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## BRECKLAND COUNCIL

### At a Meeting of the

### COUNCIL

Held on Thursday, 7 August 2008 at 10.30 am in  
Anglia Room, The Conference Suite, Elizabeth House, Dereham

#### PRESENT

Mr S. Askew	Mr R. Kemp
Mr G.P. Balaam	Mr M.A. Kiddle-Morris
Mrs J. Ball	Mr R.G. Kybird
Mr S.G. Bambridge	Mr J.P. Labouchere (Chairman)
Mr W.P. Borrett	Mr K. Martin
Councillor Claire Bowes	Mrs S.M. Matthews
Mr A.J. Byrne	Mrs K. Millbank
Mrs M.P. Chapman-Allen	Mr I.A.C. Monson
Mr R.P. Childerhouse	Mr D.G. Mortimer
Mr P.D. Claussen	Mr J.W. Nunn
Mr P.J. Duigan	Mrs P. Quadling
Mr M. Fanthorpe	Mr J.D. Rogers (Vice-Chairman)
Mr K.S. Gilbert	Mr B. Rose
Mr R.F. Goreham	Mr F.J. Sharpe
Mr J.R. Gretton	Mr W.H.C. Smith
Mrs S.R. Howard-Alpe	Mrs P.A. Spencer
Mrs D.K.R. Irving	Mrs A.L. Steward
Mr A.P. Joel	Mr N.C. Wilkin
Mr C.R. Jordan	Mr D.R. Williams JP

#### Also Present

Mrs J Jenkins - Chairman Standards Committee

#### In Attendance

Paul Calkin	- Strategic Director (Transformation)
John Chinnery	- Solicitor & Standards Consultant
Sheila Cresswell	- Member Services Officer
Phil Daines	- Development Services Manager
Mark Finch	- Chief Accountant
Michael Horn	- Head of Legal Services
Ray Johnson	- Assistant Director (Services)
Andrea Long	- Environmental Planning Manager
Helen McAleer	- Member Services Officer
Mary Palmer	- Marketing & Communications Manager
Mark Stokes	- Strategic Director (Services)
Ian Vargeson	- Member Services Manager

#### 80/08MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 30 June 2008 were agreed as a correct record and signed by the Chairman.

#### 81/08APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr S Chapman-Allen, Mr P Cowen, Mr R Duffield, Lady K Fisher, Mr P Francis, Cllr E Gould, Mr

#### Action By

M Griffin, Mr T Lamb, Mrs L Monument, Mr D Myers, Mr I Sherwood,  
Mr M Spencer, Mr A Stasiak and Mrs L Turner.

**Action By**

**82/08 DECLARATION OF INTEREST (AGENDA ITEM 3)**

The following declarations of interest were noted:

1. **Mr A Joel** - Personal interest in the LDF for Old and New Buckenham.
2. **Mr J Labouchere** - Anything to do with the LDF in North Elmham by virtue of being a landowner (Personal and prejudicial) or Hermitage Ward (Personal, non-prejudicial).
3. **Mr G Bambridge** – Personal interest in any matters that refer to the LDF and a Personal and Prejudicial interest in one of the Urgent Items.
4. **Mr R Kemp** - Personal and Prejudicial interest in matters of LDF as owns land in East Harling.
5. **Mr W Smith** – Personal interest in Cabinet Min No 98/08, in capacity as a non-Executive Director of ARPT. Personal and Prejudicial interest in Cabinet Min No 99/08 having an interest in land to be considered under the LDF; Development Control Committee - 3rd July 2008 Min No 105/08 LDF; and Development Control Committee - 21st July 2008: Min No 118/08 LDF.
6. **Mr P Claussen** – Personal interest in Cabinet Min No 98/08, as a non-Executive Director of ARPT
7. **Mr S Askew** - Personal interest in page 40 Min No 118/08 by way of having land under consideration for the Local Development Framework!
8. **Cllr Claire Bowes** - Personal interest in general matters relating to the LDF as family are landowners in the area and Personal and Prejudicial interest should any discussion arise around site specifics in Watton, Saham and Hilborough for the same reason, as submissions for consideration have been made in those areas.
9. **Mr R Kybird** – Personal interest in Min No 44/08 of the Standards Committee in relation to the LDF and to LDF matters in general.
10. **Mr J Rogers** – Personal interest in Min No 44/08 of the Standards Committee meeting of 8 July 2008 on the LDF and on LDF matters in general; in Min No 101/08 of the Cabinet meeting of 22 July as a School Governor; and a Personal and Prejudicial interest in LDF matters concerning Carbrooke.
11. **Mr W Borrett** – Personal and Prejudicial interest in LDF site specifics as a family member has land under consideration and in Development Control Agenda, 21 July 2008 Min No 122/08 (b) and (e).
12. **Mr I Monson** – Personal and Prejudicial interest in LDF site specifics
13. **Mr R Childerhouse** – Personal and Prejudicial interest in LDF site specifics.

**83/08 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)**

The Chairman mentioned his most recent engagement which had been at the Wayland Show as a guest of the President, Kevin Bowes.

**Action By**

The Chairman then told Members that the Marketing and Communications Manager, Mary Palmer, was leaving the authority. He was sad to see her go and on behalf of the Council he wished her well in her future career.

Mary thanked the Members and Officers and said she had really enjoyed her time at Breckland and was proud of the work she had done with them.

Finally the Chairman told Members that there would be two urgent items considered, one previously circulated as 'below the line' which would be heard 'above the line' and another 'below the line' item.

A list of engagements attended by the Chairman and the Vice-Chairman was tabled, for the period 3 July – 3 August 2008.

**Engagements List - Chairman**

<b>Date</b>	<b>Event</b>	<b>Host</b>
3 <sup>rd</sup> July, 2008	At Home	The Viscountess Knollys
5 <sup>th</sup> July, 2008	Lord Mayor's Celebration – Reception and firework display	Lord Mayor Councillor Jeremy Hooke and Sheriff Roy Waller
16 <sup>th</sup> July, 2008	Opening Ceremony of the Prince's Trust Riversdale Herb Garden Project	Norfolk Fire & Rescue Service, Youth Development Team, Thetford
16 <sup>th</sup> July, 2008	Annual General Meeting	Norfolk Rural Community Council
20 <sup>th</sup> July, 2008	Civic Service and Reception	Mayor of Dereham, Councillor Lynda Turner
27 <sup>th</sup> July, 2008	Civic Service and Reception	Mayor and Mayoress of Watton, Councillor J. Paul and Mrs. L. McCarthy
3 <sup>rd</sup> August, 2008	Wayland Show	

**Engagements List – Vice-Chairman**

<b>Date</b>	<b>Event</b>	<b>Host</b>
19 <sup>th</sup> July, 2008	Annual American Style BBQ	Colonel Eden J. Murrie, Commander 100 <sup>th</sup> Air Refuelling Wing, RAF

		Mildenhall
31 <sup>st</sup> 2008	July, Funeral of Mrs. I. Martin	

**Action By**

**84/08 CABINET MINUTES (AGENDA ITEM 5)**

- (a) Noise Monitoring in Breckland (Minute No 97/08)

**RESOLVED** that:

- (1) the purchase of four replacement Noise Nuisance Recorders with reporting software be approved; and
- (2) a supplementary capital budget of £19,980 be approved.

- (b) Necton Rural Community Centre Extension Minute No 100/08)

The Ward Representative for Necton thanked the Council for the Match Funding for new facilities for the village.

- (c) Skills Centre – Wayland high School, Watton (Minute No 101/08)

A Ward Representative for Watton thanked the Council for the Match Funding support to build a new skills centre.

- (d) Breckland Youth Council (Minute No 102/08)

Subject to an adjustment to Item 2 of the recommendation to specify the funds to be approved it was:

**RESOLVED** that:

- (1) the establishment of the Breckland Youth Council be endorsed; and
- (2) a commitment be made to revenue costs to 2012/13, totalling £126,935, including the approval of a supplementary budget of £28,815 for 2008/09.

- (e) Provision of Dog Control Service (Minute No 107/08)

The Leader of the Labour Group commented that he did not think the public cared how this service was delivered as long as its high standard was maintained. He asked for confirmation that this would be the case.

The Leader of the Council said that the intention was to enhance the current high standard.

The Portfolio Holder for Planning and the Environment explained that extra funding was required because the police would no longer take responsibility for stray and dangerous dogs and the Council had assumed this responsibility. It was confirmed that further training for dealing with dangerous dogs

was being investigated.

Subject to an amendment to the wording to clarify the funds required, which were for one year, it was:

**RESOLVED** to

- (1) approve Option 2 of the report; and
- (2) approve a supplementary revenue budget of £52,853.00.

(f) Adoption

**RESOLVED** that the unconfirmed minutes of the Cabinet meeting held on 22 July 2008 be adopted.

**85/08 OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 6)**

(a) Watton Horse Fair (Minute No 55/08)

A Member was concerned that the report on this item, due to be presented to the next Overview and Scrutiny Commission meeting, had been delayed. He said that this matter had been going on for three and a half years – he had first brought it to the Council's attention in January 2005. It was not the Horse Fair that he was concerned about but the unauthorised stationing of caravans. He asked why this report had been delayed yet again.

The Leader of the Labour Group supported these comments and said that the pertinent questions had been asked but answers had not been forthcoming. He said the delay was unacceptable.

The Head of Legal Services agreed to a large extent. He explained that the issue was per se nothing to do with the Horse Fair which did not require planning permission. At present, the only remaining issue related to the stationing of caravans whilst the Fair took place. Monitoring had taken place and evidence had been taken in May. He had given advice shortly after. A decision needed to be made on whether to prosecute or not. This was a complex decision needing full discussion, but it needed to be taken as soon as possible.

The Leader of the Council said that he had only heard that morning about the delay and he would request that the report be put back on the 4 September agenda.

The Ward Representative for Little Cressingham said that the Parish Council there was very concerned that if caravans and camping were not allowed on the site adjacent the Horse Fair there would be increased problems with travellers camping in the woods, etc. He considered that a decision should be deferred until transition facilities for gypsies and travellers had been made available.

**Action By**

**Action By**

The Head of Legal Services said that it was clear there was sufficient evidence to bring a prosecution if it was in the public interest to do so. The police were advising that it was better to allow the continued use of the existing site.

Another Member understood this argument but suggested that if the best place for caravans was adjacent the Horse Fair Site, the owner of that land should apply for planning permission for a caravan site. He said that the owner had applied previously but had withdrawn.

The Development Services Manager clarified this comment by saying that an application for a CLUED (Certificate of Lawful Use of Existing Development) had been submitted previously because the use had been going on for many years, but this had been withdrawn on a technicality. No planning application had been made.

It was agreed that this matter would be discussed fully at the Overview and Scrutiny Commission meeting.

(b) Adoption

**RESOLVED** that the unconfirmed minutes of the Overview and Scrutiny Commission meeting held on 10 July 2008 be adopted.

**86/08 DEVELOPMENT CONTROL COMMITTEE (AGENDA ITEM 7)**

(a) Watton: Land off Brandon Road: Demolition of existing buildings and erection of housing, creation of new access road for Bowes of Norfolk Ltd: Application Reference: 3PL/2008/0547/O (Minute No 107/08)

Cllr C Bowes and Mrs D Irving had previously declared a personal and prejudicial interest in this item and both left the room whilst it was discussed.

It was pointed out that the reference to Mr Horn and Mr Adcock representing the Town Council was inaccurate. In fact these two gentlemen represented Project Rainbow (an organisation which was supported by the Town Council).

A Member raised concerns that the Development Control Committee had refused one application for residential development on a site adjacent the factory because of noise, but had given permission for this similar application also adjacent the factory.

The Development Services Manager said that in both cases the Committee had carefully considered the issues. On the refused application the development site had been immediately adjacent the noisiest part of the factory and the Environmental Health Officer had advised refusal. This site had been across the road from the factory and other mitigation

measures had been proposed. Members had therefore concluded that on balance development was acceptable.

- (b) Adoption

**RESOLVED** that the confirmed minutes of the Development Control Committee meeting held on 3 July 2008 be adopted.

**87/08 DEVELOPMENT CONTROL COMMITTEE (AGENDA ITEM 8)**

**RESOLVED** that the unconfirmed minutes of the Development Control Committee meeting held on 21 July 2008 be adopted.

**88/08 GENERAL PURPOSES COMMITTEE (AGENDA ITEM 9)**

- (a) Payment of Honoraria (Minute No 52/08)

The Leader of the Labour Group asked if the correct Executive Member had been identified and this was confirmed as the Executive Member for Planning and the Environment.

- (b) Adoption

**RESOLVED** that the unconfirmed minutes of the General Purposes Committee meeting held on 16 July 2008 be adopted.

**89/08 STANDARDS COMMITTEE (AGENDA ITEM 10)**

Mrs J Jenkins, Independent Chairman of the Standards Committee was in attendance to present the minutes.

- (a) Members' Interests in the LDF Process (Minute No 44/08)

The Leader of the Council made a statement concerning the recommendation and suggested the removal of part (2). He understood that the primary focus of this was to protect the Cabinet but said he was satisfied that members of the public would understand that as the site specifics of the LDF had to be agreed by full Council, individual members of the Cabinet would not be considered to affect that decision. If specific sites were discussed which related to individuals on the Cabinet they would of course declare prejudicial interests, not join in the discussion and would leave the room.

The Member Services Manager requested that the changes to Panel 1 required by part (1) of the recommendation be made as soon as practicable as the next meeting of the Panel was 20 August 2008 and a review of panels generally would be taking place within the next cycle.

Mrs Jenkins reiterated that the point of concern had been one of public appearance and the reputation of the Committee.

**RESOLVED** that:

**Action By**

**Action By**

- (1) Policy Development and Review Panel 1 be reconstituted as soon as practicable to ensure that it is not comprised of any Members who are promoting sites under the LDF on behalf of themselves or any other person;
- (2) Members of the Overview and Scrutiny Commission continue to be mindful of the need to declare any personal or prejudicial interest in receiving references from Panel 1 on the LDF in appropriate circumstances;
- (3) the Council remains conscious of public perception and of the need to act in the spirit of the Code of Conduct at all times; and
- (5) the general advice on members' interests as given in paragraph 7 of the report of the Monitoring Officer be endorsed.

(b) Adoption

**RESOLVED** that the unconfirmed minutes of the Standards Committee meeting held on 8 July 2008 be adopted.

**90/08 AUDIT COMMITTEE (AGENDA ITEM 11)**

(a) Draft Statement of Accounts (Minute No 29/08)

Members noted that this recommendation had been dealt with as a separate item at the Council meeting held on 30 June 2008.

(b) Adoption

**RESOLVED** that the unconfirmed minutes of the Audit Committee meeting held on 27 June 2008 be adopted.

**91/08 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 12)**

**RESOLVED** that Mr W Borrett replace Mr R Goreham as the Council's representative on the Norfolk Rivers Internal Drainage Board.

**92/08 URGENT ITEM - BUDGET BID FOR LOCAL GOVERNMENT REVIEW (AGENDA ITEM 14)**

This item was taken before exclusion of the press and public.

In the absence of the Deputy Chief Executive the Strategic Director (Services) presented this item.

The purpose of the report was to request funds for joint working with other Local Authorities in Norfolk (King's Lynn and West Norfolk, South Norfolk and North Norfolk) to mount objections to the Boundary Committee's proposal.



**Action By**

Many issues needed to be addressed including evidence of affordability and democratic representation. The Boundary Committee had failed to carry out comparative analysis on the proposal submitted.

Officers were to take steps to launch a campaign to persuade the Secretary of State to abandon the proposal. Three work streams had been identified:

1. a critique of the proposals;
2. a media campaign; and
3. consideration of a judicial review

It was proposed to hire experts to help to challenge the proposal. The work should be commissioned immediately and Members were requested to release funds to enable this.

The Leader of the Council added that the motivation behind this fight was the belief that the proposal would do nothing to improve things for the residents of Breckland.

The Leader of the Labour Group questioned this motivation. He said that the police, the PCTs and the County Council all supported the proposal. He felt the nub of the matter was the proposed reduction in Councillors under the new proposal and asked why there was no mention of the 'Super Councillors' that might come into being.

He asked what evidence there was to support a judicial review which could cost huge amounts of money and could drag on for a very long time.

Another Labour Member suggested that the people of Norfolk did want this change and that the money did not belong to the Council, but to the people of Norfolk and should not be used for this purpose.

Many Members refuted this suggestion and spoke of meetings with Parish Councils and residents who were appalled at the proposal.

An Independent Member said he was in a 'cleft stick' position. He believed in a unitary authority but felt this proposal was the worst possible option for Norfolk. He did not think that the fight should be to maintain the status quo, but that the 'Nutcracker' proposal should be put forward. He also asked why only four authorities were prepared to spend money on this. He concluded by saying he would approve of the money being released if it was used to support a proper unitary authority.

The Leader of the Council responded to this by saying that many different proposals had been put forward – 22 or 23 in all. All had been rejected but no guidance had been provided as to why; which was why it was necessary to critique and challenge the Boundary Committee's proposal.

He agreed that the fight should not be to maintain the status quo, but to provide an enhanced status quo.

**Action By**

After further discussion it was **RESOLVED** to:

- (1) authorise the Leader, in consultation with the Chief Executive, to take such steps as may be required to mount effective objections to the Boundary Committee's draft proposal and the County Council's concept for the replacement of the existing system of two tier local government in Norfolk with a County unitary authority or either of the other options put forward for discussion; and
- (2) that a budget of up to £100,000 be allocated for the purpose of funding the action specified in part (1) above.

Mr Balaam, Mr Fanthorpe and Mr Goreham voted against the recommendation.

**93/08 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".

**94/08 URGENT ITEM - ANCHOR HOTEL, THETFORD**

Mr Bambridge declared a personal and prejudicial interest in this item and left the room whilst it was discussed.

The Assistant Director (Services) introduced this item which was highly confidential. A report was tabled which proposed the purchase of the Anchor Hotel for future redevelopment with the adjacent bus station which was already in the Council's ownership.

It was confirmed that despite protracted negotiations the vendor would not lower the price but it was considered that the purchase was in the best interest of the future plans for Thetford.

The urgency was caused by the vendor's proposal to mothball the site if a deal was not reached immediately.

A Member for Thetford considered the purchase was a good idea but stressed that the redevelopment proposals would need to be architecturally unimpeachable.

**RESOLVED** to release the requested funds to acquire the Anchor Hotel, Thetford for future redevelopment.

The meeting closed at 11.56 am

CHAIRMAN