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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 18 March 2008 at 9.30 am in  
Norfolk Room, Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr J.W. Nunn (Chairman)	Mr W.H.C. Smith
Mr S. Askew	Mr A.C. Stasiak
Mr P.D. Claussen	Mrs A.L. Steward
Lady Fisher	

**Also Present**

Mrs M.P. Chapman-Allen	Mr R.F. Goreham
Mr S.H. Chapman-Allen	Mrs T. Hewett
Mr M. Fanthorpe	Mrs D.K.R. Irving

**In Attendance**

Julie Britton	- Senior Committee Officer
Mark Finch	- Chief Accountant (Breckland)
Zoe Footer	- Land Management Officer
Trevor Holden	- Chief Executive
Ray Johnson	- Asset Manager
Tim Leader	- Deputy Chief Executive
Debbie Shiels	- Best Value Manager
Ian Vargeson	- Democratic Services Manager (Breckland)
Robert Walker	- LSP Officer

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**38/08 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 12 February 2008 were confirmed as a correct record and signed by the Chairman subject to the following amendment:

**Minute No. 29/08 – Vacant and Surplus Land – Options**

Fifth paragraph, 2<sup>nd</sup> sentence, to read: “He reminded Members that, according to national standards, Dereham was already short of 21 *hectares of open space and playing field sites.....*”

**39/08 APOLOGIES (AGENDA ITEM 2)**

An apology for absence was received from Mr P Cowen.

**40/08 DECLARATION OF INTEREST (AGENDA ITEM 4)**

Messrs P Claussen and W H Smith declared a personal interest in

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Agenda item 9, Pension Fund within the ARP Trading Ltd, the nature of which related to their positions on the Anglia Revenues Partnership Board.

**41/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Messrs. S. Chapman-Allen, R. Goreham, M. Fanthorpe and Mesdames M. Chapman-Allen, T. Hewett and D. Irving.

**42/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 6)**

The Chairman announced that the references from the Overview and Scrutiny Commission would be taken as the first item.

**43/08 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 15)**

a) Vacant and Surplus Land – Options: Reference from Council Meeting

The Opposition Leader, who had chaired the Overview and Scrutiny Commission meeting on 6 March 2008, said that the report was accurate in respect of the decisions that had been taken and that they provided some flavour of the debate. However, he was concerned that the proposal that had been put forward to re-consult had been lost.

The Opposition Leader was unhappy with the time that had elapsed since the initial consultation in 2004/05 and felt that it would be reasonable to consult further on the 11 sites, to establish whether there was any variance from the views expressed by the former consultees (some of whom were Councillors who had since retired and been replaced by others who had not been consulted). The information available now would not have been available back then and he felt that all future decisions should be based on whether land in the Breckland area was in deficit or in surplus.

The Member who put forward the initial proposal at the Overview and Scrutiny Commission had stated that negotiations with the Town and Parish Councils on these 11 sites should have been entered into. The Opposition Leader stated that Dereham Town Council had recently showed a willingness to take on the Boyd Avenue sites at a suitable cost. The Executive Member for Transformation reminded the meeting that if Dereham Town Council had shown an interest in the Boyd Avenue sites then a value, as this process was suggesting, had to be established.

The Executive Member for the Cabinet Office reminded Members of the long and thorough consultation process that had been carried out through the former Scrutiny Panel (Economic). He further reminded Members that all that was being asked was for valuations to be sought on the said pieces of land. He agreed that the decisions of local people needed to be taken into account but he

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had no doubt that if the land went through the proper planning process all Members would again have the opportunity to comment.

A Dereham Ward Representative who was not supportive of the current process presented his views on the matter and made the Cabinet aware of a possible restrictive covenant on the Boyd Avenue site.

The Executive Member for Planning asked why a covenant had not been mentioned before. The Chief Executive advised that the existence or otherwise of this covenant would be a matter of fact and should not stop consideration of this process in isolation. Officers were asked to investigate the matter.

With the Leader's consent, a member of the public was allowed to speak and put his views forward on this item on behalf of residents of Boyd Avenue.

On the matter of the £130,000 for the use of consultants, the Opposition Leader asked the Cabinet if it was justified in spending that amount of money on, in his opinion, an unnecessary process.

The Executive Member for Housing pointed out that these 11 sites could have the potential for 40 plots. She reminded the Opposition Leader of the dire need for affordable housing and of the large number of families that were currently on the housing waiting list.

At the end of the debate, the Leader stated that the same principle would be applied to any areas of vacant and surplus land and, as far as the current 11 sites were concerned the decision of the Cabinet to authorise expenditure of £130,000 on planning and valuation processes would remain valid. A proper thorough democratic process must be followed and, in the terms of the Overview and Scrutiny Commission's recommendation, the Council had to move forward. This did not necessarily mean that the sites identified would be built on.

At the end of the debate, it was

**RESOLVED** that, subject to the legal clarification of the legal status of the Boyd Avenue sites,

- 1) the £130,000 of revenue funds be released and power be given to the appropriate Director to offer a contract to a consultant(s) offering best value to submit planning applications on 11 vacant and surplus Council-owned sites and commence negotiations with developers and housing associations to achieve; and
- 2) consultants be chosen through a tendering process which complies with the principle of best value procurement and Breckland's current Procurement Strategy and EU procurement regulations.

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b) Annual Delivery Plan 2008/09 and Business Plan 2008-2014

These items were discussed under Minute Nos. 50/08 and 51/08 above.

**44/08 TREASURY MANAGEMENT POLICY AND STRATEGY (AGENDA ITEM 7)**

The Executive Member for the Cabinet Office presented the report which recommended the approval of the Treasury Management Strategy, Policy and Prudential Indicators for 2008/09 – 2010/11.

He explained that the treasury management service was an important part of the overall financial management of the Council's affairs and that it was a regulatory requirement under the Local Government Act 2003.

The options available were either to approve or not to approve the recommendations as detailed in the report.

The reason for the recommendations was to comply with the Local Government Act 2003.

**RECOMMEND** to Council that:

- 1) the Prudential Indicators as Limits for 2008/09 to 2010/11 be approved;
- 2) the MRP Statement which sets out the Council's policy on MRP be approved;
- 3) the Treasury Management Strategy 2008/09 and the Treasury Prudential Indicators be approved; and
- 4) the Investment Strategy be 2008/09 be approved.

**45/08 GRANT FUNDED BUDGETS (AGENDA ITEM 8)**

Appendix A of this report was tabled at the meeting.

The Executive Member for the Cabinet Office asked Members to approve the Grant Funded Budgets report.

The options available to Members were:

- 1) to authorise expenditure budgets on those grants that have not yet received approval;
- 2) to turn down the grants offered.

The reason for the recommendation was to approve expenditure in line with the grants offered to enable the Council to progress the projects. If authorisation was not given the Council would not be able to claim the funding.

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**RECOMMEND** to Council that:

- 1) the grants offered, listed at appendix A of the report, be accepted; and
- 2) the additional budget to deliver the schemes be approved.

**46/08 PENSION PROVISION WITHIN ARP TRADING LTD (AGENDA ITEM 9)**

The Executive Member for Cabinet presented the report which sought to advise Members of the progress made towards providing a pension scheme for ARPT employees and the agreement to progress by signing up to the indemnity contract requested by Norfolk Pensions (operated by Norfolk County Council).

There were currently two employees who were moving to ARPT who would no longer be able to be members of the Norfolk Pension Scheme.

The Norfolk Pension Fund would only allow staff to transfer to the new scheme if they did not bring across any past liability, so that it was fully funded at the start of the scheme. This would mean that any shortfall in funding would be borne by the Council. An actuarial report would be required to confirm any shortfall. The amount of funding required was not known until the actuary prepared his report, but Norfolk County Pension Scheme personnel had advised that this would be funded from a transfer of pension scheme assets within the fund, from the Council's proportion of the fund to the new company scheme. Any future underfunding resulting from demographic, investment or inflationary changes would need to be made up by the contributions paid by the company.

In response to a question, Members were informed that a ceiling could not be put on this because of the volatility of the market. If the pension fund were to be completely lost, the government would still have a duty to pay out to its employees.

The Head of Legal Services explained that the report did not relate to past years of Breckland's pension provision but that it related to future years of ARPT. It also related to this authority giving an indemnity to ARPT for the liability of the future pension fund. The S151 Officer advised that with ARPT, any prospect of staff moving across at the contract stage under the Transfer of Undertaking (Protection of Employment) Regulations (TUPE) could be protected. This was, in fact, a common feature of major contracts.

The options available to Members were:

- 1) it was the intention of the ARP Trading company to offer two pension options depending upon the existing status of the employees joining the company;
- 2) for existing TUPE staff and any staff that start with the company with existing continuous local government service from Forest Heath or Breckland Council, it is recommended that continuous service in the local government pension scheme would be available;

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- 3) for all other new starter staff it was proposed that a stakeholder pension was offered (apart from the TUPE member of staff who had separate legal protection to an "equivalent scheme" to the LGPS);
- 4) the alternative option would be to offer only a stakeholder pension to all staff in ARPT. This of course would be constrained by the effects of TUPE for at least one current member of staff, and would seriously hinder the ability of the company to attract staff of the right calibre. Senior Management recruitment might prove impossible.

The reasons for the recommendations were:

- 1) the TUPE member of staff would be protected and already had continuous service in the Norfolk Pension Fund;
- 2) the company might need to attract senior professionals in to key positions, staff would be loathe to move in to the company if they were to lose their existing pension benefits. The pension scheme was of increased value to staff who had several years' service already and might be already paying additional sums to guarantee full pension provision.

**RECOMMEND** to Council that options 4.2 and 4.3 of the report be approved and that authority be given to the relevant officers to seal the guarantee required by the Norfolk County Council scheme.

**47/08 THETFORD: BARNHAM CROSS - PEDDARS WAY (HOUSING)  
(AGENDA ITEM 10)**

It was noted that the planning application at Bracken Road, Thetford had not yet been determined and that the land referred to at option 5.2 of the report had been valued at the sum of £45,000.

The Land Management Officer presented the report which sought the Cabinet's approval for the transfer of Council-owned land at Fir Road and Bracken Road, Thetford, on the Barnham Cross Estate to Peddars Way Housing Association at nil consideration. Breckland Council and Peddars Way Housing Association were currently working in partnership to regenerate and enhance the estate, maximising the use of the garage blocks, garage forecourts, off street parking areas and amenity areas and the land adjacent to the houses.

Peddars Way Housing Association had successfully gained planning permission on the Fir Road site. The application on the land at Bracken Road had been recommended for approval. The Land Management Officer advised that these two pieces of land would be the first of many that would be coming forward to Cabinet.

A Member pointed out that she had received many complaints from the residents of Barnham Cross Estate about the illegal parking in the area and welcomed this report. She felt that this was partnership working at its very best.

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The Executive Member for the Economic and Commercial Portfolio reiterated that this had been all part of the process of listening to local people and taking on board their opinions.

The options available to Members were:

- 1) that the Council-owned land (as shown edged in red on the plans '1' and '2' of the report) at Fir Road and Bracken Road, Thetford be transferred, at nil consideration to Peddars Way Housing Association to allow this land and the adjacent garage block/forecourts to be redeveloped;
- 2) that the Council-owned land (as shown edged in red on the plans '1' and '2' of the report) at Fir Road and Bracken Road, Thetford be transferred, at the District Valuer's valuation to Peddars Way Housing Association to allow this land and the adjacent garage block/forecourt to be redeveloped;
- 3) that the Council-owned land (as shown edged in red on the plans '1' and '2' of the report) at Fir Road and Bracken Road, Thetford remain within Breckland Council's ownership.

The reasons for the recommendations were:

- 1) the Council would lose responsibility for these areas of land (as shown edged in red on the plans '1' and '2') at Fir Road and Bracken Road, Thetford;
- 2) to support the regeneration and enhancement of the Barnham Cross Estate in Thetford and reduce anti-social behaviour;
- 3) the redevelopment of these areas would support the Council's number one priority;
- 4) to reduce off-street parking and illegal parking on open space.

**RESOLVED** that the Council owned land (as shown edged in red on the plans attached to the report) at Fir Road and Bracken Road, Thetford be transferred, at nil consideration, to Peddars Way Housing Association to allow this land and the adjacent garage block/forecourts to be redeveloped.

**48/08 BRECKLAND SUSTAINABLE COMMUNITY STRATEGY (AGENDA ITEM 11)**

The Executive Member for Cabinet conveyed his thanks to the LSP Officer and his team for their hard work in developing the Sustainable Community Strategy (SCS).

Breckland Council had a statutory duty to prepare a Community Strategy by virtue of Section 4 of the Local Government Act 2000. The SCS broadly reflected the authority's objectives and had been developed in line with the Local Development Framework (LDF) which had ultimately provided the spatial element of the SCS.

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The LSP Officer explained that the SCS had been developed by the Breckland Partnership which brought together a range of public, private and voluntary sector organisations to improve quality of life in the District.

The options available to Members were either to adopt or not to adopt the Community Strategy for Breckland (2008-2011).

The reasons for the recommendation were that the Council had a duty under the Local Government Act 2000 to prepare a Sustainable Community Strategy to promote the economic, social and environmental well-being of its area and to contribute to sustainable development.

**RECOMMEND** to Council that the Sustainable Community Strategy for Breckland be adopted.

**49/08 NORFOLK CITIZENS' PANEL (AGENDA ITEM 12)**

The report presented the findings collected in the recent Citizens' Panel survey and the second attachment to the report analysed trends against previous survey data.

67% of residents were now satisfied overall with the quality of services from Breckland Council which was far higher statistically than any of its counterparts.

The Executive Member for Environment was concerned about the fall in uncleanliness even though fly-tippers were being prosecuted and children were being educated. She also had concerns with the state of Breckland's highways.

There were no options available to Members.

The reason for the recommendation was to note the contents of the reports to ensure that Members were kept up to date with research findings.

**RESOLVED** that the report, which updated Members on research findings, be noted.

**50/08 ANNUAL DELIVERY PLANS 2008/2009 (AGENDA ITEM 13)**

The Annual Delivery Plan was the document that detailed year on year what and how the Council would deliver to meet the aims and priorities in the Business Plan 2008-2014.

Members were provided with a presentation on the Annual Delivery Plan and the Business Plan by the Corporate Improvement Manager.

The former Business Plan had never had a total review and as a result was looking tired. There had been a number of triggers for a total re-write, such as:

- the new Manifesto



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- the Sustainable Community Strategy
- the release of the new National Performance Indicators
- thorough budget consultation
- the replacement of Comprehensive Performance Assessment with the Comprehensive Area Assessment.

The three priorities and nine objectives from the existing Business Plan 2004-2010 had been replaced with five new overarching aims and 23 priorities and initiatives. The new aims were detailed in section 7 of the report. Underneath each aim sat a number of priorities, and under each priority sat a number of initiatives.

The Business Plan had also moved away from the style that the Council had been used to. The previous version had been built around the political and management structure of the Council. The new Business Plan now had a more cross-cutting approach to delivering services across the District, allowing contribution by a number of services on single initiatives.

The Annual Delivery Plan (ADP) now provided the key deliverables for the year but would be subject to change as targets would be based on estimated outturn for 2007/08 as at mid February 2008. The ADP would now be monitored at Portfolio meetings and at the quarterly Performance Clinics.

The Council now had a flagship document that would be linked to the Risk Register.

The Chief Executive advised that the Cabinet Portfolio team had put a significant amount of work into this document and had worked together with Service Managers and Lead Members to ensure that the bold ambitions could be acted upon.

The Executive Member for the Cabinet Office felt that Breckland had one of the more comprehensive Plans in the Country.

The options available to Members were to approve or not to approve the Annual Delivery Plan.

The reason for the recommendation was that the approval of the Annual Delivery Plan would allow the work programme for the year to commence.

**RECOMMEND** to Council that the Annual Delivery Plan be approved.

**51/08 BUSINESS PLAN 2004-2010 (AGENDA ITEM 14)**

The Business Plan was discussed under Minute No. 50/08 above.

The Executive Member for the Cabinet Office pointed out that he had been mentioned in the Business Plan as the Executive Member for Commercial Services.

The options available to Members were:

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- 1) to approve the Business Plan to allow delivery to commence against new priorities;
- 2) to recommend amendments to the Business Plan;
- 3) to reject the Business Plan which would mean that delivery would not be aligned to priorities.

The reason for the recommendation was to ensure that the Council ensured focus remained on the issues that really mattered to stakeholders.

Subject to the aforementioned amendment, it was

**RECOMMENDED** to Council that the Business Plan 2008-2014 be approved.

**52/08 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 16)**

The Minutes of the meeting of the Anglia Revenues and Benefits Partnership held on 28 February 2008 were noted.

**53/08 NEXT MEETING (AGENDA ITEM 17)**

The next meeting of the Cabinet would be held on Tuesday, 29 April 2008 at 9.30am.

The meeting closed at 10.40 am

CHAIRMAN