

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 18 October 2012 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr J.P. Cowen (Chairman)	Mrs S.M. Matthews
Mr A.J. Byrne	Mr R. R. Richmond
Mr C G Carter	Mr J.D. Rogers
Mr K.S. Gilbert	Mr B. Rose
Mrs D.K.R. Irving	Councillor C Bowes (Substitute Member)
Mr A.P. Joel	

Also Present

Mr S.G. Bambridge	Mr M.A. Kiddle-Morris
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In Attendance

David Green	- Corporate Projects Manager
Helen McAleer	- Senior Committee Officer
Teresa Smith	- Committee Officer (Scrutiny & Projects)
David Spencer	- Joint Deputy Planning Manager
Ben Wood	- Business Development Manager

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90/12 MINUTES (AGENDA ITEM 1)

Mr Joel asked why the Commission's Minutes for 6 September had not been included on the 20 September Council agenda. The omission had been caused by an administrative oversight and those Minutes would be included on the agenda of the Council meeting to be held on 25 October.

The Minutes of the meeting held on 6 September 2012 were confirmed as a correct record and signed by the Chairman.

91/12 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies had been received from Mr T Jermy and Mrs S Armes (who was unable to attend as his substitute). Mr Kybird had also sent apologies and Councillor Bowes was present as his substitute.

92/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

93/12 DECLARATION OF INTERESTS (AGENDA ITEM 4)

In accordance with the Nolan principles Mr P Cowen declared a personal interest in Agenda Item 7 as an architect in practice in the district.

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**94/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING
(AGENDA ITEM 5)**

Mr Bambridge and Mr Kiddle-Morris were in attendance.

**95/12 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM
6)**

Mr Kiddle-Morris was present to update the Commission on the Assets and Strategic Development Portfolio.

His first observation was that the microphones in the Conference Suite were not working well and as that fell within his Portfolio's area of responsibility he would look into the reasons why.

Trisha
Bailey

He told Members that the main drivers for the Assets and Property team were to ensure that the commercial property portfolio was properly managed and performing well. With regard to land management, the main driver was to improve the value of Council owned land and the first step was to assess each piece of land to see if planning permission could be obtained for development.

The Strategic Planning side of the Portfolio was involved in supporting the adoption of the Thetford Area Action Plan (TAAP) (which was subject to a judicial review in Birmingham in November) and the Attleborough and Snetterton Heath Area Action Plan (ASHAAP) as well as reviewing the Local Development Framework in line with the National Planning Policy Framework (NPPF) and developing the Community Infrastructure Levy (CIL) to replace Section 106 agreements for securing off-site strategic infrastructure.

At the present time the property portfolio was 96% let which was remarkable in the current climate. The two Business Centres in Dereham and Thetford which provided office space were more of a problem to fill and were presently 78 and 84% let respectively. The combined income from the property portfolio was about £2.5million and that helped to keep Council Tax low.

The Cabinet had given permission to look at a Local Asset Backed Vehicle (LABV). The aim was to attract a private sector developer to develop the Council's assets, either by changing their use or by knocking some down and replacing them with something else. It was not just Council owned assets that would be included in the LABV. The Town Councils and Norfolk County Council were being invited to include their assets in the project which could lead to town centres being enhanced and regenerated.

The Land Management area was a very small resource with just

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one officer working hard to bring in revenue. The long term aim was to build houses on Council owned land and planning permission had been secured on two sites which would provide 13 houses and investigations were currently underway on a rural exception site. The Land Management Officer was also working on the transfer of play areas to Town Councils.

The review of the LDF Core Strategies was due in December 2012. The current Policies were robust and were performing well at appeal, but there was still a problem with the Council's five year housing land supply. Evidence was being compiled on housing number requirements. A consultation document would be presented to the Commission and to Cabinet.

With the requirement to produce a new Local Plan it would be perverse to progress the ASHAAP until housing requirements were clear. It was therefore proposed to subsume the ASHAPP into the new Local Plan.

Viability studies for the CIL were nearly complete and a report was being prepared for December which would identify villages viable to support some infrastructure.

Under the Localism Act the Council was required to support Parish Councils interested in writing a Neighbourhood Plan. The Government provided a £5,000 one-off payment and then an extra £20,000 on completion of such plans, so the work should be cost-neutral. Swaffham Town Council had expressed an interest in writing a Neighbourhood Plan.

At the latest Cabinet meeting the Housing Team review had been recommended for approval. Under the review the Housing Enabling Team would be managed by the Planning Team in future as there were synergies between the two.

Moving on to the Economic Development Team, the Executive Member advised that 18 months ago they had been given the target of becoming cost-neutral. To achieve that aim the REV Active project, which was a scheme funded by the Council and the Eastern Region Development Fund to help small to medium sized businesses reduce their carbon footprint and energy, water and waste costs, would be rolled out to form LEP Active. The Team had been invited to apply for an £8.3million grant to roll out the project to four regional Local Enterprise Partnerships (LEPs). That would increase the Economic Development team from eight to 14, but reduce the costs to the Council to one and a half employees in the short term, reducing to zero over the next few years.

Mr Carter asked how the car park review was proceeding.

Car parking had formed part of the Could We Should We

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consultations which had been held in the five market towns and had been attended by 280 people. The Council's car parks cost £300,000 per year to run. They were not free and were currently paid for by every Council Tax payer. One option was to put Council Tax up, but that would require a referendum. If the Council Tax was increased by £20 on a Band D property it would still be the lowest Council Tax in the country. That increase would pay for the car parks and for most other services people had indicated they wanted to keep.

Mr Rogers asked if there was any return on the millions invested in Thetford and also asked if more small units could be provided in Watton to encourage start-up businesses.

The Anchor site in Thetford, which had been purchased by the Council in 2007 to facilitate the regeneration of the whole town centre, was being aggressively marketed and it was hoped that regeneration could commence by the end of the year. With regard to more small units in Watton, the Council was not in a position to speculatively build at the moment as there were no reserves available.

Mr Joel asked if the three empty units in Attleborough were too big for start-up businesses. He was also surprised that the ASHAAP was going into the Local Plan and asked when Members had been advised of that.

The Executive Member explained that rents were determined according to advice from the District Valuer on a unit's value per square foot. The Council had to rent to that price or above, although it could provide a rent-holiday for introductions.

The decision regarding the ASHAAP had only recently been made. As the new Local Plan might identify a different number of houses required to the number associated with the ASHAAP it was imperative to use resources wisely.

Mr Bambridge wanted assurance that the views of the villages in his Ward would be taken into consideration for the new Plan.

It was confirmed that the same methodology would be used as for the LDF and wide consultation would take place. It was likely that some villages would have a high viability for development and there was also scope for a cluster of villages to qualify for development.

Mr Bambridge was pleased that they would be consulted but he pointed out that despite presenting robust views previously, they had been over-ridden. The Chairman agreed and said the same had happened in his Ward. Shropham had been deemed to be unsuitable for development but the villagers had driven forward a plan to see the village grow and been successful in gaining

increased housing allocation. It was important that the process was driven from the bottom.

The Executive Member agreed entirely. He said that part of the development of the new Local Plan would be to consider all aspects of planning including considering removing Settlement Boundaries.

Mr Gilbert asked how the CIL would be different to a S106 Agreement. He was aware of concerns that money might go into a central pot rather than being made available locally.

That was correct. Money from the CIL did go into a central pot although a percentage (yet to be decided) would be allocated to the local community. CIL money was for 'off-site' improvements only and money for on-site play areas, etc could still be secured through S106 agreements.

Mr Gilbert reminded the Executive Member of a visit he had made to Watton when he was shown the poor state of some of the pedestrian walkways. He asked what progress had been made towards their refurbishment and was advised that a survey had been completed and capital requested. An officer would write to Mr Gilbert with the details.

Mrs Irving asked if all the play areas had been transferred. She also asked what was being done to attract tenants to the vacant offices in the Business Centres.

The transfer of the Swaffham and Watton play areas had been completed. The transfer to the other three Town Councils was still being negotiated. As for the office accommodation, there were enquiries from prospective tenants at both Thetford and Dereham and rent holidays could be used as an incentive.

Mrs Matthews asked for more information on the LABV and was advised that although it was a new concept, there were several in the country. A public body put all its assets into a business plan and presented that to builders/developers with a view to them matching the value and developing the sites. It increased the value of the asset by allowing conversion by a private company.

The Chairman was concerned that the Council did not have enough assets, as the models shown to Cabinet were generally much bigger. He did think that a joint venture with the private sector was a sound principle and another way for the Council to meet the big challenges it faced. He asked what the timescale was.

The Executive Member advised that they needed to scope the business case and then find out if it would attract a partner. They were also keen to include the County Council and the Town

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Paul
Durrant

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Councils.

Mr Richmond asked if the Council was open to new ideas for land use, such as placing solar panels on open space. He also asked if the Council was proceeding with development plans for pieces of land despite local opposition.

The Active Land Management process had been set up a long time ago and had evolved from the original Mud to Houses project. The only way to ensure the best value for every piece of land was to determine whether it could be developed. Of the 70 pieces of land to be considered 30 had been done and so far only three planning applications had been submitted as most of the pieces had not been suitable for development. There were also no pieces of land large enough for solar use.

Mr Byrne asked about removing Settlement Boundaries and was advised that it was just one idea to be considered. The Executive Member thought that it would be possible to remove Settlement Boundaries at the same time as introducing Policies which allowed development as long as it was sustainable. He personally thought that some villages had been ruined by back-land development and wanted to allow rural villages to retain their rural aspect. He stressed that the ideas he had put forward were only his own thoughts on possible policies under the new Local Plan.

The Chairman noted that under the previous process all Policies were driven by central Government and were based on more urbanised areas. Now the Council had the chance to 'Brecklandise' policies as appropriate and he welcomed the opportunity.

He thanked the Executive Member for his presentation.

96/12 REVIEW OF THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)(AGENDA ITEM 7)

The Joint Deputy Planning Manager gave Members an update on what he described as the new landscape for plan making and decision taking.

Operationally, when determining planning applications, the National Planning Policy Framework (NPPF) was a material consideration, but the current system was still 'plan-led' and so until 27 March 2013 the Local Development Framework (LDF) Policies had full weight in the Plan process. After that date those Policies would only be given 'due' weight.

He set out the parameters for changing from the LDF to the new Local Plan.

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It could be a single document containing all the Policies, maps, etc., with dedicated chapters for Thetford and Attleborough. Alternatively, the changes could be made piecemeal by a review, addressing areas such as:

- The policy approach to dwellings for rural workers
- Farm diversification – adopting a more positive approach
- Allowing affordable housing to be cross-subsidised by market housing on sites outside the Settlement Boundary.

In view of the Council's problems with its five year housing land supply, it had been decided to have a more comprehensive review of the whole document from top to bottom. The Council now had greater flexibility over the quantum and locations of development and more control over housing numbers, the definition of sustainable villages and the number of gypsy pitches, etc.

The Plan would be prepared with positive engagement with local communities. There was also a duty to co-operate with neighbouring authorities and key stakeholders.

Mr Gilbert was pleased that the Council could make a 'Breckland' Plan. He hoped it would allow for the requirement for larger gardens for larger houses, and stop developers from cramming lots of houses with small gardens onto rural sites.

The previous National Government directive had dictated a requirement of 30 dwellings per hectare. Under the new system the Council could set its own framework.

Mr Joel asked when villages would be consulted and whether Neighbourhood Plans should be incorporated in the Local Plan.

The Council had a duty to facilitate and support the preparation of Neighbourhood Plans. Part of that process would be to suggest other ways to achieve what was wanted through the planning process or as part of the Local Plan process. Neighbourhood Plans had resource issues including the cost of providing supporting evidence and carrying out consultation and referendums, so other ways of achieving aspirations would be explored.

The Local Plan process would be similar in length and nature to the Core Strategy and would take two to three years. The process would be explained to groups in advance.

The Chairman asked who would be responsible for delivery – Capita or the Council – and were resources available? He stressed that Members must be part of the process.

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Mr Kiddle-Morris advised that a recommendation would be made to Cabinet to create a sub-group of Cabinet, open to all Members to attend, to be part of an open conversation before consultation commenced. The resource issue with Capita was being reviewed. It was in their Service Level Agreement to do the work, but concerns had been raised over timescales. There was no extra cost involved for that, the only addition to their contracted working was the CIL viability study.

Mr Rogers said that under the LDF process about 30 pieces of land had been put forward in his Ward for inclusion for development and all of them had been marked as unreasonable. He hoped that there would be more chance under the new process.

The Deputy Joint Planning Manager confirmed that once housing numbers and the new strategy for villages had been agreed, all the land submissions made through the LDF would be looked at afresh.

Mr R Richmond asked if the Village Action Plan would still be applicable. It had worked well in the past and did not cost much. That would be looked at carefully and as long as the evidence was up-to-date it would be useful.

The Chairman thanked the Deputy Joint Planning Manager for his update.

97/12 OVERVIEW & SCRUTINY ANNUAL REPORT (AGENDA ITEM 10)

As Agenda Items 8 and 9 might involve the discussion of confidential information, the Chairman took Agenda Item 10 next.

He asked Members if they were happy with the annual report which he had drafted.

He thanked everyone for their support at all levels, but singled out the members of the Housing Task & Finish Group for their really good work which he put forward as a piece of excellence.

With regard to Task & Finish Groups Mr Bambridge noted that one duty of the Business Continuity T&FG had been to consider the installation of a generator at Elizabeth House. He asked what was happening about that.

The Chairman said that had been put on the Forward Work Programme and would be on the next agenda.

The report was noted.

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98/12 SHAPING BRECKLAND (AGENDA ITEM 8)

It was noted that if Members wished to discuss the details contained in Appendix A to the report, the meeting might need to move into private session.

The Business Development Manager gave a short PowerPoint presentation which outlined the substantial amount of work by officers and Members on the project.

He explained the background to the work. It had been acknowledged that finding efficiencies would not be enough to meet the funding gap. Cuts had to be made that might hit front line services in future and a strategic framework was needed to determine how to tackle that problem. That framework needed to be Member led.

The process had begun with workshops to which all Members had been invited. They had been asked to adopt the 'blank sheet' approach and determine what services they wanted to continue delivering, having identified the legal minimum of what the Council was required to deliver.

The legal minimum required of the Council had been difficult to define. Having spoken with senior managers and taken into consideration the outcomes from the discussions with Members a funding gap of £3 million had been identified. The decisions from those discussions informed the Could We Should We consultations which had then taken place in the five market towns. The public had been given the opportunity indicate their preference for various savings and income options. The first set of options had identified the services that the Council did not have to provide, and the income options proposed an increase in Council Tax or a charge for car parking. The results had been published onto the Council's website and would be presented to the Executive for consideration.

Despite all the work done there was still a funding gap and the Council would need to keep pressing to find future savings. However, it was in a better position than many other local authorities and the fact that Members were fully engaged was a real success.

More work would be done and a complete review of 'back office' services, including Business Development, which was a discretionary service, would commence in November. Those processes had not been included in the Could We Should We consultations as they had been confined to issues which directly affected the public and would require changes to Council policy.

The Chairman thanked the Business Development Manager and the Corporate Projects Manager for the work they had done.

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99/12 TASK AND FINISH GROUPS (AGENDA ITEM 11)

Nothing to report.

100/12 HEALTH & SCRUTINY (STANDING ITEM)(AGENDA ITEM 12)

Nothing to report.

101/12 SCRUTINY CALL-INS (STANDING ITEM)(AGENDA ITEM 13)

None.

102/12 COUNCILLOR CALL FOR ACTION (STANDING ITEM)(AGENDA ITEM 14)

None.

103/12 CABLE & WIRELESS PROBLEMS (AGENDA ITEM 9)

The Chairman had moved this item down the agenda as it required the discussion of exempt information. As no members of the press or public remained in the room, no motion to remove them was made.

The Interim ICT & Customer Services Manager presented the report and explained that the disruption to services in July had been caused by the loss of internet connection. A call had been raised and the correct protocol had been followed. An off-site circuit issue had been diagnosed.

Concerns had been raised with Cable & Wireless regarding the length of time that the service had been down. They had agreed that the fault had not been resolved within the Service Level Agreement timescale and had apologised and provided compensation. They had also identified a number of follow-up actions. The recommendation to 'do nothing' was subject to the remaining actions being implemented.

Mr Bambridge was pleased at the way Officers had handled the incident and he thanked the ICT team. He was concerned that there had been no system in place to advise Members of the problem.

In response to a question from Mr Gilbert the contract terms were discussed.

The Chairman asked what had actually caused the fault and whether it was likely to recur and was advised that Officers were continuing to seek more detailed information on that issue.

The Chairman was also concerned that the report did not fully

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reflect the number of people affected by the outage. He suggested that in view of proposals to move to shared ICT services with Norfolk County Council, neither recommendation should be taken. More time should be allowed for the team to develop their proposals and in April 2013, the Commission would review the ICT service provision.

The Chairman thanked the ICT & Customer Services Manager for his report.

104/12 WORK PROGRAMME (AGENDA ITEM 15)

The Scrutiny and Projects Officer ran through the items for the next agenda and noted the items that had been suggested for future meetings.

The review of ICT and NCC shared service provision would be included on the April 2013 agenda.

Mr C Carter had suggested that the Commission should review the quality and content of reports provided to Cabinet.

The Leader of the Council had been invited to the January meeting.

The Chairman suggested that as Scrutiny had a wide remit it had the opportunity to look at how the Council was working as a whole, bringing all strands together, to ensure that it was getting best value. It was a big subject and might need to be a single item agenda.

105/12 NEXT MEETING (AGENDA ITEM 16)

The arrangements for the next meeting at 2pm on Thursday 29 November 2012 were noted.

The meeting closed at 4.20 pm

CHAIRMAN