
BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 12 May 2009 at 9.30 am in
Norfolk Room, The Committee Suite, Elizabeth House, Dereham**

PRESENT

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

Also Present

Mr S.G. Bambridge	Councillor E. Gould
Mrs M.P. Chapman-Allen	Mr P. J. Hewett
Mr J.P. Cowen	Mr A.P. Joel
Mr P.J. Duigan	Mr J.P. Labouchere
Mr K.S. Gilbert	Mr W.P. Borrett
Councillor E. Gould	Mrs G. Bannister
Mr P.J. Hewett	Mr D. Spencer
	Mr D. Jolley

In Attendance

Ian Vargeson	- Member Services Manager
Robert Barlow	- Assistant Director (Governance)
Julie Britton	- Senior Member Services Officer
Phil Daines	- Development Services Manager
Mark Finch	- Head of Finance
Anita Brennan	- Strategic Housing Manager
Trisha Bailey	- Commercial Property Manager
Lindy Warmer	- Economic Development Officer
Trevor Holden	- Chief Executive
Tim Leader	- Deputy Chief Executive
Stephen James	- Policy and Performance Manager
Robert Leigh	- Head of Marketing and Communications
Steve Udberg	- Asset Manager
Gill Bannister	-
David Spencer	-
Dave Jolley	-

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34/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 24 February 2009 were confirmed as a correct record and signed by the Chairman.

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35/09 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr R Goreham.

36/09 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following declarations were made:

- Lady K Fisher declared a personal interest in Agenda item 7 by virtue of her being on the YMCA Board. She also wished for it to be noted that a personal interest would also be declared if matters relating to Thetford Growth Point were discussed.
- Messrs W Smith and P Claussen declared personal interests in Agenda item 19, Anglia Revenues and Benefits Partnership, the nature of which related to their positions on the Partnership Board.
- Mr P Cowen declared a personal interest in Agenda item 16, Capita contract, by virtue of his profession as an architect in practice.

37/09 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Messrs G Bambridge, B Borrett, P Cowen, P Duigan, K Gilbert, P Hewett, A Joel and J Labouchere and Mesdames M Chapman-Allen and E Gould.

38/09 ANNUAL AUDIT AND INSPECTION LETTER 2007/08 (AGENDA ITEM 7)

The Policy and Performance Manager introduced Gill Bannister from the Audit Commission who was in attendance to present the Annual Audit Inspection letter. She informed Members that this would be the last time the letter would be presented in its current format.

The report drew on the findings and conclusions from the audit of the Council and from any inspections that had been undertaken in the last year. The letter included the Commission's review on how well the Council had progressed and the auditor's assessment of how well the Council had managed its finances.

The main messages for the Council were as follows:

- Breckland Council was continuing to improve its performance although the rate of improvement had slowed. A higher than average proportion of the Council's performance indicators was amongst the best performers and most local priorities were being effectively tackled.
- Crime levels were generally decreasing and the Council was showing stronger community leadership. Services were becoming more accessible to different groups within the community, and were better tailored to their needs.
- Strategic planning was strengthening with clear links being made

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between corporate, community and county plans. Performance management was robust and the Council had capacity to deliver its plans.

- An unqualified audit opinion on the 2007/08 statement of accounts and certified the completion of the audit had been issued.
- It was concluded that, in all significant respects, the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2008.
- The Council had been assessed as performing at level 3 in the 'use of resources' judgement which represented a significant improvement and indicated that the Council was performing well.

The action needed by the Council was as follows:

- to continue to implement improvement plans to meet its key service priorities including those highlighted in the direction of the travel report;
- to exercise strong governance and financial management to combat the pressures brought by the current economic climate; and
- to continue to exercise strong governance through the period of uncertainty as the proposals for Norfolk local government re-organisation were clarified.

Breckland Council had 43% of its performance indicators amongst the highest performing for district councils in 2007/08; this was 10% above the national average.

A number of community events had been organised under the 'Pride in Breckland' banner; however, it was unclear what impact this had had on achieving the Council's main aims.

In 2007/08 the Council was amongst the worst performers for payment of invoices; however, the initial problems with the new electronic ordering system regarding invoice payments had since been addressed.

Support had been provided to specific areas and business sectors, for example through the major Rural Enterprise Valley project. This had been completed and had met most of its aims in terms of support for the motorsport and advance engineering sector based along the A11 corridor. The outcomes had been the sharing of best practice, increased turnover and creation of a substantial number of jobs. The Audit Commission wished for further updates on this matter.

Council performance in helping to ensure sufficient affordable decent housing and dealing with homelessness had been mixed. The number of affordable homes being built in the district had been well above average but the percentage of private sector homes vacant for six months or more

Robert Walker

Mark Stanton

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<p>had been worse than the district council average in 2007/08. The number of households accepted as priority homeless had decreased but was still above the national average. Despite the Council's efforts, homelessness remained a challenge; however, the Commission would be looking to assess the recent position on this matter taking the economic climate into account.</p>	Anita Brennan
<p>Sickness absence had increased year on year and had been worse than average in 2007/08; however, the new data that had been received showed that there had been some improvement.</p>	
<p>The Council had recently been awarded the Member Development Charter in recognition of its provision of the support, skills and training for councillors. More attention would be paid to this in future by the Audit Commission.</p>	Stephen McGrath
<p>Norfolk was currently subject to a review by the Boundary Committee into the future of local government across the county. There was a risk that improvement levels might not be sustained if this went ahead; the Audit Commission would be looking for a smooth transition if it did so.</p>	Tim Leader
<p>The Executive Member for Transformation thanked Gill Bannister and the Audit Commission for a very fair and good report. He also thanked the Chief Executive and Breckland Officers for their assistance and co-operation throughout the audit inspection, particularly the Performance and Finance teams. He was extremely pleased by the overall assessment score of 3.</p>	
<p>The Chief Executive echoed the aforementioned comments.</p>	
<p>The Audit Inspection letter was otherwise noted.</p>	
<p>39/09 <u>ANNUAL DELIVERY PLAN 2009/10 (AGENDA ITEM 8)</u></p>	
<p>The Policy and Performance Manager was in attendance and explained the purpose of the Annual Delivery Plan.</p>	
<p>The Executive Member for Planning and the Environment queried the budget information on page 28 of the Plan. She asked for her budget to be separated from the Transformation Portfolio. The Assistant Director for Governance advised that confirmation of the Capita decision would mean that all of the Council's budgets would have to be re-worked. He would; however, get back to the Executive Member with a response.</p>	Robert Barlow
<p><u>Options</u></p>	
<p>To approve, reject or amend the Annual Delivery Plan.</p>	
<p><u>Reasons</u></p>	
<p>The Audit Commission require Councils to have in place robust performance management systems.</p>	Helen McAleer, Ian Vargeson, Stephen James
<p><u>RECOMMEND</u> to Council that the Annual Delivery Plan for 2009/10 be</p>	

approved.

40/09 CAPITAL PROGRAMME 2008/09 (AGENDA ITEM 9)

A revised Capital Programme report had been circulated.

Capital investment played a key role in helping the Council to achieve its long term objectives. The report showed the out-turn on capital schemes in the 2008/09 Capital Programme along with the resources used to fund the programme.

The Executive Member for the Governance Portfolio introduced the report and requested that Members consider the Capital Programme prior to recommendation to Council.

The Assistant Director for Governance outlined the key issues contained in the report.

Referring to paragraph 4.1 of the report, under Planning and Building Control, the under spend of £27,500 was requested to be rolled over on a *scheme by scheme basis* into 2009/10 for work to be completed on the GEODSYS and TLC project.

In addition to items noted in section 4 of the report, there had been requests for other proposed changes to the programme including work in progress. These schemes had been added to the 2009/10 Capital programme as it was recognised that not all schemes finished at the end of each financial year.

The actual capital receipts in 2008/09 (6.1 of the report) now amounted to £398,802 as more money had recently been found.

The Executive Member for the Transformation Portfolio and the Chairman of the Overview and Scrutiny Commission were pleased with the information presented and complimented the Finance team on a much more legible report.

Options

Members might wish to suggest alternative arrangements for amendments and associated financing to the 2008/09 Capital Programme.

The reason for the recommendation would ensure the Capital Programme for 2008/09 was amended along with the necessary funding.

RECOMMEND to Council that

- 1) the Capital Programme for 2009/10 be approved;
- 1) the associated financing be amended to reflect the items under paragraphs 5.1 and 5.2 of the report; and
- 2) the funding as detailed in Appendix B of the report be approved to

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**Robert
Barlow**

finance the Programme for 2008/09.

41/09 CONCESSIONARY BUS FARES (AGENDA ITEM 10)

The report provided an update on recent changes to the concessionary bus fares scheme and sought clarification on areas where discretionary concessions might be applied.

The Executive Member for the Governance Portfolio explained that although various changes had been made to the scheme, she hoped that she would have the Members' support as the scheme was of great benefit to council tax payers particularly to those in rural areas.

Some services that had previously been mandatory under the national scheme had now become discretionary, in that the district could make its own decision whether to grant a concession to journeys starting within their district.

A Member asked whether the Council could provide a new concessionary flexi bus service in the south of Attleborough as he had concerns with the amount of buses that had been withdrawn from around the Attleborough area as a whole. He also asked that the Council supported a National Express coach from Attleborough to Thetford and to highlight the fact that it would be concessionary.

The Head of Finance explained that there had been a number of changes to the way in which the costs of the Norfolk scheme were allocated. He asked that the surplus budget be removed to assist the Council's efficiency plan, leaving sufficient funds to support the schemes outlined in the report.

The National Express coach route operating between Thetford and Norwich had allowed concessionary bus pass holders to travel free of charge since the new national scheme was introduced. This scheme, however, now fell outside of the new guidelines and authorities had been requested to confirm whether they intended to continue to allow this concession. The costs of granting a concession on this route were unknown, as the coach operator had never charged authorities for this service; therefore, the Council had not incurred any costs so far. As a result, Breckland Council did not hold data to help forecast usage. The Head of Finance explained that he would try to obtain some figures and would also keep a close eye on the numbers using it.

Another Member said that he would find it very useful if the Council supported a flexibus/connect bus in his area (the Eynsford Ward), as public transport facilities in these particular areas were minimal.

The Chairman agreed that there were rural deprivation issues in Breckland and that residents should be allowed to access the main bus arteries. He suggested that the budget should be held in abeyance whilst further investigations took place with regard to the National Express coach matter.

The Deputy Leader felt that the Council should be careful with how it

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**Mark
Finch**

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allocated these monies as Breckland had, in the past, received the lowest level of funding for public transport from Norfolk County Council even though Breckland had the highest level of elderly living in the area.

Options

- To remove the surplus budget to assist the Council's efficiency plan.
- To grant discretionary concessions to allow the continuation of concessions that were previously in the statutory scheme (advantages and disadvantages had been set out in the report at Appendix A). All concessions encourage the use of public transport and support environmental objectives by providing alternative means of transport to private cars as well as supporting the development of prosperous communities.
- Not to grant these discretionary concessions.

Reasons

- To aid budget management and reallocation of surplus resources.
- To clarify instructions issued to the bus operators and the scheme administrator.
- Granting of the concessions would support the Council's Strategic Business Plan and help it develop flourishing rural communities by improving access to services for people who lived in villages, especially those who are older, disabled or suffer from health problems. It would ensure that people who lived in villages enjoyed reasonable access to basic services.

RECOMMEND to Council that:

- 1) the surplus budget be reallocated to assist the Council's efficiency plan conditional upon the need to fund discretionary enhancements to the community transport scheme;
- 2) the concession for eligible pass holders to use the Thetford to Norwich National Express coach service be allowed;
- 3) the flexibus services be continued to attract concessionary travel even though these services no longer form part of the national statutory scheme; and
- 4) concessions be allowed to continue to operate from 8.30 prior to the core start time of the statutory scheme.

**Ian
Vargeson,
Mark
Finch,
Helen
McAleer**

**42/09 BRECKLAND COUNCIL-OWNED LAND AT CORONATION TERRACE,
CASTON (AGENDA ITEM 11)**

The Executive Member for the Economic and Housing Portfolio presented the report which concerned a request to transfer two areas of Breckland Council-owned land at Coronation terrace, Caston to Caston Parish Council at nil consideration to be retained as amenity areas for the benefit

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of the community.

Option 1

That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be transferred a nil consideration to Caston Parish Council, subject to a covenant being imposed restricting the use of these areas to amenity purposes only and that the legal costs associated with such transfer(s) be borne by Caston Parish Council.

Option 2

That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be transferred, at or above the District Valuer's valuation, to Caston Parish Council subject to a covenant being imposed restricting the use of these areas of land to amenity purposes only and that the legal costs associated with such transfer(s) be borne by Caston Parish Council.

Option 3

That these two areas of Breckland Council-owned land at Coronation Terrace, Caston be sold on the open market thus receiving a minimum income of £1,950.00 plus VAT.

Option 4

That these two areas of Breckland Council-owned land at Coronation Terrace, Caston remain within Breckland Council's ownership.

Reason

The parish would like these areas to remain as green space for the village use. The Parish Council were currently planning a village enhancement scheme with new plants, bins etc. If these areas of land could be included it would provide a welcoming entrance to the village.

RESOLVED that

- 1) the transfer of the two areas of Breckland Council-owned land at Coronation Terrace, Caston to Caston Parish Council be approved at nil consideration;
- 2) a covenant be imposed restricting the use of these areas of land to amenity purposes only; and
- 3) the legal costs associated with such a transfer be borne by Caston Parish Council.

Zoe Footer

43/09 BARNHAM CROSS ESTATE, THETFORD - COUNCIL-OWNED LAND AT BEECH CLOSE (AGENDA ITEM 12)

The Commercial Property Manager presented the report which sought Cabinet's approval for the transfer of three areas of Council-owned land at Beech Close, Thetford, on the Barnham Cross Estate to Peddars Way

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Housing Association at nil consideration. Breckland Council and Peddars Way Housing Association were currently working in partnership to regenerate and enhance this estate, maximising the use of the garage blocks, garage forecourts, off street parking areas and amenity areas and the land adjacent to the houses.

The Executive Member for the Transformation Portfolio felt that this would prevent inconvenience to other car users if approved.

Option 1

That these areas of Council-owned land at Beech Close, Thetford be transferred, at nil consideration, to Peddars Way Housing Association to allow these areas of land to be used to create additional car parking provision.

Option 2

That these areas of Council-owned land at Beech Close, Thetford be transferred, at or above the District Valuer's valuation to Peddars Way Housing Association to allow these areas of land to be used to create additional car parking provision.

Option 3

That these areas of Council-owned land at Beech Close, Thetford remain within Breckland Council's ownership.

Reasons

- The Council would lose responsibility for these areas of land at Beech Close, Thetford.
- To support the regeneration and enhancement of the Barnham Cross Estate in Thetford.
- To reduce off-street parking and illegal parking on open space.

RESOLVED that, the three areas of Council-owned land at Beech Close, Thetford, be transferred, at nil consideration, to Peddars Way Housing Association to allow these areas of land to be used to create additional car parking provision.

Zoe Footer

44/09 FINANCIAL INCLUSION STRATEGY (AGENDA ITEM 13)

The Strategic Housing Manager presented the report which invited Members to consider and agree the Financial Inclusion Strategy for Breckland and recommend it to Council for approval.

This Strategy would set out the issues and extent of financial exclusion nationally and locally and identify the work currently happening across the District to promote financial inclusion and highlight any recommendations for improving financial awareness and solutions to reducing the impact of financial inclusion.

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Options

- 1) To agree to adopt the Strategy for financial inclusion would demonstrate the Council's priority to improve the quality of life of residents currently facing severe hardship due to unemployment, reduction in income and loss of their homes. The current financial climate had touched every resident in some way. This Strategy enabled an opportunity to strengthen partnerships to deliver appropriate services to Breckland's residents.
- 2) Not to agree to adopt the Strategy would prevent a coordinated planned approach to service delivery for those requiring financial support. It would undermine the partnerships that have been developed and demonstrate to residents that the Council did not recognise the difficulties that they might be facing in the current climate.

Reasons

This would be the first Financial Inclusion Strategy in Norfolk. It aimed to build strong partnerships to deliver services to a cross section of the community. Financial hardship did not just affect social housing tenants; it impacted on the young, the old, homeowners, those in work as well as those out of work.

The Strategy was a positive reaction from the Strategic Housing team on the impact on their service from those experiencing financial hardship. Having a Strategy in place would enable the Housing team to have a platform to make funding bids to secure resources where actions needed to be delivered outside of the budget constraints.

RECOMMEND to Council that the Financial Inclusion Strategy and associated action plan be adopted.

45/09 HOUSING ACCESS IMPROVEMENT AND DEVELOPMENT OFFICER (AGENDA ITEM 14)

The report requested Cabinet's permission to use the external funding from Norfolk County Council Adult Social Services and Norfolk Supporting People to appoint the temporary post of a Housing Access Improvement and Development Officer.

Options

To approve or not to approve the funding for temporary post.

The reason for the recommendation was that at the General Purposes Committee meeting on 1st April 2009, it was resolved that, subject to the funding being approved, a temporary Housing Access Improvement and Development Officer be appointed

The risks of not appointing the temporary Housing Access Improvement and Development Officer were as follows:

**Anita
Brennan,
Helen
McAleer,
Ian
Vargeson**

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- Failure to deliver the recommendations of the Physical and Sensory Disability Strategy
- Reputational damage with other key partners in the statutory and voluntary and service user sector
- Failure to deliver key outcomes for vulnerable client groups
- Failure to capitalise on funding and accommodation opportunities for this client group, impacting on delivery against LAA indicators 151 and 152
- Missed opportunity to demonstrate the Council's contribution to the wider Comprehensive Community Assessment agenda.

RESOLVED that the external funding from Norfolk County Council Adult Social Services and Norfolk Supporting People be used to appoint a temporary Housing Access Improvement and Development Officer for a two year fixed term to deliver the outcomes identified in the Housing Strategy 2008 for people with physical and sensory impairments.

**Anita
Brennan**

**46/09 BRECKLAND ENTERPRISE & LEARNING ACCOUNT (BELA 3)
(AGENDA ITEM 15)**

The report sought Cabinet's approval for £20,000 funding to be released from the match funding reserve to enhance and enable Phase 3 of the ongoing Breckland Enterprise Learning Account (BELA) project which offered small grants of up to £500 to micro businesses based within the Breckland District. The project had recently been awarded £10,000 from the Breckland Partnership to enable Phase 2 and the Board had recently agreed a further £5,000 towards Phase 3.

The Economic Development Officer explained that Appendix 1 of the report highlighted how many businesses had benefited from such grants. This was considered to be good public relations for the Council as it was actually giving businesses something rather than taking away. In response to a question asked at a previous Executive Board meeting, Members were informed that the total required from Breckland Match Funding Reserve equated to 38.46%.

The Executive Member for the Transformation Portfolio was in strong support of the recommendation as he felt that small grants of up to £500 would be most valuable to small businesses particularly in the current climate.

The Economic Development Team were congratulated

Option 1

Members agree to funding the initiative to the full amount of £20,000 to enable an additional 50 (minimum) start up micro businesses across the Breckland District to directly benefit from the funding available thereby

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ensuring their needs were met especially during these challenging times, and progress towards meeting the Council's own strategic aims.

Option 2

Members agree to fund the initiative to a lesser amount which would result in diminished outputs and outcomes for Breckland based start up and micro businesses.

Option 3

Members decline to agree funding to enable the project to continue. If this was the case the project would diminish but would continue to run with the £5,000 awarded by the Breckland Partnership which would enable 10 further businesses to be assisted.

Reasons

Additional funding for this initiative would help maximise the opportunity for start up and micro businesses to obtain skills development, business support, essential items of equipment, advice and guidance at a time when businesses such as these were at their most vulnerable.

If the funding was not approved it would result in the subsequent scaling down of this initiative.

There was no other grant scheme like BELA available to businesses. If Members declined to agree the funding the one small form of grant aid the business community could access would be gone along with the opportunities that it offered.

RESOLVED that £20,000 from the Match Funding Reserve (MFR) be approved to deliver the project to enable the Council & Breckland Partnership to assist a minimum of 50 businesses through a total fund of £25,000.

**Lindy
Warmer**

47/09 CAPITA CONTRACT (AGENDA ITEM 16)

David Spencer and Dave Jolley from Capita Symonds were in attendance for this item.

This item had been referred to Cabinet for a decision having regard to a range of issues that had emerged during final negotiations and due diligence that, in the opinion of the Deputy Chief Executive, had a material impact on the five criteria against which the contract was to be evaluated, and the risks associated with proceeding to execute the agreement.

The report updated Members on these issues and the essential features of, and the risks associated with, the final draft of a contract between the Council and Capita Symonds Limited.

Specific issues related to:

- securing substantial efficiency savings;

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- generating significant income;
- demonstrable improvements to the quality of service;
- provisions for the return of a strong planning and building control service upon the termination of the contract; and
- pension costs

There were concerns of how projected savings could be measured and whether the Council would end up paying more for services if a specification of work Capita would have to complete was not comprehensive enough. There were also concerns about the legality of the delegated planning decisions and what would happen if the contract was terminated.

The Deputy Chief Executive was satisfied that the contractual arrangements that had been agreed with Capita had been met. However, this did not necessarily mean that the Council should enter into the agreement. It had become apparent that the negotiation process demonstrated that it would be impossible to devise a simple, robust mechanism for tracking the delivery of savings over time as the baseline and subsequent service levels demanded and provided would change. This was not to say that savings would not be delivered; they could not, however, be identified with sufficient precision to be incorporated into the contract. Members therefore needed to satisfy themselves that the mechanism for controlling costs as volumes changed would promote delivery of more efficient services than could otherwise be provided in-house over the same period. Officers believed that if the service did remain in-house, it would be possible to formulate a management plan with a cost profile that would deliver savings over the 15 year period broadly comparable to those offered by Capita as guaranteed efficiency savings.

Members were informed that the arrangements for making delegated decisions had been agreed to the Deputy Chief Executive's satisfaction. The Deputy Chief Executive explained that normally delegated decisions were made by the Head of Planning or one of his two principal officers. In future, Capita's agreed arrangement was that those officers would not now be able to make decisions on behalf of the Council. They would instead have to prepare a notice of decision, complete with reasons and any conditions together with a Proforma report for the Deputy Chief Executive and he, or an officer authorised by him, would make the decision.

If the contract was signed, Capita would provide all of the services that were presently provided by the authority's Planning and Building Control teams, including the land charges service. The remit that had been given to Capita had been described in service specifications that form part of the contract. The service specifications were intended to capture all the activities planning and building control currently carried out but it was important to bear in mind that it would be impossible to specify what they did in a comprehensive and precise manner.

One of the biggest challenges facing the Council would be that these service areas would no longer be Member-led and Members might find it culturally difficult to adjust.

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Referring to the termination of services, Members were informed that the Council could not terminate the contract without a very good reason. If Capita caused such a significant harming event, such as the business plan not being settled in a certain amount of time, then the Council could terminate the contract. The occurrence of three critical service failures, such as slipping a quartile in the performance indicators, would be another reason to terminate. Capita would be given a chance to come up with a remediation plan first and then if the Council was still not satisfied, the contract could be terminated. Everything else was as proposed as at the last Cabinet meeting.

The Assistant Director for Governance had come to the conclusion that the contribution to the Council's efficiency budget would be in the region of £250,000 per annum. This figure would be generated through a mix of a lower contracted cost of service with Capita, an opportunity to remove residual costs from the Council and a sharing of the turnover generated by the growth of the Breckland Capita team. The Assistant Director for Governance said that this was very much an opportunity that, in his opinion, was worth pursuing. As far as pensions were concerned, there was a big pension liability that had arisen over the last few months and whether the Council retained those liabilities was another matter. The Government's Actuary's Department had certified that Capita's scheme provided benefits that were broadly comparable to the Local Government Pension Scheme.

David Spencer, the Executive Director for Capita Symonds, said that Breckland was ahead of others in looking at selling off its planning department and that many others were looking to follow suit. He believed that local government was on the brink of change of how authorities thought about different ways of delivering services.

The Vice-Chairman asked about the governance arrangements and how this would affect the roles of the Overview and Scrutiny Commission and the Audit Committee. He also asked how Members would sit with Capita. In response, the Deputy Chief Executive advised that operational issues would be managed through a Service Planning and Improvement Group, which would be responsible for the development of the annual business plan, monitoring performance, agreeing variations to the service, setting the contract price (subject to approval by Council), and resolving operational issues that could not be settled informally in the course of normal day to day business. This Group would meet monthly and would be attended by senior officers and elected Members and chaired by the Director of Services. More strategic planning and long term improvement of the service would be managed through a Service Improvement Group. This forum would meet every six months and would consider the potential for significant enhancements of the service that was being provided to local people and the Breckland Business Unit – the latter being with a view to maximising the income received by the Council. Sitting outside these two groups would be the Overview & Scrutiny Commission, which might want to look at any contractual issues and the Audit Committee for the financial terms.

The Chairman of the Development Control Committee asked what

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substantiated critical service failure, as she had concerns about problem applications at Committee which might get deferred and therefore deadlines could be missed. She also asked about the formulation of staff if the Council was to exercise a 'get out' clause. In response, the Deputy Chief Executive explained that Capita could not force the Committee to determine any application. As far as the future of staff was concerned, Members were advised that because it was impossible to predict what kind of service would be transferred back to the Council or to another provider in 15 years time, the contract had been set out with a range of principles to guide the formulation of an exit plan. Capita would be responsible for preparing this exit plan within six months of the commencement of contract. This approach did carry with it some risk; Capita's staff might not, for example, wish to transfer back to the Council. It would also be difficult in practice to determine precisely who should transfer or remain with Capita. Capita would performance manage its staff so therefore the risk that the Council might not get back everyone if wanted would be a big one.

The Chairman of the Overview & Scrutiny Commission asked if the Council found that critical service failure had occurred, was there a clause in the contract that Capita paid the costs. The Deputy Chief Executive advised that there were limits to Capita's liability and if the Council was judicially reviewed, Capita would be seen as the interested party and therefore Breckland would end up paying costs.

A Member asked what the Council would gain from this contract considering that Planning's current performance levels had a 90pc satisfaction rate. He had concerns about the word 'risk' being used many times in the document. Savings were not guaranteed and very little profit would be made in the next few years. He called for the matter to be deferred so that the Overview and Scrutiny Commission could consider these specific issues. He also queried the £225k on page 142 of the report and asked whether this amount was from Breckland Council or whether this was part of Capita's monies. The Vice-Chairman agreed with the points about risk and asked the S151 Officer, in his professional opinion, whether £250K mentioned in the document would indeed be saved.

In response, the S151 Officer informed Members that as well as the risks, the opportunities had also been highlighted in the document. In his opinion, this contract would be very much an opportunity that was worth pursuing. Dave Jolley from Capita Symonds agreed that there was a risk but what Breckland Council had in front of it was a formidable contract.

As far as the £225K on page 142 of the report was concerned, Members were informed that this amount was a contribution from Capita.

Referring to the risks involved, the Chairman of the Overview & Scrutiny Commission pointed out that all aspects of Council business contained risks. What mattered most was that we understood the context of it and what the outcomes would be. He asked for the requested deferment to be deferred until the debate had finished.

A Member was very much in favour of the scheme as described by the

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Deputy Chief Executive; however, he asked whether Capita could provide an assurance that any initial problems that the Council might be faced with could be overcome and not distorted. The Member also mentioned Breckland being a very local working Council and hoped that this would continue. In response, David Spencer assured the Cabinet that Members, parish councils and the public would still be able to have the same access and contact with planning officers under Capita as they previously had. In answer to a concern about charges, the Deputy Chief Executive reassured Members that the Council was responsible for setting levying charges and would remain so; Capita could not levy charges on any member of the public.

The Executive Member for the Economic and Housing Portfolio assured the Cabinet that Parish Councils were not afraid of change. Members must not lose sight of how much better the access was going to be for everyone in Breckland once the new IT software systems were installed.

The Executive Member for the People First Portfolio read out questions from her residents which the Deputy Chief Executive answered in the positive.

The Executive Member for the Planning and the Environment Portfolio supported the contract between the Council and Capita and admitted that although it had been a very long process there were no major differences on the table. She said that many of these issues raised had been thoroughly discussed at the Panel meetings that had been set up specifically for this. She had no misconceptions about Planning and Building Control still being very much under Member control. She felt that the contract had been a huge achievement for the Deputy Chief Executive who had answered and dealt with all the questions that had been put. The Executive Member also thanked all the staff for their involvement and patience in which had been a very long drawn out process.

The Vice-Chairman asked Capita whether the contract was viable. Members were informed that it was; this was why the content of the contract had been discussed at great length. With regard to the quality of service, the performance standards would be based on current performance levels and if the service ever returned to Breckland it would be returned in the upper quartile. Capita would aspire to have upper quartile teams.

The Vice-Chairman said that any additional services would incur costs so it would be no different to what the Council had now. He was quite happy for this proposal to go ahead as he was quite content with what had been said.

The Chairman referred to the Thetford Growth Point team and asked whether Capita would cease to charge the £8,000 per annum if staff in that team were redeployed elsewhere. The aforementioned amount was to reflect the fact that the Thetford Growth Point team would not be making a full contribution to the Breckland business unit. Capita confirmed this request.

The Vice-Chairman felt that this was a unique contract and he thanked all

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the Officers involved for enduring the various debates which had been held with Members and with the Deputy Chief Executive.

The Chairman pointed out that, Members had the right to call in this matter if approved. He asked the Chairman of the Overview & Scrutiny Commission whether he was happy that this contract had been fully debated. In response, the O&SC Chairman said that having been involved in this Scrutiny process for a very long time, there was nothing in this final contract that indicated that Capita wanted to fail and he wholeheartedly supported it.

A Member said that the calibre of questions from this authority was far higher than any other authority that he had dealt with.

Options

To enter or not to enter into the contract with Capita Symonds Limited.

Reasons

See report.

Members then voted on the matter, and it was

RESOLVED that

- 1) the externalisation of the Council's Planning and Building Control Services be approved;
- 2) the contract be entered into with Capita; and
- 3) the Deputy Chief Executive be authorised, in consultation with the Business Transformation and Planning and the Environment Portfolio Holders:
 - a) to make minor amendments to the agreement to finally resolve any outstanding matters of detail as follows:
 - b) to execute the agreement on behalf of the authority; and
 - c) to take such steps as required to implement the agreement, including specifying the date of commencement of the contract.

**Tim
Leader**

**48/09 MEMBER DEVELOPMENT PANEL - ANNUAL APPOINTMENT
(AGENDA ITEM 17)**

RESOLVED that:

- 1) the existing members of the Member Development Panel be re-appointed; and
- 2) the vacancy be filled by Mrs D Irving.

**Stephen
McGrath**

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**49/09 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION
(AGENDA ITEM 18)**

Members approved the recommendation proposed by the Overview & Scrutiny Commission as it was felt that a more robust mechanism needed to be in place.

Options

- 1) To approve the recommendation from the Overview & Scrutiny Commission.
- 2) Not to approve the recommendation from the Overview & Scrutiny Commission.

Reason

Everyone within the Council needed to adhere to the procedure for the recording of complaints.

RESOLVED that a clear protocol be put in place for the reference of complaints through senior managers to ensure all complaints are logged into the system as appropriate.

**Mark
Broughton
, John
Chinnery**

**50/09 ANGLIA REVENUES AND BENEFITS PARTNERSHIP - ADDITIONAL
FUNDING FOR BENEFITS ADMINISTRATION (AGENDA ITEM 19)**

The options available were:

- 1) not to request the extra funding available from DWP and not to employ extra benefit officers; or
- 2) to request the extra funding available as an additional subsidy to be used for temporary employment of agency staff within the Housing Benefits team.

The reason for the recommendation was to enable the ARP to continue to provide a Benefits service at the current level of performance whilst experiencing increasing workload.

RESOLVED that

- 1) the release of the grant funding to the Partnership be approved; and
- 2) the funding received by East Cambridgeshire and Forest Heath be paid into the Partnership budgets held by Breckland Council and allocated accordingly to the Partner Authorities.

**Steve
Knights**

**51/09 ANGLIA REVENUES AND BENEFITS PARTNERSHIP - LOCAL
HOUSING ALLOWANCE (LHA) AND EMPLOYMENT SUPPORT
ALLOWANCE (ESA) - FUNDING UPDATE (AGENDA ITEM 19)**

The options available were to:

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- 1) note the report and approve the extension of this key post; or
- 2) reject the report and repay the surplus to the DWP.

The reasons for the recommendation were to provide an update on the project and to extend the key post as it had proved invaluable in terms of maximising income received on behalf of the three partner authorities. As the post holder had been seconded into this role, the post, Council Tax Officer, had also been backfilled on a fixed-term contract.

RESOLVED that a supplementary budget, to be funded from the Department for Works and Pensions (DWP), as outlined in the report be approved.

**Steve
Knights**

52/09 NEXT MEETING (AGENDA ITEM 20)

The next meeting of the Cabinet would be held on Tuesday, 23 June 2009 at 9.30am in the Norfolk Room.

The meeting closed at 12.20 pm

CHAIRMAN