

# Public Document Pack

## BRECKLAND COUNCIL

### At a Meeting of the

### CABINET

Held on Tuesday, 13 January 2015 at 9.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham

#### PRESENT

Mr M. A. Wassell (Chairman)	Mrs E. M. Jolly
Mrs L.S. Turner (Vice-Chairman)	Mr M.A. Kiddle-Morris
Mr S.G. Bambridge	Mr I. Sherwood
Councillor E. Gould	

#### Also Present

Mrs S.M. Matthews	Mr P.D. Claussen
Mr M J Nairn	Mr J.P. Cowen
Mr T R Carter	Mr C.R. Jordan
Mr P.J. Duigan	Mr R.G. Kybird
Councillor M. Chapman-Allen	

#### In Attendance

Anna Graves	- Chief Executive
Phil Adams	- Public Protection Manager
Vicky Thomson	- Democratic Services & Legal Manager
Julie Britton	- Senior Democratic Services Officer
Mark Finch	- Finance Manager

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#### **1/15 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 25 November 2014 were confirmed as a correct record and signed by the Chairman.

#### **2/15 APOLOGIES (AGENDA ITEM 2)**

None.

#### **3/15 URGENT BUSINESS (AGENDA ITEM 3)**

None.

#### **4/15 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

Councillor Armes declared a personal interest in agenda item 10.

#### **5/15 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Councillors M Chapman-Allen, S Matthews, T Carter, P Claussen, P Cowen,

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P Duigan, C Jordan, R Kybird and M Nairn.

**6/15 CHAIRMAN'S ANNOUNCEMENTS (IF ANY) (AGENDA ITEM 6)**

None.

**7/15 ICT REFRESH GROUP UPDATE (AGENDA ITEM 7)**

The ICT Refresh Group had been set up to review Members IT requirements. A survey had been undertaken which had been an excellent way of finding out what Members wanted. There had been a good response to the survey and the Chairman was pleased to announce that the new IT equipment could be purchased within budget and would satisfy Members requirements.

The Chairman had already been given the new kit to trial for two weeks which consisted of a Windows 8 laptop/tablet device and smart phone. The device came with a pen that would enable Members to annotate agendas on screen. The idea of this new kit was to try and reduce the printing and postage costs; however, Members would not be compelled to use it. The device would have a bigger hard drive and a better processor and would include a docking station and a printer with a scanning facility.

Once Norfolk County Council had provided the exact costs (early indication was that it was within budget), rather than waiting until after the Election in May, the kit would be issued to 10 Members at a time to ease out some of the training and installation issues. Members who were not re-elected would need to return their equipment promptly to be 'cleared down' before it could be set up with new user IDs and access and re-issued.

The Chairman of the ICT Refresh Group hoped that the budget did allow for the smart phone to be included as it had been one of the items on the wish list. All the equipment was exactly what had been asked for in the survey.

It was agreed that a similar update would be provided at the next Full Council meeting.

**Julie  
Britton,  
Helen  
McAleer**

**8/15 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM) (AGENDA ITEM 8)**

(a) Hardingham Memorial Hall Play Area Project

The Vice-Chairman and Executive Member for Community & Environmental Services presented the report which she fully supported.

A varied play area was planned to cater for a wide age range from toddler equipment through to adult gym apparatus.

The applicant had already secured almost 10% of the funding for this project and had met all the necessary criteria.

Options

- a) Fully fund the funding application request as set out in the report.
- b) Part fund the funding application request.

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- c) Do nothing

**Reasons**

The Grant Panel had looked at this funding application and the majority had supported this funding request with an overall average score of 20.6 which was above the minimum required.

**RESOLVED** that the Match Funding grant of £13,614 to Hardingham Memorial Hall towards the Hardingham Play Area Regeneration project be approved, subject to:

- a) confirmation that all other funding sources were in place;
- b) a maximum of £13,614 or 30% of the cost of the project, whichever is the lowest; and
- c) any other conditions arising from Member comment on Sharepoint.

(b) **Harling Play Area Project**

The Vice-Chairman and Executive Member for Community & Environmental Services presented the report.

This phase of the play area project would focus on the under 12 age range and would involve the installation of various play equipment including picnic benches and fencing around the site.

The Parish Council had been very active in terms of fundraising and had also contributed over £21,000. All criteria had been met.

The Executive Member for Finance who was also a Ward Member for East Harling said that the village had seen a big surge in population growth and the current facilities were extremely well used by the community. The Parish Council had put a great deal of effort into the fund raising activities and she commended the application.

**Options**

- a) Fully fund the funding application as set out in the report.
- b) Part fund the funding application.
- c) Do nothing

**Reasons**

The Grant Panel had considered this application and the majority supported this funding request with an overall average score of 24, which was above the minimum required.

**RESOLVED** that the Match Funding grant of £20,000 towards the Harling Play Project for Harling Parish Council be approved, subject to:

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- a) confirmation that all other funding sources were in place;
- b) a maximum of £20,000 or 23.9% of the project cost whichever is the lower; and
- c) any other conditions arising from Member comment on SharePoint.

**9/15 PAPER STREET, YAXHAM (AGENDA ITEM 9)**

The Executive Member for Assets & Strategic Development presented the report. He explained that there had been a mix up on the tenancy agreement that needed to be resolved. Currently, the covenant restricted the land to allotment use only but was encumbered by an agricultural tenant. It was being proposed to remove the existing restrictive covenant and impose a further restrictive covenant to restrict the land as allotment or agricultural use.

Councillor Jordan, the Ward Member for Yaxham, fully supported the proposal except for one matter of concern. The land was situated at Clint Green where there were no areas in the vicinity for children to play and he asked if this land could be used for amenity use too.

The Executive Member for Assets & Strategic Development had not been aware of this concern and said that he would have to investigate any modification to the covenant as there was no Officer in attendance to advise. He pointed out that as the agricultural tenant would still exist only part of the land could be used for this suggested purpose.

The Executive Member for Communications, Organisational Performance & Development proposed that the matter be deferred for further investigation.

It was agreed that the matter would be deferred so that further advice could be sought following which the Executive Member would be given delegated authority to approve the recommendations as listed in the report including the amenity use clause if at all possible.

**Kirsty  
Mallett**

**Options**

1. To release the restrictive covenant allowing the land to be used for allotment purposes only and replace it with one which would allow the land to be used for the purposes of either agriculture or allotments waiving any fee subject to the Parish Council agreeing to pay Breckland Council's legal fees and adding a further restrictive covenant to prevent the Parish Council from selling the land without first obtaining the authority of Breckland District Council.
2. To release the restrictive covenant and replace it with a covenant allowing it to be used for agricultural purposes only subject to the payment of £3,000.
3. To ask the Parish Council to transfer the land back to the District Council at nil cost given that it was in breach of the existing restrictive covenant.
4. Do nothing.

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**Reasons**

To release the existing restrictive covenant and replace it with a further covenant would allow the Parish Council to retain the land and to take further advice on how to remove the tenant to allow the land to be used in the future for allotments for the local residents. A further covenant could be imposed to protect the Councils financial interests, in the event that the Parish Council did decide at any time to sell the land, which would prevent the Parish Council from disposing of the land without the Council's consent.

The Parish Council were not in a position to give the Council £3,000 to release the restrictive covenant, as a consequence of which the Parish Council were in breach of the restrictive covenant.

If the land were to be transferred back to Breckland Council at nil cost the Parish Council would no longer be in breach of the restrictive covenant and the Council would have control over the land. Breckland District Council would then need to consider whether to seek Counsel's opinion in relation to the Agricultural Tenancy.

The Council could choose if it so wished not to do anything and to allow the situation to remain as is in the interim, to allow the Parish Council to explore in further detail the options available to them to end the agricultural tenancy.

**RESOLVED** that the Yaxham Parish Council request be deferred to investigate whether part of the land could be used for amenity use. Delegated authority then be given to the relevant Portfolio Holder to:

- 1) remove the restrictive covenant imposed restricting use of this land as 'Allotment use only' in the Transfer dated 24 October 2011;
- 2) a further restrictive covenant be imposed to restrict this land as allotment or agricultural use, and subject to the above investigation part of the land being used as amenity use;
- 3) impose a further restrictive covenant not to sell the land without first obtaining authorisation from Breckland District Council;
- 4) do so at nil consideration.

**10/15 KENNINGHALL NEIGHBOURHOOD PLAN - PLAN AREA DESIGNATION (AGENDA ITEM 10)**

The Executive Member for Assets & Strategic Development presented the report that concerned the formal designation of the Kenninghall Neighbourhood Plan area.

Members were informed that the consultation period had been shortened to six weeks as required under the Neighbourhood Planning (General) Regulations 2012 and could be shortened further and suggested that some form of delegation was needed for future plan designations.

Councillor Armes declared a personal interest in this matter. She questioned the sentence under paragraph 1.1 of the report which stated that Neighbourhood Plans had Development Plan status and were therefore a

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material consideration in the determination of planning applications for their area and as there had been a great deal of controversy over this matter she asked if this was a move to stop further development. She also had concerns with the section under paragraph 1.5 that mentioned improvements to transport infrastructure and asked what this referred to. She felt that there were many matters in this document that were controversial and not much support for development in villages. The Executive Member for Assets & Strategic Development pointed out that all Neighbourhood Plans had to conform with the Local Development Framework and development could not be prevented. In response to the latter, Members were informed that improvements to transport infrastructure was one of Kenninghall's own aspirations for the village included in their submitted Neighbourhood Plan Area Statement and ultimately, Breckland Council had a duty to support the Neighbourhood Plan process under the Duty to Cooperate.

Councillor Chapman-Allen had attended the Parish meetings on several occasions and pointed out that the improvements to transport infrastructure for the village included minor improvements to the roads including white lining etc. The villagers also wanted to ensure that any future development took place with them being fully involved.

Councillor Claussen mentioned Mattishall's Neighbourhood Plan that would be coming forward and the community's frustration that the lack of a five year land supply was taking away local control. He was aware that George Freeman MP would be voting against this in future.

Councillor Kybird asked if this five year land supply requirement complied with legislation in setting a Plan area. The Executive Member for Assets & Strategic Development advised that it did

**Options**

1. To endorse the Kenninghall Neighbourhood Plan area boundary, following the full extent of the parish boundary as set out at Appendix A of the report.
2. To consider the contents of this report and reject the Neighbourhood Plan area.

**Reasons**

The proposed boundary was considered appropriate to be designated without modification. The area was considered to represent a logical boundary which would be suitable to meet the plan aims, as set out within their Neighbourhood Plan statement.

**RESOLVED** that the Kenninghall Neighbourhood Plan area as shown at Appendix A of the report be endorsed.

**11/15 DRAFT BUDGET, MEDIUM TERM FINANCIAL PLAN AND DRAFT CORPORATE PLAN (AGENDA ITEM 11)**

The Executive Member for Finance was pleased to present the draft budget, Medium Term Financial Plan and draft Corporate Plan to Cabinet. The report and appendices had been presented to the Overview & Scrutiny Commission

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on 8 January 2015 and no changes had been proposed. Consultation on the draft Corporate Plan and budget would now commence including a presentation to the Town & Parish Council Forum on Thursday, 15 January 2015. The final documents would then come back to Cabinet and Full Council for approval in February 2015.

The headline points were highlighted. Breckland Council now had a balanced budget for the next two years and would be seeking to close the shortfall in the years to come which was achievable but at the mercy of whatever future Government decisions were made. The budget this year had been achieved without the dependency on Reserves, early efficiencies had increased revenue, the Council Tax would be frozen for another year and the Parish Council Support Grant had been maintained. The combined strength of financial and corporate planning focused on the Council's resources and clearly identified priority areas in the context of securing a longer term sustainable financial position.

The Overview & Scrutiny Commission Chairman conveyed his thanks to the Executive Director of Place for the presentation that she had given to Commission Members on 8 January 2015. The presentation made sense and was very clear and he hoped that the Town & Parish Council Forum would be provided with a similar presentation. He felt that how well the Council managed its affairs was enlightening and very commendable.

The Executive Member for Communications, Organisational Performance & Development drew attention to the draft Corporate Plan that commenced on page 77 of the agenda. He felt that the more certainty the Council had in the budget gave more certainty to forward plan; however, any government cuts would place uncertainty in the future. A paper listing the suggested changes received from various meetings had been circulated and all would be taken into consideration. Members were reminded that any further feedback would be welcomed.

The Chairman encouraged Members to come forward with their thoughts.

The recommendations were highlighted and approved, following which the Senior Democratic Services Officer advised Members of a further recommendation that should have been included in relation to endorsing the proposals at Appendix E2.

**Options**

To note the draft Capital and Revenue Budget Estimates, Medium Term Financial Plan and Capital Strategy as part of the consultation. Any feedback as a result of the consultation would be considered before the final position presented to Cabinet and Council in February 2015.

**Reasons**

To comply with the budgetary and policy framework.

**RESOLVED** that:

1. the contents of the draft Budget, Medium Term Financial Plan and Corporate Plan be noted and the proposals at Appendix E2 of the

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report be approved;

2. the consultation period be noted; and
3. the feedback from the Overview & Scrutiny Commission held on 8 January 2015 be considered and noted as part of the formal budget setting process which concludes on 26 February 2015.

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

**RESOLVED** that the Minutes of the Anglia Revenues & Benefits meeting held on 11 December 2014 be noted.

**13/15 NEXT MEETING (AGENDA ITEM 13)**

The arrangements for the next meeting on Tuesday, 24 February 2015 at 9.30am in the Anglia Room were noted.

**14/15 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 14)**

**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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12 A to the Act.

**15/15 PROVISION OF DOG WARDEN SERVICE (AGENDA ITEM 15)**

The Executive Member for Democratic Services & Public Protection presented the report that provided details of the outcome of the European Tender process for the provision of the Dog Control Service by a private contractor.

He was very pleased to propose the recommendation as it would be saving the Council money and a better service would be received. The successful applicant had been evaluated very highly and he asked Members for their support.

Councillor Chapman-Allen spoke in support of the recommendation as the Dog Warden provided an invaluable service not just in Breckland but across the border too. The Dog Warden had attended many Parish meetings and had an excellent website and tried his utmost to get abandoned dogs rehomed. She felt that if Members were mindful to approve the recommendation it would show that Breckland Council was a caring and responsible authority.

The Vice-Chairman and Executive Member for Community & Environmental Services echoed the aforementioned comments and pointed out that the Dog Warden also did a great deal of work with schools in relation to dog fouling prevention and felt that the educational side was just as important.

The Executive Member for Democratic Services & Public Protection thanked everyone for their endorsements.

Options

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1. Not extend the existing dog control contract and run the risk that there would be no provision after April 2015.
2. Accept the recommended contractor to provide the Dog Warden Services to the Council over the next three years with an option to extend the contract for a further two years.

**Reasons**

The contract specifications and tender submission by the recommended contractor would ensure enhanced services to the Council and Breckland residents and represented best value, with a financial saving for the Dog Warden Service of just under £25,000 on the current budget provision.

**RESOLVED** that the Dog Warden Service Contract be awarded to the private contractor as stated in the report for a period of 3 years with the option to extend for two further periods of between 1 and 5 years.

**16/15 LAND AT FAIRFIELDS, IN THETFORD (AGENDA ITEM 16)**

The Executive Member for Assets & Strategic Development presented the report which concerned the proposed disposal of land at Fairfields, Thetford to Norfolk County Council to allow the expansion of the Drakes Infants School.

The Executive Member for Communications, Organisational Performance & Development was in support of the proposal. He mentioned the recent report issued by the Local Government Association stating the amount of school places that would be needed in future.

Councillor Kybird informed Members of the local opposition to the proposal in relation to parking concerns and the severe deficit of public open space in this particular Ward. The local residents group was campaigning for funding to enhance an adjacent area and he asked if some of the monies received from Norfolk County Council could be awarded to this group for this purpose.

Councillor Armes supported the aforementioned comments as she herself had also received many calls of concern from local residents. She quoted the deficit of play areas/open space in Thetford and asked if Members were mindful to approve the recommendation, that a clause be included allowing the public to use the open space when the school was closed. The parking issue also needed further discussion. In response, the Chairman advised that many of these matters of concern were Norfolk County Council's responsibility.

Referring to the local residents group in relation to monies for the adjacent land, the Executive Member for Planning, Building Control & Housing felt that the group should do what other communities did and raise their own money or apply for grants through the normal process. She did not agree with the point about the lack of open space as all Thetford residents lived next door to one of the biggest open spaces in the Breckland area, Thetford Forest.

The Executive Member for Communications, Organisational Performance & Development felt that all Councillors should know by now how the system worked and although all the issues raised were important points, the

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community should work with Norfolk County Council, Breckland Council and the Parish Council to get these issues resolved. He agreed that all issues were crucial but not all could be addressed by Breckland Council and suggested to Councillor Armes that she should work with her community groups and the County.

Councillor Kybird mentioned an Ombudsman case from the Local Lawyer magazine about how a Councillor had been found not to be following good practice in relation to open space.

Councillor Duigan pointed out that, if approved, and as the land was adopted local open space, Norfolk County Council would have to demonstrate offering a further open space contribution instead.

**Options**

1. Agree to the disposal of both areas of land to Norfolk County Council for the sum of £35,000. The land to be sold subject to an uplift clause reserving Breckland Council 40% of any increase in value arising from the grant of planning consent for alternative use or development of the site.
2. Do not agree to the disposal of the land and seek to continue to negotiate a higher value.
3. Do not undertake any further negotiations or action and retain the land.

**Reasons**

See report.

**RESOLVED** that the two areas of land adjacent to the Drakes Infant School at Fairfields in Thetford be transferred to Norfolk County Council for the sum of £35,000; subject to, an uplift clause reserving Breckland Council 40% of any increase in value arising from the grant of planning consent for alternative use or development of the site.

The meeting closed at 10.25 am

CHAIRMAN