr G.P. Balaam	Mr M.A. Kiddle-Morris
Mrs J. Ball	Mr R.G. Kybird
Mr S.G. Bambridge	Mr J.P. Labouchere (Vice-Chairman)
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	Mr D.G. Mortimer
Mr R.P. Childerhouse	Mr D.S. Myers
Mr P.D. Claussen	Mr J.W. Nunn
Mr R.W. Duffield	Mr J.D. Rogers
Mr P.J. Duigan	Mr B. Rose
Mr M. Fanthorpe	Mr F.J. Sharpe
Lady Fisher	Mr I. Sherwood
Mr R.F. Goreham	Mr W.H.C. Smith
Councillor E. Gould	Mrs P.A. Spencer
Mr J.R. Gretton	Mr A.C. Stasiak
Mrs T. Hewett	Mrs A.L. Steward
Mr P.J. Hewett	Mrs L.S. Turner
Mrs S.R. Howard-Alpe	Mr N.C. Wilkin
Mrs D.K.R. Irving	

In Attendance

Julie Britton	- Senior Committee Officer
Paul Calkin	- Strategic Director (Transformation)
Phil Daines	- Development Services Manager
Mark Finch	- Chief Accountant
Zoe Footer	- Land Management Officer
Michael Horn	- Head of Legal Services
Ray Johnson	- Asset Manager
Tim Leader	- Deputy Chief Executive
Andrea Long	- Environmental Planning Manager
Amanda McCulloch	- Marketing and Communications Officer
Mark Stanton	- Economic Development & Regeneration Manager
Mark Stokes	- Strategic Director (Services)
Ian Vargeson	- Democratic Services Manager

17/08 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 17 January 2008 were confirmed as a correct record and signed by the Chairman.

18/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr S Chapman-Allen, Mr P

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Cowen, Mr M Griffin, Mr A Joel, Mr T Lamb, Mr I Monson, Mrs L Monument, Mrs P Quadling, Mr M Spencer and Mr D Williams.

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19/08 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were noted:

- Cllr G Bambridge – Personal interests by virtue of his professional work as a Planning Consultant in regard to LDF and planning matters as recorded under Council Minute No. 3/08, Overview and Scrutiny Commission Minute No. 3/08 and Cabinet Minute No. 29/08.
- Cllr E Gould – Prejudicial interest for the reason as recorded under Minute No. 13/08 of the Development Control Committee held on 4 February 2008 (see Minute No 24/08 (a) below) and would leave the room if this item was discussed.
- Cllrs J Rogers and J Labouchere – Personal interests in anything related to the Local Development Framework.
- Cllr F Sharpe – Prejudicial interest in Minute No. 31/08 of the Cabinet meeting held on 12 February 2008 by virtue of him running a Post Office. Cllr Sharpe would leave the room if this item was discussed.
- Cllr C Jordan – Personal interest in relation to Agenda item 12 – by virtue of him being Chairman of the Audit Committee.
- Lady K Fisher - Personal interest in Minute No. 30/08 of the Cabinet meeting held on 12 February 2008 by virtue of her being a landowner in Thetford.

20/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

- The Chairman wished Cllr J Ball and Mrs Zoe Footer a very happy birthday and congratulated Mrs Julie Britton on her recent promotion to Senior Committee Officer.
- As a Member of the Norfolk and Waveney Mental Health Trust, and in the light of the Trust's presentation to Council in 2006, the Chairman was pleased to report that NHS Foundation Trust status had now been achieved.
- The Chairman had been pleased to represent the Council at the recent opening of the Lynn Mart as the guest of Kings Lynn and West Norfolk Borough Council.
- Members were reminded that if they were two months or more in arrears with their Council Tax they must disclose the fact and not vote on any item to set tax or any decision which might affect its calculation.

A list of engagements attended by the Chairman was tabled, for the period 17 January to 20 February 2008, which included:

<u>DATE</u>	<u>EVENT</u>	<u>HOST</u>
8 Jan 2008	Dinner for the Norfolk Chain Gang	Chairman of Broadland District Council, Councillor Michael Snowling
23 Jan 2008	Recording of the 500 th Edition of the Talking Newspaper	Wymondham & Attleborough Talking Newspaper
27 Jan 2008	Royal Anglian visit to Great Yarmouth	His Worship the Mayor of Great Yarmouth, Councillor Paul Garrod

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21/08 COUNCIL TAX 2008-2009 (AGENDA ITEM 5)

The Chief Accountant introduced the report which set out the amounts of Council Tax applicable for 2008-2009 for each valuation band and in each part of the area.

Members were also provided with a presentation which covered the three main elements of the setting of the Council Tax:

- Budget & Precept requirement
- Property tax base
- Band D Council Tax

Each element was explained in detail, mainly for the benefit of new Members.

The estimates had been presented to Cabinet on 8 January 2008 and subsequently approved by Council on 17 January 2008 setting the band D Council Tax at £61.98 for the year. Since then the final local government settlement had been announced and the figures had been updated in the budget. A new Area Based Grant had been introduced for 2008/09. Grants received would be set aside in an earmarked reserve to be spent on community cohesion schemes, with funding being released through Cabinet recommendations when schemes had been fully worked up. A revised General Fund Summary incorporating the Star Chamber recommendations was shown at Appendix F.

Members were made aware of the Special Expenses, for the provision of the public lighting service, set out in paragraph 5.1 of the report.

The Norfolk Police Authority had met to set its Council Tax and had subsequently approved Option 2 of the Council's report.

A Member believed that the Police had increased its Council Tax by 8.6% which could leave them vulnerable to be capped. He asked who would be responsible for re-billing if this was to happen and if the Council's performance for collection would be affected.

In response, the Chief Accountant advised that he had discussed the matter of possible capping with the Police Authority. It had been estimated that the cost of re-billing would be in the region of £130K which the Police Authority would have to contribute towards. As far as the issue of collection performance was concerned, it would be affected as new Council Tax bills would have to be sent.

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Another Member praised the Chief Accountant for his presentation and the clear explanation behind it. He also praised the authority as a whole especially the Finance Team for a very honourable and achievable effort in producing the budget and for the continued downward pressure on Council Tax. The six year programme of continual budgetary control procedures had kept the Council Tax increase down to 2.75% yet had still allowed Breckland to improve its services.

RESOLVED that

- 1) the revised budget and council tax be approved;
- 2) the Special Expenses for 2008-2009, as set in paragraph 5.1 of the report, be approved;
- 3) it be noted that the Council has calculated the following amounts for the year 2008-2009 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-
 - a) £41,996.11 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 now calculated by the Council for the year 2008-2009 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 as amended:-
 - a) £64,557,455 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) £49,057,221 being the aggregate of the amounts which the Council estimates for the items set in Section 32(3)(a) to (c) of the Act;
 - c) £15,500,234 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;

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d)	£10,707,395	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, increased 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 surplus);
e)	£114.13	being the amount at 4(c) above less the amount at 4(d) above, all divided by the amount at 3(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;
f)	£2,189,928	being the aggregate amount of all special items referred to in Section 34(1) of the Act;
g)	£61.98	being the amount at 4(e) above less the result given by dividing the amount of 4(f) above by the amount at 3(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 4(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 3(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 4(g) and 4(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 2008-2009 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:-

	Norfolk County Council	Police Authority
Band A	£727.68	£119.04
Band B	£848.96	£138.88
Band C	£970.24	£158.72
Band D	£1,091.52	£178.56
Band E	£1,334.08	£218.24
Band F	£1,576.64	£257.92
Band G	£1,819.20	£297.60
Band H	£2,183.04	£357.12

- 6) that 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 in **Appendix D** to the report, as the amount of Council Tax for 2008-2009 of the categories of dwellings shown.

22/08 CABINET MINUTES - 12 FEBRUARY 2008 (AGENDA ITEM 6)

- a) Vacant and Surplus Land – Options (Minute No. 29/08)

A correction was made to note that it was the Executive Member for Housing who had supported the recommendation and not the Executive Member for Environment as stated in the Minute.

The Opposition Leader opened the debate on this matter to sell off council-owned open spaces and urged Members not to support the resolution that had been agreed by the Cabinet. Four of the 11 sites were in his Ward, including Boyd Avenue which, in his opinion, was a well developed housing estate. He felt that the financial gain to the Council on these particular sites would be pitiful. He reminded Members that, according to national standards, Dereham was already short of 21 acres of brownfield sites and rather than losing valuable amenity space for those residents, there were other, more suitable sites in the area that he knew of that could be utilised. The Opposition Leader also highlighted the initial limited consultation that had been carried out in 2004/05 by the former Scrutiny Panel (Economic) which he felt had been inadequate. He further felt that this Council seemed to be in conflict with its own policies.

A fellow Labour Member put his opinions forward and said that Boyd Avenue was a model development that was considered to

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be very important to Dereham residents. The safe green spaces had been used for children to play on since the estate was built in 1962. He felt that development would be a retrograde step and a test case for the Council and if supported, open spaces throughout the whole District could be at risk.

Another Member reminded the Council that it was the government that was forcing local authorities to get land valued and to look at possible options for it; it did not mean that the land had to be built on. The Member did point out, however, that he was opposed to the possible development at Boyd Avenue.

The Executive Member for Planning did understand the concerns but asked Members to put this matter into perspective. She explained that there were 6,000 pieces of land in Breckland that this Council owned and had a duty to value and maintain. Housing was the Council's number one priority and out of those 6,000 sites there would be opportunities for housing to be built; it did not mean that all of the sites would be developed. Each plot of land would have to go through the planning process where a full consultation would have to take place.

The Leader was keen to point out that this was not a test case; this was in fact, the initial process authorised in 2005. However, Breckland was a listening Council and people's concerns would be taken on board. If Members had not been content with the initial process then he was happy for the matter to be put back to the Overview and Scrutiny Commission to ensure that the Council got it right. It was not a case of *fait accompli*; but surely, Members would not expect the Council to sit on all 6,000 plots and deny people/homeless people the chance of a home.

In response to a question as to why the matter had not been called in, the Opposition Leader explained that the resolution had not directly referred to whether the Council sold the land or not but alluded to the revenue funds being released. However, he still wished for clarification on why this had been a resolved matter rather than a recommendation to Council. The Democratic Services Manager explained that this matter fell under delegated powers to the Cabinet.

At the end of the debate, the Leader felt that he had made a very fair offer to withhold actions pending consideration by the Overview and Scrutiny Commission. He moved that the policy be reviewed and the plans to spend £130,000 on consultants be put on hold. On being suspended and put to the vote, it was

RESOLVED that:

- 1) no action be taken at present on the decision of the Cabinet Minute No. 29/08;
- 2) the Overview and Scrutiny Commission be asked to review the policy and processes in regard to the future of vacant and surplus land;

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- 3) the matter be re-considered at a future Cabinet meeting following review by the Overview and Scrutiny Commission.

b) Growth Point Governance and Delivery (Minute No. 30/08)

A correction was made to note that it was the Executive Member for Planning who had commented on funding to deliver Thetford Growth Point and not the Executive Member for Strategic Alliance.

RESOLVED that:

- 1) the offer from the Department for Communities and Local Government (CLG) of Growth Point funding as set out in the report of £1,946,579 capital and £202,980 revenue for 2008 to 2009 and an indicative allocation of £3,644,758 capital and £285,572 revenue for 2009 to 2010 in accordance with Section 4(C) of the Council's Financial Regulations and Finance Procedure Rules Section 3 Budget paragraph 4 be accepted;
- 2) CLG Growth Point (GP) be allocated funds as set out in (1) above for use as the core budget for the Thetford Growth Point programme;
- 3) the Shadow GP Local Delivery Vehicle (LDV) Structure Model as set out in the report be approved and adopted as the appropriate informal vehicle for the initial governance and delivery of the Thetford Growth Programme in the short term;
- 4) that the Leader and Executive Members representing the Council on the GP Board be given the necessary legal and corporate constitutional delegated powers available to make decisions on behalf of the Council and commit budgeted resources outside the Committee process but remain subject to the Council's normal call-in procedures;
- 5) that Breckland Officers prepare a Business Plan on the suitability of the Shadow LDV Structure on behalf of the Council and GP partners and submit the business plan to CLG for approval and possible funding by 1 April 2008; and
- 6) the recommendations in the report prepared for the Council's General Purposes Committee on 30 January 2008 for the recruitment of the core delivery posts both within the GP Delivery Team and Council Teams be approved.

c) Post Office Closures Consultation (Minute No. 31/08)

RESOLVED that the following motion be approved:

This Authority formally invites the Post Office to work with the

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Council to provide services to residents in the most viable way in the future.

This Council notes the invaluable service provided by our Local Post Offices to the local community which relies heavily on their post office branches.

This Council deplores the Government's current programme of 2,500 closures across the country.

This Council notes the strength of public opinion in favour of saving local post offices.

This Council recognises the needs of the elderly, disabled and the most disadvantaged who rely on local post offices the most.

d) Breckland Cultural Olympiad (Minute No. 32/08)

The Executive Member for Community and Cultural Services informed Members that the closing ceremony of the Olympic Games in Beijing on 24 August 2008 would herald the start of the build up to the 2012 Olympics in London, and with it, the potential for Breckland and all District and Borough Councils throughout the UK to deliver a wide range of benefits to their communities.

Breckland Council was being asked to embrace this opportunity be engaging wholeheartedly in what was know as the Cultural Olympiad initially by holding a three week programme of sports and cultural events to mark the handover of the Olympic torch and following up with a longer four year programme leading up to the 2012 London Games.

RESOLVED that subject to the acceptance of the 'Area Based Grant' of £95k, the proposal for a Cultural Olympiad Funding Reserve of up to £50k be approved.

e) Calendar of Council and Committee Meetings 2008 – 2009 (Minute No. 33/08)

RESOLVED that

- 1) the calendar of Council and Committee meetings for 2008 – 2009 be approved;
- 2) the Annual meeting of the Council be held on 22 May 2008;
- 3) a meeting of the Council be held on Monday, 30 June 2008 to facilitate the approval of the Statement of Accounts; and
- 4) to allow for the Council meeting on 30 June 2008, a meeting of the development Control Committee be held on Thursday, 3 July 2008 to maintain that Committee's three week cycle.

f) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 12 February 2008 be adopted.

23/08 DEVELOPMENT CONTROL COMMITTEE - 14 JANUARY 2008
(AGENDA ITEM 7)

RESOLVED that the confirmed Minutes of the Development Control Committee held on 14 January 2008 be adopted.

24/08 DEVELOPMENT CONTROL COMMITTEE - 4 FEBRUARY 2008
(AGENDA ITEM 8)

a) Declaration of Interest (Minute No. 13/08)

A correction was necessary so that the Minute read: "the Chairman declared a prejudicial interest in item 4 of the Schedule of Applications (North Elmham) as she had relatives *who owned a site adjacent to the site*".

b) Adoption

RESOLVED that the unconfirmed Minutes of the Development Control Committee meeting held on 4 February 2008 be adopted.

25/08 OVERVIEW AND SCRUTINY COMMISSION - 24 JANUARY 2008
(AGENDA ITEM 9)

RESOLVED that the Minutes of the Overview and Scrutiny Commission meeting held on 24 January 2008 be adopted, subject to noting the wish of Mrs T Hewett to be appointed to the Working Group on the Environment Strategy rather than the Post Office Working Group (Minute No 5/08).

26/08 STANDARDS COMMITTEE - 22 JANUARY 2008 (AGENDA ITEM 10)

RESOLVED that the Minutes of the Standards Committee meeting held on 22 January 2008 be adopted.

27/08 LICENSING COMMITTEE - 13 FEBRUARY 2008 (AGENDA ITEM 11)

RESOLVED that that Minutes of the Licensing Committee meeting held on 13 February 2008 be adopted.

28/08 AUDIT COMMITTEE (AGENDA ITEM 12)

Mr C Jordan left the room and took no part in the discussion or voting on this matter.

The Democratic Services Manager presented the report of the Independent Remuneration Panel

The Council had recently formed an Audit Committee and had asked

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the Panel to consider an appropriate Special Responsibility Allowance for the position of Chairman of the new Committee, as well as rates payable to the specialist advisers provided for in the Constitution of the Audit Committee.

The Council had to have regard to the Panel's recommendations.

RESOLVED that

- 1) a fee of £200 per session be offered for specialist advisers co-opted to the Audit Committee;
- 2) the Special Responsibility Allowance for the Chairman of the Audit Committee be set at £4,345 per annum;
- 3) both figures be reviewed as part of the next full report in the light of experience of the operation of the Audit Committee.

Mr J Labouchere wished for it to be recorded that he abstained from voting on this matter.

29/08 STRATEGIC ALLIANCE (STANDING ITEM) (AGENDA ITEM 13)

Nothing to report.

30/08 LOCAL GOVERNMENT REVIEW (STANDING ITEM) (AGENDA ITEM 14)

The Chief Executive provided Members with an update.

Breckland Council, together with all other principal Norfolk Councils, would be meeting with the Boundary Committee on 25 February where it would be learnt how the forthcoming review would be undertaken.

The Boundary Committee had received evidence for unitary options following the receipt of the terms of reference.

The Boundary Committee would analyse responses, produce final recommendations and present to the Secretary of State by the end of 2009.

A Member asked if this review would include Ward boundaries. In response, the Chief Executive advised that if there was such a review it would require a separate process but he could not predict whether there would be a change to the existing boundaries in the future.

In response to a further question, Members were informed that the whole consultation process was open to the public.

**31/08 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA
ITEM 15)**

RESOLVED that further to Minute No. 25/08 above, the following appointments and changes be noted:

- a) Policy Development and Review Panel 2
Cliff Jordan to be replaced by Mark Kiddle-Morris
- b) Sustainable Communities Steering Group
Robin Goreham to take up the Labour vacancy.

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The meeting closed at 11.55 am

CHAIRMAN