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AGENDA

MEETING VENUE:

The Anglia Room, Committee Suite, Elizabeth House, Dereham

Our Ref: JB/L.18

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Date: Tuesday, 27 November 2007

**Please note
start time**

Dear Sir/Madam,

I have to inform you that a Meeting of the **District Council** will be held at **2.30p.m on Thursday, 6th December, 2007** in **The Anglia Room, Committee Suite, Elizabeth House, Dereham**

Yours faithfully

Democratic Services Manager

The Democratic Services Manager to call the roll of members

Members and Officers connected with Council are invited to attend a Christmas reception after the Council meeting which will be followed by an Auction of Promises (all proceeds raised will be in aid of the Quidenham Children's Hospice).

Members of the Council requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Council.

Note – *The Anglia Room has been reserved for the Conservative Group and the Dereham Room has been reserved for the Labour Group at 1.30pm before the commencement of the full Council meeting.*

Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE

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	<u>Page(s)</u> <u>herewith</u>
1. <u>MINUTES</u> To confirm the minutes of the meeting held on 25 October 2007.	1 - 11
2. <u>APOLOGIES</u> To receive apologies for absence.	
3. <u>DECLARATION OF INTEREST</u> Members are asked at this stage to declare any interests they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is personal or prejudicial.	
4. <u>CHAIRMAN'S ANNOUNCEMENTS</u> (including the engagements of the Chairman and Vice-Chairman)	
5. <u>CABINET MINUTES: 20 NOVEMBER 2007</u> Unconfirmed Minutes of the Cabinet meeting held on 20 November 2007.	To Follow
6. <u>OVERVIEW AND SCRUTINY COMMISSION MINUTES: 1 NOVEMBER 2007</u> Unconfirmed Minutes of the Overview and Scrutiny Commission meeting held on 1 November 2007.	12 - 20
7. <u>DEVELOPMENT CONTROL MINUTES: 5 NOVEMBER 2007</u> Unconfirmed Minutes of the Development Control Committee meeting held on 5 November 2007.	21 - 34
8. <u>GENERAL PURPOSES COMMITTEE MINUTES: 7 NOVEMBER 2007</u> Unconfirmed Minutes of the General Purposes Committee meeting held on 7 November 2007.	35 - 48
9. <u>LICENSING COMMITTEE MINUTES: 21 NOVEMBER 2007</u> Unconfirmed Minutes of the Licensing Committee meeting held on 21 November 2007.	To Follow
10. <u>STANDARDS COMMITTEE MINUTES: 30 OCTOBER 2007</u> Confirmed Minutes of the Standards Committee meeting held on 30 October 2007.	49 - 54
11. <u>STANDARDS COMMITTEE MINUTES: 14 NOVEMBER 2007</u> Unconfirmed Minutes of the Standards Committee meeting held on 14 November 2007.	55 - 63

12. **MINOR STRUCTURAL REORGANISATION**

Report of the Chief Executive.

13. **LOCAL GOVERNMENT REVIEW**

To receive an update.

14. **NOMINATIONS FOR COMMITTEE AND OTHER SEATS**

To receive nominations for any changes to Committee and other seats from political groups.

Page(s)
herewith

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For Information

CHAIRMAN AND EXECUTIVE MEMBERS' SURGERY

At the end of the Council meeting, Chairmen of Committees and Executive Members will be available to members who wish to put forward specific questions, for example on ward issues.

BRECKLAND COUNCIL

At a Meeting of the

COUNCIL

**Held on Thursday, 25 October 2007 at 10.30 am in
The Anglia Room, Committee Suite, Elizabeth House, Dereham**

PRESENT

Mr P.S. Francis (Chairman)	Mr R. Kemp
Mr S. Askew	Mr M.A. Kiddle-Morris
Mr G.P. Balaam	Mr R.G. Kybird
Mrs J. Ball	Mr J.P. Labouchere (Vice-Chairman)
Mr S.G. Bambridge	Mr K. Martin
Councillor Claire Bowes	Mrs S.M. Matthews
Mr A.J. Byrne	Mrs K. Millbank
Mr P.D. Claussen	Mr I.A.C. Monson
Mr J.P. Cowen	Mrs L.H. Monument
Mr R.W. Duffield	Mr D.G. Mortimer
Mr P.J. Duigan	Mr D.S. Myers
Lady Fisher	Mr J.W. Nunn
Mr K.S. Gilbert	Mr J.D. Rogers
Mr R.F. Goreham	Mr B. Rose
Councillor E. Gould	Mr F.J. Sharpe
Mr J.R. Gretton	Mr I. Sherwood
Mr M.J. Griffin	Mr W.H.C. Smith
Mrs T. Hewett	Mrs P.A. Spencer
Mrs S.R. Howard-Alpe	Mr A.C. Stasiak
Mrs D.K.R. Irving	Mrs A.L. Steward
Mr A.P. Joel	Mr N.C. Wilkin
Mr C.R. Jordan	

In Attendance

John Chinnery	- Solicitor & Standards Consultant
Julie Britton	- Committee Services Officer
Mary Palmer	- Marketing & Communications Manager
Trevor Holden	- Chief Executive
Tim Leader	- Deputy Chief Executive
Ian Vargeson	- Democratic Services Manager
Ray Johnson	- Acting Operations Manager (Commercial Services)
Keith Stevens	- Acting Business Transformation Director
Mark Stokes	- Operations Manager (Cabinet Office)

109/07 MR W MATHEWS

A minute's silence was held in memory of Wilf Mathews, former Councillor and Chairman of the Council.

110/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 20 September 2007 were confirmed as a correct record and signed by the Chairman.

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111/07 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr B Borrett, Mrs M Chapman-Allen, Mr S Chapman-Allen, Mr R Childerhouse, Mr M Fanthorpe, Mr P Hewett, Mr T Lamb, Mrs P Quadling, Mr M Spencer, Mrs L Turner and Mr D Williams.

112/07 DECLARATION OF INTEREST (AGENDA ITEM 3)

The following declarations of interest were noted:

- Mr R Kybird – personal interest as recorded under Minute No. 50/07 of the Policy Development and Review Panel 1 meeting of 30 August 2007.
- Mr P Cowen – personal interest as recorded under:
 - Minute No. 111/07 of the Cabinet meeting of 9 October 2007,
 - Minute No. 93/07 of the Overview and Scrutiny Commission meeting of 27 September 2007; and with regard to
 - Minute No. 151/07 of the Development Control Committee meeting held on 24 September 2007.
- Lady Fisher – personal interest in Minute No. 96/07 of the Council meeting held on 20 September 2007 and Minute No. 99/07(b) of the Overview and Scrutiny Commission meeting held on 27 September 2007. The nature of her interest related to the ownership of land in the Thetford area.
- Mr Bambridge and Mr Rogers – personal interests as recorded under Minute No. 99/07(a) of the Overview and Scrutiny Commission meeting held on 27 September 2007 and anything else recorded in the Minutes that related to the Local Development Framework.
- Mr Claussen – personal interest in Minute No. 99/07(d) of the Overview and Scrutiny Commission meeting held on 27 September 2007 by virtue of him being a non-executive director of the ARP.
- Mr Duigan – declared a prejudicial interest as recorded under Minute No. 160/07 of the Development Control Committee held on 15 October 2007.
- Mr Labouchere – declared a personal interest in anything recorded in the Minutes that related to the Local Development Framework.

113/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The following announcements were made:

The Chairman welcomed the new Deputy Chief Executive, Mr Tim

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Leader, who had recently commenced his employment with Breckland Council. Tim had a wealth of experience in local government, both as a Barrister and also in senior management positions at King's Lynn and West Norfolk and, most recently, South Holland Council in Lincolnshire. The Deputy Chief Executive said that he had massive ambitions for the Council and that he looked forward to meeting everyone over the next few weeks.

The Chairman urged Members to encourage people to vote in the Breckland Pride of Place poll, in order to obtain some national recognition for the area. It was a good campaign that highlighted some of the top spots in the region and also encouraged people to think of all the good things that Breckland had to offer.

Members were reminded of the 'Welcome Home to the Troops' parade which was taking place in Dereham at 10.40am on Monday 19 November. All Members were encouraged to attend.

Members were encouraged to attend the Standards training session that would be held following the full Council meeting.

The Chairman reminded Members that the next Council meeting scheduled for 6 December would take place in the afternoon at 2.30pm. After the meeting, Members and Officers connected with Council were invited to attend a Christmas reception which would be followed by an Auction of Promises (all proceeds raised would be in aid of the Quidenham Children's Hospice). The Chairman was pleased to announce that Councillor Stephen Askew had offered to run a half marathon and Members were encouraged to sponsor him as all the proceeds would be donated to the Hospice. The Chairman thanked him for his kind gesture. A Member challenged the Leader to participate in the run. In response, the Leader felt that it was important for everyone to think of something to auction and, as a gesture of goodwill, he announced that he would auction himself for the day and that he was happy to be purchased.

The Chairman was pleased to announce the following achievements:

- The latest un-audited Information Profile from the Audit Commission showed that, over the past three years, Breckland Council was one of the most improved performers in the country. The Council was now ranked 14th out of 388 authorities in terms of improvements. Breckland had improved 87% of its performance indicators.
- Breckland Council's future was in good hands, according to the Local Government Challenge held on 4 October. Two teams of seven had represented Breckland Council in the annual National Local Government Challenge which had been designed to test and develop management skills and abilities. Breckland finished 2nd and 18th out of some 50 teams. The Council conveyed their congratulations to the participating teams. A Member suggested that a photograph

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of the contestants be taken and included in the next edition of the Breckland Voice. Mark Stokes, the Operations Manager (Environment) provided Members with an overview of the teams' activities.

- The first Breckland Schools project delivered by the Theatre Royal in Norwich had started on 4th October. There were three primary schools involved: Great Dunham, Narborough and Necton. The Chairman was pleased that this project had been a direct result of the monies that Breckland Council had put into this venture.
- Three Breckland Council Members, Diana Irving, Gordon Bambridge and Adrian Joel, had been back to school as part of Local Democracy Week to help get young people more involved with, and aware of, their local Council. The Chairman felt that there was much more work to be done to encourage youngsters to take an interest in democracy; any help or ideas should be passed onto the Young People's Champion, Councillor Diana Irving.

A list of engagements attended by the Chairman and Vice-Chairman was tabled, for the period 21 September to 24 October 2007, this included:

<u>Date</u>	<u>Event</u>	<u>Host</u>
20 th Sept	EDP Pride In Norfolk Awards Ceremony	Chairman of Norfolk County Council, Michael Carttiss, and Chairman of EDP Pride in Norfolk Awards Committee
23 rd Sept	Opening of new pitch at Dereham Hockey Club	Dereham Hockey Club
28 th Sept	Installation of The Rt. Hon. Lord MacGregor of Pulham Market OBE as High Steward of Norwich Cathedral	The Dean and Chapter of Norwich Cathedral
29 th Sept	Official opening of Great Cressingham Village Green	Great Cressingham Parish Council
10 th Oct	Official opening of new creative and media block at Northgate High School	Northgate High School, Dereham

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24 th Oct	Official Opening of Dereham Railway Station	The Trust Council of Mid Norfolk Railway
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Vice Chairman

<u>Date</u>	<u>Event</u>	<u>Host</u>
24 th Oct	Ceremony for the 65 th Anniversary of El Alamein	Lord Lieutenant of Norfolk, Richard Jewson

114/07 COMMITTEE MINUTES

(a) Cabinet: 9 October 2007 (Agenda item 5a)

i). Council's Project Match Funding Reserve Review (Minute No. 113/07)

A Member was delighted that this project had been approved and he hoped that this would encourage Members, on behalf of their Wards, to become more involved. Another Member agreed with this comment and he was pleased that the monies were now ring-fenced and that there was funding available for individuals. He felt that Breckland Council should be congratulated.

ii) Planning and Building Control Request for Funding (Minute No. 114/07)

The Executive Member for Commercial Services was pleased that this request for funding had been resolved. The next stage would be to look at new ways of working, such as mobile working, which would assist and improve the Council in many ways. Members were informed that a new Business Transformation Director had been appointed and would be commencing his employment with the Council in December 2007.

iii) Medium Term Financial Strategy (Minute No. 116/07)

A Member conveyed his congratulations to the team responsible for maintaining an excellent record in financial management. Another Member was pleased to see the mention of Climate Change in the recommendation; however, she did suggest that the wording be amended so that it made more sense. Members were informed that the Council would be addressing the challenges of Climate Change and reducing its carbon footprint as part of the Council's

'Green' agenda.

RESOLVED that the Medium Term Financial Strategy be approved with the inclusion of the reduction of Climate Change as a key objective.

iv) Capital Strategy (Minute No. 117/07)

The Executive Member for Cabinet stated that through gaining income from commercial properties the Council had capital of £20m and was able to re-invest in its services. He was pleased to announce that following investments in the Housing section to improve services Breckland had just been awarded Homelessness Champion Status.

RESOLVED that the Capital Strategy be approved.

v) Land Management Framework (Minute No. 119/07)

RESOLVED that the Land Management Framework be amended to allow surplus land to be sold, without prospective purchaser(s) having to firstly obtain planning permission for change of use.

vi) Restrictive Covenant – Right to Buy Properties (Minute No. 120/07)

RESOLVED that

- (a) the scheme of delegation be varied and power be given to the appropriate Operations Manager in conjunction with the Lead Member to approve requests for the release of the restrictive covenant requiring that the purchaser did not 'use of occupy the Property, or suffer or permit the same to be used for any purpose other than as a private dwelling house in the occupation of one family...' (if the Property was purchased under the 'right to buy' provisions) subject to officer and ward representative(s) consultation being carried out and providing the occupier/purchaser has obtained the necessary planning consent; and
- (b) the legal costs be recovered with the approval of such matters.

vii) Restrictive Covenants – Garage Blocks, Garage Forecourts and off Street Parking Areas on Barnham Cross Estate and Croxton Road Estate, Thetford (Minute No. 121/07)

RESOLVED that the scheme of delegation be varied and power be given to the appropriate Operations Manager in conjunction with the Lead Member to approve the release of the restrictive covenant on the Peddars Way Association's title (transfer dated 30 March 1993), in

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favour of Breckland District Council stating that “subject to Clause 7, in respect of any part of the Property described in Parts III, IV, V and VI of Schedule A (garages, garage forecourts, off street parking areas and amenity areas) not to develop or redevelop that part of the Property and not to permit the same to be used as other than garages, parking areas or amenity areas, respectively, serving residential dwellings”, at nil consideration but with the funds to be ring fenced for investment in regeneration schemes in Thetford.

viii) Review of Health and Safety Policy (Minute No. 124/07)

The Executive Member for Environment drew Members attention to the document and advised that it was important that everyone read it and that Officer’s kept it up to date.

ix) References from Overview and Scrutiny Commission (Minute No. 125/07 (a) – Post Office Network Change Programme)

A Member was pleased that the Overview and Scrutiny Commission was involving Ward representatives in this process and was surprised that Post Office Limited was working in what appeared to be an underhand manner. The Member felt that sub-post offices were very important to the communities and should not be taken away. He encouraged every Ward Member to be involved in this review.

The Opposition Leader agreed with the aforementioned comments. He informed Members that the stark reality was that the Post Office was expecting to lose four million customers over the next few years; therefore the public must be encouraged to use their local post offices or lose them.

The Executive Member for Environment encouraged Members to sign the on-line petition.

The main concern raised by Members was the effect on rural communities which already suffered from poor public transport provision by commercial operators, which would be compounded if the loss of a post office meant that the local retail outlet also closed as a consequence.

The Chairman of the Overview and Scrutiny Commission drew Members’ attention to the Commission’s recommendation to Cabinet on page 25 of the Agenda and urged Members to take this matter seriously as the combined effect could ultimately stifle economic growth in the rural districts and could affect the future viability of Breckland.

On a lighter note, a Member was pleased to announce

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that the Post Office in North Pickenham was due to re-open.

x) Adoption

RESOLVED that the unconfirmed Minutes of the Cabinet meeting held on 9 October 2007 be adopted.

(b) Overview and Scrutiny Commission: 27 September 2007 (Agenda item 5b)

i) Policy Development and Review Panels – Panel 3 (unconfirmed Minutes of the meeting held on 11 September 2007) (Minute No. 99/07 (d))

The Overview and Scrutiny Commission Chairman wished to endorse the recommendation to Cabinet.

The Executive Member for Community Services felt that Claire Salley, the Arts Development Officer, should be congratulated as she had improved the availability of arts and sporting facilities within Breckland.

ii) Adoption

RESOLVED that the unconfirmed Minutes of the Overview and Scrutiny Commission meeting held on 27 September 2007 be adopted.

(c) Development Control: 24 September 2007 (Agenda item 5c)

RESOLVED that the confirmed Minutes of the Development Control Committee meeting held on 24 September 2007 be adopted.

(d) Development Control: 15 October 2007 (Agenda item 5d)

i) Schedule of Planning Applications (Minute No. 167/07)

Members were informed that the Watton application that a Member had mentioned had not appeared on the Schedule as the application had been approved as recommended.

ii) Notes to the Schedule

It was noted that Councillor Duffield had spoken on Schedule item 11 on behalf of the Parish Council and not as the Ward Representative.

It was further noted that Mr Birt, who had spoken on item 12 of the Schedule, had not been authorised to speak on behalf of the Town Council. In his defence, the Mayor of

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Dereham stated that Mr Birt had been authorised to read out the resolution of the Town Council meeting. The Chairman of the Development Control Committee advised that he had not restricted his comments to that resolution and therefore this was a matter for Dereham Town Council to investigate.

iii) Adoption

RESOLVED that the unconfirmed Minutes of the Development Control Committee meeting held on 15 October 2007 be adopted.

(e) General Purposes: 19 September 2007 (Agenda item 5e)

i) Apologies (Minute No. 57/07)

Members were informed that the absence of Councillors D Myers and I Sherwood from this meeting was due to their attendance at a Licensing Sub-Committee on that day.

ii) Revised Policies and Procedures (Minute No. 59/07)

RESOLVED that

- a) the revised Policies be implemented with immediate effect and that all employees be informed that the amended policies would be easily accessible on HR Net; and
- b) the Officer delegations be amended to enable Officers to hear both Hearings and Appeals under the Disciplinary, Capability and Sickness Absence procedures, where these could lead to dismissal.

iii) Out of Hours Service (Minute No. 60/07)

The Chairman of the General Purposes Committee requested that this item be deferred and referred back to the next meeting of the General Purposes Committee for further discussion.

iv) Adoption

RESOLVED that the unconfirmed Minutes of the General Purposes Committee meeting held on 19 September 2007 be adopted, subject to the recommendation of the Out of Hours Service being deferred (see Minute No. 104(e)(iv) above).

115/07 LOCAL GOVERNMENT REVIEW (AGENDA ITEM 6)

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The Chief Executive provided Members with a presentation on the Norfolk Local Government Review process. Copies of the presentation would be made available for Members subject to permission being granted by the Boundary Committee.

On Wednesday 17 October 2007 Norfolk Leaders and Chief Executives had met with the Boundary Committee to learn about the principles, timetable and procedures for the review.

Any organisation or individual could put forward proposals for change in Norfolk. However, the organisations or individuals must produce hard evidence that the five criteria to bid for unitary status that had been set by Government could be met.

The review would be confined to Norfolk only and any proposals crossing the county boundary would not be considered.

The Boundary Committee was clear that although this would be a challenging time for local government in the county, Norfolk councils should work together as closely as possible in the interests of all its residents.

Work could only start when the current Local Government and Public Involvement in Health Bill became an Act; however, this was expected to happen within the next few weeks. Councils would then be invited to submit outline proposals that they wished the Boundary Committee to consider by the end of November 2007.

There would then be an involved process of discussion, examination and information before final business cases were submitted in March 2008.

Between March and the beginning of July 2008, the Boundary Committee would carefully consider proposals and agree what recommendations to put out for public consultation during July and August 2008. It would then consider the results before submitting a final recommendation to the Secretary of State in December 2008.

The Secretary of State would then have about four weeks to seek views on the Boundary Committee's recommendation before a decision could be made, probably in January 2009.

A Member asked, based on what he had heard during the presentation, why the Council was being forced into Unitary Status, when it was clear that Breckland Council was quite capable of 'holding its own'. Another Member agreed with the aforementioned comments and felt that Breckland Council should not be dictated to as this Council, in his opinion, was already effective and efficient. He asked how much this review was going to cost. In response, the Chief Executive advised that the Boundary Committee had made it quite clear that if Councils preferred not to be engaged in this process, the process would continue without them. In terms of cost, he could not speculate;

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the only options available to the Council were to try and engage in the process and try to influence it.

Members were concerned with the costs and felt that the public would not support a change.

Whilst appreciating the Chief Executive's comments, another Member felt that the term "cost" should be changed to "value". However, he was concerned that the Council was currently involved in so many other projects such as the Local Area Agreement, Local Development Framework and the Sustainable Communities agenda which were all driving Breckland forward to 2020. He asked whether any of the above issues had been mentioned to the Boundary Committee. The Chief Executive advised that these matters were raised but unfortunately had not been given a very sympathetic ear. He appreciated that there was never a 'good time' for such a huge project to happen but it was happening and Breckland would have to 'step on board' to try and achieve the best possible solution for Norfolk in the future.

Another Member asked what would happen to the Town Councils if the District Councils should disappear. The Chief Executive advised that the substructure and how it worked would be pivotal to a unitary system.

During the debate the Leader requested that delegated authority be approved for him to promote a unitary proposal for Norfolk Local Government to the Boundary Committee on behalf of Breckland. The timetable for the review required proposals to be submitted by the end of November and the Council did not meet again until 6th December.

RESOLVED that authority be delegated to the Leader to promote a unitary proposal for Norfolk local government to the Boundary Committee on behalf of Breckland Council and that the details be reported to the Council meeting on 6th December 2007.

116/07 DESIGNATION AS MONITORING OFFICER (AGENDA ITEM 7)

RESOLVED that the new Deputy Chief Executive, Mr Tim Leader, be designated Monitoring Officer of the Council with immediate effect.

117/07 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 8)

RESOLVED that Ann Steward be appointed as the Council's representative on the Governors of the Queen Elizabeth Hospital, Kings Lynn.

The meeting closed at 12.05 pm

CHAIRMAN

BRECKLAND COUNCIL**At a Meeting of the****OVERVIEW AND SCRUTINY COMMISSION**

**Held on Thursday, 1 November 2007 at 2.15 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S.G. Bambridge	Mr C.R. Jordan
Mr A.J. Byrne	Mr R.G. Kybird
Mr J.P. Cowen (Chairman)	Mr K. Martin
Mr K.S. Gilbert	Mrs S.M. Matthews
Mrs D.K.R. Irving	Mr J.D. Rogers
Mr A.P. Joel	Mr B. Rose

Also Present

Lady Fisher	Mr D.S. Myers
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In Attendance

Mark Broughton	-	Scrutiny Officer
Mark Finch	-	Chief Accountant
Ray Johnson	-	Acting Operations Manager (Commercial Services)
Sandra C. King	-	Internal Audit Manager
Tim Leader	-	Deputy Chief Executive
Andrea Long	-	Environmental Planning Manager
Kim Parks	-	Performance Officer
Gordon Partridge	-	Principal Environmental Health Officer
Alison Sawyer	-	Consultation Officer
Ian Vargeson	-	Democratic Services Manager
Elaine Wilkes	-	Senior Committee Officer

Action By**105/07 MINUTES**

The minutes of the meeting held on 27 September 2007 were confirmed as a correct record and signed by the Chairman.

106/07 APOLOGIES

Apologies for absence were received from Mrs. T. Hewett (due to attendance on other Council business), Mrs. S. Howard-Alpe, Mr. J. Gretton and Mr. R. Goreham. Mr. S.G. Bambridge also gave apologies for late arrival (due to attendance at another Council meeting).

107/07 URGENT BUSINESS (AGENDA ITEM 3)

The Chairman announced he had agreed to accept two items of urgent business as follows:

(a) Review of Committee Structures

The Chairman introduced Mr. Tim Leader, the Council's new Deputy Chief Executive.

Mr. Leader explained that the reason for raising this item was to bring

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to members' attention that he had been tasked with undertaking a review of the Council's Committee structures as follows:

1. To look at the decision making procedures to see if the time in taking decisions through the system could be speeded-up and the process made more efficient.
2. To look at the way the Council undertakes its scrutiny process to see if it could be enhanced.
3. To look at how the Council could move towards enabling the role of members as community leaders.
4. To look at adjusting and streamlining the Committee structure to take account of forthcoming changes (for example, to cover impending changes in the regulations governing Standards Committees) and best practice (for example, to establish an Audit Committee and the possibility of combining all licensing functions under a single committee).

These reviews would be undertaken in consultation with all Committee Chairmen and Vice-Chairmen, a cross-section of members (to include new members and opposition members), external stakeholders, members of the Executive and officers to obtain views, following which the findings would be submitted in a discussion paper for consideration towards the end of November/early December with a view to formal consideration of any recommendations through the Committee cycle in the new year.

The position was noted.

(b) Draft Value for Money Strategy

This item had been submitted as urgent business to enable the document to meet a required deadline for approval through the current meeting cycle.

The Chief Accountant explained that the Value for Money Strategy was aimed at ensuring the Council had a sound framework and consistent approach to the way it delivered value for money.

Under the Government's Capital Spending Review, local authorities were now targeted with finding 3% cashable ('Gershon efficiencies') savings, where previously the target had been 2.5% efficiency savings split between cashable and other non-cashable savings.

The draft Strategy drew together all these elements to give a structured approach and action plan towards demonstrating that it was achieving value for money.

Members' feedback was invited prior to the draft Strategy proceeding through the formal Committee process for approval.

It was noted that the 3% target for cashable savings would be a challenge for the Council, which had always had a commitment to value for money. However, the Strategy provided the framework to ensure a stringent approach to value for money was maintained.

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Further guidelines on the details of the new Gershon target were awaited.

RESOLVED that the draft Value for Money Strategy be noted and that members are invited to submit any comments to the Chief Accountant prior to the submission of the document for the Council's formal approval.

108/07 DECLARATION OF INTEREST

The following declarations of interest were made:

- Mr. S.G. Bambridge – Personal interest from professional interest in LDF in regard to Agenda Item 9(a) (Minutes of Policy Development and Review Panel 1)
- Mr. J.P. Cowen – Personal interest as Architect in practice in relation to LDF and planning matters in regard to Agenda Item 9(a) (Minutes of Policy Development and Review Panel 1)

109/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

- Lady Fisher, Executive Member for Environment – in regard to Agenda Item 8
- Mr. D. Myers
- Mr. A. Garner – public speaker in regard to Agenda Item 6
- Mr. N. Phillips – public speaker in regard to Agenda Item 6

110/07 WATTON HORSE FAIR (AGENDA ITEM 6)

The Principal Environmental Health Officer presented the report on the results of the monitoring of the Watton Horse Fair on 1st and 2nd September 2007.

There was evidence that residential caravans had been located on the site overnight and the report concluded that there had been a breach of the Caravan Sites and Control of Development Act 1960 in that none of the exemptions contained in Schedule 1 to the Act were applicable to the use of the land, although there was no evidence that the breach was giving rise to any problems.

It was explained that under planning regulations the use of the land did not require planning permission and consequently that meant that a Licence under the above 1960 Act was not applicable to regularise the use of the land.

In regard to the breach of the 1960 Act, in accordance with the Council's Enforcement Policy the owner of the land on which the Horse Fair takes place had been notified of the breach and asked to advise the Council how he proposed to remedy the situation.

Subsequently, the landowner had undertaken to submit an application for a Certificate of Lawfulness for an Existing Use (more generally known as a CLUED or Lawful Development Certificate) for the Horse Fair and it was confirmed that this was in progress. If granted, planning

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permission would be deemed to be granted. It would then be possible for the Council, upon the submission of an application from the landowner, to consider the grant of a Licence under the 1960 Act to regularise the use of the site for residential caravans and to which conditions could be attached.

The Chairman read out comments received from Councillor Claire Bowes, a Watton Ward Member, who expressed the view that local residents' concerns needed to be taken into account and that the report did not make any mention of addressing the impact of the event on the adjoining Wayland Wood. While locally people did not want to see an end to the event, it had to be recognised that the Fair had changed significantly over the years since its origins as a one-day local horse sale.

In answer to questions, it was reiterated that there was no infringement of planning law involved to date.

Mr. Andrew Garner, the owner of the site in question, spoke to concur with the findings of the report and confirmed that, following consultation with the officers, he had agreed to submit an application for a CLUED.

Mr. Norman Phillips, the adjoining land owner, expressed his continuing concerns at the length of time taken to deal with this matter and at what he felt was unequal treatment between his site as a licensed caravan site and the Horse Fair.

Members concluded that the matter had now been well debated and the issue was being properly and constructively dealt with to reach a satisfactory solution. If necessary, the matter could be reviewed again in the future.

111/07 PROGRESS REPORT ON INTERNAL AUDIT WORK 2007/08
(AGENDA ITEM 7)

The Audit Manager presented the report on progress of the audit work between April and October 2007 under the agreed Audit Plan for 2007-08. The report included abridged management summaries of final audit reports issued during the period, together with performance information and some analysis of audit recommendations over the period.

The Audit Manager answered various questions of detail in the report. It was noted that all recommendations had been accepted by the officers and that implementation of these was monitored.

It was also explained that upon the expiry of the existing external contract, a new contractor had been appointed as from 1st October 2007. The new provider was Deloitte & Touche Public Sector Internal Audit Ltd, who had been appointed to deliver Strategic Audit Plan requirements for the next five years. The internal audit service would continue to be managed by South Norfolk Council and it was noted that the Internal Audit Group had expanded to form the Norfolk Internal Audit Consortium, comprising Breckland, Broadland, South Norfolk and Great Yarmouth Councils and the Broads Authority. Further expansion was anticipated in January 2008 with the admission to the Consortium of another local authority from Norfolk.

Action By

A further report would be made to the next meeting which would cover the work of the new contractor, with a further monitoring report due to be submitted in January 2008.

RESOLVED that the report be noted.

112/07 REVIEW OF THE PROVISION OF THE PEST AND DOG CONTROL SERVICE (AGENDA ITEM 8)

This item was withdrawn.

The Executive Member for Environment explained that new information from the Department for Food and Rural Affairs had given rise to additional options that needed to be considered in the way the Council delivered this service, particularly in regard to new legislation and regulations governing the control of dogs.

This was a service which the Council took very seriously. The review was being extended to cover the latest information and the Council was consulting with neighbouring authorities on options for cross-border working with a view to providing as comprehensive and affordable a service for the public as possible.

The review was being given priority and it was anticipated that a report back could be made in the next six weeks or so.

The position was noted.

113/07 POLICY DEVELOPMENT AND REVIEW PANELS (AGENDA ITEM 9)

(a) **Panel 1 - Unconfirmed minutes of the meeting held on 23 October 2007**

The Chairman of the Panel presented the report on what had been a well attended meeting, with a good discussion of the Core Strategy and Development Control Policies Development Plan Document of the Local Development Framework (LDF). The meeting had had to adjourn due to time constraints but would be continued at an all day session on 8th November 2007.

(i) **Local Development Framework (LDF): Breckland Core Strategy & Development Control Policies Development Plan Document (DPD) – Preferred Policy Options Consultation (Minute 68/07)**

In answer to various questions on the issue of local service centres, the following points were noted:

- Whether a non-qualifying village for local service centre status could reverse the position depended on the reasons why it did not qualify. For example, if it failed on the grounds of lack of a bus service, it might be possible to find an alternative to assist qualification. However, if it failed to qualify because there was no primary school, then it would struggle to qualify.
- The list of local service centres had been drawn up based

Action By

on regional planning criteria. The final decision on the list for inclusion would fall to be made by the Cabinet. There was some scope for manoeuvre on this point.

- A member reiterated the importance of ensuring local service centres were best placed for the future. He questioned the fact that Swanton Morley was identified as a local service centre but was a very rural village that looked to Dereham as its service centre, whereas Bawdeswell was not included as a service centre but was well-situated to serve the many villages bordering the area along the Fakenham-Norwich route and was almost certain to develop further.
- The identification of service centres had tried as far as possible to push against the regional criteria to fit the needs of Breckland and there were two types of designation: those centres capable of development and those centres identified for protection of existing service provision.
- On the question of affordable housing, a member reiterated his wish to see the inclusion of affordable self-build within this provision.
- Infrastructure provision remained a concern for members, particularly for the villages who were threatened with the loss of their post office and the impact this could have on other service provision.
- Roads infrastructure was also a concern and the problems in Attleborough were cited as an example where improved traffic management was needed. In this connection, it was explained that there was an Attleborough Transport Working Group which had been taking evidence as part of a wider transport strategy and there were a number of measures going forward as a part of that, including proposals for a station crossing, car parking and regarding traffic flow. It was understood there was some funding available for these measures to go forward.
- A transport review was under way in respect of Dereham and further reviews were planned for Swaffham and Watton in the New Year.

The importance of the discussions on the LDF was stressed and members were encouraged to attend the next Panel meeting on 8th November.

It was noted that there was no provision in the Committee timetable for the matter to come back to the Commission before it went to Cabinet on 20 November 2007 for approval to go to public consultation. It had been provisionally proposed that members of the Commission should be invited to that meeting for joint consideration and it was suggested this option be pursued.

Action By

RESOLVED that the report be noted and the question of enabling further consideration by the Commission before or jointly with the Cabinet be pursued.

(ii) Adoption

RESOLVED that the minutes of the meeting of Policy Development and Review Panel 1 held on 23 October 2007 be adopted.

(b) **Panel 2 - Unconfirmed minutes of the meeting held on 17 October 2007**

The minutes of this meeting were unavailable and would be presented to the next meeting.

(c) **Panel 3 - Unconfirmed minutes of the meeting held on 16 October 2007**

(i) Impact of the re-organisation on the new Primary Care Trusts
(Minute 46/07)

A member highlighted the severe pressures on the service being experienced in Attleborough and the implications from the forecast for housing growth under the Local Development Framework (LDF). It was felt there was a serious need to look at the impact on the town's infrastructure to sustain such growth.

Members concurred that all the district's towns were experiencing similar pressures on their infrastructures and were aware of the present service demands in Attleborough. It was agreed this issue was a fundamental area of the LDF consultation process.

(ii) Thetford Healthy Living Centre (Minute 48/07)

It was noted that the Panel's visit to the Healthy Living Centre had highlighted several issues as follows:

(1) The person responsible for the Travel Plan had only just been made aware that this Plan formed part of their duties. This person was the Business and Performance Manager and members agreed that they should be invited to attend a meeting on the Panel, in three months, to provide further information regarding the monitoring of the Travel Plan.

(2) There was an urgent need for an ambulance turning bay to ensure that the Centre was being used to its optimum level. At present, ambulances could not pick-up or drop-off clients as there was no safe access or egress for an ambulance.

(3) There was a need to provide local signage to the Centre and this needed to be subject to an urgent review

as it was not clear to those visiting the Centre where it was situated. Members were informed that patients were coming in from well outside the district as Papworth Hospital held clinics at the Centre.

With regard to the question of a turning bay, it was suggested that an ideal solution would be to use a double parking bay from the Innovations Centre. It was also noted that LIFT was currently working with Parkwood Leisure regarding the question of extra parking, which might also be able to provide a solution.

The Commission agreed with the concerns raised by the Panel and accordingly

RECOMMENDED to the Cabinet that it lobbies the Norfolk Primary Care Trust regarding the need for a turning bay for ambulances and Norfolk County Council to provide highway signage for the Healthy Living Centre, Thetford.

(iii) Adoption

RESOLVED that the minutes of the meeting of Policy Development and Review Panel 3 held on 16 October 2007 be adopted.

114/07 PERFORMANCE MONITORING (AGENDA ITEM 10)

The Performance Officer gave a demonstration for members on the TEN performance system which now provided a facility for members of the Commission to nominate items for report as part of their performance monitoring role.

An information booklet on the system was being produced for members and further training on the use of the system was being arranged. It was proposed to run a pilot with three members of the Commission and the following three members' names were drawn at random to take part in the pilot: Mr. S.G. Bambridge, Mr. R.G. Kybird and Mr. B. Rose.

It was suggested that it was desirable to have a protocol on the nomination of items for report and how these would be selected for the Commission's consideration.

RESOLVED that the Scrutiny Officer be asked to work up a suggested protocol for the selection and submission of monitoring reports by members for the Commission's consideration.

115/07 CITIZENS' PANEL - RESULTS OF RECENT SURVEYS (AGENDA ITEM 11)

The Consultation Officer circulated a summary of the results of three recent consultation surveys on a) Budget Priority; b) Wave 14 of the Citizens' Panel; and c) The Future of the Citizens' Panel.

In answer to questions, the Consultation Officer confirmed that information was fed back to and used by senior management to inform and their service delivery and undertook to similarly provide feedback

Action By

E Wilkes

M
Broughton

for members. It was also confirmed that information was shared between the various agencies.

Action By
A Sawyer

The Citizens' Panel was nearing the end of its three year contract and the opportunity was being taken to review its future, taking account of its strengths and the current issues affecting consultation. It was agreed the make-up of the Panel needed updating to ensure the inclusion of migrant groups. A report back to the Commission and the Cabinet and other partner organisations would be made at their next meetings.

A Sawyer

RESOLVED that the report be noted.

116/07 WORK PROGRAMME (AGENDA ITEM 12)

With regard to the proposed review item on the "Green Agenda", the Scrutiny Officer was asked to liaise with the Executive Member for Environment and Mr. R.G. Kybird as to content.

M
Broughton

The Scrutiny Officer was asked to investigate the timetable for the next report of the Strategic Alliance to the Create Task and Finish Group.

M
Broughton

RESOLVED that, subject to the above, the work programme be noted.

117/07 NEXT MEETING (AGENDA ITEM 13)

The arrangements for the next meeting on 13 December 2007 were noted.

The meeting closed at 4.45 pm

CHAIRMAN

BRECKLAND COUNCIL**At a Meeting of the****DEVELOPMENT CONTROL COMMITTEE**

**Held on Monday, 5 November 2007 at 9.30 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr R. Kemp
Mr W.P. Borrett	Mr M.A. Kiddle-Morris
Councillor Claire Bowes	Mr J.P. Labouchere
Mr A.J. Byrne	Mr T.J. Lamb
Mrs M.P. Chapman-Allen	Mr B. Rose
Mr P.J. Duigan	Mr F.J. Sharpe
Mr P.S. Francis	Mrs P.A. Spencer
Mr M. Fanthorpe	Mr M. Spencer
Mrs S.R. Howard-Alpe	Mr N.C. Wilkin (Vice-Chairman)

Also Present

Mr S. Askew	Mr A.C. Stasiak
Mr P.D. Claussen	Mrs A.L. Steward
Mrs S.M. Matthews	

In Attendance

Mike Brennan	- Principal Development Control Officer
Heather Burlingham	- Assistant Development Control Officer
John Chinnery	- Solicitor & Standards Consultant
Lisa Cutbush	- Assistant Development Control Officer
Phil Daines	- Development Services Manager
Andrew Gayton	- Historic Buildings Officer
Andrew Grimley	- Principal Environmental Health Officer
Ray Johnson	- Acting Operations Manager (Commercial Services)
Andrea Long	- Environmental Planning Manager
Nick Moys	- Principal Planning Officer (Major Projects)
Julie Britton	- Committee Services Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)

171/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 15 October 2007 were confirmed as a correct record and signed by the Chairman subject to it being noted that Councillor Duffield had spoken on Schedule item 11 on behalf of the Parish Council and not as the Ward Representative.

Following a query by a Member at the recent full Council meeting, the Solicitor informed the Committee that the Watton application that had been part of the Schedule of Applications had not been included in the Development Control Committee Minutes as it had been approved as per the Officers recommendation.

172/07 APOLOGIES (AGENDA ITEM 2)**Action By**

Action By

An apology for absence was received by Mrs D Irving.

173/07 DECLARATION OF INTEREST (AGENDA ITEM 3)

Members and Officers were asked to declare any interests as appropriate at the time the applications were made.

Mrs C Bowes declared a personal interest in Agenda item 9 (Shipdham) as she was a friend of one of the directors.

Mrs A Steward declared a personal and prejudicial interest in item 11 of the Schedule of Applications (Hilborough) and left the room whilst this item was being discussed.

Mrs C Bowes declared a personal interest in item 6 of the Schedule of Applications (Dereham) for the reason that she was an employee of Norfolk County Council's Cultural Services.

Mr A Byrne declared a personal interest in item 6 of the Schedule of Applications (Dereham) in his capacity as a County Councillor.

174/07 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 4)

The Chairman advised the meeting of the procedures for public speaking.

175/07 REQUESTS TO DEFER APPLICATIONS INCLUDED IN THIS AGENDA (AGENDA ITEM 5)

The Development Services Manager announced that item 3 of the Schedule of Applications (Attleborough) had been deferred and would come forward to the next meeting.

Item 9 of the Schedule of Applications was deferred at the request of a Ward Member to enable a further representation to be submitted from Quidenham Parish Council.

176/07 LOCAL DEVELOPMENT FRAMEWORK (STANDARD ITEM) (AGENDA ITEM 7)

The Environmental Planning Manager provided Members with an update on the Local Development Framework.

The Committee was informed that the Policy Development and Review Panel 1 meeting being held on 8th November 2007 would be looking at issues concerning the Core Strategy document and the Development Control Policies. Due to the size and complexity of the documents, the meeting was expected to last all day following which both reports would be presented to the Cabinet Members on the 20th November with the comments of the Panel meeting for consideration. Members of the Development Control Committee were invited to attend.

The Committee was informed of a number of evening meetings that Ward Members might wish to attend:

Action By

- Mattishall Parish Council – 5 November 2007
- Shipdham Parish Council – 12 November 2007
- Thompson Parish Council – 15 November 2007.

Further to the above, Members were also invited to attend the Breckland Council Town/Parish Open evening being held on 3rd December at the Assembly Rooms in Swaffham and the Business Rate Payers meeting on the 10th December at Elizabeth House. The Environmental Planning Team would be in attendance to discuss any LDF issues that the public might have.

177/07 DEFERRED APPLICATIONS (AGENDA ITEM 8)

It was noted that application reference no. 3PL/2007/1319/F – Castle Meadow, Thetford had been withdrawn.

- (a) East Tuddenham: Change of Use and Conversion of Redundant Agricultural Buildings to Provide Two Units of Accommodation for Holiday Letting: Reference 3PL/2006/0812/F (Agenda item 8a)

The Principal Planning Officer presented the report that had previously been deferred from the Development Control Committee meeting held on 15 October 2007 (Minute Nos. 162/07 and 164/07 refers).

Members were informed that planning permission had been granted for the change of use of redundant agricultural buildings to holiday accommodation on 7th December 2006. The Committee had approved the application subject to conditions which required, inter alia, the provision of three passing bays.

Since that time the applicant had been working with the Highway Authority to fulfil the requirement and the location of two passing bays had been agreed. However, the third bay could not be provided due to the landowners of these identified sites declining to allow the work to take place.

Four letters of representation had been received; one in support of two passing bays and another letter objecting to all. The remaining two letters, one being from the Parish Council, were both in favour of three passing bays.

Mr Claussen, the Ward Representative, was in attendance for this item.

He informed the Committee that Mr Bell, the applicant, had been the instigator behind the offer of installing three passing bays which residents, at that particular time, and the Parish Council had been in favour of. However, since then objections had been received from local residents, not only towards the installation of the passing bays but also towards any form of business being carried out in Rotten Row. Mr Claussen advised that residents had now requested that the rudimentary/unofficial passing places should remain. As far as the Parish Council was concerned, Members were informed that it was still in favour of the installation of three passing bays.

Action By

The Committee felt that a compromise had been reached, and it was

RESOLVED that the provision of two passing bays instead of three as stated in the condition be accepted.

178/07 SHIPDHAM: LAND OFF CHURCH CLOSE:RESIDENTIAL DEVELOPMENT FOR ABEL HOMES LTD: REFERENCE 3PL/2007/1234/F

The Principal Planning Officer (Major Projects) presented the report which concerned a planning application for 43 dwellings on land off Church Close in the village of Shipdham. Subject to the resolution of outstanding issues relating to trees, ecology, drainage and access, it had been recommended that the application be approved.

The greenfield site comprised of an irregularly shaped parcel of undeveloped land which extended to approximately 2.2 hectares and was within the Settlement Boundary and within the Shipdham Conservation area.

Policy HOU.4 only permitted small scale developments in villages such as Shipdham; however, as this policy dated back to 1999, it was considered that greater weight should be given to more recent national policy, as set in PPS3, with its emphasis on the need to accommodate new housing in appropriate locations within existing settlements. It was also relevant to note, that Shipdham had, during the course of the preparation of the Local Development Framework (LDF), been identified as a potential local service centre and therefore as being suitable for further development.

It was considered that much thought had gone into the layout of the proposed development and had overcome any potential problems of overlooking. Further to this, the designs of the houses proposed would fit in with the surroundings.

Saved Local Plan Policy REC.2 required housing developments of this sort to include public open space to meet the recreational needs of future residents. However, the applicant had offered a commuted sum of £50,000 to develop the existing nearby playing field. The Parish Council, whilst maintaining its objections to the whole scheme, had expressed that this commuted sum would be welcomed to improve existing facilities.

A number of concerns had been raised with regard to flooding on the site; admittedly, part of the site was quite soggy; however, the Environment Agency was now satisfied and had withdrawn its objections as a full Flood Risk Assessment had since been submitted by the applicant in support of the application.

The proposed development had given rise to considerable local concern about highway safety. Objections had been raised by the Parish Council, and local residents, although the Highway Authority was content with the application. Mill Road was not considered to be suitable to cater for any significant increase in traffic; therefore,

Action By

vehicular access to the development had been proposed off Church Close/High Street (A1075), with access to Mill Road being limited to a footway/cycleway link. The new access road onto the A1075 had been designed to the Highway Authority's requirements. Whilst visibility towards the Church Close bend was limited, the achievable splay was considered to be adequate by the County Council given the speed of the traffic. The development would provide a useful pedestrian link between the High Street and Mill Road, avoiding Church Close where there were no footways, but this benefit had been, to some extent compromised by the difficulties associated with crossing the A1075, particularly for parents and children looking for a safe route to the local school. Some form of traffic restraint measures on the A1075 or a formal crossing could perhaps help to address local concerns, but no such measures were currently proposed by the applicant or required by the Highway Authority. Members were asked to recall the previous efforts to secure agreement on traffic restraint measures on the A1075 in connection with a proposed housing development on Mill Road had been unsuccessful. As far as Mill Road was concerned, a short section of new footway was proposed to link with existing paths and further improvements to pedestrian facilities on Mill Road were currently under discussion. This would be a good opportunity for Members to resolve these detailed aspects.

Mr Tindale, an objector to the application, spoke on behalf of the residents of Fen Folgate in Shipdham. He was concerned about the privacy and security of the residents and asked that further screening/fencing be installed before any construction commenced on the site. He also had concerns with regard to the amount of mature trees that would remain on the proposed development. Mr Tindale felt that future residents might feel obliged to reduce the height of the trees to let more light into their properties. Other concerns he put forward related to flooding, noise and the traffic report that had been submitted by the applicant. Mr Tindale informed the Committee that the traffic report had been carried out three years ago and suggested that an updated report should be submitted.

Mr Hill, for the Parish Council was concerned about future development in the village and felt that the 100 dwellings that Shipdham had to accommodate by the year 2020 would be far exceeded if all these developments went ahead. He also had concerns with flooding particularly when the other development on the Mill Road site had been completed. He urged the Committee, if Members were mindful to approve the application, to request that the roads be constructed before the dwellings and that the site and roadways leading to the site be kept clean.

Mr Futter, the Applicant's Agent, put his views forward and stated that this application had taken 7½ years of hard work to end up with this comprehensive scheme. He assured Members that Abel Homes was a considerate contractor and would be very happy to limit the hours of operation. The overall density proposed would, at around 20 dwellings per hectare, be well below the target set by Government; much less than could be achieved by other developers. In terms of the flooding issues, Mr Futter advised that the scheme had been fully endorsed by the Environment Agency and Anglia Water. The dry swale that would be installed adjacent to the site boundary would be

Action By

to the benefit of the residents of Fen Folgate. As far as highway issues were concerned, Members were informed that Abel Homes was aware of the residents concerns and had offered to install a pedestrian crossing. The site was also subject to a full archaeological dig and further investigations were being carried out.

Mr Jordan, a neighbouring Ward Member, acting on behalf the Ward Representative, felt that there were many issues surrounding the site and urged the Committee to visit the site before any decision was made.

A Member asked whether the site used to form the curtilage of Shipdham Place and whether Shipdham Place was listed. He had concerns that this development would affect the historic landscape and suggested that the Historic Buildings Officer should have stated his opinion. In response, the Principal Planning Officer (Major Projects) advised that Shipdham Place was listed and the large mound containing the former ice house used to form the original curtilage but had since been sub-divided. Members were provided with photographs which illustrated how general reasonable distances had been maintained on the site and how it was well screened and quite secluded from Shipdham Place.

Another Member pointed out that it would be difficult to prevent Shipdham from further development as it had been recognised as a Service Centre village. From a personal point of view, he stated that he would rather see development inside the Settlement Boundary rather than adjacent to it and agreed that the recommendation was broadly acceptable.

A Member felt that the applicant had put a great deal of thought into this application, but to satisfy Members' concerns, he recommended that the application be deferred for a site visit.

Accordingly, it was

RESOLVED that the application be deferred for a site visit.

**179/07 THETFORD: ABBEY FARM BARN, MONKSGATE:
RESIDENTIAL DEVELOPMENT FOR H G DEVELOPMENTS:
REFERENCES 3PL/2007/1054/F AND 3PL/2007/1055/LB**

The Principal Planning Officer (Major Projects) presented the report which concerned proposals for a development of 26 dwellings at Abbey Farm Barns in Thetford. It was recommended that planning permission be granted.

The site included a range of former farm buildings, which enclosed a central courtyard. Two of the buildings were Grade 1 listed buildings and part of the site was a Scheduled Ancient Monument. The site was currently unused, and was last used as a depot owned by Breckland Council.

A Committee site visit had taken place on 3rd October 2007.

The development would consist of 15 new-build dwellings with a

Action By

further 11 units created by converting existing buildings. The land around the buildings would be laid out for parking and landscaped amenity areas. Vehicular access to the development was proposed via two existing entrances off Monksgate.

The site in more detail was shown and the buildings to be retained had been shaded for ease of identification.

Most crucially, the conversion of the listed buildings had resulted in quite lengthy discussions between English Heritage and the Council's Historic Buildings Officer.

The Principal Planning Officer (Major Projects) felt that the architects involved should be praised for their sensitive approach towards the existing cottages and the new build. The windows and doors of the cottages would be replaced with like for like or repaired to a very high standard. The gardens would not be sub-divided and would be left as open lawned areas.

The Committee was made aware that the Council had received a great deal of representations from local residents. Letters of objection had been received raising concerns about the effect of the development on the historic interest of the site, increased traffic, the scale of the development, loss of amenity and drainage problems. At the time of writing the report, in excess of 60 letters had been received.

In response to these concerns, the Principal Planning Officer (Major Projects) advised that the Highway Authority had raised no objections to the proposal as it was felt that the surrounding network was adequate; therefore, it would be very difficult to substantiate any objections on highway grounds.

Particular attention had been paid to alleviate any possible overlooking problems. Where existing buildings were located hard up against the western side boundary, no window openings were proposed in the elevations facing adjacent dwellings.

In terms of drainage, Anglian Water had confirmed that there was capacity in existing sewers to deal with additional flows from the development proposed.

Members were informed that the scale of the proposed development was such that an element of affordable housing and financial contributions towards local services/facilities would normally be required under current policy. However, the applicant had indicated that a requirement of this sort would threaten the financial viability of the project. It had been suggested that development costs would be high because of existing buildings, the extent of the conservation work required and the standard of design/materials required. The Principal Planning Officer (Major Projects) advised that the applicant had provided a detailed breakdown of anticipated costs and returns and the evidence had shown that there was very little margin in the development, almost to the point of no profit at all. The figures could be independently verified by the District Valuer if Members so wished.

Action By

It had been suggested by a number of local residents and heritage bodies that it would be more appropriate for the Abbey Farm Barns complex to be re-used as a visitor centre for the nearby Priory than redeveloped for housing. Proposals had been considered by English Heritage several years ago, but had been subsequently abandoned on grounds of economic viability. In the circumstances, it was considered that there was little prospect of the long term future of the Abbey Farm Barns complex being secured by proposals for a visitor centre or other similar use. This proposal however, would preserve the heritage asset the site presented.

The Committee was made aware of one technicality to the application. The separate listed building application referred only to the two listed buildings, and did not include the barn, which could be said to be listed by virtue of being within the curtilage of the other listed buildings. A new separate listed building application would therefore be required for this barn. However, all the necessary information about the proposed works had been included in the planning application.

The Committee was also reminded that if Members were mindful to approve the application, it would be necessary to refer the proposal to the Secretary of State before a decision could be issued.

Mrs Godfrey, an objector to the application, spoke on behalf of local residents who were very concerned with such a high development. The residents were also concerned with losing a valuable asset that would most likely to have brought money into the town. Mrs Godfrey felt that if the development was to be approved, a new application should be submitted with fewer but larger dwellings. She also had concerns with the increase in traffic and the strains on the main sewer.

Mr Wilson, a further objector, was in attendance to speak on this item and had previously circulated a presentation to Members on behalf of the Resident's Group from Monksgate, Abbeygate and Priory Park. The presentation covered density, design and traffic issues as well as concerns with the listed building element.

Mr Sunter, the Applicant's Agent, explained in great detail the historic fabric of the buildings and what had survived and had changed on the site over the years. Members were informed that the high costs of the conservation work would be funded by the development.

A Member agreed that the architects had made a very good effort by proposing to put respectable/reasonable dwellings on the site but felt that there were some details that needed changing particularly with the listed building that was being retained.

The Historic Buildings Officer pointed out that the vast majority of the openings to the listed buildings were being re-used and that the architect might have approached it in a different way if no openings had been present. He explained that he had had an on-going dialogue with various bodies which had instigated much input into this important site. He felt that it was important that the beams be retained in the adapted re-use of these buildings.

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A Member asked about the affordability point of view. In response, the Principal Planning Officer (Major Projects) advised that under current policy the development would require eight affordable dwellings. However, due to the cost of the development if eight affordable units were incorporated the profit margin would be halved. Further to this, the applicant had not put aside any monies for unforeseen matters that might occur during the construction/adaptation phase.

Mr Lamb, the Ward Member, was concerned that if this application was to be approved it would be a desecration of a very fortunate survival of Thetford's past, and to restore the buildings to its former state would be a great inheritance opportunity. The cost to convert these buildings into a visitors centre, in his opinion, would cost much less and he felt that the attitude of English Heritage was very debateable. He hoped that his plea had not fallen on 'deaf ears' and urged Members to consider the potential that these buildings could provide for Thetford; the site was crying out to be cared for and it would be this Council's last chance to save this important site. Mr Lamb was dismayed with English Heritage's attitude of pronouncing that the site was not viable and pointed out that there was a greater opportunity for these buildings rather than housing.

The Historic Buildings Officer, in English Heritage's defence, said that English Heritage had to have regard to finances first. He explained that two buildings within the application site, Abbey Farm Cottages and Abbey Farm Barn, incorporated significant remains of medieval structures that would be retained. However, over the years these buildings had been clad with brick and flint walls when the site had been developed as a manor farm. The Historic Buildings Officer added that, the buildings had evolved over several centuries, and that the internationally renowned architects had strived to conserve the historic fabric of these buildings. To restore them to their original form would be nonsensical.

Mr Stasiak, the former Commercial Services Executive Member, explained the background to the Council's decision to sell the Abbey Farm Barns site.

He could not emphasise enough that, the Council, at the time the decision had been made to sell the Abbey Farm Barns site, had offered the buildings to English Heritage for £1. English Heritage refused the offer as it had considered that the site was not viable as a visitor centre. Breckland Council then put the site on the open market where it was auctioned, following which the Council put every single penny from the sale back into the Abbey Community Centre in Thetford.

A Member said that it was a shame that Thetford Town Council had not grasped the opportunity from Breckland Council to buy the site when it had been refused by English Heritage for such a minuscule amount.

Mr Lamb pointed out that English Heritage had, at that time, asked for a financial contribution from Breckland Council to assist with the

Action By

conversion to a visitors centre. Breckland Council had turned the offer down. He also pointed out that not all of the monies from the sale of the site had been re-invested into Thetford.

A Member said, "What was English Heritage for if not to give advice on English heritage." English Heritage and Breckland Council support this application and from the expert advice that had been sought, Members should support it to.

Another Member had been disappointed when he had visited the site. He felt that the buildings had been left to deteriorate over 500 years and that this proposal was the only way forward to preserve what little remained.

The Development Services Manager explained that the alternative uses for the site had been exhaustively examined over the years. He reminded Members that the application, if approved, would be subject to the Secretary of State's final decision. The Committee was further reminded that the figures for the costs of the works, if Members so wished, could be independently verified by the District Valuer.

The Solicitor quoted the wording of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Concluding the debate, the Committee was asked to vote separately on the planning permission and the listed building consent, and it was

RESOLVED, subject to the costings being verified by the District Valuer, and the applications being referred to the Secretary of State for a final decision, that

- 1) Planning permission be granted for application reference 3PL/2007/1054/F subject to conditions; and
- 2) Listed Building Consent be granted for application reference 3PL/2007/1055/L subject to conditions.

180/07 SCHEDULE OF PLANNING APPLICATIONS (AGENDA ITEM 11)

- a) Item 1: 3PL/2007/1054/F: Thetford: Abbey Barns, Monksgate: Change of use from highway depot to residential use creating 26 units, with external works for H G Developments

This item was considered in conjunction with Agenda item 10 – see Minute no. 178/07 above.

- b) Item 2: 3PL/2007/1055/LB: Thetford: Abbey Barns, Monksgate: Conversion of listed buildings on former highways depot to five no. residential units (alteration only) for H G Developments

This item was considered in conjunction with Agenda item 10 – see Minute no. 178/07 above.

- c) Item 3: 3PL/2007/1095/F: Attleborough: Heisker, West Carr Road: Residential development of nine dwellings including demolition of existing dwelling and garage for Bennett Plc

Action By

This item had been deferred (see Minute no. 175/07 above).

- d) Item 4: 3PL/2007/1234/F: Shipdham: Land off Church Close: Residential development, erection of 42 dwellings, garages, access road and ancillary works for Abel Homes Ltd

This item was considered in conjunction with Agenda item 10 (see Minute no. 178/07 above).

- e) Item 6: 3PL/2007/1354/F: Dereham: former Dereham Library, Church Street: Demolition of former library and erection of ten dwellings for Norfolk County Council

Refused, contrary to the recommendation, on design grounds. Members were of the opinion that the building fronting onto Church Street should reflect the adjacent Georgian buildings and its urban setting.

Note: Mrs C Bowes declared a personal interest in this item as she was an employee of Norfolk County Council's Cultural Services. Mr A Byrne declared a personal interest in this item in his capacity as a Norfolk County Councillor.

- f) Item 8: 3PL/2007/1417/F: Attleborough: Bunns Bank Industrial Estate: Erection of two blocks of industrial units (revisions to planning permission ref. no. 3PL/2007/0687/F) for Mr C Mannion

Approved, as recommended, subject to the commuted sum for a pedestrian/cycle link not being paid to Norfolk County Council.

- g) Item 9: 3PL/2007/1419/F: Snetterton: Snetterton Circuit: Construction of a spectator viewing area (part retrospective) for Diacra Industries Ltd

Deferred, contrary to the recommendation (see Minute No. 175/07 above).

- h) Item 10: 3PL/2007/1482/F: Yaxham: Land adjacent to Down Ampney, Well Hill: Proposed dwelling and garage for Mr & Mrs C Smith

Refused, contrary to the recommendation. Members felt that a further dwelling in this area would constitute overdevelopment and would set a precedent.

- i) Item 11: 3PL/2007/1490/F: Hilborough: 33 Westgate Street: Convert existing triple garage and extend to provide kitchen, hall and bedroom for Mr & Mrs S Silvester

Refused, contrary to the recommendation, on the grounds that the application failed to enhance the form and character of the area. Members also felt that the access was unsuitable and that the development would create parking problems for the residents of Westgate Street.

Note: Mrs A Steward declared a personal and prejudicial

Action By

interest on this matter and left the room whilst this item was being discussed.

j) Item 12: 3PL/2007/1517/O: Swaffham: Land adjacent to 1 Low Road: One dwelling and garage for Mr M Smith

Deferred, however, the Development Services Manager be authorised to grant outline planning permission subject to a satisfactory contaminated land survey being submitted prior to any development of the site, and subject to a Section 106 Agreement to include:

- i) the cessation of the existing use;
- ii) the site to be cleared prior to any development; and
- iii) the development to be restricted to one dwelling only, siting to be reserved.

Members felt that although the site was outside the Settlement Boundary, one dwelling would, in fact, enhance the area and would form a logical natural end to the cul-de-sac.

Notes to the Schedule

The following persons were in attendance to speak on the following items:

<u>Item No.</u>	<u>Speaker</u>
Agenda item 8 (East Tuddenham)	Mr Claussen, Ward Representative, spoke in support of the application
Agenda item 9 (Shipdham)	Mr Jordan, Acting Ward Representative, spoke against the application Mr Hill, Parish Council Mr Tindale, Objector Mr Futter, Applicant's Agent
Agenda item 10 (Thetford)	Mr Wilson, Objector Mrs Godfrey, Objector Mr Sunter, Applicant's Agent
6	Mr Green, Applicant's Agent
7	Mrs Blowers, for the Objectors Mr Wingate, Applicant's Agent
9	Mr Askew, Ward Representative Mr Grimley, Environmental Health Officer
10	Mr Jordan, Ward Representative, spoke against the application Mr Crummett, Parish Council Mr Smith, Applicant

Action By

- 11 Mr Longmate, Objector
Mr Silvester, Applicant
- 12 Mrs Matthews, Ward
Representative, in support of the
application
Mr Wingate, Applicant's Agent

The Committee was made aware of the following amendment to the Agenda:

Item 5: Watton – the allocation reference should have read **E2** and not E3.

Written representations taken into account

<u>Reference No.</u>	<u>No. of Representations</u>
3PL/2006/0812/F	10
3PL/2007/1054/F	54
3PL/2007/1055/LB	1
3PL/2007/1095/F	4
3PL/2007/1234/F	6
3PL/2007/1354/F	1
3PL/2007/1356/F	2
3PL/2007/1419/F	1
3PL/2007/1417/F	2
3PL/2007/1482/F	4
3PL/2007/1490/F	2

181/07 ENFORCEMENT ITEMS (FOR INFORMATION) (AGENDA ITEM 12)

This item was noted.

182/07 APPLICATIONS DETERMINED BY THE DEVELOPMENT SERVICES MANAGER (FOR INFORMATION) (AGENDA ITEM 13)

This item was noted.

183/07 APPEALS DECISIONS (FOR INFORMATION) (AGENDA ITEM 14)

This item was noted.

184/07 CURRENT POLICY FRAMEWORK FOR AFFORDABLE HOUSING (ADDITIONAL ITEM)

Darryl Smith, the Principal Housing Officer, had been invited to the meeting to discuss matters relating to developers financial contributions and how they were calculated.

The Council had to work within the Affordable Housing Policy PPS3, the relevant Housing Needs Survey and the Strategic Housing Market Assessment.

It was the Council's duty to use its various powers to aid other

Action By

agencies, particularly housing associations and developers, to provide new affordable housing in the district.

The assistance the Council could offer fell into 3 main categories:

- Financial Assistance
- Mechanisms for the transfer of land/property
- Use of the planning system to achieve affordable housing contributions

In exceptional circumstances where the developer and the Council were in agreement, a commuted sum could be taken in lieu of on site provision.

Commutated payments for off-site provision would be calculated according to the most up to date Housing Corporation Total Cost Indicators (TCIs) (or any subsequent guidance) for Breckland. Commuted sums were calculated and based on providing the equivalent number, tenure and size of dwellings to 30% of on site built unit provision. The cost of land purchase would be included in the calculation of the commuted sum. Darryl advised that the cost of the build was calculated at £150 per square metre.

Darryl gave an example of how the commuted sum would be calculated. The end result would be the Council's starting point for negotiation.

Ultimately, it was considered that the best prerequisite for the Council was an on-site provision as one of the biggest difficulties for off-site provision was the supply of land.

Darryl was happy to answer any questions via email:
darryl.smith@breckland.gov.uk

The meeting closed at 3.20 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

GENERAL PURPOSES COMMITTEE

**Held on Wednesday, 7 November 2007 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr R.W. Duffield (Chairman)	Mrs K. Millbank
Mr P.J. Duigan (Vice-Chairman)	Mr D.S. Myers
Mr G.P. Balaam	Mr I. Sherwood
Mr S.H. Chapman-Allen	Mr W.H.C. Smith
Mr R.P. Childerhouse	Mrs L.S. Turner

In Attendance

Sue Daniels	- Electoral Services Manager
Sian Harland	- Senior Committee Officer
Michael Horn	- Head of Legal Services
Stephen McGrath	- Principal Committee Officer
Patrick O'Brien	- Technical Officer - Licensing
Keith Stevens	- Acting Business Transformation Director
Ian Vargeson	- Democratic Services Manager

Action By

62/07 MINUTES (AGENDA ITEM 1)

- (a) Revised Health and Safety Policies and Procedures (Minute No. 59/07)

It was noted that the Harassment and Bullying Prevention Policy should have been included among the policies which had been implemented.

RESOLVED that the Harassment and Bullying Prevention Policy be implemented with immediate effect.

- (b) Out of Hours Services (Minute Item 60/07)

On 25 October 2007 Council had agreed to the request of the Chairman of the General Purposes Committee to defer this item and refer it back to General Purposes for further discussion.

The original decision read as follows:-

RECOMMEND to Council that the Out of Hours Service be approved as set out in option 4.1 of the report, subject to the inclusion of the amendments shown in bold, as follows:

- (1) The Policy of Breckland Council is not to provide a service out of hours; except in life threatening or emergency '*Blue Light*' requests, **and at the Manager's discretion.**

Action By

- (2) **The call outs that have not been 'Blue Light' emergencies must be reported and reviewed within six months.**
- (3) There is a flat standby payment of £100 per week for an Officer on standby.
- (4) Callout and telephone calls that extend into overtime are claimed as overtime **or time off in lieu as appropriate.**
- (5) The Working Time Directive and HASAWA 1974 are integral to operating out of office hours working.
- (6) Implement the Out of Hours Policy and Procedure and review this within six months.
- (7) Amend the contract of employment for each designation of Officer in scope to include a clause requiring them to participate in a standby rota if requested.

Members agreed that recommendation one and two regarding call outs for 'Blue Light' emergencies were clear and acceptable.

With regard to recommendation three, six and seven it was agreed that these should be amalgamated. However, it should be made clear that Human Resources should review, within six months, the standby payment arrangements and produce a model, which was equitable to all parties, which should include incorporating a lump sum into officers' salaries which they would retain if they took a different post which required out of hours working. This sum would be consolidated and would therefore attract pay increases and would be pensionable. If agreed the contracts of employment of officers receiving this payment would be amended to include a clause requiring them to participate in a standby rota, if requested. Services Managers would be requested to provide information relating to how many staff in their service area would be affected which would provide the final cost implications.

In respect of recommendation four and five it was agreed that the Human Resources Team together with the Service Managers should review the overtime arrangements for callout and telephone calls that extend into overtime but should be being mindful of the Working Time Directive and HASAWA 1974 which was integral to operating out of office hours working.

Members discussed the possibility of recouping costs when officers had been called out to incidents involving such things as dilapidated buildings where the owner was at fault for allowing the property to fall into disrepair. Another example would be when owners persistently allowed their dogs to stray which caused the dog warden to be called out. This list was not exhaustive and costs should be reclaimed wherever possible.

Action By

RESOLVED that

- (1) the Policy of Breckland Council is not to provide a service out of hours; except in life threatening or emergency '*Blue Light*' requests, and at the Manager's discretion.
- (2) the call outs that have not been '*Blue Light*' emergencies must be reported and reviewed within six months.
- (3) the flat standby payment of £100 per week be maintained until the Human Resources Team have reviewed, within six months, the standby payment arrangements and produce a model which was equitable to all parties, which should include incorporating a lump sum into officers' salaries which they would retain if they took a different post which required out of hours working. This sum would be consolidated and would therefore attract pay increases and would be pensionable. If agreed the contracts of employment of officers receiving this payment would be amended to include a clause requiring them to participate in a standby rota if requested. Service Managers to provide information relating to how many staff in their service area would be affected which would provide the final cost implications.
- (4) the Human Resources Team together with the Service Managers review the overtime arrangements for callout and telephone calls that extend into overtime being mindful of the Working Time Directive and HASAWA 1974 which is integral to operating out of office hours working.
- (5) where possible costs associated with out of hours payments be reclaimed for such incidents relating to stray dogs and dilapidated buildings.

(c) **Adoption**

Subject to the above the Minutes of the meeting held on 19 September 2007 were agreed as a correct record and signed by the Chairman.

63/07 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mr D.R. Williams.

64/07 LOCAL JOINT CONSULTATIVE COMMITTEE : DATE 13 SEPTEMBER 2007 (AGENDA ITEM 5)

(a) **Out of Hours Services (Minute No. 22/07)**

This item had been discussed at Minute No. 62b and the recommendations of the Local Joint Consultative Committee with regard to Out of Hours Services were not approved.

Action By

(b) Adoption

RESOLVED that, subject to 6407 (a) above, the Minutes of the Joint Local Joint Consultative Committee meeting held on 13 September 2007 be adopted.

65/07 LICENSING TEAM SERVICE PLAN (AGENDA ITEM 6)

The Principal Environmental Health Officer informed Members that the Council's Service Team Plan and local government best practice required that the Licensing Team's work followed an agreed Service Plan. Best Value Performance Indicator 166 scored enforcement best practice within Environmental Health and required such a service plan.

Legislation which impacted on the work of the Licensing Team was as follows:-

Licensing Act 2003

This would be the major area of work in 2007/2008. The Team aimed to visit all licensed premises to risk rate them in accordance with the procedure agreed with the Licensing Committee in Appendix B.

However, experience suggested that the visits themselves generated considerable work as the Team became aware of the need for licence transfers, Designated Premises Supervisor variations, Gambling Act issues etc.

Smoke Free Legislation

The Health Act 2006 introduced a ban on smoking in virtually all workplaces and vehicles. The Principal Environmental Health Officer led the implementation of this new legislation but significant issues included compliance in licensed premises and 'taxis' where the Licensing Team would have considerable involvement.

Gambling Act 2005

This was a major piece of legislation passing responsibility from Magistrates Courts to Local Authorities for a variety of premises/activities. The Licensing Team produced a Statement of Particulars on how it would deal with the Gambling Act and applications made under it and this had been adopted by Full Council. During 2007/2008 the Team would have to prepare guidance and application processes for many new types of licence which would be time consuming.

All premises would be visited as part of a Licensing Act 2003 inspection. The Licensing Team had made a point of visiting the premises most affected by the introduction of the Gambling Act 2005, e.g. potential adult gaming centres/family entertainment centres. It was expected that other licensed premises would be visited in 2007/2008, the majority in combination with the Licensing Act inspection to avoid duplication.

Changes to Taxi Licensing Function

In early 2007 the Licensing Team completely overhauled the 'taxi' licensing procedures and standards. The implementation of these new standards and enforcement of them would take considerable time in late 2007/early 2008 but it was anticipated this would lead to an improved standard of vehicles and public safety. As part of the licensing processes the Team would ensure that:

- Every vehicle would receive a mechanical test and its MOT certificate would be checked.
- All vehicles would have their insurance checked.
- All drivers applying for or renewing their licences would have an enhanced Criminal Records Bureau check.
- All drivers applying for or renewing their licences would have their DVLA licence checked.

The Team anticipated considerable work in 2007/2008 as a result of effective enforcement due to:

- The bedding in of the new and approved standards.
- Increased out of hours monitoring.
- The introduction and use of the new penalty points system.

It was anticipated that there would be an increase in private hire licenses due to the repeal of an exemption in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 relating to contract hire, e.g. school run vehicles. This could include hospital cars and community car schemes although not for profit schemes would not be affected.

The Team had increased the number of garages which could service taxis within the District.

Introduction of Skin Piercing Regulations

Wider byelaws allowing regulation of 'cosmetic piercing' rather than just acupuncture, ear piercing, electrolysis and tattooing were currently with the Department of Health for adoption. This registration function was carried out by the Health and Safety Team but would impact on the Technical Admin Officer who serve both teams.

Nightsafe

The Licensing Team was playing a lead role in partnership with Norfolk Constabulary and introducing Nightsafe which was a partnership project aimed at sharing information, coordinating resources and intelligence aimed at making the night time economy a success whilst helping reduce the fear of crime and disorder.

Action By

Members queried whether BVPI 166 would improve as a result of the Service Plan. In response the Principal Environmental Health Officer stated that at one time Health and Safety and Licensing produced one Service Plan which covered both areas. However, as a result of the increase in legislation relating to licensing it was agreed that the Licensing Team should produce its own Service Plan which would therefore be a necessity to fulfil BVPI 166.

With regard to the use of contractors to alleviate the workload the Principal Environmental Health Officer stated that all work was undertaken in-house. However, there was the capacity to employ a temporary member of staff to assist the Team from time to time. Further to this a reasonable fee was charged for all licences which enabled the Team to recover a portion of its costs.

In response to queries regarding 'surprise visits' the Principal Environmental Health Officer informed Members that premises inspections were often 'surprise visits'. However, if there was a need to speak to proprietor in person an appointment would be made. Members were further informed that the Licensing Team also made night visits, accompanied by the police, to nightclubs and pubs.

The Chairman of the Licensing Committee thanked the Principal Environmental Health Officer and his Team for all the work undertaken in relation to the above legislation.

RESOLVED that the Licensing Team Service Plan for 2007/2008 be approved and adopted.

66/07 WATTON – REQUEST FOR DESIGNATION UNDER CRIMINAL JUSTICE AND POLICE ACT (AGENDA ITEM 7)

The Democratic Services Manager informed Members that Watton Town Council had requested that the District Council make an Order under the Criminal Justice and Police Act 2001 for the designation of an area within which the consumption of alcohol in public places may be challenged by a Police Officer.

The power for a District Council to make such an Order was contained in Sections 12 to 15 of the Act. The procedure was set out in regulations made under the Act. The effect of an Order would be to empower the Police to ask persons drinking in public places in a designated area to stop; failure to do so would lead to confiscation of the alcohol and failure to surrender the alcohol without reasonable excuse was an arrestable offence.

Before making an Order the local authority was required to consult the Police, the Parish Council (and any adjoining Parish Councils that may be affected by the designation), licensed premises and the owners or occupiers of any land proposed to be identified. Any representations received had to be taken into account before an Order was made.

The Watton Town Council had already been in contact with the Police, at whose suggestion the proposed designation had been drawn up.

Action By

Before making an Order, the District Council must publish a press notice identifying clearly the place proposed to be designated, setting out the effect of the Order and inviting representations. An Order could not be made until at least 28 days after that. Following the making of an Order, and before it took effect, the local authority must publish a further notice which, amongst other things, indicated the date on which the Order came in. Any objections to the Order would be presented to the General Purposes Committee.

Before an Order could take effect, signs must be erected in the designated area. These must be sufficient in number and location to draw the attention of members of the public to the area covered by the Order. Siting was normally agreed with the Highway Authority. In the past the signs had been made of metal but new cheaper signs were now constructed of cardboard. It was hoped that the Home Office would provide funding for signage. Watton Town Council had indicated that it might consider making a contribution once the final cost of making the order was known. Members agreed that even though a contribution had not been requested from other Town Councils with designation orders, as Watton Town Council had offered it should be approached to request a contribution.

RESOLVED that

- (1) an Order under section 12 of the Criminal Justice and Police Act 2001 be made for Watton, for the area indicated, subject to formal consultation resulting in no objections;
- (2) a further report will be made to the Committee on any unresolved objections; and
- (3) once the final cost for the making of the order was known Watton Town Council be approached to request a contribution.

67/07 REVIEW OF POLLING DISTRICTS AND PLACES (AGENDA ITEM 8)

Before the Democratic Services Manager presented the report the Chairman wished to thank the Working Group on the Review of Polling Districts and Places for the work they had undertaken.

The Democratic Services Manager informed Members that the Working Group had taken account of a submission from the Returning Officer, which was a requirement of the review process, as well as observations received from all parties. A draft summary of the Working Group's findings and recommendations was attached to the report. The Working Group had met before the General Purposes Committee and had agreed with the draft and confirmed the report.

In carrying out the review, the Working Group sought to ensure that:

- All electors had such reasonable facilities for voting as is practicable in the circumstances.
- So far as was reasonable and practicable, the polling places were accessible to all electors.

Action By

The Working Group accepted that there were some places that fell short of the full recommended criteria, but where in practice there was no viable alternative (a fact acknowledged by the Electoral Commission). The Working Group had taken account of all observations received, before coming to its conclusions, which were believed to be the best available currently.

It was noted that there was a need to find alternatives to using caravans at polling stations but these continue to be used in the event of there being no other option.

In Thetford an additional station had been introduced to serve the Cloverfields development (Cloverfield Church and Community Hall). An adjustment was needed to the Register to ensure that electors in that part of the Guildhall Ward were directed to the most convenient station.

The Working Group acknowledged that consultation had given rise to comments on some aspects of electoral arrangements which were outside the scope of the current review, for example the need for alteration of existing boundaries.

RECOMMEND to Council that

- (1) the proposals for polling districts and places put forward by the Working Group is adopted; and
- (2) the conclusions of the review and all related correspondence and evidence be publicised in accordance with Electoral Commission guidance.

68/07 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 9)

On the advice of the Council's Solicitor it was agreed that the application for the grant of a licence for a sex establishment be heard above the line. However, the Committee would move to exclude the press and public if Members felt the need to ask questions which would be considered confidential under the categories of exempt information under Section 100 (A)(4) of the Local Government Act 1972.

69/07 APPLICATION FOR A SEX SHOP LICENCE (AGENDA ITEM 10)

The following were present for the Application to Grant a Licence for a Sex Establishment on the First Floor of Unit 1, Cloverfield Industrial Estate, Lopham Road, East Harling:-

Applicant – Mr Christopher Bottrell, Mr B. Hardie (Applicant's Representative), Mrs Kathryn Bottrell (Wife of Applicant)

Objectors – Mr Nigel George (Solicitor) on behalf of Mr Andrew Taylor and Reverend Nigel Kinsella (Observer)

The Chairman introduced the Officers present and gave a brief description of their role in relation to the hearing of the application.

Action By

All those present were informed of the procedure the General Purposes Committee would follow and all agreed to that procedure.

The Technical Officer – Licensing presented his report which outlined the details of the application. The applicant was requesting a licence for a sex establishment on the First Floor of Unit 1, Cloverfield Industrial Estate, Lopham Road, East Harling. It was against this application that objections had been made.

The applicant was afforded the opportunity of making a presentation to the Committee on the application.

Applicant – Mr B. Hardie on behalf of Mr Christopher Bottrell

- The application had been made under the Local Government (Miscellaneous Provisions) Act 1982.
- The application was for a sex shop not a cinema or a sex encounter.
- It was purely an application for the sale of adult material by retail either in person, mail order or internet.
- As the applicant wished to sell adult material an application had to be made.
- The type of product which would be for sale may be known to the Committee as they would be similar to that of the Ann Summers chain which was a £110 million business.
- Mr Bottrell was the freehold owner of the unit which was on a small industrial estate and would require planning permission for change of use.
- This was a chicken and egg scenario as the applicant had not been sure whether to apply for the licence or the planning permission first. As the grant of a licence would be the more difficult of the two applications Mr Hardie had advised Mr Bottrell to seek the licence first. However, Mr Bottrell had approached the Planning Team of Breckland Council and had received a letter on 18 August 2007 that it would not be a material change of use.
- The sex shop would only operate on the first floor as the ground floor would be used to the wholesale import and export of 18 rated videos.
- There were no windows and there would be no shop front with pictures. It was an industrial unit where personal customers could browse just like any other shop.
- The predicted sales for the personal side of the business would only be £12,000 per year.
- It would be an incidental business to the wholesale.
- The applicant expected no more than 4 – 5 customers per day.
- There were eight units on the site and only two were occupied.
- The owner of the other active unit had sent his best wishes and understood that no disruptions would take place. The owner had asked that no fixed signage be erected and this had been agreed by the applicant. Any signage would be mobile and would be removed when the shop was closed.
- The applicant was requesting opening hours until 9.00 pm and this would allow personal shoppers an exclusive half hour browse.

Action By

- The products on sale would be mainstream lingerie and marital aids.
- Impact on the industrial site would be minimal. It was not the most attractive site and in reality this was a specialist market; products would also be sold via the internet and mail order.
- There was a big market for this kind of merchandise and the Ann Summers shop in Norwich was prominent if Members wished to go and see the type of product which would be on offer.
- It was a very specialist shop which was almost hidden away and most residents would not be aware that the shop existed.
- Conditions would be imposed to protect the interests of children. The applicant had 3 young children of his own and his family lived in East Harling.

The Committee was afforded the opportunity of asking the applicant relevant questions, reproduced below with answers provided.

Under the regulations the relevant character of the locality and the use of the premises was a consideration. You have indicated that your customers would only be invited by invitation; would you be open to customers who hadn't made an appointment?

Between 9.00 am and 6.00 pm we will be open but we open after 6.00 pm for a customer to come and see us at a specific time.

How would customers know that you have a shop?

We will be placing advertisements in the local press.

Would you turn away customers if they had not made an appointment after 6.00 pm?

From 6.00 pm until 9.00 pm would be by appointment only.

The objectors were afforded the opportunity of asking the applicant relevant questions, as follows:

You will have an ever growing business if you want the shop to be a success and would want to exceed £12,000 per year. A lot of products you sell will be expensive. Will you, realistically, be aiming to attract quite a number of customers?

Only part of the shop will be for customers and we don't want to attract lots of business.

Will they be able to find you after dark?

We have sufficient lighting outside the shop.

There is one external light and no pavement it won't be easy trying to find you through East Harling in the dark.

It will be easy to find us.

Action By

On the photographs it looks as if you only have parking for one or two cars and any more would block the access.

There were four designated parking spaces – two outside the shop and with other spaces at the other side of the industrial estate. However, you could fit six cars in the space outside the shop.

Would any of them have difficulty of getting in and out?

No.

If you don't want to attract customers why are you advertising?

The £12,000 turnover was a rough estimate and we would use the cheapest form of advertising which would be the yellow free ads at £40 per month. We want to be very discreet and almost exclusive. We just want to have an outlet in addition to the wholesale business. If we wanted to have a shop we would have chosen a different location.

With the wholesale business do you use mail order or do the customers pick-up?

We use a courier service but some local shops arrange for a pick-up.

The objector was afforded the opportunity of making a presentation to the Committee on the application.

Objector – Mr Nigel George (Solicitor) on behalf of Mr Andrew Taylor

- If this application was for an Ann Summers on the high street I would have to ask myself whether I would be here. It is not on the high street but in the location of East Harling on an industrial estate.
- Mr George circulated two plans showing the location of the premises.
- As you can see the premises lies between the A11 and the A1066 and is a rural setting which you would have no cause to go to unless you were living in the village.
- The industrial estate was very close to a large housing development and my client's property is next door.
- There was space for at least 200 – 300 houses and that land currently led to the rear of people's gardens. It was in close proximity to where a number of people were living.
- The grounds to refuse included the character of the area and also whether the shop was inappropriate to the character and locality.
- It was in a residential area in East Harling which was an established village. East Harling primary school and nursery was only half a mile away and there were 2 campsites in the vicinity.
- There was no regular police presence in East Harling.
- There was no footway and little lighting outside the premises.
- You would not have seen the notice of the proposal unless you had stood outside the premises and you would just drive past the notice pinned to the tree.

Action By

- The Committee should have regard to these grounds as well as the justification of refusal on the grounds of whether the application would exceed the number of sex establishments in the locality. There was a shop in Thetford and there were six in Norwich. Was there a need for another sex shop when a customer could go to either Thetford or Norwich?
- Other local authorities had policies which related to whether the sex establishment would be located near a church, school or leisure facilities and the location of this sex shop would be near all these facilities.
- There would be not problem with having a sex shop on the high street but there are concerns with customers coming to a rural community for sex products.
- Many people may come to the area at night and not being able to find the shop may be knocking on people's doors asking for directions.
- The Parish Council has raised objections but was unaware that this was being applied for.
- Reverend Nigel Kinsella was surprised and local residents would be concerned had they known.
- There were concerns with regard to the nature of some people wishing to find the sex shop.
- Would it be safe for children to be playing outside with people trying to find a sex shop and maybe stopping and asking the children for directions?
- To site a sex establishment in that location would be wholly inappropriate.
- I have discussed the grounds for refusal with the Reverend Nigel Kinsella and he is happy to endorse those grounds.

The Committee was afforded the opportunity of asking the objector questions, as follows:

You mention that the larger area behind the industrial estate will be developed for residential use is this in the local plan?

It's a large area of scrubland and it's not known whether this is within the settlement boundary. It may be just outside.

So it's very much a possibility rather than a probability that this area will be developed?

It's next to the industrial estate; it's not being used and is a brownfield site.

So there is no planning permission and no current planning application?

It is my client's intention to apply for planning permission.

The objectors were afforded the opportunity of asking the applicant questions, as follows:

With regard to the notices these were adjacent to the premises for 21 days and were displayed in an area where the public could see. There were two notices which were in quite large print.

Action By

The Council's Solicitor interjected and stated that no-one had made allegations about the statutory notices and requested that Mr Hardie address the objector with any questions.

Have your clients applied for planning permission?

There were two empty industrial units and my client will be developing these units.

So your client hasn't got planning permission?

No.

The applicant was afforded the opportunity of summarising his reasons for the application to the Committee.

- Mr Hardie stated that he had no idea how many houses were sited near to the location of the industrial estate but only four had correctly made objections and these were shown on a plan. There were twenty houses shown on the plan whose occupants had not objected and they probably would have known about the application if the four households which had complained knew about the application. It is unbelievable that the other people were not aware of the application.
- Why East Harling? Mr and Mrs Bottrell both live in East Harling and they own the premises and wishes to utilise the first floor of those premises.
- The Planning Department has been approached and you have heard the response. The applicant intends to apply for a proper change of use.
- The application was advertised properly and Mr Bottrell has CCTV evidence of all those who read the notice.
- Four houses had made objections but the remaining houses had not.
- This would be a low key operation and most of the sales would be by mail order and internet and would be sent by courier or posted.
- The premises were on an industrial estate which was quite unattractive with only one other occupied unit by Waterfront Manufacturing who had sent a letter of support.
- Apologies that the application was not for a sex establishment in the high street with neon signs.
- It has been said that the premises were near a church but this was at the other side of the village and was at the edge of the village boundary.
- People would only go there for one intent and purpose: to use the shop.
- A licence was needed to sell by mail order and the internet.
- There had been no indication that the vicinity of the sex shop would be detrimental to the area.

Action By

The objector was afforded the opportunity of summarising his reasons for the application to the Committee.

- Two applications were needed before the applicant could use the premises as a sex establishment, one for the licence and one for planning permission. It would be imperative that the Committee regard this as totally separate to the planning application.
- Where would be the proper place for a sex establishment in a high street or a rural community where customers would have to drive through that rural community to get the shop?
- It had been stated that the applicant did not want many customers and would only want the licence for occasional use. However, the applicant was seeking to bring people to the property into an area where a lot of families lived.
- The notice was placed in a location where there was no pavement and there was no real need to walk past the premises and therefore a lot of people would have been ignorant of the application. Reverend Nigel Kinsella knew nothing about the application.

The Principal Environmental Health Officer stated that he had nothing to add and stated that the applicant had complied with the law with regard to the notices.

The Council's Solicitor stated that the licence application had to be decided upon completely separately and the change of use planning application was not relevant and the application must be considered on its own merits. Members were informed that there had been no evidence to refuse the application on mandatory grounds. Therefore Members must consider whether or not the application could be refused on discretionary grounds. Any refusal would have to be justifiable and be evidenced as the applicant had a right of appeal to the magistrates' court.

The Committee then retired to consider the application in private together with the Solicitor and the Senior Committee Officer.

On re-opening the meeting the Chairman informed those present of the Council's decision in the terms of the following resolution:-

RESOLVED that having carefully considered all the oral and written evidence submitted there is no sustainable reason to refuse the application and the resolution is therefore to grant the Licence for a Sex Establishment on the First Floor of Unit 1, Cloverfield Industrial Estate, Lopham Road, East Harling, Norfolk with the proviso that any future renewal shall be decided by the General Purposes Committee.

70/07 NEXT MEETING (AGENDA ITEM 11)

The next meeting of the General Purposes Committee would be held on 12 December 2007 at 10.00 am.

The meeting closed at 12.20 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 30 October 2007 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman)	Mrs M. Oechsle JP
Mrs J. Jenkins	Mr J.P. Labouchere

Also Present

Mr M.D. Eveling JP	Mr M. Whittley
Mr B.D Rayner	

In Attendance

John Chinnery	- Solicitor & Standards Consultant
Elaine Wilkes	- Senior Committee Officer

Action By

41/07 MINUTES

A correction was made to note the addition of Mr M. Eveling's name to the list of apologies for absence, subject to which the minutes of the meeting held on 11 September 2007 were confirmed as a correct record and signed by the Chairman.

42/07 APOLOGIES

An apology for absence was received from Mr R. Childerhouse.

43/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following substitute members were present as observers:

Mr M. Eveling
Mr B. Rayner
Mr M. Whittley

44/07 COMPLAINT AGAINST MR ROY RUDLING, EX-COUNCILLOR OF BRECKLAND COUNCIL (AGENDA ITEM 7)

The following persons were present for the hearing into this matter:

Member Concerned	Mr Roy Rudling
Member's Witnesses	Mrs Jackie Seal, Clerk to Watton Town Council
Legal Adviser to the Committee	Mr John Chinnery, Standards Consultant

Attending Officers

Miss E. Wilkes, Senior
Committee Officer

Observers

Mr B. Rayner, Substitute
Committee Member
Mr M. Whittley, Substitute
Committee Member
Mr M. Eveling, Substitute
Committee Member

Action By

Allegation

The allegation and relevant sections of the Code were stated in the Investigating Officer's report.

Procedures for the Hearing

The Chairman introduced the Committee and attending Officers and explained that the hearing would be conducted as follows:

1. To consider the findings of fact as submitted in the Investigating Officer's report.
2. To consider whether, in the light of the facts as found, the Member had failed to follow the Code.
3. If it was found that there had been a breach of the Code, to determine what, if any, penalty there should be.

At the end of stages 2 and 3, following consideration of the report and any other information supplied by the Member concerned and witnesses, the Committee would retire to consider its decision, which would then be announced.

Before presenting the Investigating Officer's report, the Standards Consultant asked Mr Rudling and the Committee to consider whether, bearing in mind the nature of the complaint and that it had initially been made in public, it was necessary to exclude the Press and public from the Hearing.

Mr. Rudling stated that he was happy for the matter to be conducted in public.

Findings of Fact and Reasons

The Standards Consultant then referred to the Investigating Officer's report in regard to findings of fact.

Evidence was considered in regard to the complaint as follows and Mr Rudling was afforded the opportunity to challenge the findings in the Investigating Officer's report and to call witnesses:

1. Relevant information from the Investigating Officer's report and supporting evidence was read out.
2. Mr. Rudling had issued an unreserved public apology.

Action By

3. The Eastern Daily Press reporter, Nick Heath, had asked that it be pointed out that the Investigating Officer's report was inaccurate in stating that the article which appeared in the local press was prepared by a different reporter to the one present at the meeting. He confirmed that he was the reporter who had spoken to Ms Newson following her presentation and that he had written the press report.
4. *Did Mr Rudling use the words "so 25 per cent of us are nutty?" as reported?* Mr Rudling replied that he had said "25% of us *in this room* are nutty then?" and that he was not referring to an individual but was referring to "us" as meaning the councillors present at the meeting.

Mr Rudling was asked if he thought the words breached the Code and whether there was anything else in the Investigating Officer's report he wished to comment on.

Mr Rudling replied that he did not think he had breached the Code and he stated he had since heard similar terms used by a presenter in a radio programme and in a national newspaper article. He stated he had read the Investigating Officer's report; the Investigating Officer had not interviewed him but he felt it was a fair report. He accepted the draft report and trusted it would be the end of the matter, as explained in his letter of 4th August. He had served the Council for 28 years. He wished to see the matter resolved so that he could get on with his life.

Mr Rudling was asked if he was saying that the report in the Eastern Daily Press was inaccurate.

Mr Rudling replied yes; he had been talking about Councillors as the people in the room, not about any individual in the wider sense. It had not been said with any malice. The person who was present at the meeting had not made the complaint. The complaint had been made months later by someone who had not been at the meeting. He presumed the complaint was based on the press report, which he felt was "media hype". He felt that the people in attendance at the meeting appreciated the context in which the comment had been made.

Mr Rudling indicated he had nothing further to add at this point but was happy to answer questions.

In answer to a question from a member, the Standards Consultant explained that it was not unusual for an Investigating Officer not to interview all persons nominated by the parties due to time constraints and to keep reports to a manageable length. However, if at any stage during consideration the Committee felt it needed more evidence or information, it would be possible to do so, either through an adjournment or arranging another meeting.

Mrs Seal spoke in support of Mr Rudling as an exceptional and hard working Ward Member for Watton, who had done a lot for the town.

Action By

Findings on whether any contravention of the Breckland Code of Conduct has occurred

Having accepted the findings of fact as set out in the Investigating Officer's report with Mr. Rudling's amendment, the Committee considered whether Mr Rudling had contravened any of the provisions of the Breckland Code of Conduct.

The Committee had regard to the fact that the meeting was public and that members had to have regard to the arena in which they were speaking and to the public perception. However, members recognised the context in which the comments were made.

The Committee's conclusion was that the use of the words by Mr Rudling, as admitted by him, was a marginal breach of paragraph 2(b) of the Code, in that he did not treat others with respect.

Findings on penalty, if any, for contravention of Code

The Standards Consultant explained that the options were to take no further action or to censure Mr Rudling in some way and that Mr Rudling would have the opportunity to address the Committee on the question of any sanction.

Mr Rudling indicated he was content to leave the matter to the Committee and he would abide by their decision.

The Committee concurred that a vote of censure was appropriate.

Decision

The Committee's decision was announced by the Chairman as follows:

RESOLVED that the Committee think that for a Chairman to use the word "nutty" in this forum and this context was wrong and ill-advised and we would hope that any person in that position would not use words which might be misconstrued by a particular group.

However, we recognise that Mr Rudling quickly apologised and that he has had a long and successful career as a member of Breckland Council.

The Committee would like to stress their belief that all training is important for all councillors.

45/07 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the Press and 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 1 of Part I of Schedule 12A to the Act.

Action By

46/07 COMPLAINT AGAINST THE EARL CATHCART, EX-COUNCILLOR OF BRECKLAND COUNCIL

The Standards Consultant presented the report of the Investigating Officer and explained that the regulations provided that where an Investigating Officer's report found no breach of the Code, the report had to be considered by the Committee in private in the first instance to determine whether or not they agreed with the finding.

If the Committee concurred that there was no breach, the member concerned had to be asked whether the decision could be released.

If the Committee disagreed with the Investigating Officer, a hearing had to be convened and the member concerned invited to attend.

Following consideration of the Investigating Officer's report, the Committee concurred with the finding that no breach of the Code of Conduct had occurred and accordingly

RESOLVED that no further action is taken on the matter.

47/07 SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES (AGENDA ITEM 8)

Mrs Oechsle presented her report on the Assembly and explained that she had found it very interesting to see how other authorities' Standards Committees were constituted. She had formed the view that this Committee's membership would need to be enlarged to be able to deal with the forthcoming changes being introduced under the Local Government and Involvement in Health Bill to provide for investigations of alleged breaches of the Code of Conduct to be conducted locally.

The Standards Consultant confirmed that further regulations from the Government on the new arrangements were still awaited.

The Standards Consultant explained that from 1st April 2008, all complaints in Breckland would come to this Council and there would need to be arrangements put in place to enable each stage of an investigation, from initial consideration of an allegation to reviews of cases, to be dealt with by different sub-committees of the Standards Committee to ensure impartiality (i.e. that the same members or sub-committee did not determine more than one stage of an investigation). An example might be to have a three-member sub-committee to consider the initial complaint; a second three-member sub-committee to consider any referrals with a separate independent committee to conduct a hearing.

However, there would be other options; for example, by setting up joint arrangements with a neighbouring authority.

Indications were that standards committees would need an absolute minimum of six members but the Government recommendation was likely to require a minimum of nine members. It was made known at the Assembly that the current average size of standards committees was between eight and nine members.

Action By

The Council would need to determine the make-up of its Standards Committee by January to enable the necessary amendments to the Council's Constitution to be made before the new arrangements came into force in April.

It was noted that the new regulations could place considerable demand on resources for Standards Committees; from the experience of some pilot schemes, it appeared there were initially a lot more cases passed for investigation. Although this was an unknown quantity at present, for budget purposes a bid for an additional £20,000 had been made but it was expected that resources would need to be found from elsewhere.

In answer to a question, it was confirmed that the Council had a duty to deal with Parish Council complaints. However, the new regulations would give the Council more control in dealing with complaints.

Members noted the position and

RESOLVED that further consideration is given to the implications for Standards Committees under The Local Government and Public Involvement in Health Bill at the next meeting of the Committee.

48/07 NEXT MEETING

The arrangements for an additional meeting on 14 November 2007 had been made to consider two complaints referred to the Committee by the Standards Board for England were confirmed.

The next ordinary meeting of the Committee was scheduled for 11 December 2007.

The meeting closed at 4.37 pm

CHAIRMAN

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Wednesday, 14 November 2007 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman) Mrs J. Jenkins
Mr R.P. Childerhouse JP Mrs M. Oechsle JP

Also Present

Mr M.D. Eveling JP Mr M. Whittley
Mr J.P. Labouchere Mr K.S. Gilbert
Mr B.D Rayner

In Attendance

John Chinnery - Solicitor & Standards Consultant
Elaine Wilkes - Senior Committee Officer

Action By

49/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following members were present:

- Mr. K. Gilbert (as observer for items 5 and 6 and, if required, to answer any questions)
- Substitute Standards Committee Members (as observers for items 5 and 6, and for item 7):
 - Mr. J.P. Labouchere
 - Mr. M. Eveling
 - Mr. B. Rayner
 - Mr. M. Whittley

**50/07 COMPLAINT AGAINST COUNCILLOR J.P. MCCARTHY,
WATTON TOWN COUNCIL (AGENDA ITEM 5)**

The following persons were present for the hearing into this matter:

Member Concerned	Councillor J.P. McCarthy
Ethical Standards Officer's Representative	Natalie Birtle
Investigating Officer	Alex Oram
Legal Adviser to the Committee	John Chinnery, Solicitor & Standards Consultant

Action By

Attending Officer	Miss E. Wilkes, Committee Officer
Observers	<u>Watton Town Councillors:</u> Mrs. L. McCarthy Mr. J. Craigie Mr. K.S. Gilbert Mrs. J. Seal, Clerk to Watton Town Council <u>Substitute Members of Standards Committee:</u> Mr. J.P. Labouchere Mr. M. Eveling Mr. B. Rayner Mr. M. Whitley

Summary of the Allegation

That Councillor Paul McCarthy, a member of Watton Town Council, failed to declare a prejudicial interest and withdraw from the chamber during the consideration of a planning application on 30 January 2007. Further, that Councillor McCarthy voted against the planning application and then used his casting vote as chairman of the Watton Town Council's planning committee to ensure that the council objected to it.

Procedures for the Hearing

The Chairman introduced the Committee and attending Officers and the Legal Adviser to the Committee explained that the hearing would be conducted as follows:

1. To consider the findings of fact as submitted in the Ethical Standards Officer's (ESO) Report.
2. To consider whether, in the light of the facts as found, the Member had failed to follow the Code.
3. If it was found that there had been a breach of the Code, to determine what, if any, penalty there should be.

At the end of each stage, following consideration of the report and any other information supplied by the Member concerned and the ESO's Representative, the Committee would retire to consider its decision, which would then be announced.

Consideration was given to whether the appendices to the ESO's Report should remain exempt or be released into the public domain.

Councillor McCarthy expressed his concern that the report had been made public before the hearing had taken place. He felt this was unfair and prejudiced public opinion against him before the Committee had considered the facts. However, he had no objection

Action By

to the release of documents after the hearing.

The Legal Adviser explained that it was standard procedure to release as much as information as possible in the interests of transparency. The ESO's Representative raised no objection to the release of the documents and stated that the Standards Board for England supported the aim of transparency and that no rule was laid down about when documents should be released. Some Committees released reports early, while others did so either on the day or after a hearing. Either practice was acceptable. However, any prior press reports should be disregarded.

The Chairman indicated that the Council would review its procedures in the light of the concerns raised by Councillor McCarthy to ensure that respect for the individual was maintained.

RESOLVED that the appendices to the ESO's Report may be released into the public domain.

Findings of Fact and Reasons

Councillor McCarthy was asked whether he accepted the summary of findings of fact as set out in the ESO's report, to which he replied in the affirmative.

On that basis, Councillor McCarthy was asked whether he accepted the ESO's conclusion that the findings of fact led to his having a personal and prejudicial interest in the meeting concerned.

Councillor McCarthy replied that he did accept the ESO's conclusion but wished to explain his reasons for declaring a personal interest only.

Before presenting the report, the ESO's Representative referred to Councillor McCarthy's written submissions on the final report (Form A, appendices pages 1-2), and stated that she considered there was nothing in those submissions which altered the ESO's findings and accordingly accepted that the amendments in Form A be incorporated as findings of fact.

The Committee retired, and on their return, the Chairman indicated that the Committee had decided that the facts were as stated in the ESO's Report, as amended by Councillor McCarthy's comments in Appendix 1 (Form A).

Findings on whether any contravention of the Breckland Code of Conduct has occurred

The ESO's Representative then summarised the findings of fact as detailed in the report and the reasoning as to whether Councillor McCarthy had a personal and prejudicial interest in the matter concerned. From the facts, she believed that a personal interest existed on a number of counts and that there was a cumulative effect from the various counts of personal interest which led to the conclusion that a prejudicial interest also existed.

Action By

Councillor McCarthy was afforded the opportunity to respond and explained that he had been taking into account the concerns of two other site owners whose interests he felt needed protection, not just his own.

Answering a question from the Legal Adviser, Councillor McCarthy confirmed he accepted that he not only had personal interests for the reasons as explained but that those interests were also prejudicial.

Asked why, in agreeing on that point, if he was representing other interests as well, he had not declared such interest, Councillor McCarthy explained that he felt that there were other Councillors at the meeting who had opposing interests and that he considered that WECO's views would not have been considered fairly. In the circumstance, as the other Councillors remained in the meeting, he felt he could do so as well.

He confirmed he had not made that point at the meeting in question and that he had declared a personal interest but not a prejudicial interest.

The Committee retired to consider whether there had been a breach of the Code.

The Committee found the following:

- (a) Councillor McCarthy had a personal interest for the reasons set out in paragraph 7.9 of the ESO's Report.
- (b) The interest was clearly also prejudicial, for the reasons set out in paragraph 7.11 of the ESO's Report.
- (c) The Committee found that Councillor McCarthy had failed to comply with paragraph 10(a) of the Code of Conduct in that he did not withdraw from the meeting during consideration of the matter in question.

With regard to the question of whether Councillor McCarthy improperly influenced the decision about that matter in contravention of paragraph 10(b) of the Code of Conduct, the Committee concurred with the ESO's findings, as agreed by Councillor McCarthy, that Councillor McCarthy had clearly influenced the decision but invited Councillor McCarthy to respond further to the ESO's finding that he had improperly influenced the decision.

Following clarification of the definition of the term "improper" in this context, Councillor McCarthy accepted he had improperly influenced the decision in the matter.

The Committee accordingly found that Councillor McCarthy had breached paragraph 10(b) of the Code of Conduct.

Action By

Findings on penalty, if any, for contravention of Code

The possible penalties available to the Committee were outlined by the ESO's Representative.

In the view of the ESO's Representative, in mitigation, Councillor McCarthy appeared genuinely to have had concern about the participation of members of his committee and it was recognised that for many Councillors, the question of declaration of interests was a difficult issue. However, aggravating factors existed from the fact that Councillor McCarthy was the chairman of the committee responsible for the conduct of the meeting and from the fact that he used his casting vote, although Councillor McCarthy had since said he would behave differently in the future if faced with the same situation.

Councillor McCarthy explained that there appeared to be little clear and precise guidance on when and where a personal or prejudicial interest existed and that members could not know all the rules inside out. He understood that this had proved to be a good working experience for him and that training was needed. He felt there should be more training workshops for people in his position. He stated he had not been aware of all the facts regarding interests but would not plead ignorance and felt that it was something he would not normally have done.

The Committee then retired to determine its findings on penalty.

Decision

The Committee's decision was announced by the Chairman as follows:

RESOLVED that the Committee accept that Councillor McCarthy has learned his lesson but they believe that the use of his casting vote elevated the seriousness of the matter in that it changed the decision of the Watton Town Council Planning Committee. The Standards Committee decision is therefore that Councillor McCarthy should be suspended from being a member of Watton Town Council for three months commencing from the date of this meeting.

The Chairman concluded by saying that the Committee appreciated that in regard to training, this had been a learning curve for Councillor McCarthy and reiterated the importance for members to undertake training.

Copies of the decision summary were made available at the close of the hearing.

**Standards
Officer**

Action By

51/07 COMPLAINT AGAINST COUNCILLOR L. MCCARTHY, WATTON TOWN COUNCIL (AGENDA ITEM 6)

The following persons were present for the hearing into this matter:

Member Concerned	Councillor L. McCarthy
Ethical Standards Officer's Representative	Natalie Birtle
Investigating Officer	Alex Oram
Legal Adviser to the Committee	John Chinnery, Solicitor & Standards Consultant
Attending Officer	Miss E. Wilkes, Committee Officer
Observers	<u>Watton Town Councillors:</u> Mr. J.P. McCarthy Mr. J. Craigie Mr. K.S. Gilbert Mrs. J. Seal, Clerk to Watton Town Council <u>Substitute Members of Standards Committee:</u> Mr. J.P. Labouchere Mr. M. Eveling Mr. B. Rayner Mr. M. Whittley

Summary of the Allegation

That Councillor Lorraine McCarthy, a member of Watton Town Council, failed to declare a prejudicial interest and withdraw from the chamber during the consideration of a planning application on 30 January 2007. Further, that Councillor McCarthy voted against the planning application.

Procedures for the Hearing

The hearing would be conducted as follows:

4. To consider the findings of fact as submitted in the Ethical Standards Officer's (ESO) Report.
5. To consider whether, in the light of the facts as found, the Member had failed to follow the Code.
6. If it was found that there had been a breach of the Code, to determine what, if any, penalty there should be.

Action By

At the end of each stage, following consideration of the report and any other information supplied by the Member concerned and the ESO's Representative, the Committee would retire to consider its decision, which would then be announced.

Findings of Fact and Reasons

Councillor McCarthy was asked whether she accepted the summary of findings of fact as already stated relating to the same meeting considered in respect of Councillor J.P. McCarthy in the ESO's Report and if she was therefore happy to proceed on that basis, to which she replied she was.

The hearing accordingly commenced on the basis that the findings of fact were as stated in the ESO's Report.

Councillor McCarthy was invited to respond to the findings in regard to the nature of her interest in the matter concerned.

Councillor McCarthy replied that she had sought advice at the time and had been told that her interest was of a personal nature only. She had since attended training from which she had learned that she should have declared a prejudicial interest.

The ESO's Representative was asked if she had anything to add to the report and she asked that the submissions to the final report made by Councillor McCarthy (Form A, appendices pages 1-2) be incorporated as findings of fact. The Committee agreed to this.

It was confirmed by the Legal Adviser that Councillor McCarthy had attended a standards training session on 20 June 2007 as stated.

When asked if she accepted she had a prejudicial interest in the matter concerned, Councillor McCarthy stated that she had only learned about it afterwards and that from the information given to her when she became a Councillor she had understood that prejudicial interest meant a financial interest.

Councillor McCarthy confirmed she accepted the findings of the ESO that she had breached paragraphs 10(a) and 10(b) of the Code of Conduct.

Findings on whether any contravention of the Breckland Code of Conduct has occurred

The Committee accepted the finding of the ESO, as confirmed by Councillor McCarthy, that she had failed to comply with paragraph 10(a) of the Code of Conduct in that she did not withdraw from the meeting during consideration of the matter in question and that she had improperly influenced the decision about that matter in contravention of paragraph 10(b) of the Code.

Findings on penalty, if any, for contravention of Code

The possible penalties available to the Committee were as previously outlined.

Action By

In the view of the ESO's Representative, relying on the statements of facts as given earlier, although Councillor McCarthy was not the chairman of the meeting in question, an aggravating factor existed from the fact that if Councillor McCarthy had not participated in the meeting, the decision would have been reversed. In mitigation, Councillor McCarthy had not had training until after the event and it was accepted that she was genuinely trying to redress her lack of knowledge of the Code.

The Committee then retired to determine its findings on penalty.

Decision

The Committee's decision was announced by the Chairman as follows:

RESOLVED that the Committee accept that Mrs. McCarthy's position was not the same as Mr. McCarthy in that she was not so involved in events before the Watton Town Council planning committee meeting, she was less culpable than the Chairman and she has tried to rectify her understanding of the Code of Conduct by attending training sessions since the event.

Nevertheless, the Committee believe that Mrs. McCarthy should have realised that she had a prejudicial interest and therefore the Committee's decision is that she should be suspended from being a member of Watton Town Council for a period of six weeks from the date of this meeting.

Copies of the decision summary were made available at the close of the hearing.

52/07 THE LOCAL GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH BILL - NEW ARRANGEMENTS FOR STANDARDS COMMITTEES (AGENDA ITEM 7)

Consideration was given to the implications for Standards Committees under the recently enacted Local Government and Public Involvement in Health Act. New Regulations would require changes to the constitution of the Committee to enable complaints about alleged breaches of the Code of Conduct to be fully considered at the local level.

At present, although the Act came into force on 30 October 2007, no details were yet available on timescales and the Regulations regarding the provisions on the responsibilities and composition of Committees were awaited. It was expected that the new regulations would come into force from 1st April 2008.

Members were concerned to ensure that the Committee was in readiness by 1st April and that the Council would need to determine the make-up of its Standards Committee by January if the necessary amendments to the Council's Constitution were to be made in time.

**Standards
Officer**

Action By

It was agreed that the Chairman and Standards Consultant would seek to obtain further information to enable further consideration to be given at the next meeting.

RESOLVED that further information be obtained and a report be submitted to the next meeting of the Committee to enable the Committee to consider options and make recommendations to Council.

**Standards
Consultant**

The meeting closed at 5.12 pm

CHAIRMAN

BRECKLAND COUNCIL

FULL COUNCIL - 6TH DECEMBER 2007

REPORT OF THE CHIEF EXECUTIVE

(Author: Trevor Holden)

MINOR STRUCTURAL REORGANIZATION

Summary: The purpose of this report is to seek Council's approval for a revised management structure for Chief Officer and Deputy Chief Officer appointments within the Council.

1. INTRODUCTION

1.1 The Council's current Chief/Deputy Chief Officer structure is prescribed within Article 12 paragraph 12.01 of the Constitution, and allows for the appointment of a Chief Executive, Deputy Chief Executive and three Operational Managers. Whilst this structure may have been historically appropriate, the opportunity exists to rationalise the number of Chief/Deputy Chief Officer appointments.

2. KEY DECISION

2.1 This is not a key decision.

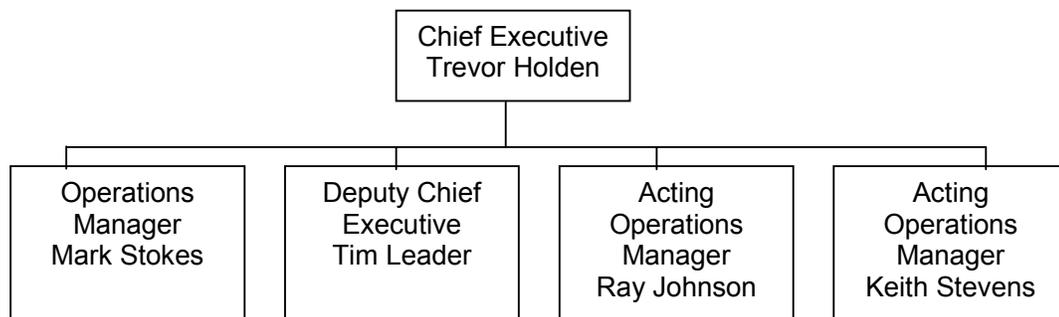
3. COUNCIL PRIORITIES

3.1 The matter raised in this report falls within the following Council priorities:

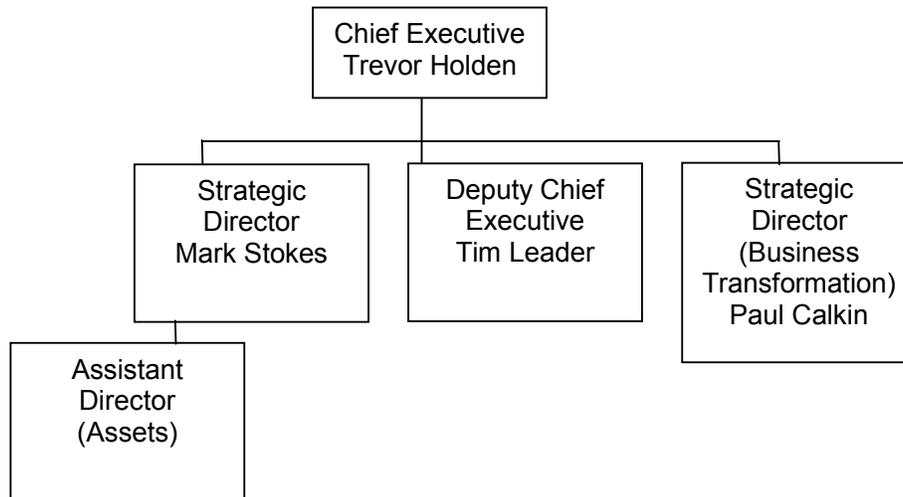
- A safe and healthy environment
- A well planned place to live which encourages vibrant communities
- A prosperous place to live and work

4. MAIN BODY OF REPORT

4.1 The Council's officer structure, at a senior level, comprises of a Chief Executive, a Deputy Chief Executive, and three operational managers as shown below.



- 4.2 Following the recruitment of the Chief/Deputy Chief Executives and the Director of Transformation, one of the Operational Managers' posts remains vacant, with duties currently being undertaken by a service manager. (The remaining Operational Director post being held by Mark Stokes.)
- 4.2 This vacant post offers the opportunity to rationalise the top tier of management without the financial impact of redundancy, with responsibilities reorganized under a senior team of four, including the Chief Executive.
- 4.3 A copy of the proposed structure is attached at Annex 1 to this report. The revised structure incorporates the following proposals:
- a) Move to a Chief Officer/Deputy Chief Officer structure as follows:



- b) Rename the current Operations Managers as Strategic Directors, which is a more accurate description of their functions within local authority structures.
- c) Reorganize the areas of responsibilities for each Director (Operations Manager) as detailed at Annex 1 to this report.
- d) Introduce the post of an Assistant Director responsible for the Council's Asset Management at Grade 4 £70,931, including on-costs.
- e) Remove one Operations Manager post at Grade 3a £93,592, including on-costs.
- 4.4 The proposed structure at Annex 1, gives the Strategic Director (Business Transformation) ownership of those areas of business that he is charged with developing into trading platforms or trading platforms which are still progressing towards an optimum solution. By moving away from the current matrix management approach the Director will take complete ownership for service delivery and development throughout the transformation process. It is, however, envisaged that completed projects will be transferred to the appropriate Chief Officer to allow the Director of Transformation to develop new opportunities with other service areas.
- 4.5 The introduction of an Assistant Director (Assets) is intended to provide senior management of this key area of council business, whilst recognising that this post does not need to be at Director level.
- 4.6 The revised structure at Annex 1 includes the introduction of an officer with specific lead responsibility for the "Green Agenda". This appointment, from within existing resources, will be responsible for leading this important work across the council.
- Should the proposed changes be adopted, the Monitoring Officer will be required to undertake a review of the Council's Constitution to reflect these changes.

4.7 Finance

This proposal will provide greater coherence in the management structure and result in a net saving to the authority.

Delete 1 x Operations Manager @ £93,592

Insert 1 x Assistant Director @ £70,931

Gross annual saving of £22,661

5. **OPTIONS AVAILABLE**

5.1 Retain current structure and organisation. This option is more costly and relies on matrix management to deliver transformation of services.

5.2 Move to a revised structure.

6. **REASONS FOR RECOMMENDATION(S)**

6.1 Clearly there are many models which could be introduced. However, the proposed structure will:

- provide clearer management responsibility and accountability;
- rationalise the senior management team;
- include a specific officer to drive forward the Green Agenda;
- delivering financial savings.

7. **RECOMMENDATION(S)**

7.1 I recommend that the Council:

7.1.1 a) adopts the revised management structure at Annex 1 to this report;

7.1.2 b) instructs the Council's Monitoring Officer to update the Council's Constitution in 7.1.1 a) above.

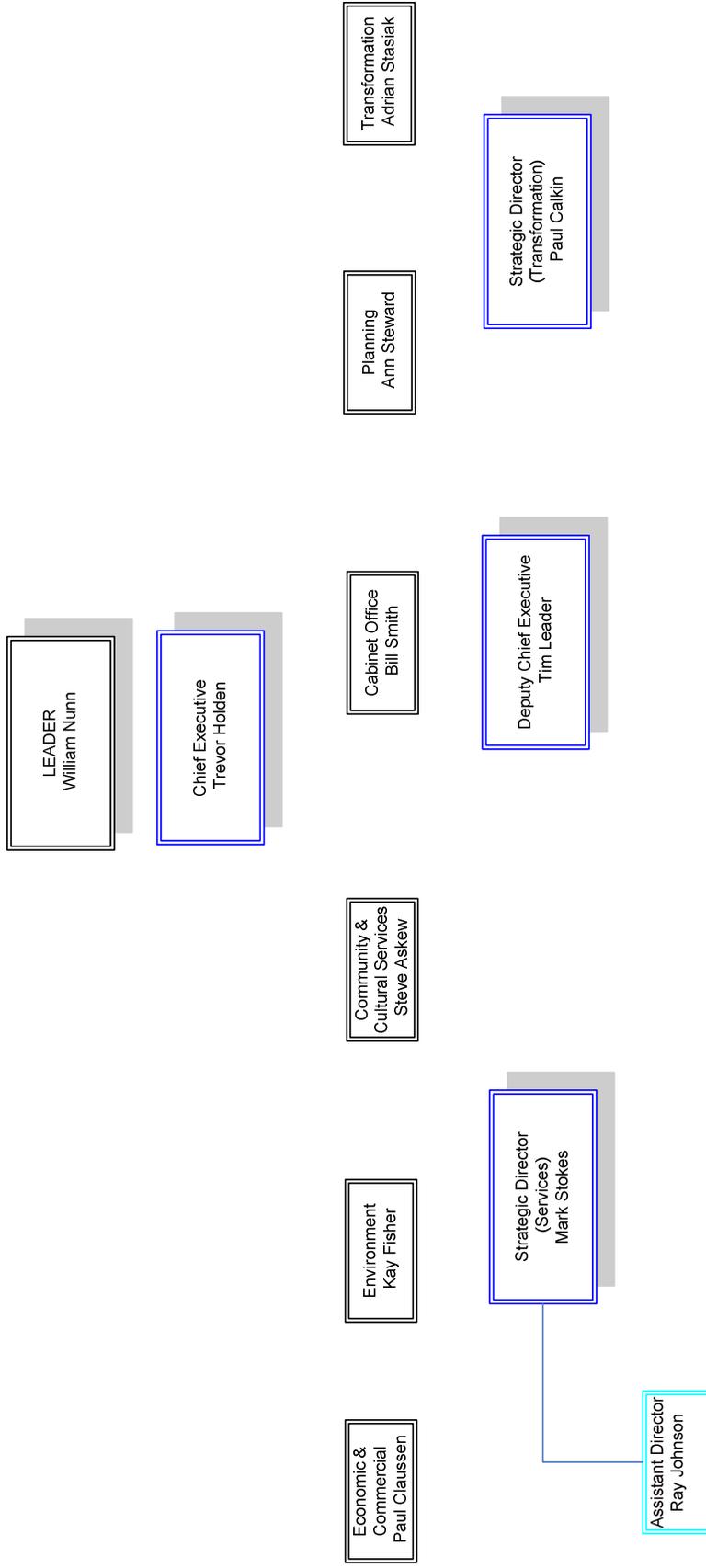
Appendices:

Where appropriate, this report has taken account of the need for compliance with

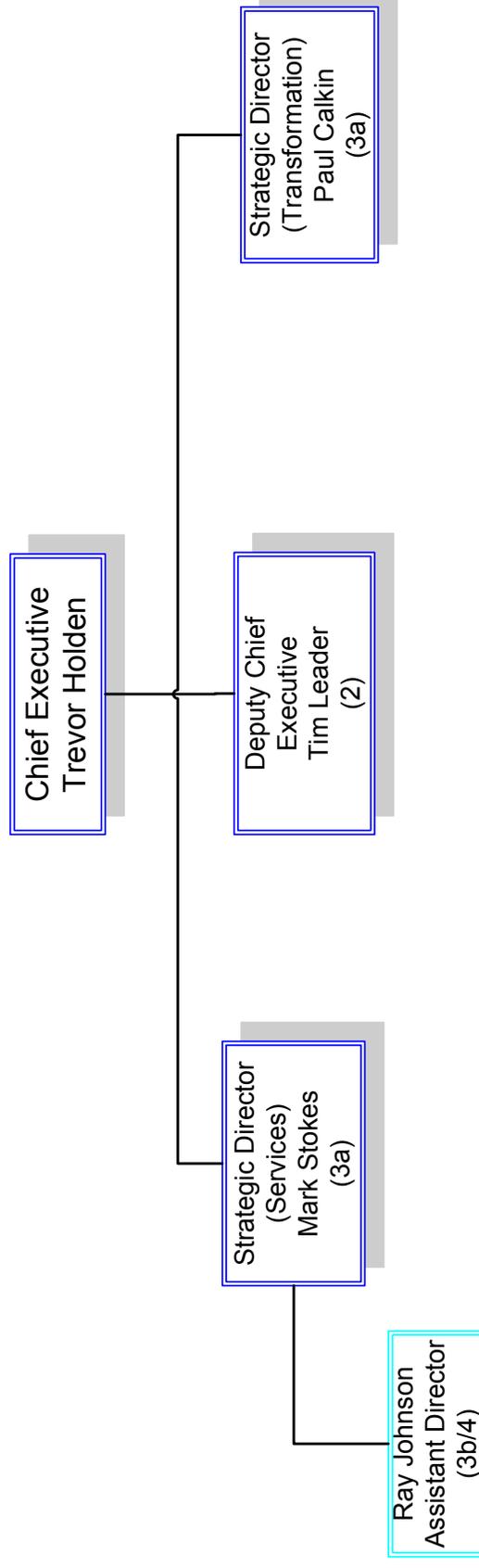
- The Council's Equal Opportunities Policies and Gender Equality Scheme
- Section 17, Crime & Disorder Act 1998
- Human Rights Act 1998

Section 40, Natural Environment and Rural Communities Act 2006

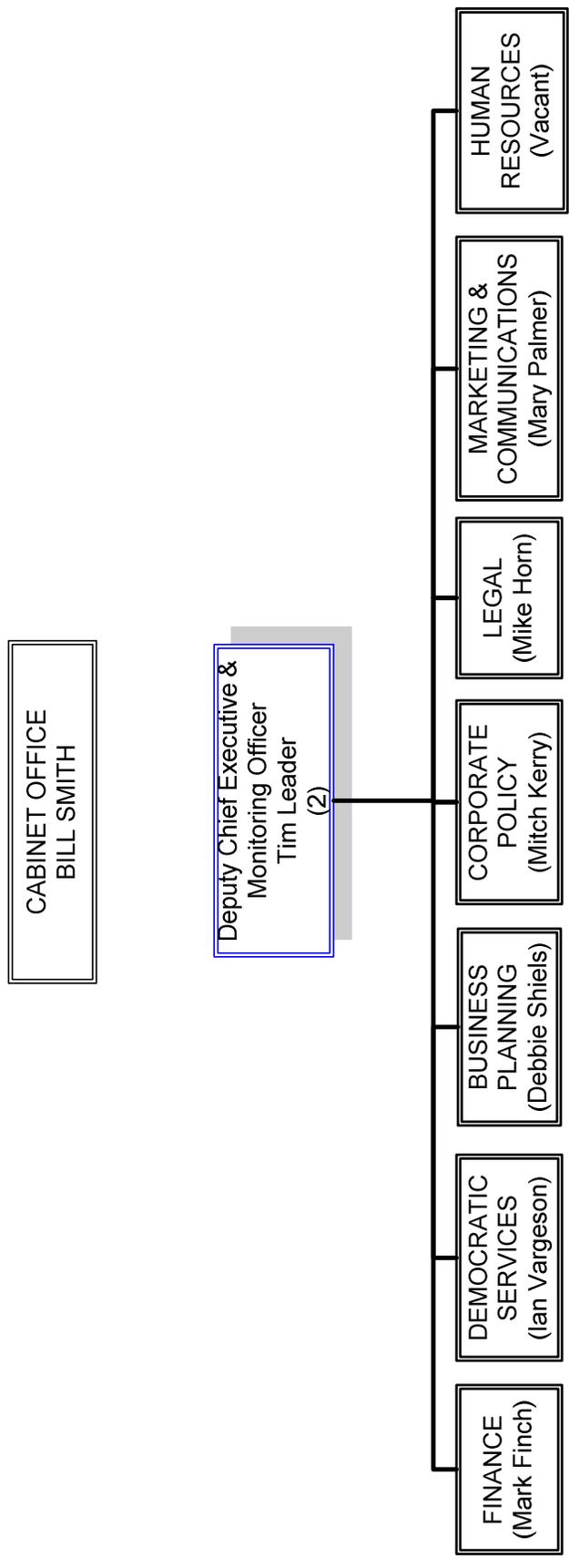
LEAD MEMBER RESPONSIBILITIES



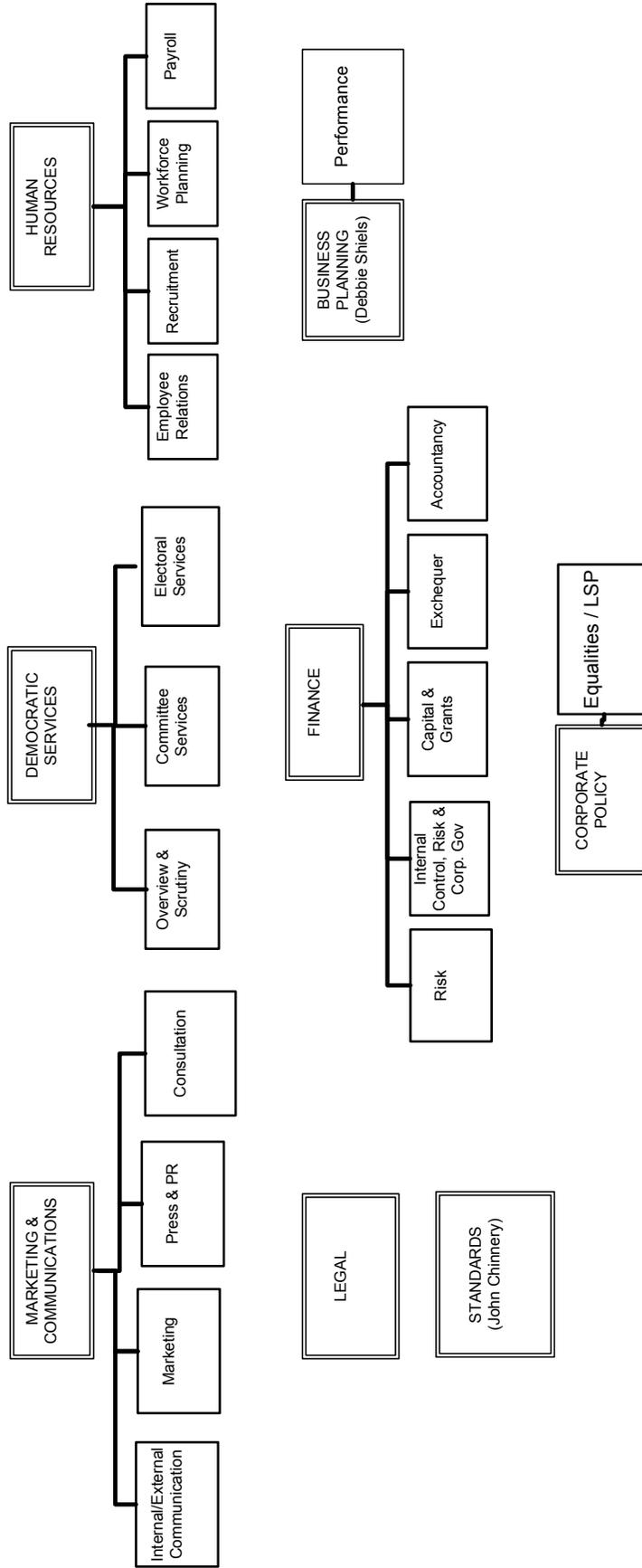
Corporate Management Team



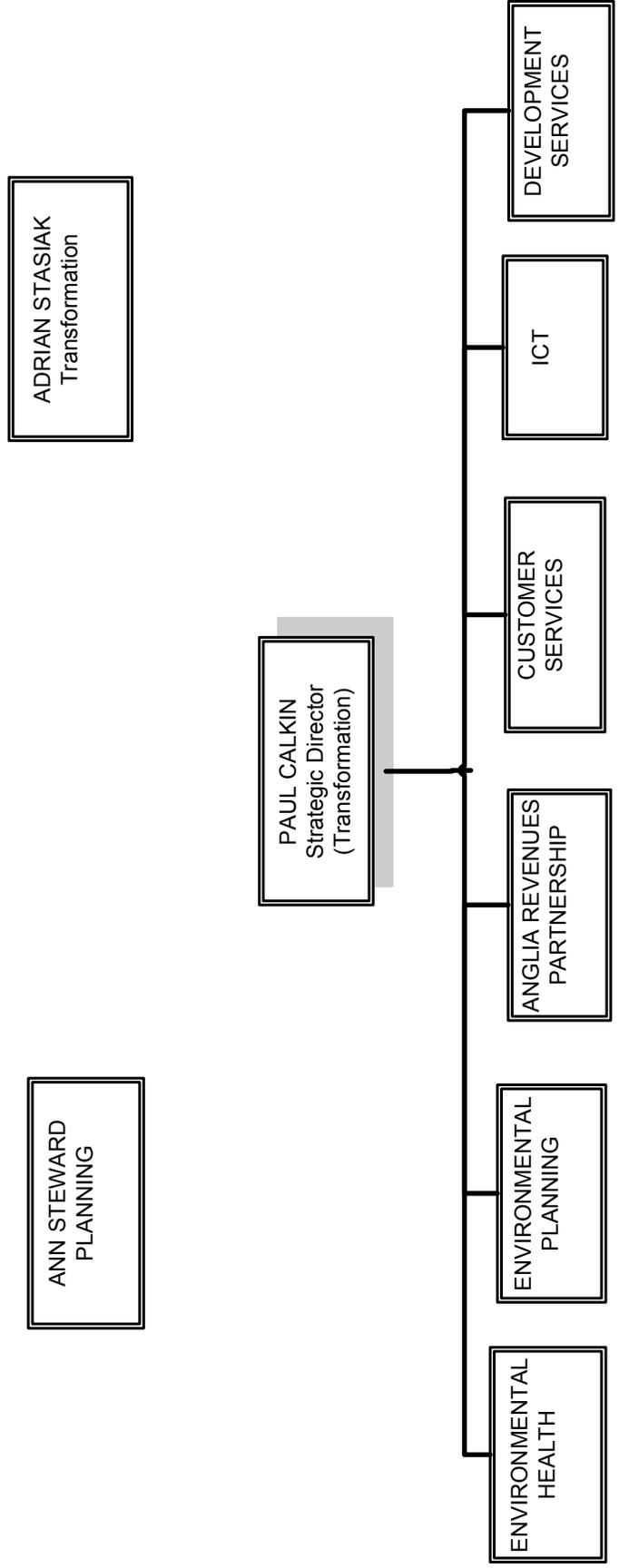
ORGANISATIONAL CHART



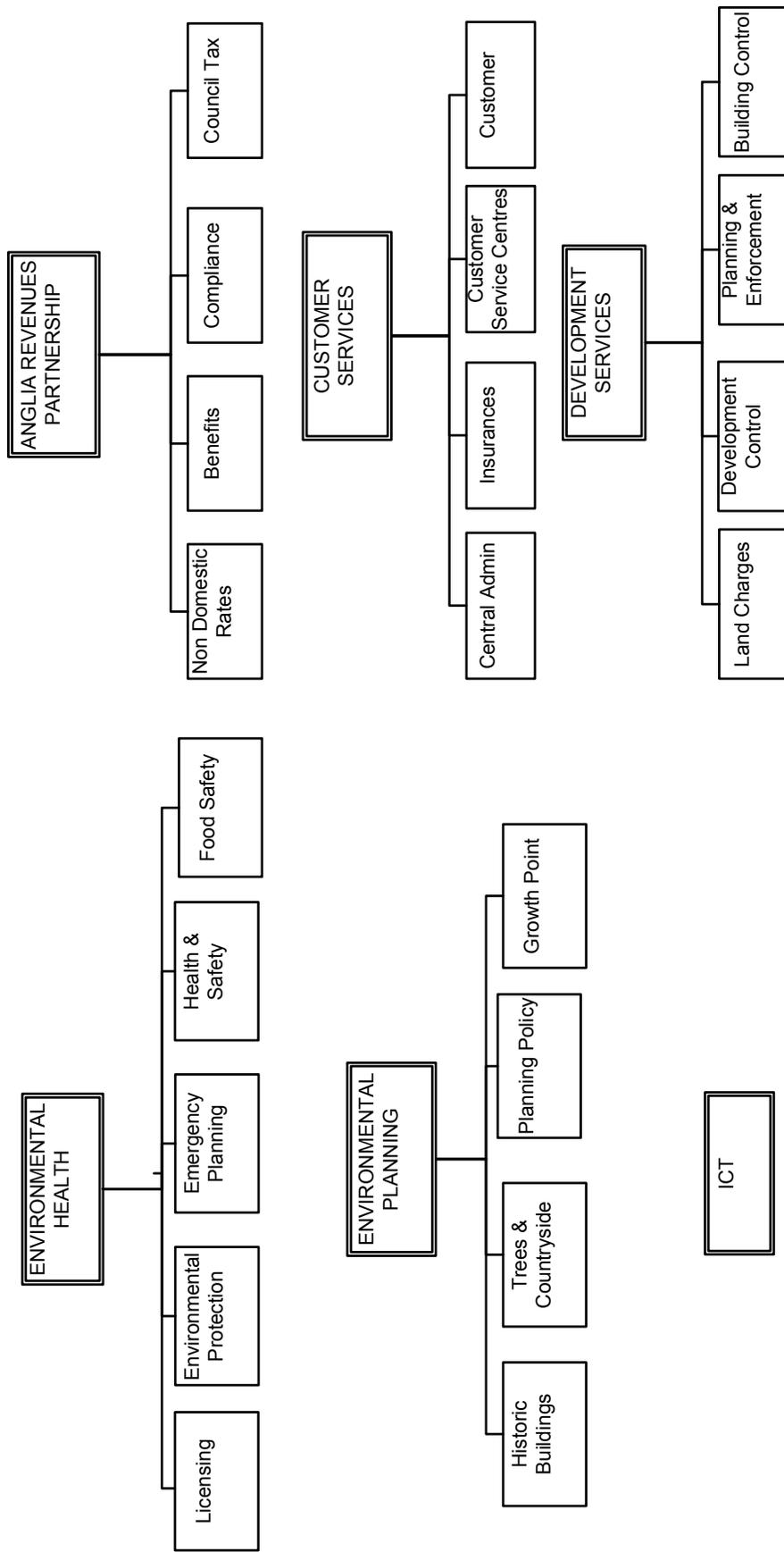
Cabinet Office



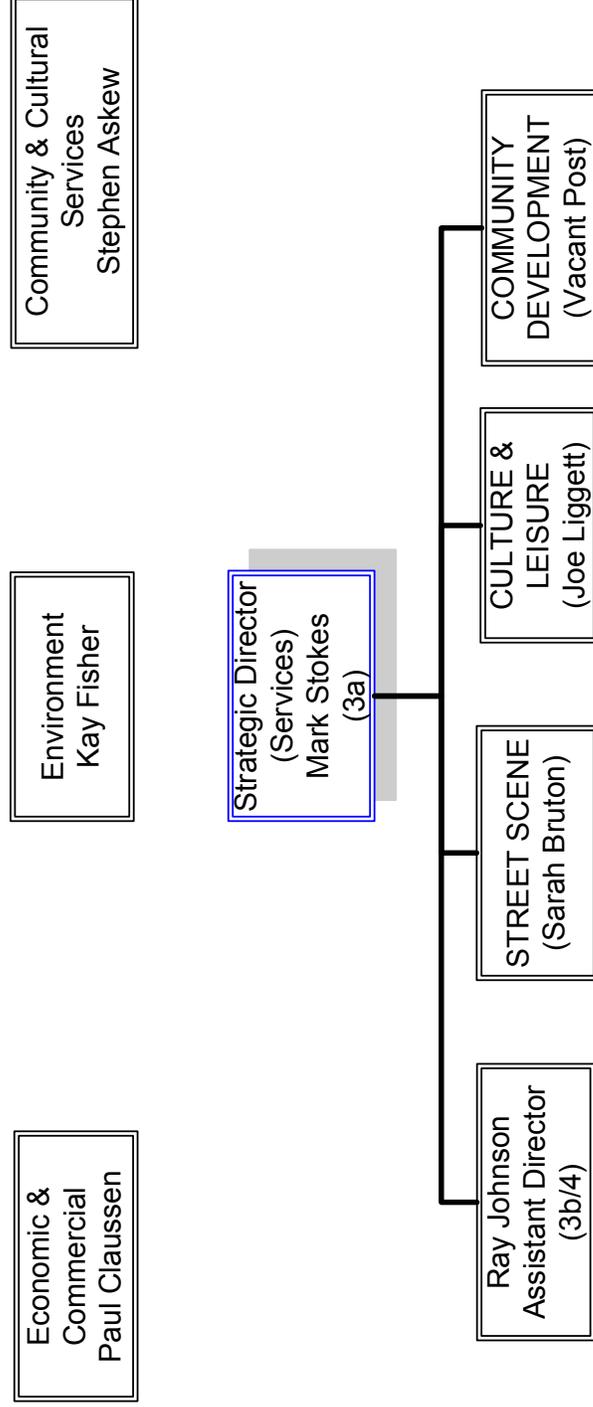
Organisational Chart



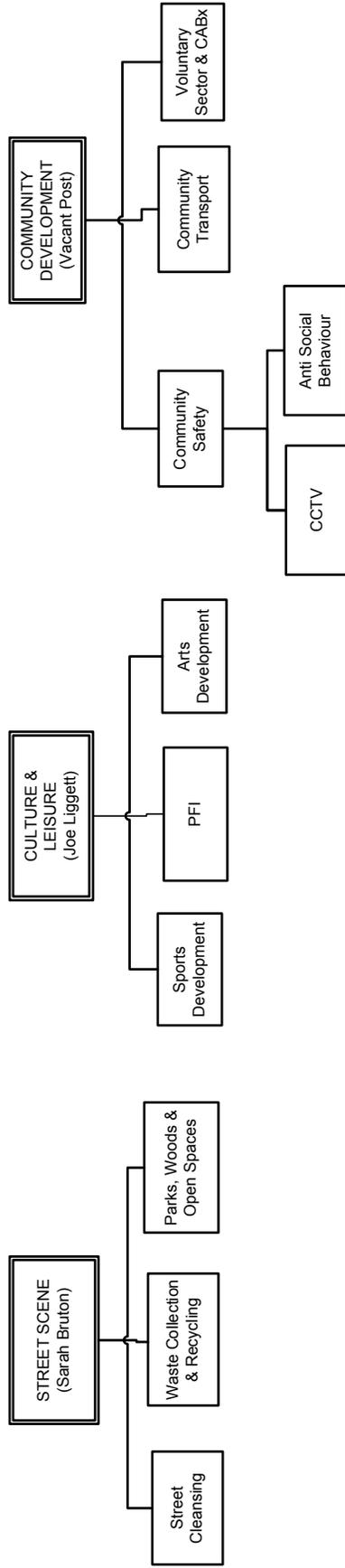
Transformation



ORGANISATIONAL CHART



Services



Services

