

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 18 July 2013 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr J.P. Cowen (Chairman)	Mr A.P. Joel
Mr T. J. Jermy (Vice-Chairman)	Mr R.G. Kybird
Mr A.J. Byrne	Mrs S.M. Matthews
Mr C G Carter	Mr R. R. Richmond
Mr K.S. Gilbert	Mr J.D. Rogers
Mrs D.K.R. Irving	Mr B. Rose

Also Present

Mrs S Armes	Mr M.A. Kiddle-Morris
Mr S.G. Bambridge	

In Attendance

Richard Boole	- Environmental Protection Manager
James Heaton	- Housing Enabling Officer
Helen McAleer	- Senior Committee Officer
Phil Mileham	- Planning Policy Team Leader (Capita Symonds for Breckland Council)
Sarah Robertson	- Planning Policy Officer (Capita Symonds for Breckland Council)
Teresa Smith	- Committee Officer (Scrutiny & Projects)
David Spencer	- Joint Deputy Planning Manager
Robert Walker	- Assistant Director of Commissioning

33/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 6 June 2013 were confirmed as a correct record and signed by the Chairman.

34/13 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor S Armes, Councillor G Bambridge and Councillor M Kiddle-Morris were in attendance.

35/13 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)

Councillor Kiddle-Morris, Executive Member for Assets and Strategic Development had been invited to update the Commission on his Portfolio. He advised Members that some projects took a long time to come to fruition and therefore there had not been many changes since his last update.

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Assets

The Team were working very hard. CIPFA had been asked to audit the way it carried out its work and had placed them in the top quartile in the country for providing value for money. There were some disappointments. The office holdings were not performing well with Dereham Business Centre only 60% let and Thetford between 75 and 85% let. However, commercial property was 93% let. The gross revenue income was £2.67million which equated to the amount received from Council Tax income. That amount included £44,000 from sales and rentals of small pieces of land and £750,000 capital income from the sale of land at Castle Acre Road, with more money due in November and next year.

There had been capital expenditure of £1.2million on an investment property in Kings Lynn which would bring a 12% return. Other outgoings included the costs of maintaining the car parks and other land assets and open spaces, and street lighting in the market towns and Bawdeswell.

Planning Policy

This was one of the areas where projects took a long time. The National Planning Policy Framework (NPPF) had given the Council some freedom to put a local interpretation into the new Local Plan. Evidence gathering was being undertaken as the Local Plan was evidence based. The current timetable was for a new Local Plan to be in place in 2016. However, the Council's current Local Development Framework (LDF) was largely compliant with the NPPF.

Other work included the CIL (Community Infrastructure Levy) – to be discussed later on the Agenda, and Neighbourhood Plans. Attleborough were working on the submission of their plan area and the Council had a duty to co-operate with them on that.

Economic Development

The RevActive programme, which offered free, impartial support to small and medium size enterprises to reduce their energy bills and cut their carbon emissions, was coming to an end. It had helped over 338 SMEs to save £3.8million annually and to secure jobs.

It would be replaced by Grants for Growth working in partnership with other LEPs (Local Enterprise Partnerships) spread over a larger area.

Councillor Matthews asked why RevActive was ending and was advised that the European funding for the project had been for four years and that time was running out.

Councillor Kybird asked whether the private landlords along the A11 corridor were being engaged with and it was confirmed that they were.

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The Vice-Chairman asked what the process was for informing Councillors about decisions such as the purchase of the property in Kings Lynn. He had been informed about it by the local press. They had asked him to comment and although he had been able to say he supported the proposal in principle he had not been able to comment further as he had known nothing about it. He felt it would be helpful for all Councillors to be given a clear understanding of the Council's approach to enable them to deal with the many questions they got from the press and public.

The Executive Member explained that it was very difficult to talk about such matters due to confidentiality issues. There was a project in the pipeline which would help to make the property portfolio more viable and all Members had been invited to a workshop on 31 July which would explain its aims. He urged Members to attend.

Councillor Bambridge thought it was a shame the press were not present to hear the cross party support for the purchase of the Kings Lynn property which would provide such an excellent return on the Council's money.

Councillor Rogers raised a question about investment in each of the five market towns and the Chairman suggested that all such questions could be dealt with when the subject, which was on the work programme, was discussed at a future meeting.

Councillor Richmond asked about the amount of land the Council owned and the Chairman felt that was something that should be included in the investment topic.

The Chairman asked what was being done to try and improve the office lettings and the Executive Member confirmed that they were being marketed aggressively and all options were being explored.

The Chairman thanked the Executive Member for his update.

36/13 COMMUNITY INFRASTRUCTURE LEVY (CIL) (AGENDA ITEM 7)

The Executive Member presented the report which set out the preliminary results from the consultation exercise. He then handed over to the Planning Policy Team Leader and the Planning Policy Officer to provide more background information.

The Planning Policy Team Leader explained that the CIL was a charge to be levied on new development. It would be a tax on net new floorspace, subject to criteria.

The current S106 agreements had restrictions and the role and use of S106 agreements was being scaled back from April 2014.

The CIL would break the link between place and infrastructure

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contributions. S106 agreements would still be needed for on-site requirements and Highway agreements would also still be required. In future it would be possible to capture contributions from much smaller developments subject to certain exemptions.

The 'meaningful proportion' for communities was clarified. Parishes without a Neighbourhood Plan would receive 15% of the CIL capped at £100 per dwelling. Parishes with a Neighbourhood Plan would receive 25% of the CIL not capped.

The Planning Policy Officer explained that the CIL had to be supported by viability evidence. A Viability Assessment had been prepared which considered a range of notional development scenarios according with best practice. It was based on the residual land valuation method which worked out the gross value of a site, minus all costs and profits and determined how much money would be left to purchase the site and pay the CIL.

A workshop had been held with Developers and key stakeholders to check the assumptions used in the research and to get buy-in from them at an early stage in the process.

Using housing sales values, the District could effectively be divided into three residential zones; high, medium and low. Viability was an issue and the affordable housing level had been tested at lower levels to see its effect. It had been established that there was scope to set the CIL at £60 per square metre in the high value zone of the district. The medium and low value zones would be zero rated as even with all the different scenarios tested they had no viability for CIL.

Retail, employment and other schemes had also been tested. Class A1 development, outside town centres was the only viable retail development. The employment development scenarios showed that they did not have any scope for CIL. A number of other districts had reached the same conclusion. However, care homes, hotels and holiday accommodation could support a CIL charge.

The Preliminary Draft Charging Structure consultation had elicited 18 responses; three in support of the proposals and 15 either objecting or making comments. Concerns had been raised about the use of two charging zones for residential development. The results of the consultation were summarised at Appendix A to the report. It had been concluded that more viability work was needed before further consultation took place.

The Planning Policy Team Leader concluded the presentation by advising Members that the Government had produced a consultation on a fourth set of changes to the regulations and those new regulations were due in the Autumn. The current timetable for adoption was to consult on the Draft Charging Structure in October/November 2013 and subject to the responses received to

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submit the report for examination in December 2013. A Hearing would take place in January 2014 and the Inspectors report would be expected in February/March 2014. The CIL was due to be adopted in April 2014.

The Chairman thanked the officers for a concise synopsis of the report. He invited Members to ask questions.

The Executive Member drew attention to paragraph 1.5 of the report which explained residual land value. He advised that the major developments in Attleborough and Thetford would be subject to S106 agreements due to the scale of growth and impacts arising. He was personally in favour of the CIL.

Councillor Gilbert commended the tremendous amount of work done and the very readable report. He asked whether existing S106 agreement obligations would remain and it was confirmed that if permissions had already been granted, subject to a legal agreement, the terms of that agreement would remain.

He asked whether the banding zones were flexible and was concerned that they might lead to a shortage of land in the non-CIL areas.

The Planning Policy Team Leader said that the zones were not flexible but they would be looked at closely. With regard to additional development in the zero rated zones he thought it unlikely as the sales values were lower in those areas which made development less attractive.

Councillor Bambridge asked if development in the zero rated zones would be subject to S106 contributions. It was noted that that would depend on what was needed to make the scheme acceptable.

Although he was in favour of the CIL, Councillor Bambridge did not support the zero rate. He thought the zoning was too heavy handed and that the figures did not stack up. He asked if the Developer was expected to pay the charge within 60 days of receiving planning permission or of starting work. Either would be a long time before they received any return on their investment.

The Planning Policy Team Leader advised that there had been no significant response from developers to the first consultation. The Greater Norwich Partnership had set their CIL rate in the areas adjoining Breckland at £50 per dwelling. He appreciated the sensitivity of the zero rate but had tried to provide the best solution on the evidence available. The CIL was not meant to stifle development and Inspectors' reports on CIL examinations had been taken into account and indicated that they did not support the charge if it prejudiced development.

There was an opportunity to phase instalments for payment of CIL

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but a balance had to be struck as money was needed to pay for infrastructure.

Councillor Irving thought that the number of responses was low and asked how the consultation had been publicised. She was advised that a range of methods had been used including a notice in the local press. Everyone that had previously expressed an interest in the Local Plan and Planning Policies had been written to individually. All Town and Parish Councils had been contacted more than once and drop-in sessions had been held for them. The CIL Regulations set out the publication requirements and the Council had gone above and beyond them.

Councillor Richmond asked how the payment would be enforced and it was noted that the CIL had an extensive set of processes and would follow a similar non-payment process to other tax enforcement.

Councillor Kybird thought that there should be a District wide common CIL to be paid before development to address the infrastructure deficiency.

The Planning Policy Team Leader said the new Local Plan would assess viability across the whole District and look at all the requirements in the Plan to ensure that they were deliverable.

The Chairman noted that the Council currently required 40% affordable housing. He thought that if it was reduced it might actually lead to more housing and more development in the CIL framework. A lot of planning applications were already negotiated down from 40%. When the Core Policies were reviewed the Council needed to consider how to deliver development across the District and address the huge deficit for infrastructure needs.

The Executive Member said that they would look seriously at what, where and how the Council delivered development. They had a policy of negotiation of the 40% affordable housing requirement and viability was the key word to bring housing forward. He drew attention to the £13.21million funding gap referred to in paragraph 1.18 of the report and said that that did not include administration costs, or the 25% or 15% to Parishes, so the gap was even bigger. The infrastructure requirement was known, it was just not known what it would cost. It was a difficult hole to plug.

Councillor Matthews asked if a development had not commenced whether S106 requirements would remain and it was confirmed that requirements within an extant planning permission would still have to be provided.

The Chairman thanked the officers for a very interesting presentation. The report was noted.

37/13 STRATEGIC HOUSING MARKET ASSESSMENT (AGENDA ITEM 8)

The Executive Member introduced the Housing Enabling Officer and commended the report to Members.

The Housing Enabling Officer advised Members that the last Housing Assessment had taken place in 2006/7 and had identified a significant need for housing in the District. That report was approaching the end of its life.

It was now the Council's responsibility for determining housing numbers and the Assessment was required to show how to meet the need for all housing types.

A postal self-completion survey had been sent to a random 20% of households, stratified by area. There had also been an option to complete the survey on-line. A satisfactory response had been received and then the assessment work had been carried out mainly in-house with some mentoring support.

The results had shown that the District comprised of a slightly older population than the regional or national average, with a higher than average proportion of gypsies and travellers and low unemployment. Residents tended to live in owner occupied small homes and the average income was £21,000 per household. The District was cheaper than Broadland and North Norfolk and house prices had peaked in 2008. Affordability was slightly worse than other areas with low overcrowding and low property turn-over.

With regard to the future market, the population was projected to rise by 9-11% equating to about 700-850 households per year. About 650 homes per year would be required, mainly two and three bedroom. The annual need for affordable housing had been assessed at 398 units of all sizes in all areas.

The report provided part of the evidence base for the Local Plan and would help to inform Housing Policy on the mix, size and type of housing required. There was a strong need for both market and affordable housing.

The Chairman thanked the officer for an entertaining and information presentation.

Councillor Bambridge raised a note of concern. He felt that when meshing the housing survey with development things sometimes went wrong. Some villages wanted larger houses and he hoped that would be borne in mind when setting Policy.

Councillor Gilbert wondered if numbers on the Housing waiting list would be reduced if the affordable housing numbers could be met. The Housing Enabling Officer confirmed that if the requirement could

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be delivered in full it would leave a small housing requirement and shorter waiting times. Failure to deliver might increase the numbers on the waiting list which currently stood at about 3750.

The Chairman noted that there had been a shortfall of 8/9000 homes over the last five years. The District could not meet the market housing demand and so would not meet its affordable housing need. The waiting list had grown and with the significant increase in population would grow more in the next ten years. With finances restricted as they were it was a challenging set of circumstances which he hoped would focus the minds of Members on housing needs. All strands interacted and a change to one had an affect on others. Members needed to understand the content of the report. He drew attention to the number of single occupancy houses and said that housing demand would significantly change.

The Vice-Chairman thought that the number of people living alone might be linked to the ageing population as well as to young single people.

Councillor Matthews had participated in a Working Group on housing and remarked that developers were reluctant to build smaller homes.

Members endorsed the document.

38/13 THETFORD MASTERPLAN (AGENDA ITEM 9)

The Executive Member introduced the item and noted that there had been a question about the amount of consultation on the Masterplan. He itemised the different meetings that had been held during the process and to which Thetford Town Council had been invited.

Kevin Ward, Growth Programme Manager said that two previous consultations on the Masterplan had been held in 2005/6 and 2010 and there was fundamentally no change in the aspirations. They had been taken and turned into a delivery document and the Town Council had been involved at every stage.

Councillor Kybird noted that on 14 May the Town Council had received a headline Powerpoint presentation, not the whole document. They had not had the opportunity to examine it closely and it had not been presented to the Moving Thetford Forward Board either. It represented one vision only.

The Executive Member agreed that it was one vision of a deliverable Masterplan which might be subject to change.

The Vice-Chairman thought that the document had not been widely enough consulted on to a broad cross section and that more should have been done to get everyone involved. He noted that Sort-it had applied for a Mary Portas High Street grant. They had consulted widely as part of their application and that information should have

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been used in the document.

The Growth Programme Manager said that the draft document had been sent to the Town Council but had not reached all the Councillors. They had changed the way in which they dealt with the Town Council to ensure that all members did get a chance to see documents in future.

Councillor Armes confirmed that they had not seen the documentation at their Town Council meeting or at any of its Committee meetings.

The Chairman sought clarification from the Officers and it was confirmed that the document had been sent to the Town Council, but had obviously not been disseminated to Members. He therefore advised that officers had followed protocol and should not be criticised.

Councillor Armes apologised to the officers on behalf of the Town Council.

The Chairman thought it was a good document, well put together on behalf of the Council, to deliver what residents were asking for. It was not a plan for development and should be flexible and adaptable. He felt it should have more weight as the Council needed to be able to stand behind it and support it. He asked for it to receive the widest possible consultation and public buy-in. Thetford was an ancient and historic town which formed a gateway to the District and to Norfolk. It was vital to recognise its importance to Breckland.

The Chairman thanked everyone for their input.

39/13 LOCAL GOVERNMENT BOUNDARY COMMISSION (AGENDA ITEM 10)

The Committee Officer (Scrutiny & Projects) updated Members on the progress of the review.

The Boundary Commission had agreed to the Council's proposals to have 50 Councillors from 2015. The next stage was to divide the District between those 50. Several options had been presented to the Working Group and Option 4 had been preferred and was now out to consultation with all Members. Currently officers were just looking at the rural wards, not the towns. The towns would be looked at individually and town Members would be invited to workshops to discuss proposals.

Attleborough and Dereham workshops had been held the previous day and a workshop was being arranged in Thetford for the following week to give the ten Thetford Members the opportunity to provide input.

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Members were reminded that the Council was just one consultee in a process that was open to everyone. It was an opportunity to put forward a suggestion on how the District should be split. In 2014 the Boundary Commission, having considered all submissions, would put forward their proposals for the boundaries.

The Chairman said it was a difficult exercise as Breckland was not easy to divide. There were natural boundaries as well as roads and railway lines to be considered. He commended the Committee Officer (Scrutiny & Projects) and the Democratic Services Team Leader for the work they had done. In September the Council needed to agree a firm recommendation for the Boundary Commission. If no proposal was endorsed the Boundary Commission would make the decision for the Council. He urged Members to get the message out to their colleagues to participate.

Councillor Bambridge asked why there were no workshops for the rural areas and the Chairman advised that the Working Group had looked at those areas.

Councillor Bambridge was worried that the Boundary Commission would make their pronouncement in 2014 and there would not be enough time for Councillors to prepare for the change.

The Chairman advised that the Council had no influence on the timetable. They had tried to extend the response time without success.

40/13 PEST CONTROL SERVICES (AGENDA ITEM 11)

The Environmental Protection Manager presented the report which recommended the withdrawal of Pest Control services from 1 April 2014.

The Council had no legal duty to provide the service and it had not been identified as a priority in the Could We Should We consultations with the public.

He pointed out a slight amendment to the recommendation to extend the service to 30 April 2014, to coincide with the end of the current contract.

If approved the public would be signposted to relevant services from the Council's website and would also be advised on what steps to take by Customer Services. King's Lynn & West Norfolk Borough Council had recently stopped their Pest Control Service and he suggested that Members visit their website to see the signposting there.

Councillor Armes had worked out that the savings only equated to about 50p per household. She wondered if it would be cheaper to provide an in-house service. She also pointed out that the Council

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was responsible for various Open Spaces and some rivers and asked where the funding would come from to keep those areas pest free.

The Assistant Director for Commissioning advised that sums were available for Open Space maintenance. He said that difficult decisions had to be made about which services to forgo.

Councillor Kybird could remember when the Council did provide an in-house service and it had cost a lot more.

The Vice-Chairman noted that the Could We Should We results only seemed to be used when they supported a decision the Council wanted to make.

Councillor Gilbert asked what would happen if people complained about rats coming from a neighbouring property and the neighbour was not willing to pay to have the problem treated. He thought it would be incumbent on the Council to take action and did not think money would be saved. He was against scrapping the service and wondered why the tender process was so expensive.

Councillor Bambridge also thought that the service should continue. He agreed that there could be problems of people being unable or unwilling to pay. It might lead to unsuitable poisons being used and pets and children being put at risk.

The Assistant Director for Commissioning clarified that the Council did not charge for the rats/mice service but did already charge for wasps, bed bugs, fleas and flies. He explained that procurement had to follow rules and regulations. Finally he assured Members that the statutory obligations regarding neighbouring properties would continue to be fulfilled.

RESOLVED not to support the recommendation.

41/13 HEALTH & SCRUTINY (STANDING ITEM)(AGENDA ITEM 12)

Councillor Kybird updated Members on NCC Health & Scrutiny matters.

The Norfolk and Suffolk Joint Scrutiny Committee were considering the radical redesign of mental health services especially in Thetford.

The Scrutiny Committee's future work programme included ambulance turn-around times at the Norfolk and Norwich and stroke services.

The Thetford UKIP Member, Mr Denis Crawford was the link for the Norfolk Health Scrutiny Committee.

Councillor Kybird had attended a regional scrutiny briefing in Peterborough.

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42/13 WORK PROGRAMME (AGENDA ITEM 15)

The Chairman thought that Terms of Reference were needed for the item on investment in the district. It should have a broad brush approach and include residential and commercial development as well as trying to decide where it would be best to invest to promote growth.

Councillor Kybird suggested that the LABV might address some of those concerns and the Executive Member explained that although only 26 properties were included in that project initially there was scope to add more. He added that he was aware that Councillor Rogers had hoped that the Council would buy some employment land in Carbrooke. An appraisal had been carried out and it had not proved viable to do so.

43/13 NEXT MEETING (AGENDA ITEM 16)

The arrangements for the next meeting on 12 September 2013 at 2pm in the Anglia Room were noted.

The meeting closed at 4.47 pm

CHAIRMAN