

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 24 May 2012 at 6.30 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

| | |
|-------------------------------------|---------------------------|
| Mrs S Armes | Mr C.R. Jordan |
| Mr S. Askew | Mr M.A. Kiddle-Morris |
| Mr S.G. Bambridge | Mr R.G. Kybird |
| Councillor C Bowes | Mr K. Martin |
| Mr A.J. Byrne | Mrs S.M. Matthews |
| Mr T R Carter | Mrs K. Millbank |
| Mr R.P. Childerhouse | Mrs L.H. Monument |
| Mr C. S. Clark | Mr T F C Monument |
| Mr P.D. Claussen | Mrs J A North |
| Mr J.P. Cowen | Mr J.W. Nunn |
| Mr P R W Darby | Mr R. R. Richmond |
| Mr R.W. Duffield | Mr W. R. J. Richmond |
| Mr P.J. Duigan | Mr M. S. Robinson |
| Mr B J English | Mr J.D. Rogers |
| Lady Fisher | Mr B. Rose |
| Mr R.F. Goreham (Vice- Chairman) | Mr F.J. Sharpe |
| Councillor E. Gould | Mr I. Sherwood |
| Mr S R Green | Mr B J Skull |
| Mrs D.K.R. Irving | Mrs P.A. Spencer |
| Mr T. J. Jermy | Mr M. A. Wassell |
| Mr A.P. Joel | Mr N.C. Wilkin (Chairman) |
| Mrs E. M. Jolly | |

Also Present

Michael Eveling - Standards Committee Chairman

In Attendance

| | |
|---------------|--|
| Julie Britton | - Senior Committee Officer |
| Terry Huggins | - Chief Executive |
| Helen McAleer | - Senior Committee Officer |
| Vicky Thomson | - Assistant Director - Democratic Services |

48/12CHAIRMAN (AGENDA ITEM 1)

The outgoing Chairman made a few announcements. He noted that Councillor English was present for the meeting despite not being well, he thanked him for coming and all Members wished him a speedy recovery.

One of the Chairman's final appointments had been a fashion show

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in Attleborough also attended by Councillor Martin. It had been a terrific night with £741 being raised for MacMillan Cancer Research.

With regard to his five town tandem tour, the Chairman thanked the Members that had turned out to support him and the Leader on their journey. He also thanked the Mayors of the five towns for their goodwill and refreshments. He then presented a cheque for the £1,400 raised to date, to Danielle Gravestock from the East Anglia's Children's Hospice.

He wished to thank all the Members for the courtesy and respect they had shown him throughout the year which had made his job easier and the Vice-Chairman, the Leader, the Chief Executive and all officers and staff for their support.

In particular he thanked the Chairman's secretary Mrs Susan Allen for organising his diary and ensuring he had all the necessary information, and his wife Colleen for her support in attending events with him. He presented both ladies with flowers.

Nominations were then invited for a new Chairman.

- (a) After being duly moved and seconded, it was

RESOLVED that Mr R Goreham be elected as Chairman of the Council for the ensuing year.

- (b) Mr Goreham then signed the Declaration of Acceptance of Office.

Mr Goreham in the Chair

49/12 VICE-CHAIRMAN (AGENDA ITEM 2)

Nominations were then invited for a new Vice-Chairman.

- (a) After being duly moved and seconded, it was

RESOLVED that Mr P Claussen be elected as Vice-Chairman of the Council for the ensuing year.

- (b) Mr Claussen then signed the Declaration of Acceptance of Office.

50/12 VOTE OF THANKS TO THE OUTGOING CHAIRMAN (AGENDA ITEM 3)

The Leader of the Council noted that it had been an interesting year with Mr Wilkin as Chairman and he had brought great humour to the Council chamber.

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The Leader of the Labour Group extended thanks on behalf of himself and the other Labour Councillors to Mr Wilkin for making the Council meetings a pleasure to attend and for always being fair.

Mrs Monument as Deputy Mayor of Dereham had attended some of the same functions as Mr Wilkin and said that he had always been a good ambassador for the Council. She congratulated him on his tandem bike ride.

Mr Wassell as Mayor of Watton had also attended events with Mr Wilkin, including two visits to HMP Wayland. He thanked him for the great times they had had.

Mrs Matthews as Mayor of Swaffham agreed that it was always a pleasure to see Mr Wilkin at events and she thanked him for having made the year easier.

Mr Robert Richmond thanked Mr Wilkin for taking the time out to visit a Beetley Parish Council event which they had much appreciated.

Mr Goreham then presented Mr Wilkin with the Chairman's medal.

51/12 MINUTES (AGENDA ITEM 4)

The Minutes of the meeting held on 12 April 2012 were confirmed as a correct record and signed by the Chairman.

52/12 APOLOGIES (AGENDA ITEM 5)

Apologies for absence were received from Mr Borrett, Mr C Carter, Mr Gilbert, Mr Lamb, Mrs Quadling, Mr S Rogers, Mr Smith, Mr Stasiak, Mrs Steward, Mrs Turner and Mr Williams.

53/12 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)

The previous Chairman's engagements were noted.

54/12 DECLARATION OF INTEREST (AGENDA ITEM 7)

Mr Askew declared a personal and prejudicial interest in Agenda Item 15b, (Minute No 49/12 - Schedule Items (i) and (j)) as the Applicant for the planning applications.

55/12 ESTABLISHMENT OF NORFOLK POLICE & CRIME PANEL (AGENDA ITEM 8)

The Executive Member for Finance & Democratic Services presented the report.

He advised Members that the Police Reform and Social Responsibility Act 2011 introduced significant changes in police

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governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (PCCs). PCC elections were scheduled for 15 November 2012.

The Act required local authorities in each police force area to establish a Police and Crime Panel (PCP) for that police area.

An officer working group had been overseeing the development of arrangements for the Norfolk PCP and its recommendations had been reported to the Norfolk Leaders Group and to each local authority.

The Act required that in Norfolk the PCP should consist of ten councillors and two independent co-opted members (not councillors). Three Councillors would be from Norfolk County Council (as lead authority) and one each from the seven other local authorities.

RESOLVED to

- (1) agree the establishment of a Police and Crime Panel (PCP) for Norfolk, as a joint committee of the district, borough and county councils, and agree the proposed Panel Arrangements;
- (2) appoint Mr William Richmond to the PCP and Mr Frank Sharpe as a named substitute.
- (3) Endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.

56/12 STANDARDS COMMITTEE (AGENDA ITEMS 14 AND 14A)

With the agreement of Members, the Chairman moved to Agenda Items 14 and 14a before the report on the Localism Act, as comments made by the Standards Committee were relevant to that item.

- (1) Minutes of the Standards Committee meeting held on 24 April 2012

RESOLVED that the now confirmed Minutes of the Standards Committee meeting held on 24 April 2012 be adopted.

- (2) Minutes of the Standards Committee meeting held on 15 May 2012

RESOLVED that the unconfirmed Minutes of the Standards Committee meeting held on 15 May 2012 be adopted.

57/12 THE LOCALISM ACT - THE AMENDED STANDARDS REGIME
(AGENDA ITEM 9)

The Executive Member for Finance & Democratic Services presented the report.

The Localism Act made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The regulations had yet to be published and therefore a final arrangements document would be brought back to Council once they were available.

The recommendations within the report were listed in full at Appendix 3 on page 49 of the Agenda.

Members' attention was drawn to recommendation 4c concerning the appointment of an Independent Person. Interviews had taken place and an additional paper had been tabled which detailed the recommendations of the interview panel. The appointment of the Independent Person had to be made by a positive majority of Council.

An amendment to recommendation 3f was noted. It should read "such actions *might* include". Subject to that amendment, and the proposal to appoint Fiona Anthony as the Independent Person, Members were encouraged to support the recommendations.

The Leader of the Labour Group was concerned that the Audit Committee already had sufficient workload. It was a considerable undertaking to review complaints which would still incur costs.

The Executive Member advised that the Chairman of the Audit Committee had confirmed that they were able to take on the work.

The Leader of the Labour Group remained sceptical about the arrangements but said that he had been invited to attend the interviews for the Independent Person and he was happy to endorse that recommendation.

A Member of the Standards Committee said that she was concerned that there was no appeal panel. She felt that the new proposals were not sufficiently robust enough to support Members.

Members voted on the amended recommendations en-bloc. With regard to recommendation 4c there was a show of hands. 40 Members voted in favour of the appointment of Fiona Anthony as the Council's Independent Person. Mrs Matthews and Lady Fisher abstained.

RESOLVED:

Action By

- 1) a. That the Council delegates to the Audit Committee, the role of monitoring Standards issues.
 - b. That training is provided for the Members of the Audit Committee in order to support them in carrying out this additional role.
 - c. That when required by the Monitoring Officer, a Hearing Panel comprising 3 elected Members of the Audit Committee, will be called to sit for cases referred to it by the Monitoring Officer;
 - d. That the current Standards Committee be dissolved with effect from 30 June 2012 if there are no outstanding cases, or until such later date as outstanding cases are resolved.
- 2) a. That the Code of Conduct attached at Appendix 1 to the report, be adopted by Council,
 - b. That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer is instructed, after consultation with the Leader of the Council, to add to the Code of Conduct provisions which is considered to be appropriate for the registration and disclosure of interests other than DPIs and bring back to Council for approval.
- 3) a. That the Monitoring Officer is instructed to draft the arrangements documents based on the outcome of this meeting, for consideration by Council at its meeting on 5 July 2012.
 - b. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
 - c. That the Monitoring Officer be given delegated power, after consultation with the Independent Person(s), to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the Monitoring Officer be given discretion to refer decisions on investigation to the Hearing Panel of the Audit Committee, where the Monitoring Officer feels that it is inappropriate for him/her to take the decision, and to report annually to Audit Committee on the discharge of this function;
 - d. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer after consultation with the Independent Person, be given the powers to close the matter, providing a copy of the report and findings of the investigation to the complainant, the Member concerned, the

Action By

- Independent Person and where appropriate to the Town / Parish Council, and report the findings to the Audit Committee for information;
- e. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person(s) be authorised to seek local resolution in appropriate cases. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel of the Audit Committee for local Hearing;
- f. That Council delegate powers to the Audit Committee and any sub-group (comprising of a minimum of 3 Members of the proposed Audit Committee) such in respect of a Member who is found on investigation to have failed to comply with the Code of Conduct, such actions might include –
- i. Formal censure of the Member
 - ii. Reporting its findings to Council [*or to the Town / Parish Council*] for information (not optional);
 - iii. Recommending to the Member's Group Leader (or in the case of non-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - iv. Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - v. Instructing the Monitoring Officer to [*or recommend that the Town / Parish Council*] arrange training for the Member;
 - vi. Removing the Member [*or recommend to the Town / Parish Council that the Member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Town / Parish Council*];
 - vii. Withdrawing [*or recommend to the Town / Parish Council that it withdraws*] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
 - viii. Excluding [*or recommend that the Town / Parish Council exclude*] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- g. That, as soon as is practicable, in liaison with other District Authorities and the Norfolk Association of Local Councils, to engage with all elected District and Town / Parish Members, to advise on the new arrangements and how the Standards regime will operate.

Action By

- 4) a. That Council agree to appoint Fiona Anthony as Independent Person.
 - b. That the recommendation of the Independent Remuneration Panel regarding the allowance to be made payable to the Independent Person be approved at a rate of £42 per meeting plus travel and expenses.
 - c. That the appointment of the Independent Person is approved by a positive majority of the Council at this meeting. In the case of Breckland Council, this will require a positive vote from a minimum of 28 Members of the Council regardless of the number of Members present at the meeting, Details of the recommended applicant to be confirmed at this meeting.
 - d. That the appointment of the Independent Person is initially for the period of 1 July 2012 to the date of the Annual Council meeting in May 2013.
 - e. That the Monitoring Officer is authorised to make arrangements with other Local Authorities to utilise their Independent Person should the need arise and to then seek approval from full Council.

- 5) a. That the Monitoring Officer prepare and maintain a new register of Members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted by Council, and ensure that it is available for inspection as required by the Act;
 - b. That the Monitoring Officer ensures that all Members are informed of their duty to register interests;
 - c. That the Monitoring Officer prepare and maintain new registers of Members' interests for each Town / Parish Council to comply with the Act and any Code of Conduct adopted by each Town / Parish Council and ensure that it is available for inspection as required by the Act; and
 - d. That the Monitoring Officer arrange to inform and offer training to District Members, Town / Parish Members and Town / Parish Clerks on the new registration arrangements once they are agreed by Council and available for publication.

- 6) The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of Conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.

- 7) The Monitoring Officer be instructed to recommend to

Action By

Council a Standing Order which equates to the current Code of Conduct requirement that a Member, when acting as a single Member acting alone where the Member is a Cabinet Member acting under Portfolio powers, or where the Member is a Ward Councillor and the Council chose to delegate powers to Ward Councillors, must withdraw from dealing with the entire matter in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.

- 8) That Council delegate the power to grant dispensations –
 - a. on Grounds set out in Paragraphs 10.3.1 and 10.3.4 of this report to the Monitoring Officer with an appeal to the Hearing Panel, and
 - b. on Grounds 10.3.2, 10.3.3 and 10.3.5 to the Hearing Panel, after consultation with the Independent Person.

58/12 ANNUAL APPOINTMENT OF THE COMMITTEES AND OTHER REPRESENTATIVES AND CHAIRMEN AND VICE-CHAIRMEN 2012-13 (AGENDA ITEM 10)

The Senior Committee Officer presented the report and read out the following list of amendments:

Planning Committee

Elizabeth Gould and Michael Wassell off
Gordon Bambridge and Paul Claussen on

Bernard English to replace Brian Rose as a Substitute Member
Nigel Wilkin - Chairman
Jenny North - Vice-Chairman

General Purposes Committee

Richard Duffield off
Trevor Carter on

Phillip Duigan – Chairman
Trevor Carter – Vice-Chairman

Licensing Committee

Ian Sherwood and Michael Wassell off
Gordon Bambridge and Frank Sharpe on

Gordon Bambridge – Chairman
Ellen Jolly – Vice-Chairman

3 Licensing Sub-Committee Chairmen – Gordon Bambridge, John Rogers and Pam Spencer

Action By

Appeals Committee

Gordon Bambridge, Ian Sherwood and Michael Wassell off
Stephen Askew, Jenny North and William Richmond on

Claire Bowes to replace William Richmond as a Substitute
Member
William Richmond – Vice-Chairman

Audit Committee

Simon Rogers off
Ellen Jolly on

Joint Appointments Committee

Adrian Stasiak off
Michael Wassell on

VACANCY for one named substitute

Joint Appointments Appeals Committee

Paul Claussen off
Elizabeth Gould on

VACANCY for one named substitute

Anglia Revenues & Benefits Partnership Joint Committee

Michael Wassell to replace Gordon Bambridge as a Substitute
Member

Member Development Panel

Ian Sherwood off
Trevor Carter on

Trevor Carter - Chairman

The Leader of the Labour Group nominated Mrs Armes as a substitute member for Audit Committee and Mr Clark as a substitute member for both Licensing and Appeals Committees. He also proposed that Mrs Armes should be appointed to the General Purposes Committee in addition to Mr Clark, in place of an Independent Member.

It was agreed that Mrs Armes' appointment to the General Purposes Committee should be left in abeyance until the legal situation was confirmed.

Action By

Following recent changes to the members of the Cabinet, the Chairman and Leader of the Council thanked the former Executive Members for all their hard work.

RESOLVED that subject to the amendments listed above, the Committees, Chairmen and Vice-Chairmen be re-appointed en-bloc.

59/12 REPRESENTATIVES ON OUTSIDE BODIES 2012-2013 (AGENDA ITEM 11)

The Senior Committee Officer presented the report and read out the following list of amendments:

Iceni Partnership

Lady K Fisher to be replaced.
The Executive Member for Finance and Democratic Services would be contacting the Partnership to see if they still wished to have a Breckland Council representative.

Local Government Association – Network Assembly

Adrian Stasiak to be replaced by Michael Wassell

Local Government Association – Urban Commission

Adrian Stasiak to be replaced by Michael Wassell

Local Government Association – Rural Commission

Adrian Stasiak to be replaced by Michael Wassell

Local Strategic Partnership

The Partnership has been disbanded.

Moving Thetford Forward Board

Paul Claussen to be replaced by Robert Kybird

Rural Transport Partnership: West Norfolk Steering Group

The Steering Group has been disbanded.

Supporting Peoples Members' Panel

Diana Irving to be replaced by William Richmond

The Queen Elizabeth NHS Trust

Action By

Ian Sherwood to be replaced by David Williams

Thetford Tourism Heritage Partnership Steering Group

Paul Claussen to be replaced by Mark Robinson

Mr Martin noted that he had been invited to sit on the Banham Poultry Community Liaison Committee and it was agreed that it should be added to the list of Outside Bodies.

RESOLVED that subject to the amendments listed above the representatives on Outside Bodies be re-appointed en-bloc.

60/12 MEMBERS' ATTENDANCES FROM MAY 2011 TO MAY 2012 (FOR INFORMATION)(AGENDA ITEM 12)

The item was noted.

61/12 CABINET MINUTES (AGENDA ITEM 13)

1) **Revenue Out-Turn 2011/12 (Minute No 60/12)**

RESOLVED that any balance from the Revenue outturn against the budget should remain in the General Fund.

2) **Capital Out-Turn 2011/12 (Minute No 61/12)**

RESOLVED that the final Capital budget outturn 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.

3) **Breckland Tenancy Strategy (Minute No 62/12)**

RESOLVED that the Breckland Tenancy Strategy be adopted.

4) **Homelessness Strategic Delivery Plan (Minute No 63/12)**

RESOLVED that the Homelessness Strategic Business Plan be adopted.

5) **Revision to Wheeled Bin Policy (Minute No 64/12)**

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

6) **The Localism Act 2011 – The Amended Standards Regime (Minute No 65/12)**

Action By

The recommendation had been moved and approved under Agenda Item 9.

7) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 8 May 2012 be adopted.

62/12 OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)

1) Shared Services (Minute No 53/12)

The Vice-Chairman of the Commission noted that the Minutes were out of date and asked the Leader to give an update on Shared Services. He understood that Great Yarmouth no longer intended to proceed with the arrangements. He had cautioned against pushing ahead with the proposals at a previous meeting and he asked how much money had been wasted.

The Leader of the Council advised that there had been no cost to the authority. The Chief Executive and Officers had worked hard and put in a lot of effort but following the elections at Great Yarmouth the new Labour Council there had abandoned Shared Services.

The Chief Executive would be reporting to the next Council meeting on closing that work.

2) Adoption

RESOLVED that the unconfirmed Minutes of the Overview & Scrutiny Commission meeting held on 26 April 2012 be adopted.

63/12 PLANNING COMMITTEE (AGENDA ITEM 15)

On behalf of all members, Mr Wilkin thanked the out-going Chairman for all her hard work on the Planning Committee.

63 .a 11 April 2012

RESOLVED that the Minutes of the Planning Committee meeting held on 11 April 2012 be adopted.

63 .b 14 May 2012

RESOLVED that the unconfirmed Minutes of the Planning Committee meeting held on 14 May 2012 be adopted.

64/12 APPEALS COMMITTEE (AGENDA ITEM 16)

RESOLVED that the unconfirmed Minutes of the Appeals Committee meeting held on 4 April 2012 be adopted.

65/12 YOUTH COUNCIL MINUTES (FOR INFORMATION)(AGENDA ITEM 18)

The Minutes of the Youth Council meeting held on 24 April 2012 were noted.

Action By

The meeting closed at 7.26 pm

CHAIRMAN