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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 12 February 2008 at 9.30 am in  
Norfolk Room, Conference Suite, Elizabeth House, Dereham**

**PRESENT**

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

**Also Present**

|                 |                   |
|-----------------|-------------------|
| Mr J.P. Cowen   | Mrs D.K.R. Irving |
| Mr P.J. Duigan  | Mr J.D. Rogers    |
| Mr R.F. Goreham |                   |

**In Attendance**

|               |                                       |
|---------------|---------------------------------------|
| Julie Britton | - Senior Committee Officer            |
| Ralph Burton  | - Economic Development Officer        |
| Paul Calkin   | - Strategic Director (Transformation) |
| John Chinnery | - Solicitor & Standards Consultant    |
| Mark Finch    | - Chief Accountant                    |
| Zoe Footer    | - Land Management Officer             |
| Trevor Holden | - Chief Executive                     |
| Joe Liggett   | - Senior Leisure Manager              |
| Mary Palmer   | - Marketing & Communications Manager  |
| Mark Stokes   | - Strategic Director (Services)       |
| Ian Vargeson  | - Democratic Services Manager         |

**Action By**

**24/08 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 8 January 2008 were confirmed as a correct record and signed by the Chairman subject to Minute No. 18/08 – References from the Overview and Scrutiny Commission: The Built Environment - Protection and Listing, the second paragraph, being replaced with the following wording:

“The Monitoring Officer pointed out that the property had a valid planning permission and listed building consent for works that, if completed in accordance with various enforceable conditions, would remedy the Authority’s concerns. The period for compliance with those conditions did not expire until July this year; therefore, any further action at this time to secure the preservation of the listed building would be premature”.

**25/08 APOLOGIES (AGENDA ITEM 2)**

There were no apologies for absence.

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**26/08 DECLARATION OF INTEREST (AGENDA ITEM 4)**

Lady K Fisher, Mr P Cowen and Mr J Rogers declared personal interests in Agenda item 9, Growth Point Governance and Delivery.

**27/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Messrs P Cowen, P Duigan, J Rogers and R Goreham and Mrs D Irving.

**28/08 FEES AND CHARGES (AGENDA ITEM 7)**

The Section 151 Officer presented the report which set out the proposed fees and charges for the financial year 2008/2009. He explained that some fees, such as those for development control planning applications, were set by central government and could not be changed. However, there was a broad range of services where the Council had the power to determine the charge to the recipient; these were commonly known as discretionary charges.

A review of current charges had been undertaken to compare Breckland's fees with those charged by other Norfolk authorities to ensure that Breckland's fees were not much different to those of our neighbours. A more comprehensive review was planned as part of the Value for Money review programme which would take place during the summer. This would allow Breckland to follow best practice guidelines including 'Positively Charged', the recently published guide from the Audit Commission.

The schedule in Appendix A set out the proposed fees and charges to take effect from April 2008. This included both statutory and discretionary fees and charges.

The options available to Members were as follows:-

- 1) Approve the fees and charges as set out in the schedule to the report.
- 2) Retain current charges or recommend alternatives.

The reason for the recommendation was to approve the fees and charges for 2008/2009.

**RESOLVED** that:

- 1) the charges as set out in the fees and charges schedule be approved and to take effect from 1<sup>st</sup> April 2008; and
- 2) a comprehensive review of fees and charges be agreed and reported back in September 2008.

**29/08 VACANT AND SURPLUS LAND - OPTIONS (AGENDA ITEM 8)**

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The Land Management Officer presented the report which requested the release of £130,000 revenue funding and that power be given to the appropriate Director to offer a contract to a consultant(s) offering best value to submit planning applications on 11 vacant and surplus Council-owned sites; and commence negotiations with developers and housing associations to achieve the maximum commercial return, once the Council's procurement process had been adhered to.

A paper was circulated which illustrated two cost scenarios.

The Executive Member for Environment supported the recommendation as she felt that there was a desperate need for further social housing in the area.

The Leader of the Opposition said that this appeared to him to be an exercise in antagonism. Four of the 11 sites, were in his Ward, including Howlett Close and Boyd Avenue. He asked whether any consultation had taken place as, to his knowledge, neither he, Dereham Town Council, and more importantly the residents themselves had been consulted.

He highlighted one of the plots in question that was currently a delightful piece of open amenity space which he felt should not be replaced with concrete. He reminded Members that, according to national standards, Dereham was already short of 21 acres of brownfield sites and rather than losing valuable amenity space for those residents, there were other, more suitable sites in the area that he knew of that could be utilised.

The Opposition Leader further recalled a statement from the Executive Member for the Cabinet Office during a previous meeting about the Council not hiring any further consultants.

The Executive Member for Community Services felt that there was a real need for the provision of open space and that for the public to be consulted.

In response, the Leader said that, at a Scrutiny meeting held in 2005, the Opposition Leader had recommended that the land at Howlett Close should go forward to Registered Social Landlords (RSLs). He reminded Members that all that was being asked was for valuations to be carried out on the said pieces of land. Each plot of land would then have to go through the planning process where full consultation would have to take place.

The Leader of the Opposition pointed out that he was just reflecting the views of the public he represented, whatever the political party, and irrespective of whatever he might have said at a meeting held in 2005. He still felt that this matter had been wholly misconceived.

On the use of consultants, the Leader clarified that what the Executive Member of the Cabinet Office had actually said was: "that the Council would not be using consultants as a replacement for full-time posts but would employ them to engage in particular pieces of work".

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The Executive Member for Commercial Services reminded Members that a long and thorough consultation process had been carried out through the former Scrutiny Panel (Economic). The Land Management Officer confirmed that a full consultation process had followed recommendations from the Panel. The recommendations had then been endorsed by the Overview and Scrutiny Commission and by Cabinet in 2005. The Land Management Officer highlighted the fact that this report was purely a follow up from that.

In response to the aforementioned points the Opposition Leader was concerned that the initial endorsed consultation, on which this report had been based, had taken place in 2004/05. There would have been many changes since then, one in particular being that the new Councillors would not have had any involvement in the consultation process.

The Overview and Scrutiny Commission Chairman asked for the recommendation to be clarified. In response, the Leader advised that planning permissions would be sought for all of the initial sites.

The Opposition Leader wished for it to be recorded that he, as a Ward Representative for Dereham Central, had asked Members to vote against the recommendation.

Two options were made available to Members. The first option was to request the release of funds of £130,000 and that power be given to the appropriate Director to offer a contract to a consultant(s) offering best value to submit planning applications on 11 vacant and surplus Council-owned sites and commence negotiations with developers and housing associations to achieve the maximum commercial return, once the Council's procurement process had been adhered to.

The second option was that an exception to Standing Orders be applied in this case; that funds of £130,000 be released and that power be given to the appropriate Director to instruct Allman Woodcock Ltd, David Futter Associates Ltd and Edwin Watson Partnership to submit planning applications on 11 vacant and surplus Council-owned sites and commence negotiations with developers and housing associations to achieve the maximum commercial return.

The reason for the recommendation was to progress this innovative scheme.

**RESOLVED** that

- 1) £130,000 of revenue funds be released and power be given to the appropriate Director to offer a contract to a consultant(s) offering best value to submit planning applications on 11 vacant and surplus Council-owned sites and commence negotiations with developers and housing associations to achieve the maximum commercial return, once the Council's procurement process has been adhered to; and
- 2) consultants be chosen through a tendering process which complies with the principle of best value procurement and Breckland's current

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Procurement Strategy and EU procurement regulations.

**30/08 GROWTH POINT GOVERNANCE AND DELIVERY (AGENDA ITEM 9)**

The Director of Services provided Members with the background to Thetford Growth Point and highlighted the recommendations on page 38 of the report.

Following the submission of the Thetford prospectus – Programme of Development by Breckland Council to the Department for Communities and Local Government (DCLG) in October 2007 an announcement of funding was made in December 2007. Thetford had been awarded £1,946,579 capital/£203,980 revenue for 2008/09 with an indicative allocation of £3,644,758 capital/£285,572 revenue for 2009/10 – 2010/11. As this was a new funding system, CLG could only confirm 2008/09 awards at this stage.

The Chief Executive explained that Thetford Growth Point was about delivering the right outcomes for its residents and this report was to invite Members to accept the recommendation from the DCLG. A joint Member Steering Group had been established that comprised County, District, Town and Parish Council representation to allow for engagement and co-ordination between the various tiers of government in relation to the growth and regeneration of Thetford. The Group had been broadened to include the necessary community, public and private sector stakeholders and national and local government organisations and had been called the Thetford Growth Point (Shadow) Partnership Board. The establishment of this Board would enable the right decisions to be made for Growth Point. Breckland Council would remain the accountable bodies in terms of financial arrangements and monitoring. Organisations represented on the GP Board would be the accountable body for funding that they secured, managed and spent on behalf of their organisations for the GP programme.

The Chief Executive asked Members to focus on the model illustrated at Appendix 1 of the report which, if agreed, would enable the Board to move forward and deliver in a timely fashion.

The Executive Member for Strategic Alliance felt that it was exciting to be provided with funding to be able to get on and deliver Thetford Growth Point and he urged Members to accept the recommendation.

Members were reminded that they would still have the opportunity to call in any decisions.

The reasons for the recommendation were that the success of the Thetford Growth Point programme could only be achieved if the Council took the lead with the involvement of all key stakeholders. This included the public and private sector and community stakeholders. Each Growth Point area had its own unique set of priorities and challenges and there was no magic formula, model or approach that would suit everyone. The shadow LDV as described within the report had drawn on both internal Council and external best practice models in its construction and officers believed this was the best vehicle to achieve the objectives of the

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Thetford GP Programme in the very short term and as they were understood at this point in time.

**RECOMMEND** to Council that:

- 1) the Department for Communities and Local Government (CLG) offer of Growth Point funding as set out in the report of £1,946,579 capital and £202,980 revenue for 2008 to 2009 and an indicative allocation of £3,644,758 capital and £285,572 revenue for 2009 to 2010 in accordance with Section 4(C) of the Council's Financial Regulations and Finance Procedure Rules Section 3 Budget paragraph 4 be accepted;
- 2) CLG Growth Point (GP) be allocated funds as set out in (1) above for use as the core budget for the Thetford Growth Point programme;
- 3) the Shadow GP Local Delivery Vehicle (LDV) Structure Model as set out in the report be approved and that it be adopted as the appropriate informal vehicle for the initial governance and delivery of the Thetford Growth Programme in the short term;
- 4) that the Leader and Executive Members representing the Council on the GP Board be given the necessary legal and corporate constitutional delegated powers available to make decisions on behalf of the Council and commit budgeted resources outside the Committee process but remaining subject to the Council's normal call in procedures;
- 5) that Breckland Officers prepare a business plan on the suitability of the Shadow LDV Structure on behalf of the Council and GP partners and submit the business plan to CLG for approval and possible funding by 1<sup>st</sup> April 2008;
- 6) the recommendations in the report prepared for the Council's General Purposes Committee meeting on 30<sup>th</sup> January 2008 for the recruitment of the core delivery posts both within the GP Delivery Team and Council Teams be agreed.

**31/08 POST OFFICE CLOSURES CONSULTATION (AGENDA ITEM 10)**

The Economic Development Officer presented the report which informed Members of the background to this matter, together with the actions and results of the survey undertaken since September 2007 following the Overview and Scrutiny Commission's initial review of the post office closure programme.

The survey, conducted at the end of 2007, had consisted of nine questions. Out of 159 issued surveys 40 had been returned. An analysis of the results had been attached to the report at Appendix 3. Members were informed of a meeting with Post Office Ltd (POL) on 18 January 2008, which had been attended by the Chief Executive and Mr P Claussen, the Executive Member for Commercial Services.

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Members were informed that POL's proposals would be published by 26 March 2008.

It was noted that following the Overview and Scrutiny Commission meeting held on 24 January 2008, it had been agreed that a small Working Group of Members be appointed to assist Officers in this task to ensure as full and detailed information as possible was available.

The first meeting of the Group was being held in the afternoon following today's full Council meeting.

The Overview and Scrutiny Chairman felt that the statistics for the survey that the Economic Development Officer had mentioned earlier were worrying but, like other surveys carried out by the Council, it was consistent and reflected the general feeling of the District.

The Executive Member for Commercial Services advised that the list of potential closures had already been determined and amounted to between 18% and 22% of Post Offices in the District. The consultation period was, in reality, about having the opportunity only to make the case for exceptions to that list. He recognised that the Government had to modernise and reshape the Post Office network but did not understand why at this time and at what cost to the more rural areas of the District. He highlighted the effect this matter would have on the Local Development Framework (LDF) which in itself was currently trying to bring together all the strands of development in the community.

Mr Goreham, the Opposition Leader agreed with the above points and felt that it was the duty of this Council to fight against closure where possible and mitigate against the loss of a service when necessary.

**Options:**

- 1) Now that the research had been undertaken and there was evidence to present to POL and Postwatch the Council was now open to submit a response during the pre-consultation stage. Therefore this option was to conclude this project by writing a statement to POL and Postwatch on behalf of the residents of Breckland outlining how it was against post office closures and include the evidence gathered. If members wanted to take this option they were asked what 'strength of feeling' the letter should take? For example, was the Council against all closures or would the Council specifically want to save the post offices in the LDF service centre villages? If this option was taken it would also suggest that the results of the survey were published on the Council's website. It was also suggested that delegated authority be provided to the Executive Member for Commercial Services or the Leader to agree and sign the letter.
- 2) The Council could publish the results on the Council's website, but not lobby POL/Postwatch and not take any further action.

The reasons for the recommendations were as follows:

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- 1) Clearly the closure of any post office would be a loss to that community, and this would be felt even harder in rural communities as the survey results suggest. Although there would be an economic impact, the loss of jobs would not be as great as the loss of a community service. In rural areas, such as Breckland the post office income usually supplements a retail income such as a grocery or newsagent. It was possible that without the post office the remaining business was not viable and could close. The knock on impact of the loss of not just a post office but also the local shop could be severe in rural areas.

In its community leadership role Breckland Council had undertaken activities and publicised these activities to support lobbying efforts to keep post offices open. It was unclear as to the impact or success any lobbying campaign would have but this should not detract from the Council's endeavours to secure successful outcomes for our communities. As more information from the consultation became available Members would be made further aware for their consideration.

- 2) By taking this option the Council had still fulfilled a non-statutory obligation to become involved in the consultation of the Post Office Network Change programme, but would not commit to a formal lobbying effort in writing. Electors would still be aware of the Council's activities as the information and results from the survey would be published on the Council's website.

The decisions of the Overview and Scrutiny Commission on compiling representations and inviting POL to its next meeting were noted.

**RECOMMEND** that the Council be asked to pass the following motion:

This Authority formally invites the Post Office to work with the Council to provide services to residents in the most viable way in the future.

This Council notes the invaluable service provided by our Local Post Offices to the local community which relies heavily on their post office branches.

This Council deplores the Government's current programme of 2,500 closures across the country.

This Council notes the strength of public opinion in favour of saving local post offices.

This Council recognises the needs of the elderly, disabled and the most disadvantaged who rely on local post offices the most.

**32/08 BRECKLAND CULTURAL OLYMPIAD (AGENDA ITEM 11)**

The report requested funding to support the 'Breckland Cultural Olympiad celebration 2008' forming part of the Council's Civic Pride Agenda.

Mr S Askew, the Executive Member for Community Services felt that this



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would be a fantastic opportunity for Breckland Council.

The Leisure Services Manager informed Members that if funding was approved it would mark the start of an ambitious four year programme leading up to the 2012 Olympics, and would put Breckland Council ahead of many authorities in the UK. As a rural authority it would be an opportunity to demonstrate to the rest of the country what regions such as East Anglia could achieve.

A number of events had been planned and most would be self funding; however, given the range of activities there was a high degree of risk that some would incur costs which had not been anticipated. In addition some of the events would require upfront funding to be put in place.

The options available to Members were to either approve or not to approve the request for a Cultural Olympiad Funding Reserve of up to £50k.

The reasons for the recommendation were as follows:

- It met the Corporate Objectives of the Council
- To continue to raise the profile of our District, as part of the Council's Civic Pride Agenda
- Creating sustainable clubs and community groups and improving community cohesion

Unfortunately, it was noted that there had been a slight accounting error and the 'Area Based Grant' of £95k that Breckland Council would receive in 2008, had not been included in the original estimates. However, following clarification from the Chief Executive, it was agreed that the recommendation be amended as follows:

**RECOMMEND** to Council that subject to acceptance of the 'Area Based Grant' of £95k the proposal for a Cultural Olympiad Funding Reserve of up to £50k be accepted.

**33/08 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2008 - 2009  
(AGENDA ITEM 12)**

The Democratic Services Manager presented the Calendar of Meetings for approval and explained the reasons behind the changes to a number of meeting dates.

In response to a concern about the Council meeting on Monday, 30 June 2008 possibly clashing with Norfolk County Council meetings, the Democratic Services Manager advised that confirmation would be sought before approval at Council on 21 February 2008.

The options available to Members were to recommend the attached schedule of meetings for the Council's approval, including the provision for a meeting of the Council on Monday, 30 June 2008 and a meeting of Development Control Committee on Thursday, 3 July 2008, or to suggest amendments.

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The reason for the recommendation was to comply with Standing Orders and the scheme of delegation for the recommendation to Council for adoption of a calendar of meetings for 2008-2009.

**RECOMMEND** to Council that

- 1) the calendar of Council and Committee meetings for 2008-2009 be approved;
- 2) the Annual meeting of the Council is held on 22 May 2008;
- 3) a meeting of the Council is held on Monday, 30 June 2008 to facilitate the approval of the Statement of Accounts; and
- 4) to allow for the Council meeting on 30 June 2008, a meeting of the Development Control Committee is held on Thursday, 3 July 2008 to maintain that Committee's three week meeting cycle.

**34/08 REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 13)**

The Overview and Scrutiny Commission Chairman presented the report which requested approval for the integration of the street naming and numbering function with the Local Land and Property Gazetteer managed by the Environmental Planning Team.

In response to a concern about which Ward applied to the residents of Blenheim Park development, the Leader assured the Member that the Street Naming and Numbering team would be informed.

**RESOLVED** that the integration of the street naming and number function with the Local Land and Property Gazetteer managed by the Environmental Planning Team be approved.

**35/08 NEXT MEETING (AGENDA ITEM 14)**

The next meeting of the Cabinet would be held on Tuesday, 18 March 2008 at 9.30am.

**36/08 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 15)**

**RESOLVED** that, under Section 100(A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in paragraphs 1 and 8 of Schedule 12A to the Act.

**37/08 EXTERNAL LEGAL CONTRACT AND VIREMENT OF FUNDS (AGENDA ITEM 16)**

The Executive Member for the Cabinet Office presented the report which set out the Council's options in respect of the part provision of legal

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services to the Council. It concluded by recommending that Cabinet should resolve that authorisation be given to enter into a five year contract (subject to an appropriate break clause) for the part external provision of legal services to the Council and secondly, that authorisation should be given to vire funds within the Legal Services budget to finance this contract. The report also recommended that the contract should be entered into with Norfolk County Council's Legal Services Department.

Members were informed that a great deal of the Council's legal services had been outsourced to Steeles Solicitors. Steeles had provided an excellent service over the years but after carrying out various market tests it had been concluded that the service from the existing provider could not be guaranteed at the current hourly rate.

A Member asked what provision had been agreed for the Development Control Committee. In response, the Leader advised that the Council's own in-house legal cover would be continued. The Chief Executive reassured Members that there was no hidden plan to eliminate the in-house legal team.

It was noted that there was a mechanism within the five year contract to review performance and that the specifications that had been agreed were watertight.

The Solicitor informed Members that a fourth recommendation should be added to allow Officers to continue to use Steeles as their service provider until such time that the contract was completed with Norfolk County Council.

The options available to Members were either to recruit and fill the existing establishment or to obtain external assistance with the provision of legal services to the Council, either through a contract with Steeles llp, or with Norfolk County Council.

The reasons for the recommendations were listed at part 4 of the report.

**RESOLVED** that

- 1) authority be granted to enter into a contract for a period of up to five years (subject to an appropriate break clause) with Norfolk County Council's Legal Services Department for the part external provision of legal services to the Council;
- 2) authority be granted to vire funds within the Legal Services budget to finance such a contract;
- 3) an exception be made under Clause 1 of the Contracts Standing Order to enable the engagement of Norfolk County Council Legal Services to proceed; and
- 4) Officers be allowed to continue to use Steeles as their service provider until the contract with Norfolk County Council is completed.

**Action By**

The meeting closed at 10.40 am

CHAIRMAN