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BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 8 May 2012 at 9.30 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)	Mr M.A. Kiddle-Morris
Mr M. A. Wassell (Vice-Chairman)	Mr I. Sherwood
Councillor E. Gould	Mr W.H.C. Smith
Mrs L.S. Turner	

Also Present

Mr S.G. Bambridge	Mr T. J. Jermy
Councillor C Bowes	Mrs E. M. Jolly
Mr C G Carter	Mr W. R. J. Richmond
Mr J.P. Cowen	

In Attendance

Dominic Chessum	- Joint Marketing & Communications Team Leader
Maxine O'Mahony	- Director of Commissioning
Terry Huggins	- Chief Executive
Vicky Thomson	- Assistant Director - Democratic Services
Mark Stokes	- Deputy Chief Executive
Julie Britton	- Senior Committee Officer
Mark Finch	- Assistant Director of Finance
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

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55/12 MINUTES - 9 FEBRUARY 2012 (AGENDA ITEM 1)

The Minutes of the Special meeting held on 9 February 2012 were confirmed as a correct record and signed by the Chairman.

56/12 MINUTES - 27 MARCH 2012 (AGENDA ITEM 2)

The Minutes of the meeting held on 27 March 2012 were confirmed as a correct record and signed by the Chairman.

57/12 APOLOGIES (AGENDA ITEM 3)

No apologies were received.

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58/12 DECLARATION OF INTEREST (AGENDA ITEM 5)

None.

59/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 6)

Mesdames C. Bowes and E. Jolly and Messrs G. Bambridge, C. Carter, P. Cowen, T. Jermy and W. Richmond.

60/12 REVENUE OUT-TURN 2011/12 (AGENDA ITEM 8)

The Vice-Chairman presented the report that detailed the expected final end of year Revenue out-turn figures for 2011-12.

The table on page 107 of the report (Appendix A) highlighted the final out-turn figure of just over £13.5 million which represented an under spend of £636,000 or 4.5% of the budgeted figure.

Members' attention was drawn to some of the highlights that had contributed to the under-spend such as:

- § Members Services efficiencies of £30,000 – resulting from below budget salaries costs and reductions in Members' expenses
- § Corporate efficiencies of £78,000 – resulting from savings in the year within the waste collection & street cleansing contracts; Democratic Services savings from a minor review of service; reduced consultation budget requirement from Policy & Performance
- § ICT – a substantial reduction of £121,000 resulting from the budgeting approach adopted when the service was brought back in-house.
- § Land Charges – an increase of £58,000 in the income as result of an increase in the number of property searches that had been undertaken.
- § Housing Benefit – an additional subsidy of £408,000 had been a result of the performance accuracy achieved and was a credit to the professionalism of the Officers responsible.

The Vice-Chairman also drew attention to Appendix B of the report of which Members' approval was requested to carry over the amounts to the 2012-13 budget for the reasons stated (see report). He hoped that all the savings and increases to income would continue as it demonstrated that Breckland Council was seeking to achieve the maximum value for money on behalf of the residents of Breckland.

The Executive Member for Internal Services reported that the HR department had non-advertised savings of an additional £20,000 due to trading services.

Options

1. To note the out-turn position and approve the budget carry-overs at Appendix B of the report and recommend to Full Council that any

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balance remains in the General Fund.

2. To note the out-turn position and make changes to the budget carry-overs at Appendix B and/or make changes to the recommendation to Full Council that any balances remains in the General Fund.

Reasons

To make the best use of the Council's resources.

1. **RESOLVED** that:
 - (i) the Revenue outturn against the budget for 2011/12 as at Appendix A of the report be noted; and
 - (ii) the budget carry-overs as at Appendix B be approved.
2. **RECOMMEND** to Council that any balance from the Revenue outturn against the budget remains in the General Fund.

61/12 CAPITAL OUT-TURN 2011/12 (AGENDA ITEM 9)

The Vice-Chairman presented the report and provided details of the final year end Capital out-turn figures for 2011-12.

The table (table 1.2) on page 18 of the report demonstrated that there was an under-spend of £1.9million. This was due to Capital projects being delayed and Members were being asked to recommend to Council that the £1.9million be carried over to 2012-13. Further detail on the actual projects and associated figures could be found at Appendix A of the report.

The table at paragraph 1.4 of the report defined the apportionment of the Capital funding for each of the funding types.

The figures shown in the table at paragraph 1.6 of the report (Capital Financing Requirement) represented the amount of resources available before the Council had to borrow. Therefore, for the year 2011-12 the Council had a figure of £11.6million to invest in the District and again the Vice-Chairman felt that this was a credit to the prudent approach that the Council had taken in the past and a credit to the Members and Officers involved.

The Executive Member for Internal Services asked what the outcome had been to a request that all projects listed should be reviewed by the Portfolio Holders. Members were informed that the projects would be reviewed once the new "Performance Plus" system was in place.

Options

1. To recommend to Full Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

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2. To make changes to Appendix A and Appendix B before recommending to Full Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

Reasons

The recommendation (if approved) will ensure the Capital Programme for 2012-13 was amended along with the necessary funding.

RECOMMEND to Council that the final Capital budget, out-turn position and funding for 2011-12 and the Capital budget and funding for the revised 2012-13 Capital Programme as detailed in Appendix A and Appendix B of the report be approved.

62/12 BRECKLAND TENANCY STRATEGY (AGENDA ITEM 10)

Following an introduction by the Executive Member for Planning & Environmental Services, the Principal Housing Officer (Strategy and Enabling) presented the report which concerned the adoption of a Tenancy Strategy for Breckland Council.

The Localism Act sets out a requirement for the Local Authority to publish a Tenancy Strategy to provide a framework for the occupation of affordable housing within the Breckland District.

The Strategy had been developed in consultation by Members of the Housing Task & Finish Group and by the Overview & Scrutiny Commission. Registered providers (Housing Associations) must have regard to a local authority Tenancy Strategy when setting out their tenancy standards for its stock.

The Executive Member for Assets and Strategic Development was disturbed by the following sentence within the Strategy as it reduced the number of homes available: "At times some stock may be disposed of by Registered Providers to meet their business plan requirements". He asked if the Housing Team received many of these requests. In response, the Principal Housing Officer (Strategy & Enabling) advised that there had not been many requests; approximately 12 housing units had been sold last year. If it was stock that required a great deal of investment it was better business for the Registered Provider to re-invest the monies gained from the sale in existing or for additional housing in the District.

The Overview & Scrutiny Commission Chairman mentioned the debate that had been had at the Housing Task & Finish Group about landlords having their own agenda and the types of units they were prepared to deliver. There was a wide range of housing needed in the District and landlords were not terribly interested in supplying smaller units particularly in rural areas. He referred to the Local Lettings Policy which he felt should be re-worded as it was fundamentally important to ensure that everyone in the Breckland area had the opportunity to live in their District if they so wished to attract more nuclear families.

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The Principal Housing Officer (Strategy & Enabling) agreed that further smaller units were required but it was not all the fault of the Housing Associations, the fault also laid with the developers. The Allocations Policy would be brought to Cabinet in July and all the aforementioned points had already been taken into account. The Overview & Scrutiny Commission agreed that the developer would only build what he could sell and that was where Breckland policies failed. Housing Associations and developers needed to be told what to build and the policies needed to be amended accordingly.

The Executive Support Member for Finance & Democratic Services said that this point had been raised at the Housing Task & Finish Group and although everyone acknowledged the problem, the outcome of the discussion had been financial viability.

The Executive Member for Internal Services asked how long it had been since the Housing Needs Conditions Survey had been updated. Members were informed that the Housing Needs Survey had been updated in 2007 but was currently being refreshed. A Housing Stock Condition Survey had also been carried out in 2008 of which a budget provision had been set aside to update.

A question was asked as to whether Housing Associations gave landlords discounts similar to right to buy discounts when selling off these properties. The Principal Housing Officer (Strategy & Enabling) stated that no discount was given and the properties were sold off at current market value.

Mr Bambridge felt that there were a number of villages in the area that had seen too many smaller properties built which had distorted the community. He urged Members to consider the needs of each individual village in Breckland when refreshing the Housing Needs Survey. The Chairman pointed out that the new National Planning Framework aimed to determine what was needed in our communities.

Options

See report.

Reasons

The recommendation had been made to approve the Tenancy Strategy as it would provide a positive framework to maximise the occupation of affordable housing within the District should Registered Providers move to providing flexible tenures.

RECOMMEND to Council that the Breckland Tenancy Strategy be adopted.

63/12 HOMELESSNESS STRATEGIC DELIVERY PLAN (AGENDA ITEM 11)

The Executive Member for Planning and Environmental Services introduced the report as a living document that would be under constant review.

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The Council had a duty to review its Homeless Strategy every five years and produce a Homelessness Strategic Plan following completion of the review. The Principal Housing Officer (Strategy & Enabling) said that this document highlighted how Breckland Council was going to deal with homelessness across the District, and the Delivery Plan set out a number of actions of how this would be addressed.

Temporary accommodation (B&B) costs had a major impact on budgets and the Plan detailed an emphasis on prevention work which would reduce homelessness in the first instance. However, in these difficult times there was likely to be more homelessness cases to deal with than in the past.

The Vice-Chairman of the Overview & Scrutiny Commission pointed out that this document had been produced at a very high standard and had been fully debated at both the Housing Task & Finish Group meetings and at the Overview & Scrutiny Commission. The Executive Member for Internal Services said that the document had also been fully aired at Executive Board but it needed to be co-ordinated as an overall strategy. He had concerns about the selling off of council houses as it would remove the little housing stock that remained for an ever increasing population and whilst he welcomed this document there needed to be a great deal more done at a national level.

The Chairman knew that all authorities were struggling with the increase in demand but as the supply was diminishing, and unless the demand part of it was addressed in terms of prevention, it would be impossible to keep up. He despaired that families fell apart so quickly and felt that more education was required at the beginning of the troubles so that authorities did not end up having to pick up the pieces.

Options

1. To adopt the Homelessness Strategic Business Plan in order to continue to deliver and innovate new ways of preventing homelessness within the District.
2. Reject the Homelessness Strategic Business Plan.

Reasons

There was a need to have a cohesive business plan in place that would direct the service over the next two years which could be adapted in line with future Central Government changes.

RECOMMEND to Council that the Homelessness Strategic Business Plan be adopted.

64/12 REVISION TO WHEELED BIN POLICY (AGENDA ITEM 12)

The Executive Member for Localism, Community and Environmental Services presented the report which concerned the introduction of a policy to charge for the provision of wheeled bins for new properties. It was stressed that this charge only applied to a new bin and not for

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replacements if bins happened to be stolen.

The Vice-Chairman of the Overview & Scrutiny Commission queried the aforementioned statement and drew attention to paragraph 2.5 of the report. The Chairman assured Members that the charges to replace damaged or stolen wheeled bins would not be introduced in his time and was just an option for the future.

The Executive Member for Performance and Business Development agreed with the charging system even though he had received many concerns from the public. It was a perfectly valid cost saving idea which he fully supported.

Members felt that it should be made clear in the report that there would be no element of profit to be made by the Council.

Options

See report.

Reasons

The introduction of charges for the provision of wheeled bins for new properties would enable current costs to be recovered to achieve savings in the 2012/13 base budget.

Subject to the aforementioned point, it was

RECOMMENDED to Council that a new Policy, to charge for the provision of wheeled bins (black and green) for new properties, be approved.

65/12 THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME (AGENDA ITEM 13)

The Vice-Chairman presented the report which concerned the arrangements for Standards as required by the Localism Act 2011.

The Monitoring Officer had been asked to produce an options report following the previous Cabinet meeting on 27 March 2012. The report detailed the initial set of recommendations planned for consideration at the Council meeting on 24 May 2012. The Standards section of the Act would come into force on 1 July 2012; however, the regulations had not, as yet, been published. It was therefore planned that once the recommendations within the report had been approved the full arrangements documents could be produced for Council's approval on 5 July 2012.

Although the aim of the Act was to simplify the Standards regime, whilst retaining high expectations for the standards of conduct and accountability of Members, there were a large number of recommendations within the report that were needed in order to implement the various aspects of Part 1, Chapter 7 of the Act.

The full list of recommendations had been set out at Appendix 3 of the report and Members' attention was drawn to the following key areas:

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Code of Conduct

This draft Code had been based on the LGA model template that had been issued. The Code could not be finalised until the Regulations were issued and the definitions of Disclosable Pecuniary Interests had been provided. It was not yet known exactly when the Regulations would be published. An alternative 'illustrative text' had been issued by the DCLG which could be seen on pages 82 and 83 of the report. The recommended version for basing the Breckland Code of Conduct was the LGA template as it was anticipated that this would be in line with County partners and also South Holland District Council.

Independent Person

Part of the Act required Council's to appoint an Independent Person who must be consulted on a number of occasions. An advert had been placed on the Council's website and in the local paper and had attracted 22 applications. Interviews for this post would be taking place on 16 May. The Independent Person must be appointed by a positive majority of Council (i.e. at least 28 Members must vote in favour of the appointment of the candidate).

Complaints

The Act no longer required the Council to have a Standards Committee and this report recommended that the majority of complaints be considered by the Monitoring Officer in consultation with the Independent Person. It had been recognised; however, that there could be occasions when this was not appropriate and there also needed to be somewhere for the Monitoring Officer to report general issues of governance and standards, this report recommended that this became part of the remit of the Audit Committee, although, it was accepted that other committees were equally appropriate for this role and thoughts on this matter would be welcomed.

The following questions were asked:

§ Standards Committee

Section 2.2.1

Q – The composition of the Panel will be governed by proportionality; did this mean that the Panel would have to be politically balanced?

A – Yes.

§ The Code of Conduct

Section 3.2

Q – Disposable Pecuniary Interests (DPIs) were these replacing both personal and prejudicial interests?

A – Yes

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Section 3.3

Q – Was the Council adopting a Standing Order requiring Members to withdraw from the meeting if a Member declared a DPI?

A – Yes, this was being recommended.

Recommendation 2(b)

Q – When the DPI Regulations were published and once the Leader had been consulted will this go before Full Council for approval?

A – Yes, once the Regulations become apparent this would go before Council at its meeting scheduled for 5 July 2012.

§ Dealing with Complaints against Councillors under the Code of Conduct

Section 4.2

Q – Will the decision whether to investigate a complaint go before Full Council?

A – Yes.

Section 4.3

Q – Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement was that this would be reported to an Assessment Sub-Committee and the Sub-Committee and would make the decision as to whether any further action should be taken. Could the consultation be carried out by the Independent Person?

A – There were many other legislation/regulations outside of the Code of Conduct that had to be adhered to and this was one of them.

Section 4.5 (iii)

Amendment to read: “...(or in the case of *non*-grouped Members.....).

Section 4.5 final paragraph

Q – Could the amended Standards regime pre-incorporate Parish and Town Councils?

A – Any matter that involved a Parish Councillor would have to be referred back to the Parish Council.

The Chairman stated that Town and Parish Councils needed to be able to put their own house in order and should not need to go up another tier. Members were informed that within the Act, the local authority was the responsible authority. A Parish or Town Council did not have to adopt the same Code of Conduct as written in the legislation. The Executive Member asked if matters such as these could be delegated. Members were informed that clarification

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would have to be sought.

Recommendation 3 (d)

Q – Who would be giving instruction to the Monitoring Officer to close the matter?

A – The wording to this part would be changed to read: the Monitoring Officer would be given the powers to close the matter.

Recommendation 3 (f)

Q – Would the minimum amount of three Members of the proposed Audit Committee have to be politically balanced?

A – Yes

§ **Independent Persons**

Recommendation 4 (a)

Q – Would it be possible to appoint two Independent Persons, as a stand-in?

A – Breckland Council would be able to use the Independent Person appointed by South Holland District Council. Both would need to be consulted if two were appointed.

Recommendation 4(c)

Q – That the appointment of the Independent Person be approved by a positive majority of the Council – what did this mean?

A – The appointment of the Independent Person has to be approved by a positive majority of the Council. In the case of Breckland Council, this required a positive vote from a minimum of 28 Members of the Council regardless of the number of Members present at the meeting.

Following questions, the Executive Support Member for Planning & Environmental Services asked if it was logical for the Council to delegate the role of monitoring Standards issues to the Audit Committee. Members were informed that other Committees had been considered but the Audit Committee seemed most appropriate. Training would be provided.

Options

None provided.

Reasons

To agree arrangements for Standards as required by the Localism Act 2011.

RECOMMEND to Council that subject to the aforementioned amendments the recommendations as listed in Appendix 3 of the report be approved.

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66/12 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)

See Minute No. 64/12 above.

67/12 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 15)

The Executive Member for Internal Services was pleased to announce that a Director from the Department of Work & Pensions would be paying a visit to the Partnership with the intention of how ARP could assist the Government with Universal Credit. ARP was extremely well placed to do this.

a) Fraud (Minute No. 17/12)

Appendices A and B had been attached to the Minutes for Members' information to highlight the range of investigative work carried out by ARP.

b) Adoption

RESOLVED that the Minutes of the Anglia Revenues and Benefits Partnership Joint Committee meeting held on 8 March 2012 be adopted.

68/12 MEMBER DEVELOPMENT PANEL (FOR INFORMATION) (AGENDA ITEM 16)

The Minutes of the Member Development Panel meeting held on 12 April 2012 were noted.

69/12 NEXT MEETING (AGENDA ITEM 17)

The arrangements for the next meeting on Tuesday, 19 June 2012 at 9.30am in the Norfolk Room were noted.

The meeting closed at 10.20 am

CHAIRMAN