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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 17 September 2013 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

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

**Also Present**

Mr S.G. Bambridge	Mr R.G. Kybird
Councillor M. Chapman-Allen	Mr M J Nairn
Mr J.P. Cowen	Mrs J A North
Mr P.J. Duigan	Mr M. S. Robinson

**In Attendance**

Maxine O'Mahony	- Director of Commissioning
Robert Walker	- Assistant Director of Commissioning
Steve Udberg	- Asset & Property Manager
Julie Britton	- Senior Committee Officer
Margaret Bailey	- Senior Accountant Capital and Treasury
Mark Finch	- Assistant Director of Finance
Ralph Burton	- Strategic Property Manager
Kevin Ward	- Growth Programme Manager
Rowland Wilson	- Licensing Manager

**Action By**

**64/13 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 30 July 2013 were confirmed as a correct record and signed by the Chairman.

**65/13 APOLOGIES (AGENDA ITEM 2)**

None.

**66/13 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mesdames M Chapman-Allen and J North and Messrs G Bambridge, P Cowen, P Duigan, R Kybird, M Nairn and M Robinson.

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**67/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)**

Mrs E Jolly was welcomed to her first meeting as an Executive Member.

**68/13 SCRAP METAL DEALERS ACT 2013 REPORT (AGENDA ITEM 7)**

The Executive Member for Planning, Housing & Public Protection presented the report which asked Members to approve the delegated powers in respect of the functions under The Scrap Metal Act 2013. Additionally, approval was sought for the proposed fees to be charged.

It was a requirement of the Scrap Metal Dealers Act 2013 that all local authorities needed to be in a position to receive applications, and to charge a fee for applications from 1 October 2013. The proposed fees had been set out in paragraph 5.5 of the report.

There would be two types of licences, one for a site and the other for a mobile collector. A site licence would be issued by the local authority in whose area a scrap metal site was situated and would require all sites at which the licensee carried on the business as a scrap metal dealer and a site manager would have to be named for each site. A mobile collector's licence would authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. The licence did not permit the collector to collect from any other local authority area. Section 3 of the Act allowed local authorities, when issuing a licence, to include conditions if the licensee or site manager had been convicted of a relevant offence.

Twelve site licences and 26 collectors' licences would be issued in the Breckland area.

The Executive Member for Planning, Housing & Public Protection said that this Act would hopefully eliminate metal theft and stop the 'scrap for cash'. All Scrap Metal Merchants would have to verify the identity of the person(s) they received metal from by reference to data, documents or other information obtained from a reliable source such as the Passport Service, Driver and Vehicle Licensing Agency or from a bank or utility company. The payment process was explained.

Councillor Bambridge who was the Chairman of the Licensing Committee said that he had spoken to a number of Scrap Metal Dealers and all were pleased with the new legalisation.

In response to a question, Members were informed that operators would need a separate licence for each district they covered. It was noted that the fee was for a three year licence.

The Executive Member for Internal Services asked the Licensing Manager if he could outline how the charges had been set. It was explained that a full cost recovery had been carried out.

The Executive Member for Communications, Organisational Development & Performance asked about public interaction. The Executive Member for

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Planning, Housing & Public Protection advised that a handbook would be distributed to all Members and Parish Councils. Further to this, the Licensing Manager advised that it was a duty of the local authority to put a Public Notice in the local newspaper and Norfolk Constabulary would be publishing a further notice in a newspaper that covered the whole of Norfolk. The Overview & Scrutiny Commission Chairman felt that Members should also communicate through their parish magazines. He further felt that a flyer/poster should be created to be displayed on village notice boards. It was agreed that this could be sent out with the handbook.

In response to further questions, Members were informed that all collectors would have to display a badge in their vehicle incorporating a photograph of the individual and therefore would not be transferable.

In response to a concern about the lack of information under paragraph 9.5 of the report, the Licensing Manager explained that research had been carried out but as yet he had been unable to find the relevant information from the Home Office.

A number of amendments to the report were highlighted, including a change to the proposed delegations under paragraph 4.1 to read: “the Licensing Committee to hear representations.....”.

**Options**

- 1) To authorise the proposed amendments to the Breckland Council Constitution and approve the proposed fees in relation to the Scrap Metal Dealers Act 2013; or
- 2) Request further information on the proposed matters.

**Reasons**

To meet legislative requirements.

**RECOMMEND** to Council that:

- 1) the following amendments to the Breckland Council Constitution to exercise its functions in accordance with The Scrap Metal Dealers Act 2013 be approved:
  - a) the Licensing Committee to hear representations and to determine applications for the licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where the Director of Commissioning proposes to refuse or cancel a licence or to vary a licence under Section 4 of the Act and the applicant has correctly given notice that they require the opportunity to make representations about that proposal;
- 2) Approval be given to delegate the following matters to the Licensing Officers:
  - a) to licence, renew or vary a licence of a Scrap Metal Dealer

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- under the Scrap Metal Dealers Act 2013 where there is no intention to refuse;
- b) to serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal Dealer under the Scrap metal Dealers Act 2013;
  - c) to serve Notice of a proposal to vary a licence of a Scrap Metal Dealer under Section 4 of the Scrap Metal Dealers Act 2013;
  - d) to determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under Section 4 of the Act, where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.
- 3) The fees as set out within the report in respect of Scrap Metal Dealers licences be approved.

**69/13 FINANCIAL PERFORMANCE QUARTER 1 2013-14 (AGENDA ITEM 8)**

The Executive Member for Finance & Democratic Services presented the report that covered the first quarter from 1 April to June 2013 covering revenue, capital and treasury management.

The following key messages were highlighted.

**Section 1 – Revenue Budget**

Table 1 detailed the forecast year end position against the budget that had been approved in February 2013. The forecast saving against the approved budget was expected to be around 4%. The Council was currently forecasting favourable variances of £664k (see Table 2 for the figures). The most significant variance had arisen from the assumption that the Council would achieve its performance against the Housing Benefit error threshold. This had been recognised now rather than having to wait until year end to include in the variances. Additional efficiencies amounting to £416k had been identified in 2013-14 of which £126k related to additional commercial property rent from expanding the Council's property portfolio. The Council had also renegotiated one of its contracts and a saving against planning application fees of around £193k had been predicted. The chart on page 28 of the agenda showed that the Council had overachieved in 2013-14; however, additional efficiencies would need to be found through the transformation programme to bridge the gap in future years. The chart also recognised the budget gap based on the funding gap when the budget was approved by Council back in February 2013; however, it did not reflect the worsening position following the government Spending Round, which would see the gap rise to around £3.5m. The issues surrounding this would be highlighted during this year's budget setting. Table 4 set out the budget virements to be

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approved. The first four within the table relating to budgets totalling £339k were being transferred away from services areas and being held in a central code. An additional government grant of £79k had been received following the setting and would remain in the general fund at this stage. The grant had been for Efficiency Support for Sparse Areas and returned Revenue Support Grant that had not been needed by government to fund the New Homes Bonus. Table 5 showed the amount of revenue reserves that the Council had not yet committed for funding future budgets.

**Section 2 – Capital Budget**

At this stage of the year the Council was not predicting any significant variances to the approved programme although spend to date only represented 14% of the budget. Decisions on the LABV project would significantly influence the capital programme.

**Section 3 – Treasury**

Deposits were being kept short term to reflect the lack of quality counterparties available to the authority, with the maximum term deposit being one year only. This reflected relatively low cash yields, although the Council's deposits continued to outperform the LIBID benchmark.

The Executive Member for Finance & Democratic Services also mentioned the Icelandic situation. Referring to the Icelandic figures highlighted on page 34 of the agenda, the Executive Member for Communications, Organisational Development & Performance asked what percentage these figures represented. The Assistant Director of Finance did not have this information to hand but said that he would find out. In response to further questions, Members were informed that there were many issues/risks in relation to the collection of the remaining Icelandic deposits such as liabilities, legal processes and the recent change in government. A significant element of the Landsbanki claim was being held in bonds and the new government was trying to extend the time when these should be paid back. Ideas of expediting these matters during the budget process were being looked at. The Overview & Scrutiny Commission Chairman felt that a caveat should be included in the report to highlight this. The Assistant Director of Finance said that all this information had already been included in the accounts but all comments would be taken on board and this particular section would be expanded in future reports.

**Options**

- 1) To note the report and approve the virements detailed with Table 4 of Section1 of the appendix and recommend to Full Council that the major planning applications saving of £192,554 be vired to efficiencies.
- 2) To note the report and not approve the virements detailed within Table 4 of Section1 of the appendix and not make the recommendation to Full Council.

**Reasons**

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To provide timely information to Members on the overall finances of the Council and to make the best use of resources available.

**RESOLVED** that the virements as detailed in Table 4 of Section 1 of the appendix be approved; and

**RECOMMEND** to Council that the major planning applications saving of £192,554 be vired to efficiencies.

**70/13 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM) (AGENDA ITEM 9)**

The Executive Member for Localism, Community & Environmental Services said that there was nothing to report this time but there were many applications coming forward through the new Sharepoint system process.

**71/13 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 10)**

The Overview & Scrutiny Commission Chairman gave a brief overview of what had been discussed at the recent O&SC meeting on 12 September 2013.

A full report in relation to Governance & Performance Monitoring had been given by the Deputy Chief Executive and regular updates would be provided.

A report had been received from Dereham Town Council in regard to the Memorial Hall. There were a number of matters outstanding that were Dereham Town Council's responsibility and not Breckland's.

He advised Members that after many months of trying to get the Utility companies to come to a meeting to discuss the anticipated growth in Breckland, the Scrutiny Officer had been successful in arranging Anglian Water to attend the next meeting on 16 October 2013.

Members had been urged to provide questions (to be emailed to Teresa Smith) in advance of the meeting as this would be an opportunity to get answers about the significant challenges regarding water supply and drainage issues in relation to the Local Development Framework, and how they were preparing to meet future demands.

**72/13 MEMBER DEVELOPMENT PANEL (FOR INFORMATION) (AGENDA ITEM 11)**

The Minutes of the Member Development Panel meeting held on 25 July 2013 were noted.

**73/13 NEXT MEETING (AGENDA ITEM 12)**

The arrangements for the next meeting on Tuesday, 29 October at 9.30am in the Anglia Room were noted.

Action By

**74/13 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 13)**

**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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act.

**75/13 BRECKLAND LOCAL ASSET BACKED VEHICLE  
PROCUREMENT PHASE (AGENDA ITEM 14)**

An overview of the LABV project was provided by the Executive Member for Assets & Strategic Development. .

The core members of the Project Team were introduced.

The Asset & Property Manager highlighted various issues and risks to be considered.

The options and reasons for the recommendations made available to Members were detailed in the report.

A number of amendments to the recommendations were agreed.

**RECOMMEND** to Council that subject to the amendments, the recommendations as listed in the report be approved.

The meeting closed at 10.25 am

CHAIRMAN