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BRECKLAND COUNCIL

At a Meeting of the

CABINET

Held on Tuesday, 10 January 2012 at 9.30 am in
Anglia Room, The Committee Suite, Elizabeth House, Dereham

PRESENT

Mr J.W. Nunn (Chairman)
Mr A.C. Stasiak (Vice-
Chairman)
Mrs L.S. Turner
Mr W.H.C. Smith

Mr S. Askew
Mr P.D. Claussen
Mr M.A. Kiddle-Morris

Also Present

Mr K.S. Gilbert
Mr A.P. Joel
Mrs S.M. Matthews
Mr T.J. Lamb
Mr F.J. Sharpe
Mrs D.K.R. Irving
Mr W.P. Borrett
Councillor C Bowes

Mr T. J. Jermy
Mr P.J. Duigan
Mr W. R. J. Richmond
Mrs E. M. Jolly
Mrs S Armes
Mr M. S. Robinson
Mr M. A. Wassell

In Attendance

Dominic Chessum

Maxine O'Mahony
Mark Stanton
Terry Huggins
Vicky Thomson
Mark Stokes
Julie Britton
Margaret Bailey
Riana Rudland

Mark Finch
Susan Smith
Kevin Ward
Simon Best

- Joint Marketing & Communications Team Leader
- Director of Commissioning
- Economic Development Manager
- Chief Executive
- Assistant Director - Democratic Services
- Deputy Chief Executive
- Senior Committee Officer
- Senior Accountant Capital and Treasury
- PFI Leisure Monitoring Officer and Sports Development Officer
- Assistant Director of Finance
- Senior Accountancy Officer
- Growth Programme Manager
- Economic Development Officer

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1/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 29 November 2011 were confirmed as a correct record and signed by the Chairman.

2/12 APOLOGIES (AGENDA ITEM 2)

None.

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3/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following declarations were made:

The Chairman, the Executive Member for Assets & Strategic Development, Mr B Borrett and Mr P Duigan declared a personal interest in agenda item 17 due to them all being County Councillors.

Mr P Cowen declared a personal interest in agenda item 17 by virtue of his profession as an architect in practice.

5/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mesdames S. Armes, C. Bowes, D. Irving, E. Jolly, S. Matthews and Messrs P. Duigan, K. Gilbert, T. Jermy, A Joel, T. Lamb, W. Richmond, M. Robinson, F. Sharpe and M. Wassell.

6/12 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)

The Chairman was pleased to announce that Breckland Council's Local Development Framework (LDF) document had been found sound by the Planning Inspector following the Council's response to the additional consultation on the Inspector's proposed changes in Shipdham.

7/12 PROPOSED TRANSFER OF LAND AT CORONATION TERRACE, CASTON (AGENDA ITEM 7)

The Executive Member for Assets and Strategic Development presented the report which requested Members' approval to transfer two areas of land at Coronation Terrace in Caston to Caston Parish Council.

Background information was provided.

Options

- 1) To transfer the two areas of land at Coronation Terrace in Caston to Caston Parish Council at nil consideration subject to the imposition of a restrictive covenant "not to use these areas of land for any purpose other than amenity purposes only".
- 2) Breckland Council to retain ownership and therefore maintain these areas of land.

Reasons

- 1) To relieve Breckland Council of future liabilities.
- 2) The imposition of the restrictive covenant would protect Breckland

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Council should this land be considered suitable for development in future; the value of such a release would be payable by Caston Parish Council or their successors in title.

RESOLVED that the two areas of land at Coronation Terrace in Caston be transferred to Caston Parish Council at nil consideration subject to the imposition of a restrictive covenant “not to use these areas of land for any purpose other than amenity purposes only”.

8/12 ROLLOUT OF EAST ACTIVE PROJECT TO GENERATE INCOME (AGENDA ITEM 8)

The Executive Member for Assets and Strategic Development introduced this item which requested permission for a full business case to be submitted to the Department of Communities and Local Government (DCLG) for the East ACTIVE project, with the Council underwriting the costs and risks associated with the delivery of the project.

The Economic Development Manager and the Economic Development Officer were in attendance and provided Members with a presentation.

The current REV ACTIVE project had gained national recognition and had won an award and due to its on-going success an opportunity had arisen to submit a further bid to the European Funding Programme under the title of East ACTIVE.

An expression of interest had been submitted to the DCLG which had been received favourably and as a result it was likely that the DCLG would be requesting a full business plan submission in the first half of 2012.

East ACTIVE would be focusing on delivering to other areas in the Eastern region, rather than directly in Breckland and the area of focus was currently within the borough of Luton in Bedfordshire. Luton had already opted to come on board and Gt Yarmouth Borough Council had already expressed an interest.

With significant reductions in business support, this would be a great opportunity for Breckland Council to fill a gap. East ACTIVE would buy economic development staff time and would generate management fees back to the Council.

The financial profile of the project was shown and how the monies would be spent was highlighted.

The Vice-Chairman asked if all business enquiries along the A11 corridor which was currently covered by the REV ACTIVE project had been dealt with. He further asked if the Team would be talking to businesses who were considering moving to the area since the announcement of the duelling of the A11. Members were advised that the Economic Development Team continued to engage with businesses in a number of ways. East ACTIVE was a separate project but there would be some overlap with REV ACTIVE as businesses did not take account of district boundaries.

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Members were informed of a recent Overview & Scrutiny Commission meeting that had looked at discretionary and non-discretionary services within the Council. This report proved that Economic Development, although classed as non-discretionary, was an important asset to the Council and the Overview & Scrutiny Commission Chairman commended the project to the Cabinet.

Option 1

Agree the following:

- Development and submission of an East ACTIVE full Business Case to CLG;
- If successful, accept the funding and subject to all other funding being secured, set up the appropriate income and expenditure budgets to allow the project to proceed;
- Employ three additional staff (an Area Manager and two part time administration/technical support posts – one in Luton and one in Breckland) to deliver the project. These posts would be 100% funded from Project income;
- Extend and reconfigure the existing REV ACTIVE Project Manager's post to December 2015. This post would be 100% funded from Project income.

Option 2

As per Option 1 but with amendments/further 'subject to' conditions being added by Members.

Option 3

No further action to be taken, with no East ACTIVE Business Case developed and submitted.

Reasons

The recommendation was to approve option 1. The development and delivery of East ACTIVE represented a clear evolution of the existing REV ACTIVE project and a logical next stage for the Economic Development Team. It represented an excellent opportunity to generate 'surplus income' for the Council at an acceptable risk level.

RECOMMEND to Council that:

- 1) an East Active Full Business Case be developed and submitted to the Department of Communities and Local Government (CLG);
- 2) the funding be accepted (if the Business Case is successful) and, subject to all other funding being secured, set up the appropriate income and expenditure budgets to allow the project to proceed;
- 3) three additional staff be employed (an Area Manager and two part time administration/technical support posts – one in Luton and one in Breckland) to deliver the project (these posts would be 100%

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funded from the Project income); and

- 4) the existing REV ACTIVE Project Manager's post be extended and reconfigured to December 2015 (this post would also be 100% funded from the Project income).

9/12 ALTERNATIVE CAR PARK POLICY FEASIBILITY (AGENDA ITEM 9)

The Chief Executive presented the report which requested the release of revenue funds to enable specialist resources to be obtained to undertake research and the completion of a business case in relation to alternative car parking policies.

The proposal was highlighted.

The Chief Executive knew that Members were well aware of the financial challenges ahead and the recent statement made by the Chancellor had made it quite clear that government funding would be reduced even further in future. In these circumstances, all possibilities, such as car parking charges must be considered to get through these difficult economic times. Breckland Council did not have the same knowledge as other authorities that already had parking charges in place and this was why this type of expertise was being sought.

The Chairman understood why Breckland Council was considering this review and further understood why Members and the public were so alarmed; he too was alarmed by the amount of money being requested and asked whether one of the Council's own officers could be used to undertake this study.

In his defence, the Chief Executive stressed that no more than £50k would be required. He had been aware of the Chairman's suggestion of using someone in-house and agreed to either extend an existing officer's contract or second someone from another authority who already had the knowledge and expertise. This method would cost considerably less than £50k.

Mr Sharpe spoke on behalf of residents and various organisations from Swaffham who were concerned about the amount of money being requested. He urged Cabinet to authorise a far lower amount and to agree to the Chairman's aforementioned suggestion.

Mr Wassell asked for the business rate figure for car parks. In response, the Executive Member for Assets and Strategic Development advised that the business rates for this financial year was just over £61k. This figure included refurbishment and running costs and would increase year on year with inflation.

Mr T Jermy, on behalf of the Labour Group, was totally against the idea of car parking charges and felt that free parking was a major advantage for retailers. He quoted a statement made by Mary Portas who had said that the introduction of parking charges at this moment in time would be a disaster as most High Streets were already struggling (Mary Portas had been appointed by the Prime Minister to lead an independent review into

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the future of our High Streets). Mr Jermy felt that such charges would reduce the number of visitors to the town as it relied on a 'nip in' culture and would be a disadvantage to rural residents. He urged Members to abandon the plans and find other ways to plug the funding shortfall.

The Executive Member for Internal Services reminded Members that the report was not requesting a decision to charge for car parking it was just requesting that a feasibility study be carried out. All services had to be reviewed as part of the best value regime. However, he asked Members to note that Breckland had already been criticised by the Audit Commission for not implementing such charges. He also asked Members to note that a certain Town Council had, in the past, requested the introduction of car parking charges. Most car parks were very often clogged up by all day users which damaged the viability of the towns and all required to flow which local authorities needed to address. The Executive Member pointed out that if car parking charges were introduced Rocklands Parish Council had stated that they would like to see a free element of parking available. He agreed with the aforementioned suggestion about employing someone in-house to undertake the work. He also felt that South Holland Council should be approached as it had already had the expertise of dealing with car parking charges.

The Overview & Scrutiny Chairman noted the very impassioned pleas from Members and assured them that Breckland Council was not proposing to introduce such charges at this moment in time. He urged Members to tread carefully and communicate properly with the public when carrying out this study and to take account of the many car parks that were not under Breckland's ownership that required consideration during the investigation.

The Vice-Chairman said that he had attended a recent Town Council meeting where it had been made clear that the town's car parks needed to be freed up from all day users. The meeting had agreed that should charging come into force a small fee or a free parking period should be introduced. He pointed out that residents to the south of the Attleborough did not attempt to shop in the town as they knew that parking was a problem and instead journeyed to Diss.

Mr Gilbert wished to register his strong opposition to the proposal as he felt that free parking attracted many people outside of the Breckland area to the market towns. Charging would push shoppers into parking in side streets or on housing estates and not one resident who he had spoken to had been in favour of car parking charges. He felt that the Cabinet should take a step-back and allow Full Council to have a debate and vote on the principle of charging before spending the £50k.

The Executive Member for Internal Services reminded Members that this was just one alternative being considered - if this did not come about then the Council would still have to look at something else to make up the shortfall of government funding.

The Chairman reminded Members of what the Council had already done to save money and what was being done in the near future. No-one else had come forward with ideas of how this authority was supposed to save

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£3.5m. He then proposed that the monies requested be capped at £25k. He made it clear that any revenue made from the introduction of car parking charges (if and when approved) would be used purely to cover maintenance costs, any surplus would be put straight back into the match-funding pot.

Mrs Matthews and Mrs Jolly also spoke on the matter. It was suggested that the UEA be used again to carry out such a study. Other suggestions put forward were to charge different amounts in different towns and to devolve some matters to the Town Councils. The Chief Executive assured Members that he would look into all the aforementioned suggestions.

The Executive Member for Assets and Strategic Development reminded Members that students from the UEA had assisted with the Attleborough car parking study at a cost of £5k. He assured Members that there was still a huge amount of work to be done which could take at least six months to complete before a conclusion could be gathered.

Mr Borrett was pleased that the meeting had acknowledged that different towns had different needs and required different solutions. He was also pleased that Breckland Council was considering devolving some matters to the Town Councils.

In concluding the debate, the Chairman reiterated that Breckland Council was not an expert on this matter but the review had to take place in some shape or form to understand the implications of it all – this did not mean that such charges would be implemented.

Option 1

Authorise the release of £50,000 from the Organisational Development Reserve which was used for invest to save initiatives. The funds would be used to procure specialist resources to undertake the completion of a business case to fully inform Members about alternative car parking policies.

Option 2

Do not undertake the feasibility work and continue to manage the car parks within the current policy. This would result in continuation of the costs as outlined in paragraph 1.1.1 of the report.

Reasons

1. The Council did not currently have the expertise or knowledge in-house to research alternative car parking policy provision.
2. An alternative policy could positively support traffic management.
3. Continuation of the current car parking policy 'as is' would mean a continued burden on the tax payer rather than the user (motorist).
4. All the Council's land assets including car parks must be assessed to ensure they create best value for the residents of Breckland.

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5. An alternative car park policy could help to balance the Council's budget over the next 4 years.
6. The Council needs to adopt a flexible approach to car parks.
7. The Government required local authorities to get best value from their assets.
8. To be able to meaningfully appraise this option with others, that will be needed to balance the Councils budgets over the next 5 years.

RESOLVED that:

- 1) the amount of £25k of revenue funds be released and not £50k as requested; and
- 2) internal, and where appropriate, external expertise be acquired to undertake research and the completion of a Business case to fully inform Members about alternative car parking policies.

10/12 BUDGET, FINANCIAL MEDIUM TERM PLAN AND CAPITAL STRATEGY (AGENDA ITEM 10)

The Executive Member for Finance and Democratic Services thanked the Assistant Director of Finance and his Team for all their hard work throughout the year. He highlighted the number of efficiencies that had been made during the year which had assisted in producing such a balanced budget.

The appendices to the report outlined the 2012-13 revenue and capital estimates for the General Fund, the proposals for the setting of discretionary fees and charges, the outline financial position through to 2016-17, the financial Medium Term Plan and the Capital Strategy. It was noted that the effect of the Riverside project, if approved, had already been included in the budget.

The Executive Member for Internal Services was very pleased to have a balanced budget; many other local authorities would envy being in this position. He also mentioned the efficiency savings that Breckland had made over the years whilst still maintaining the lowest council tax in the country. He was very proud of being involved with such a proactive and far sighted Council and congratulated the Portfolio Holder and the Finance Team.

The Overview & Scrutiny Commission Chairman echoed the above comments as it had been a great challenge for everyone involved.

In response to a request for an explanation of the New Homes Bonus, the Chief Executive explained that the New Homes Bonus was a reward paid to local authorities based on the council tax of additional homes and those brought back into use. The Finance Team had been prudent and this bonus would be contributed to reserves in the year it was received. Although this was a six year grant, it had been assumed that after four years the grant would be funded from a reduction in Rate Support Grants and National Domestic Rates; therefore, at this stage no additional grant

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had been assumed.

The Executive Member for Internal Services felt that public money needed to be well managed for future generations.

Options

There were no alternative options presented; however, Cabinet was able to make amendments before recommendation to Full Council.

Reasons

To comply with the budgetary and policy framework.

RECOMMEND to Council that:

- 1) the Breckland revenue estimates and Parish Special Expenses for 2012-13 and outline position through to 2016-17 (as set out in Appendix B of the report) be approved;
- 2) the capital estimates and associated funding for 2012-13 and outline position through to 2016-17 (as set out in appendix I of the report) be approved;
- 3) the revised capital estimates and associated funding for 2011-12 (as set out in appendix I) be approved;
- 4) the fees and charges shown at appendices E & E2 of the report be adopted on 1 April 2012;
- 5) the Council Tax for a Band D property in 2012-13 be set at £64.05 (as set out in appendix B of the report);
- 6) the Financial Medium Term Plan at Appendix A of the report be approved; and
- 7) the Capital Strategy as at Appendix H of the report be approved.

RESOLVED that:

- 1) the budget virements in 2011-12 as set out in Appendix C of the report be approved; and
- 2) the contribution of £2,000,000 from the General Fund into an earmarked reserve for Council Tax and Business Rates as detailed at Section 13 of Appendix A of the report be approved.

**11/12 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION
(AGENDA ITEM 11)**

None.

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12/12 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 12)

RESOLVED that the Minutes of the Anglia Revenues & Benefits Partnership Joint Committee meeting held on 1 December 2011 be adopted.

13/12 MEMBER DEVELOPMENT PANEL (FOR INFORMATION) (AGENDA ITEM 13)

RESOLVED that the Minutes of the Member Development Panel meeting held on 24 November 2011 be noted.

14/12 NEXT MEETING (AGENDA ITEM 14)

The arrangements for the next meeting on Tuesday, 14 February 2012 in the Norfolk Room were noted.

15/12 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 15)

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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of the Act.

16/12 PFI BENCHMARKING (AGENDA ITEM 16)

The Executive Member for Assets and Strategic Development presented the report which asked Members to support the business proposals as listed in the report.

The contractor had identified two opportunities to help reduce any adverse financial impact of the Benchmarking process. The set up of the PFI benchmarking process was explained.

Mrs Armes asked a number of questions about the proposal some of which were answered by the PFI Leisure Monitoring Officer at the meeting. She asked that the proposal for the Club based at Thetford Leisure Centre be put on hold until all relevant persons had been consulted. The Chairman suggested that the remaining questions be discussed outside the meeting with the said Officer.

There was some discussion about membership and the way particular sports had been promoted.

The Executive Member for Internal Services was in support of the recommendation as it did not make sense to keep something open throughout the year when there was no demand.

Options

See report.

Reasons

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- To help reduce the financial impact to the Council of the benchmarking process
- To assist the contractor in attracting new users and increasing the centres income
- To allow the contractor to vary the facilities on offer to meet the demands of the customers

RESOLVED that:

- 1) the business proposal for a contractual 'change of use' of the Bar/Function room at Dereham Leisure Centre into a dedicated Martial Arts Dojo arena be approved; and
- 2) the business proposal for a contractual change of use of the Bowls Hall at Breckland Leisure Centre in Thetford during the summer months (May-Sept) for the provision of soft play and children's activities be approved.

17/12 THETFORD RIVERSIDE REGENERATION PROJECT (AGENDA ITEM 17)

The Executive Member for Assets & Strategic Development introduced the report which set out the proposals for the Thetford Riverside Regeneration project.

A presentation and a detailed overview of the project were provided.

A Member suggested that Thetford Town Council should be approached for possible financial assistance.

After much discussion, it was proposed that one of the recommendations be changed and a Special meeting be held to legally complete and sign off the agreement to lease (if approved) and the Audit Committee be tasked to monitor the contract and any financial risks associated with the project.

Options

See report.

Reasons

See report.

RECOMMEND to Council that:

- 1) the funding as requested be released; subject to due diligence being completed;
- 2) the grant from Norfolk County Council Infrastructure fund be accepted subject to acceptable Heads of Terms;

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- 3) a Special Cabinet meeting be held to legally complete and sign off the agreement to lease, if agreed; and
- 4) the Audit Committee be commissioned to monitor the contract and any financial risks associated with the project.

The meeting closed at 12.05 pm

CHAIRMAN