

# Public Document Pack

## BRECKLAND COUNCIL

### At a Meeting of the

### CABINET

Held on Tuesday, 29 November 2011 at 9.30 am in  
Norfolk Room, The Committee Suite, Elizabeth House, Dereham

#### PRESENT

Mr J.W. Nunn (Chairman)  
Mr A.C. Stasiak (Vice-  
Chairman)  
Mr S. Askew  
Mr P.D. Claussen

Mr M.A. Kiddle-Morris  
Mr W.H.C. Smith  
Mrs L.S. Turner

#### Also Present

Mrs D.K.R. Irving  
Mr J.P. Cowen  
Mr R.G. Kybird  
Mr I. Sherwood  
Mr A.P. Joel  
Mr F.J. Sharpe  
Mr S.G. Bambridge

Mr T. J. Jermy  
Mr B J English  
Mr W. R. J. Richmond  
Mr R. R. Richmond  
Mrs S Armes  
Mr M. A. Wassell

#### In Attendance

Robert Walker  
Vicky Thomson  
Mark Stokes  
Julie Britton  
Mark Finch  
Sam Dawson  
David Spencer  
Sarah Robertson  
Kevin Ward  
Dr G Brighty

- Assistant Director of Commissioning
- Assistant Director - Democratic Services
- Deputy Chief Executive
- Senior Committee Officer
- Assistant Director of Finance
- Arts Development Officer
- Principal Planning Policy Officer
- Planning Policy Officer
- Growth Programme Manager
- Area Manager for the Environment Agency

#### Action By

#### **82/11 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 18 October 2011 were confirmed as a correct record and signed by the Chairman.

#### **83/11 APOLOGIES (AGENDA ITEM 2)**

An apology for absence was received from the Chief Executive.

#### **84/11 URGENT BUSINESS (AGENDA ITEM 3)**

In accordance with Part 1(d)(ii) of the Council's Contract Standing Orders, the Chairman agreed to take Agenda item 20 as an item of urgent business.

**Action By**

**85/11 DECLARATION OF INTEREST (AGENDA ITEM 4)**

Mr M Wassell declared a personal and prejudicial interest in Agenda item 10 in his capacity as a Watton Town Councillor but was allowed to speak on the matter. He then left the meeting whilst this item was being discussed.

**86/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mrs S Armes, Mrs D Irving, Mr G Bambridge, Mr P Cowen, Mr B English, Mr A Joel, Mr R Kybird, Mr R Richmond, Mr W Richmond, Mr F Sharpe, Mr I Sherwood and Mr M Wassell.

**87/11 STATE OF THE ENVIRONMENT (AGENDA ITEM 7)**

Dr Geoff Brighty, the Area Manager for the Environment Agency was in attendance and he provided Members with a presentation about the work that the Environment Agency covered and how this then related to the development and land use pressures within the Breckland area.

The Environment Agency was an independent agency that had three key roles – a regulator, an operator of significant assets and an advisor to Government and local authorities. It was responsible for reducing flood risk and protecting the environment.

The presentation focused on water, or the lack of it. Breckland was considered to be a great environment to live and work but was, in fact, the driest area in the entire country. The growth in Breckland would put a great challenge on the water supply and the effluent going back in. This growth might then not be sustainable and would be a challenge to the Council's Core Strategy and therefore a new solution would be required. Water would need to be moved around and be pumped from other sources so that increased demand could be met. Flood risk areas in Breckland were currently standing at moderate to low.

The Environment Agency's concern was how to manage drought as river flow for this time of the year was very low. Ground water levels were plummeting and at least an average rainfall was needed for the next 4 months to bring the water back to normal levels; if not, the Breckland area could be classed as critical next year. The message was to expect the worst – hosepipe bans could be implemented early in the year. Anglian Water was already sending out public messages to try and get the public to save as much water as possible.

Mr Wassell asked if there was a national grid for water and if there was a facility locally to move it. Members were informed that this work was the responsibility of Anglian Water. Water was moved from this part of the region to Essex but it was an expensive process. Anglian Water also had control of bore holes which could be turned on or off. Unfortunately, there was not a great deal of new water available and the Environment Agency and Anglia Water was encouraging farmers to put in their own reservoirs.

**Action By**

The Overview & Scrutiny Commission Chairman asked about regulations and which of these would 'kick in' to address issues such as grey water installations in new homes that building regulations did not require. He further asked, as this was a national issue, whether the Environment Agency was asking the DCLG what it was doing about it. Dr Brighty explained that Breckland Council had to adhere to its own policies but the Water Cycle Study had shown that Breckland did have water supply issues. As far as the latter question was concerned, the Environment Agency was already lobbying the DCLG.

Mr Richmond asked if the farmers were taking this message seriously, and if not, would statutory regulations have to be brought in by the Government. Dr Brighty advised that the Environment Agency was already working with farmers to come with low cost solutions. The poorest quality areas were being looked at first and there were stewardship monies available.

There was some discussion about the challenges the Environment Agency was facing in relation to agricultural phosphates. Mr Bambridge asked what the Agency was doing about domestic phosphate prevention. Dr Brighty explained that the Agency had made significant progress in the last few years and a new programme of works on this matter would be delivered in future.

The Environment Agency had been working in partnership with Breckland Council on the no. 1 sluice in Thetford. Prior to the work being done there was a set of steps and the Leader of the Labour Group asked why these had since been removed. Dr Brighty believed that the removal of these steps was probably due to health and safety issues but there was further work being done to put in a safe passage for canoeists.

Members were informed that Dr Brighty would be giving the same presentation to the Planning Committee in December.

The Chairman, on behalf of the audience and Cabinet Members thanked Dr Brighty for attending the meeting and for providing such an excellent presentation. He commended his environmental knowledge and was encouraged that the links between Breckland Council and the Environment Agency were much better.

**88/11 DRAFT BUDGET SETTING (AGENDA ITEM 8)**

The Assistant Director of Finance presented the report which set out the draft budget for 2012/13.

There had been a number of issues in order to balance the budget. Officers and Executive Members had been and were continuing to work on a number of schemes which could have an impact on the budget.

Mr Kybird had been disappointed that the recent Audit Committee meeting had not been provided with the detailed figures particularly in relation to pensions. There had been much debate on this matter and the actuary assumptions of the pension fund had been queried. In his

**Action By**

defence, the Assistant Director of Finance stated that there had been a change in approach at the last actuary review and the detailed figures had not been available due to the timing of the Committee's; however, he agreed to prepare a paper on pensions for the next Audit Committee meeting. It was further agreed that a Norfolk Pension Fund Manager would be invited to attend.

The Overview & Scrutiny Commission Chairman stated that the Council had set up an Audit Committee to understand all this financial wizardry and he too was disappointed that the Audit Committee had not been provided with all the financial background figures. He also queried the figures in relation to the pension percentages. The Chairman, as a former Member of the Norfolk County Council Pensions Committee, provided a detailed explanation of how the new actuaries had been set up. He stated that the real risk was that the cost to the tax payer was going to increase.

Mr Sherwood was not embarrassed about admitting that he did not understand the pension fund but had a feeling that there was nothing that could be done. The Chairman said that his thinking was correct. Norfolk County Council managed the pension fund but the Government had overall control and unfortunately the fund had dropped significantly and the only way that it could be made up was for someone else to top it up. As a public sector, this authority's pension contributions had to increase as the number of people paying into it was going down.

Referring to the pension deficit, Mr Wassell asked if some of this figure included interest. The Assistant Director of Finance explained that the interest had been factored in to flat-line until 2013.

The Vice-Chairman asked if new terms and conditions for staff was envisaged in the future. It was pointed out that this was against the law not unless Ministers were lobbied.

In response to a question about when the tax base figures would be available, Members were informed that as soon as they were known they would be passed onto all Parish and Town Councils.

**OPTIONS**

To note the report and make changes as necessary.

**REASONS**

To comply with the budgetary and policy framework.

**RESOLVED** that:

- 1) the report be noted; and
- 2) a report be prepared on pensions for the next Audit Committee and a Pension Fund Manager be invited.

**Action By**

**89/11 MATCH FUNDING GRANT PANEL REPORT ROUND 3 2011/12**  
**(AGENDA ITEM 9)**

The Arts Development Officer presented the report and summarised the funding recommendations that had been agreed at the Grant Panel meeting on Monday 10 October 2011.

Speaking on behalf of New Buckenham Church, Mr Joel informed Members that the village shop and the public house had since re-opened so hopefully the village was '*on the up*'. If the funding application was approved, this would enable the Church to have a new heating system installed and therefore be used by community groups. Mr Andrews from the Parish Council was in attendance to answer questions.

Mr Bambridge was in support of Project Bawdeswell. He explained that this amount of money would help to kick start this project, allow it to continue and provide many facilities for community use.

The Vice-Chairman strongly supported the funding for Attleborough Boxing Club as it was a tremendous asset.

The Chairman hoped that Breckland Council could continue funding these types of community based projects in future as well as reducing the budget. Members were reminded of the budget deficit that had to be found not just for next year but in future years.

**Options**

To support or not support the match funding applications.

**Reasons**

See report.

**RESOLVED** that:

- 1) The Capital Match Funding application of £6,160 towards a new heating system and lowered ceiling for Attleborough Boxing Club be approved, subject to:
  - (a) a maximum of £6,160 or 30% of the project cost whichever is the lower from the Capital Match Funding Reserve; and
  - (b) the balance of all other funding being confirmed.
  
- 2) The Capital Match Funding application of £7,936 towards the extension of the existing Village Hall (phase 2) for Project Bawdeswell be approved, subject to:
  - (a) a maximum of £7,936 or 30% of the project cost whichever is the lower from the Capital Match Funding Reserve; and
  - (b) the balance of all other funding being confirmed.

**Action By**

- 3) The Revenue Match Funding application of £5,145 towards new heating for New Buckenham Church be approved, subject to:
  - a) a maximum of £5,145 or 30% of the project cost whichever is the lower from the Revenue March Funding Reserve; and
  - b) the balance of all other funding being confirmed.

**90/11 TRANSFER OF EQUIPPED PLAY AREA IN WATTON TO WATTON TOWN COUNCIL (AGENDA ITEM 10)**

Mr M Wassell reported that this debate had been on-going for many years and was going to be discussed at the Town Council meeting later that day. Mr Wassell then left the room whilst this item was being discussed.

The Executive Member for Assets and Strategic Development informed Members that the play areas that Breckland Council owned in Attleborough, Swaffham and Thetford were in the process of being transferred to the Town Councils. The two play areas in question were situated in Lovell Gardens and Bridal Way in Watton.

The Chairman said that this was only the first step of devolving the right things back to the relevant Town and Parish Councils to enable them to manage and protect their own communities.

**Options**

To approve or not approve the release of £22,136.05.

**Reasons**

To ensure the facilities in these play areas were kept to a standard acceptable by Watton Town Council and the facilities available could be changed in response to the town appraisals.

**RESOLVED** that the release of £22,136.05 to transfer two Breckland equipped play areas to Watton Town Council be approved.

**91/11 ANNUAL MONITORING REPORT 2011 (AGENDA ITEM 11)**

The Executive Member for Assets and Strategic Development presented the Annual Monitoring Report (AMR) for the 2010/2011 financial year. This was the second AMR to be produced since the adoption of the Core Strategy and Development Control Policies by Breckland Council in 2009. All local authorities were required to produce an AMR in conjunction with Section 35 of the Planning and Compulsory Purchase Act 2004. Members were informed that even with the announcement of the Localism Act Breckland Council would still be producing its AMR.

The Principal Planning Policy Officer highlighted a number of key points within the report. In terms of moving forward, Councils still had a duty to monitor its performance and in terms of the environment, no permissions had been granted contrary to the Environment Agency's advice.

**Action By**

The Overview & Scrutiny Commission Chairman felt that Breckland was going to be much bigger by the time this report came to fruition; it would also be a lot drier and dirtier. He felt that this authority was not looking forward in terms of water usage and permitted development. He further felt that there would be another challenge to face in terms of RAF Watton putting another 188 acres on the market. None of these matters had been factored into the Council's policies or strategies. He urged Members and Officers to put the Core Strategy high on the agenda for next year. In response, the Executive Member for Assets and Strategic Development advised the meeting of the LDF Work Programme for 2012 (highlighted at Section 7 of the report) and in particular the commitment to review the Core Strategy (see paragraph 7.2). Members were advised that such a review would enable the opportunity to formulate a Local Plan as set out in the draft National Planning Policy Framework within the two year time frame.

Referring to the RAF Watton land disposal, the Chairman pointed out that the Ministry of Defence (MOD) had no right to put housing on that land without going through the formal planning procedures. The Principal Planning Policy Officer agreed and stated that the site should have been offered back to the original land owners in the first instance. Carbrooke had seen a significant amount of development over the years and such a large site would need to be considered strategically. Mr Wassell, a Ward Member for Watton had noted the growth of Carbrooke illustrated on page 72 of the report and pointed out that 95% of the site was in Griston whose residents all used the facilities in Watton. He asked if the MOD could sell the land with planning permission. Members were informed that the MOD did have a facility through itself to submit for planning permission but Breckland Council would still have overall control to refuse or approve such an application as the Local Planning Authority.

Referring to Great Ellingham, the Executive Member for Internal Services mentioned the 150 dwellings earmarked for the village between now and 2026 and pointed out that the Parish Councillors did not want to see such major development and were not happy about it.

The Executive Member for Assets and Strategic Development stated that an AMR would be carried out every year as an evidence based document. Policies that were not working in the Local Development Framework would also be re-considered. The Executive Member for Planning and Environmental Services said that this was a huge opportunity for the Council to review its planning strategy and policies. The timing to carry out such a review was crucial particularly since the announcement of the Localism Act and work would start on this review using local evidence appropriate to Breckland for the AMR.

The Chairman had noticed the scale of sites that already had the benefit of planning permission that were either under construction, or awaiting implementation. He questioned why those houses that had been passed were not being built and whether the issue rested with particular developers. He asked that this be investigated.

**Options**

**Action By**

See report.

**Reasons**

See report.

**RESOLVED** that the contents of the Annual Monitoring Report be noted.

**92/11 SHIPDHAM CONSULTATION FOR SITE SPECIFICS POLICIES AND PROPOSALS DEVELOPMENT PLAN DOCUMENT (AGENDA ITEM 12)**

The Executive Member for Assets & Strategic Development presented the report which advised Member of the additional consultation being carried out in Shipdham. A draft response letter to the Planning Inspector had been circulated.

Members were informed that the Officers had expected the single site allocation to the north of Chapel Street (SH1) to be passed; however, the Inspector had found one policy, in his opinion, to be unsound. The reasons to his response had been highlighted in the report. The preferred site, site SH1, had been discussed at various meetings and had been considered to have a number of favourable criteria compared to other sites, including site SH2, in the village. This particular site was considered to be too far away from the amenities in the village and would also have an impact on the landscape/townscape of that part of Shipdham.

The Executive Member for Localism, Community & Environmental Services, who was also the Ward Member for Shipdham, read a statement from the residents of the village reflecting their views to the Inspectors report. She advised the meeting that these views, which were predominantly in support of Breckland Council's position, had been part of two public meetings held in the village during the consultation.

The Principal Planning Policy Officer pointed out that 70 responses to the consultation, that was soon to be closed, had already been received.

The Overview & Scrutiny Commission Chairman had been surprised by the Inspectors comments with regard to the restructuring of the cycle and walkway routes; bearing in mind that residents, if SH2 was approved, would have to navigate the treacherous bends near the Church. He reminded Members of the accidents that had occurred over the years in that particular area and therefore, for the Inspector to suggest that site SH2 was viable was, in his opinion, a disgrace.

Mr Bambridge agreed with the aforementioned comments but also had concerns about the access onto SH1. He felt that Chapel Street was not a good road for a 100 plus residents to come out on. The Principal Planning Officer emphasised that Norfolk County Council had confirmed the access onto the site was acceptable due to the significant frontage.

The Chairman felt that the Council should draft a letter to the Secretary of State as he was concerned that the Planning Inspectors were not engaging in the Localism Bill and should be brought in line with what the Secretary of State was trying to do. The Executive Member for Localism,

**Action By**

Communities & Environmental Services pointed out that the Parish Council, herself as Ward Representative and George Freeman MP, had already written to the Secretary of State and had received a negative response.

**Options**

The Inspector has stated that Breckland Council could provide soundness representations on the proposed changes to the site allocation in Shipdham. As such, there were two main options:

1. Respond to the consultation on the Inspectors proposed changes objecting to the change in Shipdham's allocation, due to impact on landscape and the sustainability of site SH2.
2. Do not respond to the consultation on the Inspectors changes.

**Reasons**

It was recommended that Breckland Council respond to the consultation as outlined in the report at option 1. Prior to submitting the Site Specifics document to the Planning Inspectorate, site SH1 had been discussed at meetings of the LDF Task & Finish Group and at Cabinet. The site was still considered to have a number of favourable criteria compared to other sites in Shipdham particularly, due to its central location, and it was not felt that the Inspector's reasoning in relation to landscape/townscape alter this. Additionally, it was considered that site SH2 would also impact on the townscape/landscape of that part of Shipdham.

**RESOLVED** that Breckland Council responds to the Planning Inspectors consultation on Shipdham, as per the draft letter of response presented to and agreed by Members, as part of the Examination into the Breckland Local Development Framework Site Specifics Development Plan Document.

**93/11 DRAFT CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2012 - 2013 (AGENDA ITEM 13)**

The Deputy Chief Executive presented the calendar of meetings for 2012/13 for approval.

It was agreed that the Audit Committee meeting on 9<sup>th</sup> November 2012 be moved to a later date in that month. Audit Committee Members would then be able to consider the draft budget in more detail before presentation to Cabinet.

**Options**

- To recommend the attached schedule of meetings for the Council's approval.
- To suggest amendments.

**Reasons**

**Action By**

To comply with Standing Orders and the scheme of delegation for the recommendation to Council for adoption of a calendar of meetings for 2012-2013.

**RECOMMEND** to Council that the schedule of Council and Committee meetings for 2012-2013 be approved.

**94/11 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 14)**

Although there had not been any references for Cabinet to consider the Overview & Scrutiny Commission Chairman wanted Members to know of the fulsome conversation that had been had at the meeting in relation to Housing and Homelessness Policies.

The Commission had agreed to establish a Task & Finish Group which would be reviewing, in a joined up manner, tenancy, allocations and homelessness. The Localism Bill allowed greater freedom for the Council to set its own criteria and would have a bearing on all what the Council did in future; therefore, it was important that the right buttons were hit now to move forward in the district.

It was noted that the Forward Plan had since been amended.

**95/11 BUSINESS IMPROVEMENT AND PROJECTS SUB-COMMITTEE (AGENDA ITEM 15)**

(a) Capital Programme (Minute No. 78/10)

The Executive Member for Internal Services highlighted the fact that a number of projects had not, as yet, been actioned.

(b) Minutes

**RESOLVED** that the Minutes of the Business Improvement & Projects Sub-Committee meeting held on 11 October 2011 be adopted.

**96/11 ANGLIA REVENUES AND BENEFITS PARTNERSHIP JOINT COMMITTEE (AGENDA ITEM 16)**

**RESOLVED** that the Minutes of the Anglia Revenues & Benefits Partnership Joint Committee meeting held on 13 October 2011 be adopted.

**97/11 NEXT MEETING (AGENDA ITEM 17)**

The arrangements for the next meeting on Tuesday, 10 January 2012 at 9.30am in the **Anglia Room** were noted.

**98/11 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 18)**

**Action By**

**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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A to the Act.

**99/11 ENVIRONMENTAL HEALTH REVIEW (AGENDA ITEM 19)**

The Assistant Director of Commissioning apologised for the late circulation of the replacement report.

A final business case following the formal consultation would be brought back to Cabinet and Council for a decision in due course.

The detail of the proposal being put forward was explained which, if approved, would create further savings. The main savings and where they would come from were highlighted.

Mr English, who was a Member of the General Purposes Committee, was dismayed that the report had still not been tidied up with regard to grammar and phrasing as previously requested at the General Purposes meeting. He highlighted the errors.

In response to a question about whether mobile/remote working would create further savings, Members were informed that a further review on this matter could be carried out once the new technology was in place.

Referring to the Minute extract from the General Purposes Committee meeting, Mr Sherwood asked for reassurance that the new Police Reform and Social Responsibility Act had been taken into account. He was all in favour of joined up working as long as two distinct teams remained for each authority, particularly where Licensing was concerned. He asked that due consideration be given on this matter. The Executive Member for Planning & Environmental Services and Mr Sherwood both believed that sufficient local knowledge should be retained.

The Assistant Director of Commissioning agreed that from the emerging Bills and Acts it had been made clear that there would be more responsibility on local authorities, particularly in relation to Licensing.

The Vice-Chairman was confused about the local element. Members were informed that the public facing support team would be of local origin for both Breckland and South Holland but not at Management and Team Leader level. However, working practices and processes would be shared.

The Executive Member for Internal Services said that the Business Improvement Team had made the processes in the Licensing Team the best they could be but would be no good if it did not have local people behind it.

The Overview & Scrutiny Commission Chairman queried the structure and could not see how the Council could fulfil the Licensing function in Breckland without local Officers at the top.

**Action By**

There were further discussions about the structure and whether Officers from both Councils would be able to cope once the new Acts came into force. The Assistant Director for Commissioning assured Members that the structure would be robust.

**Options**

- To continue to deliver these services independently.
- To share managers but not service delivery.

**Reasons**

The Environmental Health and Licensing Service had been identified as being worthy of consideration of reorganisation as a joint service.

**RECOMMEND** to Council that:

- 1) formal consultation commence with staff and Trade Unions on the introduction of a shared service for Environmental Health and Licensing and a proposed staffing structure; and
- 2) a further report be produced at the conclusion of the formal consultation to include final staffing proposals, IT solutions, finance and business case.

**100/11 RIVERSIDE REGENERATION DELIVERY TEAM (AGENDA ITEM 20)**

The Executive Member for Assets & Strategic Development presented the report and explained the urgency.

**Options**

To approve or not approve the recommendation to waive Standing Orders.

**Reasons**

See report.

**RESOLVED** that under Standing Order 4B – Contract Standing Orders Part A 1 (d)(ii) be waived for the contractors listed in the report who form part of the Riverside Regeneration Delivery Team.

The meeting closed at 11.55 am

CHAIRMAN