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**BRECKLAND COUNCIL**

**At a Meeting of the**

**CABINET**

**Held on Tuesday, 29 April 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 T. Hewett
Mr R.F. Goreham	
Mr P.J. Duigan	

**In Attendance**

Trevor Holden	- Chief Executive
Tim Leader	- Deputy Chief Executive
Julie Britton	- Senior Committee Officer
Paul Calkin	- Strategic Director (Transformation)
Mark Finch	- Chief Accountant
Michael Horn	- Head of Legal Services
Susan Jewkes	- Relationship Manager
Ray Johnson	- Asset Manager
Mark Stokes	- Strategic Director (Services)
Ian Vargeson	- Democratic Services Manager

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**54/08 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 18 March 2008 were agreed as a correct record and signed by the Chairman.

**55/08 APOLOGIES (AGENDA ITEM 2)**

There were no apologies for absence.

**56/08 URGENT BUSINESS (AGENDA ITEM 3)**

The Chairman agreed to take an item relating to the EcoTech Centre, Swaffham as urgent business as a decision needed to be made as quickly as possible. As this issue contained exempt information it was discussed following exclusion of press and public.

**57/08 DECLARATION OF INTEREST (AGENDA ITEM 4)**

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Mr P Duigan declared a personal interest in Agenda item 12 as he was a Member of Dereham Town Council.

**58/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Messrs P. Cowen, P. Duigan, R. Goreham and Mrs T Hewett.

**59/08 FINAL ANNUAL AUDIT AND INSPECTION LETTER (AGENDA ITEM 7)**

Susan Jewkes from the Audit Commission attended the meeting to present the Annual Audit and Inspection Letter 2006/07. The report drew on the findings and conclusions from the audit of the council and from any inspections that had been undertaken in the last year. The letter included the Commission's review on how well the Council had progressed and the auditor's assessment of how well the Council had managed its finances.

The main messages for the Council were as follows:

- Breckland Council's priority services had continued to improve. The Council was reducing homelessness, delivering more affordable houses and improving the amount of waste recycled. The percentage of performance indicators improving was high when compared with others and overall performance was good. The Council had a clear understanding of the needs of its communities, and was beginning to consider how to strengthen its community leadership for the local area. Work with partners had contributed to lower crime levels, and the development of health initiatives.
- Capacity had improved and stabilised. Performance management continued to be effective at improving targeted service improvements. The Council was continuing to work on its strategic plans for the future and was developing, in tandem, the Local Development Framework and the Sustainable Communities Strategy. The Council had made some progress in addressing equalities and diversity issues. It was delivering adequate value for money and had made good progress in delivering its efficiency plan.
- An unqualified audit opinion on the 2006/07 statement of accounts and certified the completion of the audit had been issued.
- It was concluded that, in all significant respects, the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2007, except for the failure to put in place arrangements to manage its significant business risks and arrangements for the management of its asset base.
- The Council's overall corporate governance arrangements were satisfactory but further work was necessary to develop risk management arrangements.

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- The Council had been assessed as performing at level 2 in the 'use of resources' judgement which represented an adequate level of performance.
- Overall data quality arrangements were satisfactory but further work was necessary to fully embed these arrangements across the Council.

The action needed by the Council was as follows:

- to continue to strengthen its strategic community leadership role;
- to address the issues necessary to further improve the Council's use of resources assessment; and
- to monitor the progress on the implementation of agreed recommendations in the Auditors' data quality report.

Breckland Officers were thanked for their assistance and co-operation throughout the audit inspection.

The Executive Member for the Cabinet Office stated that improvements had been made, particularly with regard to Risk Management and he thanked Mel Buttery, the Council's Technical Accountancy Officer for her all her work on the matter.

With regard to environmental issues, the Executive Member for Environment pointed out that the Council still delivered top line services for little council tax. The cost of waste collection in Breckland was the lowest in Norfolk. She also alluded to housing improvements, stating that 132 properties had been delivered to Breckland's RSLs.

The Executive Member for Planning touched upon the on-going LDF consultation process.

The Chief Executive felt that the audit report was very constructive as it had provided the Council with a strong base-line to move forward. He also referred to the recent staffing restructure which he hoped would now provide stability amongst staff to assist with moving the Local Government Review forward.

Referring to the Local Government Review, the Opposition Leader had been disappointed that no Labour Members had been consulted by the Audit Commission. He asked for assurance from the Commission that the Opposition be contacted in the future.

Members thanked Sue Jewkes for her work in producing the Audit Letter.

It was noted that Sue would be the area lead for Norfolk.

**60/08 COMPREHENSIVE EQUALITY POLICY 2008 - 2010 (AGENDA ITEM 8)**

The Executive Member for the Cabinet Office presented the report which

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sought approval of the revised Comprehensive Equality Policy 2008-2010 and associated Action Plan.

Originally adopted in 2005, the Comprehensive Equality Policy and Action Plan was a requirement of the Equality Standard for Local Government which had been established in 2001 and revised in 2006 to improve outcomes in employment and service delivery.

The Democratic Services Manager pointed out that the Overview and Scrutiny Commission at its meeting held on 17 April 2008 had supported its adoption.

The options available to Members were:

- 1) To approve the revised Policy and Action Plan to achieve Level 3 of the Equality Standard for Local Government by March 2010.
- 2) To approve the revised Policy and Action Plan, subject to amendments.
- 3) Not to approve the revised Policy and Action Plan. This would put at risk the Council's vision to deliver equal opportunity within its employment practices and service delivery. Having a negative impact in meeting its priorities might mean that the Council would not be able to meet its aim of achieving Level 3 of the Standard by 2010 and might not be able to meet its statutory requirements under equalities legislation.

The reason for the report was to comply with the Equality Standard for Local Government.

**RECOMMEND** to Council that the revised Comprehensive Equality Policy and Action Plan 2008-2010 be adopted.

**Peter  
Dinsmore**

**61/08 RACE EQUALITY SCHEME 2008 - 2010 (AGENDA ITEM 9)**

The Executive Member for the Cabinet Office explained that this report was very similar to the previous one (Minute No. 60/08 refers).

The Race Equality Scheme and its Action Plan was a statutory requirement of the Race Relations Act 2000. This scheme had to be reviewed every three years.

The options available to Members were:

- 1) To approve the revised Race Equality Scheme and Action Plan to meet the Council's statutory obligations within the Race Relations Act 2001.
- 2) To approve the revised Policy and Action Plan, subject to amendments.
- 3) Not to approve the revised Policy and Action Plan (this would cause the Council to fail to meet the statutory obligation of the Race

Relations Act 2001).

The reason for the recommendation was to comply with the statutory requirement of the Race Relations Act 2000 (amended) section 71 (1, 2 and 3) to ensure that the Council in its service provision and employment practices meets the:

- i) General Duty to give appropriate weight to eliminate unlawful discrimination, promote equality of opportunity and good race relations with Black and Minority Ethnic people and their communities when carrying out all its functions and implementing policies; and
- ii) Specific Duty to show that Breckland Council through its Race Equality Scheme has proper arrangements in place for effective implementation of its policy and action plan to meet the requirements of the Act, that it's kept up to date and relevant to its business.

**RECOMMEND** to Council that the revised Race Equality Scheme and Action Plan 2008-2010 be adopted and published.

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**Peter  
Dinsmore**

**62/08 ENVIRONMENT STRATEGY FOR BRECKLAND (AGENDA ITEM 10)**

The Executive Member for Environment explained that the Council had undertaken an extensive consultation process, engaging with key partners to review and develop the Strategy and formulate a Year One Action Plan.

The Environment Strategy would be a working document and would be updated regularly to take account of continuing public consultation and review.

The options available to Members were:

- 1) To approve the Environmental Strategy and Year One Action Plan.
- 2) To reject all or part of the Environmental Strategy and Year One Action Plan.

The reasons for the recommendations were as follows:

- 1) The Strategy meets the Council's priorities and demonstrates leadership on tackling climate change.
- 2) An integrated environmental strategy, working together with the Council's key partners would improve the quality of life for the people who live and work in Breckland district both now and in the future.
- 3) The strategy supports the Council's commitment to the Nottingham Declaration and acknowledges the increasing impact climate change would have on its community.

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The Democratic Services Manager drew Members' attention to the Overview and Scrutiny Commission's recommendation which was to approve the Environmental Strategy 2008-2013 for Breckland Council and the delivery of the Year One Action Plan, subject to quarterly reviews and to continued monitoring of feedback through the Environment Strategy Working Group established by the Overview and Scrutiny Commission.

**RECOMMEND** to Council that the Environmental Strategy 2008-2013 for Breckland Council and the delivery of the Year One Action Plan be approved, subject to quarterly reviews and the continued monitoring of feedback through the Environment Strategy Working Group established by the Overview and Scrutiny Commission.

**Mark  
Stokes**

**63/08 MATCH FUNDING APPLICATION - CASTLE PARK PLAY AREA  
(AGENDA ITEM 11)**

The Strategic Director for Services sought Cabinet approval for a Match Funding application made by Thetford Town Council for the sum of £15,000 towards the provision of a new play facility on Castle Park in Thetford.

Castle Park was currently in the ownership of the District Council; however, it was proposed that it and other play areas in Thetford would be transferred to the Town Council. The Strategic Director explained that the Council would only consider match funding this project if the Town Council confirmed that it would take ownership of Castle Park and the other play areas within the town.

The options available to Members were:

- 1) To award £15,000 to the project.
- 2) To award a lesser amount.
- 3) Not to award a Match Funding Grant.

The reasons for the recommendation were as follows:

- 1) It would enable the project to proceed with the outlined benefits for young people.
- 2) It would enable the current asset to be revived to meet current expectations of play equipment.
- 3) It would demonstrate outcomes in terms of local ownership of play facilities.
- 4) It would facilitate the transfer of other play areas to the Town Council.

**RESOLVED** that the grant of £15,000 be approved, subject to written confirmation from Thetford Town Council that it will take ownership of the

**Joe  
Liggett**

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play area and the surrounding open space, and subject to:

- 1) a maximum £15,000 or 13% whichever is the lower;
- 2) other funding being confirmed; and
- 3) funding to be allocated from the 2007/08 Match Funding Reserve.

**64/08 TRANSFER OF PLAY AREAS (AGENDA ITEM 12)**

The Strategic Director for Services presented the report which concerned the outcome of negotiations with the five Town Councils in Breckland with regard to the transfer of play areas. The report requested authorisation to make a single capital payment in lieu of an annual sum paid over 30 years on the basis that the financial effect would be cost neutral.

The Opposition Leader was supportive of the recommendation but asked for assurance from the Cabinet that the current play equipment would be checked and brought up to reasonable standard before being transferred. In response, the Strategic Director for Services confirmed that all play areas would be inspected by The Royal Society for Prevention of Accidents (ROSPA) and that there was a procedure in place.

The Opposition Leader asked how the funding had been determined.

The Chief Executive explained that the funding had been pre-determined for a period, over which time the sum of money would reduce and end up at zero. Having a lump sum 'up front' gave the Town Councils a little more financial freedom.

The options available to Members were:

- 1) To accept the request for a capital sum instead of revenue.
- 2) To reject the request for capital.

The reason for the recommendation was that the capital offer had been calculated to be cost neutral to Breckland Council and was therefore considered to be the optimal means of moving this matter forward.

**RESOLVED** that

- 1) a capital payment of £175,000 to Thetford Town Council and a payment of £121,700 to Dereham Town Council in lieu of the proposed 30 year payment originally envisaged be approved;
- 2) a similar pro rata capital sum be made available to the other Town Councils, if requested, provided that the financial effect to Breckland is cost neutral; and
- 3) the Council continues to provide maintenance in accordance with the Serco contract until 2015.

**Joe  
Liggett**

**65/08 PROJECT UNDERSPENDS FOR CARRY-FORWARD INTO 2008/09 (AGENDA ITEM 13)**

**Action By**

The Chief Accountant presented the report which concerned the underspends on projects and the recommendation for this funding to be carried forward into 2008/09.

The specific projects had been highlighted in Appendix A of the report.

The Chief Accountant assured Members that there were valid reasons why projects had slipped over financial years and that they were being addressed.

The options available were:

- 1) Not to carry forward the project underspends and remain within the final underspend to budget for 2007/08.
- 2) To carry forward the underspends to enable spend in the relevant service areas in accordance with the probable budget set in autumn 2007.

The reasons for the recommendations were:

- 1) There were valid reasons why projects slipped over financial years and by agreeing to the recommendation the expenditure plans could be continued as planned in the autumn 2007 budget setting process.
- 2) Service Team Plans were dependent on resource being available in the relevant service areas. By agreeing the recommendation the resources would be safeguarded to enable performance on the plan to be effective. The Service Team Plans being set for 2008/09 would take into account any underspend in project delivery and targets would be restated where relevant; having the funds to support these changes was vital.

**RESOLVED** that the underspends for 2007/08, as listed in Appendix A of the report (subject to year end adjustments), be carried forward through the use of reserves thereby making the funds available to the relevant Service Managers to spend in 2008/09.

Rachel  
Beswick

**66/08 BRECKLAND QUALITY OF LIFE AND YOUNG PERSONS QUALITY OF LIFE SURVEY (AGENDA ITEM 14)**

The purpose of this report was to secure the Cabinet's support for a Breckland Quality of Life Survey and Young Persons Quality of Life Survey. This would help the Council implement the Sustainable Community Strategy and develop a coherent and effective youth agenda.

The options available to Members were to approve or not to approve the Breckland Quality of Life Survey and the Young Persons Quality of Life Survey.

The reason for the recommendation was that the Council had a duty under the Local Government Act 2000 to prepare a Sustainable Community Strategy to promote the economic, social and environmental

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well-being of its area and to contribute to sustainable development. Accurate and specific data would be needed to aid this delivery.

**RESOLVED** that the proposal to carry out a Breckland Quality of Life and Young Persons Quality of Life Survey by the Breckland Partnership be supported.

**Stephanie  
Butcher**

**67/08 REVIEW OF POLITICAL MANAGEMENT ARRANGEMENTS (AGENDA ITEM 15)**

The Deputy Chief Executive presented the report.

It was noted that the Overview and Scrutiny Commission had supported the proposals subject to the recommendation in paragraph 2.3 (a) of the report being amended to include provision for consultation with Ward Members on ward-specific matters and the Chairman of the Overview and Scrutiny Commission (on a suggested weekly-list basis or such other method as might be practicable) in the new report clearance process set out in Appendix 1 of the report.

The report responded to the recent Peer Review and the Local Government and Public Involvement in Health Act 2007 by making proposals to streamline Executive decision making, develop the role of Overview and Scrutiny and empower Members to act as community champions.

The Peer Review Team had recommended that the Council should:

- Speed up decision making whilst maintaining public accountability
- Review the effectiveness of the overview and scrutiny function
- Establish an Audit Committee

The Executive Member for the Cabinet Office explained that the Deputy Chief Executive would be reviewing committee remits and would be looking to change the Policy Development and Review Panels into working groups to make the process more flexible.

The existing decision making process had been highlighted on the right hand side of Appendix 1 of the report. Following this review, and if approval was given, the process would involve the relevant Director and Portfolio Holder approving a report for inclusion on the Cabinet agenda without it being first referred to the Corporate Management Team, Scrutiny or the Executive Board. Reports that would be considered to be potentially complex or sensitive by a Director would follow the current more formal process.

The Chairman of the Overview and Scrutiny Commission highlighted paragraph 3.2.11 of the report, the proposals for the development of overview and scrutiny. He felt that it was absolutely right that scrutiny engaged with outside bodies, focused on issues that matter to local people, and engaged more Executive Members in the scrutiny process. The Opposition Leader agreed with most of the aforementioned points and supported any sensible measures that were suggested. However, he raised concerns with regard to any change that had the effect that the

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vast majority of Members would be unaware of most decisions that were made. The Deputy Chief Executive reminded the Opposition Leader that all decisions would still have to be published and could still be called in.

The options listed under Risk and Financial Implications were also highlighted particularly the option at 4.1.2 of the report: “unless we address the functionality of Scrutiny, the Council risked the possibility of gaining a poor CAA rating”. The Opposition Leader said that he would be voting against this option as he felt that it would not affect the CAA rating.

Another matter that was discussed was the role of “Scrutiny Champion”. The Leader advised that the Deputy Chief Executive would take the role of Officer Champion. He would be charged with raising awareness of officers generally about the role of Overview and Scrutiny and the need to attach the same level of importance to its work as that done for the Executive. The current Panel Chairmen would be “Champions” in their own right.

Members were informed of the considerable amount of resources that had gone into the proposed new Scrutiny process. Following the recent restructure a dedicated Member Development team had been established in the Cabinet Office, a sum of £10k had also been allocated for the working groups to commission work from the University of East Anglia and an Audit Committee had been inaugurated. Scrutiny was going to have a considerable amount of work ahead particularly with the pending Community Call for Action. The Executive Member for the Cabinet Office said that once all the aforementioned process had settled in the input of back bench Members would be improved considerably.

In concluding the debate, the Chief Executive endorsed the recommendation.

The options available to Members were:

- 1) To implement the suggested improvements, as detailed in the recommendations.
- 2) Not to implement the suggested improvements, or only implement them in part.

The reasons for the recommendations were as follows:

- 1) The Peer Review identified a number of areas where the political management arrangements could be improved at Breckland. By implementing the recommendations, Breckland Council would be able to enhance local democracy, make the decision making process quicker whilst retaining public accountability and also improve the Overview and Scrutiny function.
- 2) Failure to implement the recommendations would delay the improvement of political management arrangements at Breckland Council.

**RECOMMEND** to Council that the following changes to the political

management arrangements at Breckland Council be approved:

1. Overview and Scrutiny Function

- a) The proposals as set out in paragraphs 3.2.11 to 3.2.19 inclusive of the report be adopted and the Member Development Team Leader develops an action plan by 29 May 2008 together with a timed programme of its delivery.
- b) The sum of £10,000 per annum to provide funding to support major Scrutiny reviews and assist research by the University of East Anglia be allocated.

2. Speed up the Decision Making Process

- a) The proposed new report clearance process, as shown in Appendix 1 of the report, be introduced with immediate effect subject to the provision for consultation with Ward Members on ward-specific matters and the Chairman of the Overview and Scrutiny Commission (on a suggested weekly-list basis or such other method as may be practicable).

3. Development of Councillors as Community Leaders

- a) Ward profiles and plans be developed to describe the character of each Ward (or cluster of wards), in consultation with relevant Members as detailed in paragraph 3.2.21(b) of the report.

**Action By**

**Tim  
Leader,  
Stephen  
McGrath**

**68/08 APPOINTMENTS TO OUTSIDE BODIES 2008/09 (AGENDA ITEM 16)**

Cabinet was requested to recommend to Council the appointment of representatives on Outside Bodies for 2008/09.

The Leader proposed option 1 of the report.

The options available to Members were:

- 1) To reappoint en bloc with new appointments where necessary.
- 2) To make some new appointments.
- 3) To make all new appointments.

The reason for the recommendation was to ensure that the most suitable representative was appointed to serve on the relevant Outside Body.

**RECOMMEND** to Council that representatives be re-appointed en-bloc, with new appointments made where necessary, to serve on the list of Outside Bodies for 2008/09.

**Julie  
Britton,  
Ian  
Vargeson**

**Action By**

**69/08 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION (AGENDA ITEM 17)**

These items had been discussed under Minute Nos. 60/08, 61/08, 62/08 and 67/08 above.

**70/08 NEXT MEETING (AGENDA ITEM 18)**

The next meeting of the Cabinet would be held on Tuesday, 10 June 2008 at 9.30am.

**71/08 EXCLUSION OF PRESS AND PUBLIC (ADDITIONAL URGENT ITEM - SEE MINUTE NO. 56/08 ABOVE)**

**RESOLVED** that under Section 100(A) 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 involves the likely disclosure of exempt information as defined in Paragraph 5 of Schedule 12A to the Act.

**72/08 ECOTECH CENTRE SWAFFHAM (URGENT BUSINESS) (ADDITIONAL ITEM)**

The Head of Legal Services provided Members with a brief explanation on why this matter had been brought to Cabinet, which related to compliance with the user clause in the terms of the lease.

Following his verbal report he added that the Council wished to try and resolve the matter within the next month by negotiation. The advantage of this approach was that even if negotiations failed the fact that the Council had used its utmost endeavours to resolve this without taking legal action in good faith would be to the Council's advantage. Members agreed with this approach.

The options available were as follows:

- 1) To terminate the lease.
- 2) To arbitrate.
- 3) To take no further action.

The reason for the recommendation was that it was not considered acceptable that the lessee should be in breach of the terms of lease. Therefore, peaceable re-entry was considered to be appropriate. However, prior to peaceably re-entering the property, it was considered appropriate that the Council should fully explore every potential avenue of negotiation.

**RESOLVED**

- 1) to approve a negotiating period of two weeks for the satisfactory resolution of the reported non-compliance with the terms of the lease;
- 2) if no acceptable progress towards satisfactory resolution within this

Lloyd  
Gibson

**Action By**

- period is made the lease be forfeited by peaceable re-entry;
- 3) the interpretation of “acceptable progress” be delegated to the Leader in consultation with the Portfolio Holder.

The meeting closed at 11.00 am

CHAIRMAN