

# **BRECKLAND COUNCIL**

## **At a Meeting of the**

## **COUNCIL**

**Held on Thursday, 11 April 2013 at 10.00 am in the  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

### **PRESENT**

Mrs S Armes	Mr R.G. Kybird
Mr S. Askew	Mr K. Martin
Mr S.G. Bambridge	Mrs S.M. Matthews
Mr W.P. Borrett	Mrs K. Millbank
Councillor C Bowes	Mrs L.H. Monument
Mr A.J. Byrne	Mr T F C Monument
Mrs B Canham	Mr M J Nairn
Mr C G Carter	Mrs J A North
Mr T R Carter	Mr J.W. Nunn
Councillor M. Chapman-Allen	Mrs K. Pettitt
Mr R.P. Childerhouse	Mr R. R. Richmond
Mr P.D. Claussen (Vice- Chair, in the Chair)	Mr W. R. J. Richmond
Mr J.P. Cowen	Mr M. S. Robinson
Mr R.W. Duffield	Mr J.D. Rogers
Mr P.J. Duigan	Mr F.J. Sharpe
Mr K.S. Gilbert	Mr I. Sherwood
Councillor E. Gould	Mr W.H.C. Smith
Mrs D.K.R. Irving	Mrs P.A. Spencer
Mr T. J. Jermy	Mr A.C. Stasiak
Mr A.P. Joel	Mrs A.L. Steward
Mrs E. M. Jolly	Mrs L.S. Turner
Mr C.R. Jordan	Mr M. A. Wassell
Mr M.A. Kiddle-Morris	Mr N.C. Wilkin

### **In Attendance**

Julie Britton	- Senior Committee Officer
Trevor Holden	- Interim Chief Executive
Paul Jackson	- Planning Manager
Helen McAleer	- Senior Committee Officer
Vicky Thomson	- Assistant Director - Democratic Services

### **Baroness Thatcher**

The Chairman made a short announcement referring to the death of former Prime Minister Baroness Thatcher on Monday 8 April 2013. She had been the first woman to be Prime Minister and her term of office had been the longest of any modern British Prime Minister. He referred to comments made about her in Parliament, on Wednesday 11 April, by the current Prime Minister and Leader of the Opposition.

All Members joined in a minute's silence.

**Action By**

**27/13 MINUTES (AGENDA ITEM 1)**

It was noted that Mr Monument had been present at the last meeting and Mrs Monument had not.

Under Minute No 18/13 the following item had been inadvertently omitted:

**Budget Setting, Financial Medium Term Plan and Capital Strategy**

**RESOLVED** that:

- (1) the Breckland Revenue Estimates and Parish Special Expenses for 2013-14 and outline position through to 2017-18 as set out in Appendix B3 of the report (13-14 Council Tax rise of £4.98) be approved and in so doing recommends that the provision of car parking charges not be introduced for the remainder of the term of this Council;
- (2) the Capital Estimates and associated funding for 2013-14 and outline position through to 2017-18 as set out in Appendix H of the report be approved;
- (3) the revised Capital Estimates and associated funding for 2012-13 as set out in Appendix H of the report be approved;
- (4) the fees and charges as shown at Appendix D & D2 of the report, for adoption 1 April 2013, be approved;
- (5) the Council Tax for a Band D property in 2013 be set at £69.03 as highlighted in Appendix B3 of the report;
- (6) the Financial Medium Term Plan at Appendix A of the report be approved; and
- (7) the Capital Strategy as at Appendix G of the report be approved.

Subject to those amendments, the Minutes of the meeting held on 28 February 2013 were confirmed as a correct record and signed by the Chairman.

**28/13 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr Clark, Mr Darby, Mr Goreham, Mr Green, Mr Lamb, Mr Rose, Mr Skull and Mr Williams.

**29/13 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 3)**

The Chairman drew Members' attention to Agenda Item 6 (North Elmham Council Tax 2013-14) and reminded them that if any Member was two months or more in arrears, they must not vote on that item or any decision which might affect its calculation.

He also reminded Members that there would be a briefing on the Community Infrastructure Levy immediately following the meeting which he urged them all to attend.

**30/13 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

No declarations were made.

**31/13 REVIEW OF THE CONSTITUTION (AGENDA ITEM 5)**

The Assistant Director for Democratic Services presented the report which invited Members to establish a three Member Working Group to work with South Holland to review and align the two Constitutions whilst maintaining each Council's distinct individuality.

**RESOLVED** that:

- (1) a Constitution Review Working Group be established; and
- (2) Councillors Claire Bowes, Terry Jermy and Ellen Jolly be appointed as the three Breckland Council Members of the Working Group.

**32/13 NORTH ELMHAM COUNCIL TAX 2013-14 (AGENDA ITEM 5)**

The Executive Member for Finance & Democratic Services presented the report. He explained that the localisation of Council Tax support had resulted in changes. The Government had given the Council a transitional grant to deal with those changes and the Grant had been allocated to each Parish.

Due to fluctuations in calculations a revised Council Tax amount needed to be set for North Elmham and new bills issued to reflect the revised figure. In addition to approving the amounts for North Elmham, revised resolutions for Breckland needed to be approved to reflect the change in parish precept amounts. Those changes did not affect the levels of Council Tax which Breckland was charging to residents.

**RESOLVED** that the revised Council Tax resolutions for 2013-14 be approved:

- (1) It is to be noted that on 11 April 2013 the Council has calculated for dwellings in North Elmham as:

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Parish	Tax Base	Precept 2013-14	Band D
North Elmham	428.44	£27,434.45	£64.03

(2) That the following amounts be calculated by the Council for the year 2013-14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended (the Act): -

(a) £66,910,352 being the aggregate of the amounts which the Council estimates for the expenditure items set out in Section 31A(2) of the Act;

(b) £61,693,112 being the aggregate of the amounts which the Council estimates for the income items set out in Section 31A(3) of the Act;

(c) £5,217,240 being the amount by which the aggregate at (2)(a) above exceeds the aggregate at (2)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year;

(d) £138.89 being the amount at (2)(c) above, divided by the council tax base of 37,565, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);

(e) £2,624,129 being the aggregate amount of all special items (including Parish precepts) referred to in Section 34(1) of the Act;

(f) £69.03 being the amount at (2)(d) above less the result given by dividing the amount at (2)(e) above by the tax base of 37,565, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its areas to which no special item relates;

(g) The figures shown below, being the amounts given by adding to the amount at (2)(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (1) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;

Parish	Breckland + Parish Band D 13-14
North Elmham	£133.06

(h) The figures shown below, being the amounts given by multiplying the amounts at (2)(f) and (2)(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is

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applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

<b>Breckland + Parish By Band</b>				
<b>Parish</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
North Elmham	88.71	103.49	118.28	133.06
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	162.63	192.20	221.77	266.12

- (3) That having calculated the aggregate in each case the amounts at (2)(h) and the amounts relating to Norfolk County Council and Norfolk PCC, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown below as the amount of Council Tax for 2013-14 of the categories of dwellings shown.

<b>Council Tax Rates 2013-2014</b>				
<b>Parish</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
North Elmham	985.95	1,150.27	1,314.60	1,478.92
	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	1,807.57	2,136.22	2,464.87	2,957.84

**33/13 CABINET MINUTES (AGENDA ITEM 7)**

- (a) Breckland Community Infrastructure Levy – Preliminary Draft Charging Schedule and Viability Assessment (Minute No 28/13)

Mrs Monument pointed out a textual amendment to the paragraph on page 42 of the Agenda starting 'There would be CIL'. The word 'except' needed to be inserted as the first word inside the brackets in that sentence.

- (b) Adoption

**RESOLVED** that the unconfirmed Minutes of the Cabinet meeting held on 26 March 2013 be adopted.

**34/13 PLANNING COMMITTEE (AGENDA ITEM 8)**

- (a) Delegated Arrangements and the Planning Guarantee (Minute No 30/13)

Mr Jordan did not agree with the recommendation. He asked why the current system had to change when it worked well.

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The Planning Manager explained that changes to legislation expected in 2014 would require planning fees to be repaid if a decision was not reached within 26 weeks. Under the current delegation arrangements all major planning applications were required to be determined by Committee. The term 'major' was defined by the Government and referred to applications for housing schemes above a certain number of dwellings and applications over a certain floorspace of site area. Over the previous two years a number of major applications had gone before the Committee and been approved with little or no debate because they had not been contentious and had received no objections.

The report suggested that those applications should not need to come to the Committee. However, any major application which received objections or raised concerns should continue to be determined by the Committee.

The Planning Manager noted that major applications attracted the largest fees (equating to one third of all fees received from planning applications) and if they were delayed there was an increasing risk that the Council might be required to pay back those fees in future.

Mr Jordan explained that Councillors were elected to represent their Wards and Parish Councils and residents sought their support to call in applications, for proper planning reasons. That system worked and he didn't understand why a change was needed.

The Planning Manager advised that the aim was to provide a clear audit trail for call-ins. It wasn't proposed to change the delegation in that regard and all applications that had been called in over the last two years would still be referred to Committee in future.

Mr Jordan said that the system already provided a record as people generally e-mailed their requests for call-in.

The Executive Member for Planning & Environmental Services noted that when she had been Chairman of the Planning Committee seven out of ten requests for call-in had not been given any reason for it. Having a form would prompt people to provide that reason at the start of the process.

Mr Bambridge referred Members to the comments he had made at the meeting when the issue was discussed (page 26 of the report). He was concerned that too many applications were dealt with under delegated powers. He did not have any problem with filling in a form to request an application to be called in, but had asked that any change was kept under

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review.

Mr Duffield understood the concerns expressed and thought that the problem might be that there were not enough Planning Officers to get applications through in time.

The Executive Member for Planning & Environmental Services pointed out that the Planning Service was provided by Capita under contract and that the Council had no control over the number of staff they employed.

Mrs North noted that at the meeting she had been advised that the changes would result in about one less major application per Committee and would save about half a day of Officer's time.

Mr Cowen had concerns and said that other issues needed to be incorporated including changes to legislation. He had no problem with the Councillor call-in form and accepted the reasons behind it. But he was concerned about major applications and asked if Officers were doing their jobs properly if they could not meet the requirements to determine the applications within a standard timeframe. With regard to saving Officer time he suggested that the work still had to be done to reach a balanced and proper decision.

Mr Smith agreed. He also thought that it was not always for planning reasons that applications needed to be called in. Social and economic reasons sometimes applied. He thought that it was not necessarily the number of Officers that was an issue, but the way that they worked.

Mr Sherwood thought that the proposals regarding the Member call-in just seemed to be a formalisation of the existing system and as long as Members were assured that they could continue to call applications in he thought there was nothing wrong with the form and it might be useful for inexperienced Members as a guide.

Mr Jordan proposed that the matter be deferred for further work and the Leader of the Council agreed and thought that Members needed to attend the Planning Committee to take part in the debate. They all knew that planning reasons were required for call-in but they had been elected to represent their communities and it was important that people had the opportunity to have their say.

Mr Kybird suggested that part of the referral should include addressing the risk of applications not being dealt with within the 26 weeks and that any further work should include a risk analysis of that.

**Action By**

**RESOLVED** that the report be referred back to the Planning Committee for further work and future reference to the Council.

(b) Adoption

**RESOLVED** that the now confirmed Minutes of the Planning Committee meeting held on 11 March 2013 be adopted.

**35/13 GENERAL PURPOSES COMMITTEE (AGENDA ITEM 9)**

35 .a Confirmed Minutes of the General Purposes Committee Meeting held on 27 February 2013

**RESOLVED** that the confirmed Minutes of the General Purposes Committee meeting held on 27 February 2013 be adopted.

35 .b Unconfirmed minutes of the Special General Purposes Committee meeting held on 20 March 2013

**RESOLVED** that the unconfirmed Minutes of the General Purposes Committee meeting held on 20 March 2013 be adopted.

**36/13 NOMINATIONS FOR COMMITTEE AND OTHER SEATS (AGENDA ITEM 10)**

Mr Keith Martin was nominated as a Chairman of the Licensing Sub-Committee. (*Previous sub-Committee Chairmen, Mrs Spencer and Mr Rogers having stood down from that post.*)

**37/13 MOTIONS RECEIVED (AGENDA ITEM 11)**

The Chairman read out the Motion that had been received and it was proposed by Mr Jermy and seconded by Mrs Canham.

Members were asked to note that Under Standing Order No 6, if the subject matter of any motion of which notice has been duly given came within the province of any Sub-Committee, Committee or Committees, it should, upon being moved and seconded, stand referred without discussion to such Sub-Committee, Committee or Committees, or to such other Sub-Committee, Committee or Committees as the Council might determine, for consideration and report.

Provided that the Chairman might, if he considered it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it was brought forward.

The Chairman therefore referred the matter to the Local Joint Consultative Committee, the General Purposes Committee and Cabinet, if there were any financial implications to the Council. Council would be kept fully informed of every part of the process.

**Action By**

The meeting closed at 10.40 am

CHAIRMAN