
BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 17 October 2017 at 9.30 am in
Norfolk & Dereham Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr J.W. Nunn (Chairman)	Mr J.P. Cowen
Mr S H Chapman-Allen (Vice-Chairman)	Mr M. S. Robinson
Mr S.G. Bambridge	Mr A.C. Stasiak
Mr P.D. Claussen	Mrs A. M. Webb

Also Present

Mr W.P. Borrett	Mr K. Martin
Mr P. R. W. Darby	Mrs S.M. Matthews
Mr P.J. Duigan	Mr J. Newton
Mrs J. Hollis	Mr P. S. Wilkinson

In Attendance

Phil Adams	- Executive Manager People & Public Protection
Sarah Barsby	- Executive Manager for Information
Christine Marshall	- Executive Director Commercialisation (S151 Officer)
Maxine O'Mahony	- Executive Director of Strategy & Governance (Monitoring Officer)
Dylan Powles	- Customer Contact Manager
Mark Stinson	- Executive Manager Governance (Deputy Monitoring Officer)
Rob Walker	- Executive Director Place
Julie Britton	- Democratic Services Officer

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95/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 5 September 2017 were confirmed and signed by the Chairman.

96/17 APOLOGIES (AGENDA ITEM 2)

None.

97/17 URGENT BUSINESS (AGENDA ITEM 3)

None.

98/17 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

99/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillors Hollis, Matthews, Borrett, Darby, Duigan, Martin, Newton and

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Wilkinson.

100/17 CHAIRMAN'S ANNOUNCEMENTS (IF ANY) (AGENDA ITEM 6)

None.

101/17 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM) (AGENDA ITEM 7)

None.

102/17 STRATEGIC ECONOMIC PLAN FOR THE NEW ANGLIA LOCAL ENTERPRISE PARTNERSHIP (AGENDA ITEM 8)

The Executive Member for Growth & Commercialisation presented the report. The Strategy was the work of local authorities, businesses and the New Anglia Local Enterprise Partnership (LEP), to drive forward a single vision for our region. Members' attention was drawn to the ambitions for Norfolk and Suffolk highlighted at section 1.9 of the report which the Executive Member believed were achievable.

It had been difficult to include as much detail as would have been preferred due to the many partners involved.

Councillor Duigan was aware that the Government had set the rules and the document itself would have to go through due process; however, he had a number of concerns as the Breckland area itself, in his opinion, was not in the favoured area for the LEP particularly in relation to Dereham. He also raised concerns about the document that sat underneath this, which he had sight of; this document contained many 'stats' and from a Breckland point of view he knew were incorrect. Dereham was taking a great deal of housing growth but getting no money to enable it and therefore felt that the said document had to be improved.

Reasons

The Strategy had been based on a strong evidence base and its direction addressed issues which were of importance to Breckland. The coordinated approach set out by the Strategy was likely to have more success as resolution of these economic issues required a comprehensive approach across all sectors. This had been recognised by Government and funding agencies and a strong coordinated approach across New Anglia would assist in seeking resources. Current events and the advent of the Government's Industrial Strategy would mean that it was important that New Anglia had a comprehensive Strategy in place as soon as possible so moving forward on the basis of the draft document was a sensible way to speed up the process.

Options

- To approve the Economic Strategy for Norfolk and Suffolk
- Decline to approve the Economic Strategy for Norfolk and Suffolk

RESOLVED that the New Anglia Economic Strategy be approved.

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**103/17 NORFOLK BUSINESS RATES 100% RETENTION PILOT 2018-19
(AGENDA ITEM 9)**

The Executive Member for Finance presented the report.

The report proposed that Breckland Council takes forward an application for Business Rates Pilot status in conjunction with other Norfolk Districts and Norfolk County Council.

If the application for a Norfolk pilot for 2018-19 was approved, the existing Business Rates Pool would be superseded and dissolved and a predicted £4m in levy payments would be saved – this sum would go to the pilot not to the pool. The supplementary table that had been circulated at the meeting highlighted how the pool levy would be split amongst the authorities involved.

The Executive Member urged the Cabinet to support the recommendation as this proposal would assist everyone in the District as a significant amount of money would be retained.

The Chairman queried the second recommendation in relation to Great Yarmouth Borough Council becoming a full partner. He also wanted to know about whether the risks had been assessed. The Executive Director for Commercialisation & S151 Officer explained that Great Yarmouth was not in the previous Business Rates Pool and were now asking to join. In response to the latter question the risks had been assessed and there were no detrimental clauses to consider.

Reasons

To agree that Breckland is included in the Norfolk authorities to put forward a 100% business rates retention pilot bid.

Options

- That Breckland agreed to be a partner in the Norfolk Business Rate Pilot for 2018-19 and if the pilot bid is unsuccessful to agree that Great Yarmouth Borough Council becomes a full partner in the 2018-19 Business Rates Pool and that delegated authority be given to the Section 151 Officer in consultation with the Executive Member for Finance to finalise the pilot application, subject to a positive business case, whilst working in partnership with the other Norfolk authorities.
- Not to agree to be a partner in the business rates pilot and agree that great Yarmouth Borough Council becomes a full partner in the 2018-19 Business Rates Pool.
- No to agree to be a partner in the business rates pilot and not to agree that Great Yarmouth Borough Council becomes a full partner in the 2018-19 Business Rates Pool.

RESOLVED that:

- 1) Breckland agrees to be a partner in the Norfolk Business Rate Pilot bid for 2018-19;

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- 2) if the pilot bid is unsuccessful to agree that Great Yarmouth Borough Council becomes a full partner in the 2018-19 Business Rates Pool; and
- 3) delegated authority be given to the Section 151 Officer in consultation with the Executive Member for Finance to finalise the pilot bid application, subject to a positive business case, whilst working in partnership with the other Norfolk authorities.

104/17 INVESTMENT STRATEGY (AGENDA ITEM 10)

The Executive Member for Finance presented the report. The report provided information to Members on a proposed Investment Strategy and the associated re-allocation of funding.

Members were informed that the Council had started this journey many years ago and now this more mature document was looking at investment that was not just related to property: it would include investment in services, transformation projects, ICT, operational assets and investment assets to name but a few.

Councillor Wilkinson asked what returns were expected. The Executive member for Finance advised that the Council was looking to maximise the return and manage its investment portfolio. The Executive Member for Growth & Commercialisation pointed out that the Council was currently looking at several investment opportunities some of which were not in the Breckland District.

The Executive Member for Place (Health Lead) said that he would have liked to have had sight of the governance arrangements. The Executive Director for Commercialisation & S151 Officer explained that the Council's Constitution covered these arrangements.

Councillor Darby asked if some of this money would assist local towns with infrastructure etc. The Chairman advised that this was not a problem in principle but it would have to be at Commercial rates – which may result in parish councils being able to borrow at lower rates elsewhere. Councillor Duigan stated that there were many avenues that towns and parish councils could use if they so wished.

Councillor Wilkinson asked if this investment strategy included Breckland Bridge. Members were informed that Breckland Bridge was a company in its own right and investment in development and housing was the purpose of the Strategy.

Reasons

To maximise the Council's return on its investments and to provide a clear direction and focus for investment activity.

Options

That the investment strategy be approved, £2,495,00 be made available for temporary investments of up to 3 years, £17,012 be re-allocated from the

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Community Projects Reserve to the investment fund and £250,000 be left in the Organisational Development Reserve for future projects and the remaining balance be re-allocated to the investment fund for permanent use.

RECOMMEND to Full Council that:

- 1) the Investment Strategy be approved;
- 2) balances of £2,500,000 to be made available for temporary investments of up to 3 years maximum;
- 3) £17,012 be re-allocated from the Community Projects Reserve to the investment fund for permanent use;
- 4) £250,000 be left in the Organisational Development Reserve for future projects and the remaining balance be re-allocated to the investment fund for permanent use; and
- 5) Members note that the new balance on the investment fund would be £4,505k following these changes (subject to the final Organisational Development Reserve balance).

105/17 REVIEW OF SHARED MANAGEMENT AGREEMENT (AGENDA ITEM 11)

The Executive Member for Governance presented the report which asked Members to consider the Memorandum of Agreement between Breckland Council and South Holland District Council.

The Agreement set out the purpose and the aims of, and regulated the operation of, the shared management arrangements with South Holland.

Members had tasked the Executive Manager for Governance with identifying a mechanism to overcome the issues raised in paragraph 1.8 of the report but which retained the role of the Joint Appointments & Disciplinary Committee. Any such proposals would form a separate report to a future meeting of the Council.

Reasons

The Memorandum of Agreement sets out the legal basis of the Shared Management arrangements. It was important that the Agreement remains robust and reflected the current operation of all shared staff and the Shared Management structure as amended from time to time.

The Memorandum of Agreement was reviewed every two years, and the current review was now due.

Approving the proposed amendments would provide greater certainty as to the parties' respective rights and liabilities. Ensuring that the Terms of the Agreement were certain would minimise risk to the parties.

Options

- To approve in full the updated Memorandum of Agreement as detailed in Appendix 1 of the report.

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- To approve in part some of the recommended amendments to the Memorandum of Agreement.
- Not to approve any updates to the Memorandum of Agreement.

RESOLVED that:

1. **RECOMMEND** to Full Council that the Memorandum of Agreement attached at Appendix 1 of the report and as amended be approved.
2. **RESOLVED** that the Legal Services Manager, in consultation with the Executive Member for Governance, be instructed to amend the Terms of Reference of the Joint Appointments and Disciplinary Committee for submission to Full Council.

106/17 MATTISHALL NEIGHBOURHOOD PLAN - MAKING (ADOPTION) OF THE MATTISHALL NEIGHBOURHOOD PLAN (AGENDA ITEM 12)

The Executive Member for Growth presented the report and was pleased to announce that this was the second Neighbourhood Plan that the Council had received at this particular stage. He congratulated the Working Group for all their hard work and pointed out that the Council would be seeing many more of these coming through the system.

Nicky Grandy, a Member of the Working Group, was in attendance and felt proud that the Plan had reached this stage as it represented a great deal of work from the Parish; however, she had noticed a number of editorial errors, some of which were contained in the body of the Plan and some were in the actual policies. She pointed out that Breckland Council was made aware of these errors but was told that under the regulations, such changes were not permitted. The errors were highlighted and she asked that these be corrected prior to the Plan being “made” and to include an addendum sheet with the Plan.

The Chairman raised concern that such documents were being presented to the Council that could not be amended prior to publication. This should be a learning curve for the Council and it was suggested that the Department for Communities & Local Government (DCLG) be asked for their views on the situation.

The Executive Member for Growth explained that Neighbourhood Plans had fairly strict legal rules that had to be adhered to. The Executive Manager for Governance said that he would be happy to follow this up but previous external advice had been that such amendments should not be permitted.

Councillor Borrett suggested that an addendum should be included. Members were informed that an addendum was effectively an amendment. The Chairman felt that one should be prepared for Full Council, just in case. The Executive Manager for Governance agreed to seek advice.

Councillor Claussen, the Executive Member for Place (Health Lead) and a Ward Member for Mattishall felt that this had been a terrific journey for the parishioners. He hoped that this Plan would help the village and congratulated everybody involved. He also thanked everyone for inviting him

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along to meetings as part of the process.

The Executive Member for Finance endorsed everything that had been said. He had noticed a number of grammatical errors, particularly under ENV 8, on page 125 of the agenda pack which, in his opinion, did not make any sense at all and he imagined that once this process had been completed that all these material amendments could be changed.

The Executive Member for People & Information also congratulated the Mattishall Team.

Councillor Borrett said that this was a huge achievement for the village to produce such a document; these Plans would provide communities with a clear vision and he congratulated all concerned.

Reasons

That Members endorse Option 1 of the report as there was a positive vote in favour for making the Mattishall Neighbourhood Plan through a Referendum and there was considered to be a compliance with, rather than being incompatible, with European obligations and Human Rights conventions.

Option 1

To “make” the Mattishall Neighbourhood Plan and be “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of Section 38A of the Town & Country Planning Act as “...*more than half of those voting to have voted in favour of the Plan...*”, and to undertake the required publication, advise the Parish Council and other prescribed persons and subsequently update the District Policies Map.

Option 2

To refuse to “make” the Mattishall Neighbourhood Plan where “...*it considers that the Plan would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)...*”

RECOMMEND to Full Council that:

- 1) the Mattishall Neighbourhood Plan, as written at the time of the Referendum, be confirmed and “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of Section 38A of the Town & Country Planning Act;
- 2) this decision be published as required by paragraph (9) of Section 38A of the Town & Country Planning Act;
- 3) Mattishall Parish Council and any other prescribed persons be advised about this to meet the requirement of Paragraph (10) of Section 38A of the Town & Country Planning Act; and
- 4) the Breckland District Policies map be amended, to meet the requirement of Paragraph 9 of the Town & Country (Local Planning) (England) Regulations 2012.

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107/17 QUARTER 1 2017-18 PERFORMANCE OVERVIEW REPORT (AGENDA ITEM 13)

The Deputy Leader and Executive Member for Strategy, Governance & Transformation presented what he felt was a good report as it was much easier to read. The Overview & Scrutiny Commission had, over a period of time, changed the format of the document and there were more changes still to come. The areas of success were highlighted (section 1.6 of the report) as well as the areas of concern (section 1.11 of the report) and the increase in staff turnover was explained.

The report was otherwise noted.

108/17 RIPA POLICY UPDATE (AGENDA ITEM 14)

The Executive Member for Governance presented the report, the purpose of which was to ensure that the Council's Policy and Procedures were updated in light of recommendations from the Office of the Surveillance Commissioner.

Reasons

To ensure that the Council's Policy and Procedures are fit for purpose and compliant with current legal requirements and guidance.

Options

- To approve the recommendations.
- To leave the Policy and Procedures unchanged. In view of the fact that all of the proposed amendments have been approved or proposed by the OSC, this option was not recommended.

RESOLVED that:

- 1) the Executive Manager, Governance be instructed to update the RIPA Policy and Procedures to reflect the recommendations of the Office of the Surveillance Commissioner (OSC);
- 2) the Executive Manager, Governance be instructed to report annually to Executive Members on the number of RIPA authorisations and on the fitness of the Policy and Procedures; and
- 3) in between annual reports, any activity be reported to the Executive Member, Governance.

109/17 UNREASONABLY PERSISTENT COMPLAINTS AND CUSTOMER BEHAVIOUR AND VEXATIOUS REQUESTS (AGENDA ITEM 15)

The Executive Member for Governance presented the report which asked Members to consider the draft Policy for dealing with unreasonably persistent complaints, customer behaviour and vexatious requests.

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Breckland Council did not have an up-to-date Policy and it was important to have a framework to deal with such issues. The Policy and flowchart that had been appended to the report would be circulated to all Town & Parish Councils via the Town & Parish Council Forum as recommended by the Overview & Scrutiny Commission.

The Executive Member for Place (Health Lead) wanted to know who defined 'unreasonable'. Members were informed that the Policy itself set out the reasons and the context and when behaviour would be considered 'unreasonable'. Members were assured that this Policy would not prevent the Council's customers from being robust and it was anticipated that the Policy would be used infrequently. Any such issues would then be reported to the Overview & Scrutiny Commission on an annual basis.

The Executive Director of Place advised that this Policy was not about stopping complaints but was a formal process that dealt with unreasonable complainants that continued to engage with the Council. He was aware of very few cases that fell under this category but each had generated an enormous amount of work for the Officers involved and a mechanism was needed to address these rare occurrences.

The Legal Manager had been asked to gather some information on such matters and had managed to find two cases from Breckland Council and two from South Holland District Council.

The Executive Member for People & Information drew attention to the flowchart on page 183 of the agenda pack and felt that there should be another arrow between the 'review' box and the 'discontinue action' box. This amendment was agreed.

Councillor Duigan felt that the area that received the most persistent complaints would be the Planning Department and asked if Capita would be included. Members were informed that any planning complaints would come through to Breckland Council as the Local Planning Authority. The Executive Director of Place explained that there was a specific process for dealing with planning challenges.

The Executive Member for Growth asked if this Policy could be reflected through the Parishes. Councillor Hollis agreed with this suggestion.

Reasons

The Local Government and Social Care Ombudsman recommends having a Policy to ensure that complaints and customers are dealt with in an open, fair and proportionate way. Having a Policy will help Officers to understand clearly what is expected of them, what options for action are available and who can authorise these actions. It can also be shared with customers and help manage their expectations and explains that certain behaviours should not be tolerated.

The Council must always bear in mind its underlying commitment to transparency and openness. The guidance recommended that a customer should be given an opportunity to moderate their behaviour and any actions should be proportionate to the nature and frequency of the complainant's current contacts.

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Options

- To approve the draft Policy for dealing with Unreasonably Persistent Complaints, Customer Behaviour and Vexatious Requests.
- To approve the draft Policy subject to amendments.
- Not to adopt a Policy and Procedures. This option is not recommended as such issues will have to be dealt with in an ad-hoc manner.

RESOLVED that the proposed Policy at Appendix 1 of the report be approved; subject to:

- 1) the flowchart being amended as requested, to include the addition of an arrow between the 'review' box and the 'discontinue action' box as agreed; and
- 2) the Policy being circulated to all Town and Parish Councils at the forthcoming Town & Parish Forum (date tbc).

110/17 ELECTRIC CAR CHARGING POINTS (AGENDA ITEM 16)

The Executive Member for People & Information presented the report.

The report sought Members' approval to support a Highways England initiative to provide four rapid charging points at locations near to the A47 and A11 in the Breckland area. It also sought approval to work in a partnership arrangement with a number of other local Councils to apply to Highways England for funding to install these charging points.

The areas that had been identified by Highways England to have these charging points were the towns of Attleborough, Dereham, Swaffham and Thetford. It was at the discretion of the Council as to where these charging points should be situated. Installation costs were free but the maintenance costs were not and would be the responsibility of the Council. An income would be paid to the Council from the users which could offset these costs and it was understood that at the end of the 10 year period Highways England would not have any further involvement in the installation and as such it would be at the Council's discretion to determine if the system should continue or be removed.

The grant process and bidding process were explained.

Councillor Borrett had seen these charging points on private land but these would be installed on public land and he asked whether the Council could enter into some discussion with a number of private partners to offset these costs. In response, the Executive Member advised that where these points would be put would be a matter for discussion. The Executive Manager for People & Public Protection felt that the question could be asked.

The Executive Member for Finance had also seen a number of these charging points in the area and felt that businesses with their own car parking

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facilities should be encouraged to install some too. Another matter to consider was the Council's Planning Policies to enable others as well as the Council through these policies to install as many points as possible.

The Executive Member for Growth & Commercialisation felt that this would be a great business opportunity for the Council to install these on Council owned car parks and pieces of land that it owned.

Councillor Darby, a Ward Member for Swaffham felt that the biggest issue would be getting the power to the charging points. Members were informed that this had been included in the installation costs.

Councillor Wilkinson felt that the Government figures on how many electric vehicles were in the area should have been available in the report. He raised concern about the installation costs as he could not see how these could remain at £325 per annum and he pointed out that the charging point at the Green Britain Centre in Swaffham was not used very much and felt that further evidence was required.

The Deputy Leader thought this was an exciting opportunity and a chance for the Council to become 'green'. Most people complain about the cost of living and this would be an opportunity to install the infrastructure first. The Leader felt that this would enable and encourage more Breckland residents to purchase electric vehicles and if Swaffham already had one this needed to be advertised.

The Executive Member for People & Information reported that part of the Air Quality Scheme was to install such points in the garages of new builds.

Councillor Wilkinson still believed that the maintenance charge should be looked at in more detail. In response, the Leader felt that this was the fear of the unknown – these points were just plug sockets and therefore the costs should be of a minimum.

The Executive Member for Governance felt that Breckland Council should be the vanguard of this proposal and as far as he was concerned the maintenance costs would be off-set by the charging costs. He also felt that these points should be installed in all five market towns.

The Executive Member for Growth supported a cap of £325 and further approval was required if this amount was exceeded. Councillor Duigan felt that the maintenance costs would depend on how much it was used.

The Executive Member for Finance pointed out that the key issue was whether to sign up for the bid but the nature of the business needed to be understood and what the maintenance figure was all about.

The Executive Member for Place (Health Lead) asked if the Council would be completely locked in for a ten year period as he hoped that there would be a little flexibility with Highways England when the technology improved.

Reasons

By working with a group of Councils using suppliers from the Eastern Shires Purchasing Organisation (ESPO) to tender for installation of the rapid

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charging points to apply for and use grant funding from Highways England, Breckland Council can ensure that it obtains the installations at a competitive costs and demonstrate value for money.

Options

- Enter into a partnership arrangement led by Babergh Council, with a view to the installation of four rapid charging points at suitable locations within the Breckland area as set down in section 1.3 of the Cabinet report, in support of Highways England and to enhance provision locally to support market towns.
- Do nothing.

RESOLVED that:

- 1) Breckland Council enters into a partnership of District Councils led by Babergh Council to apply for grant funding from Highways England to install rapid charging points in four locations within the Breckland area adjoining the strategic road network; and
- 2) Breckland Council had the right to withdraw from the scheme if the annual maintenance costs for each unit increased to more than £325 per annum.

111/17 CORPORATE HEALTH & SAFETY POLICY 2017 (AGENDA ITEM 17)

The Executive Member for People & Information presented the report which recommended a revised Health & Safety Policy for formal adoption and implementation.

It was noted that at the request of the Overview & Scrutiny Commission the Construction, Design and Management Regulations 2015 had since been included.

In response to a question about not needing the aforementioned regulations, the Executive Director of Place advised that any contractor working for the Council could now be held to account; it also would include an audit trail of their health and safety responsibilities.

Reasons

- To ensure Breckland Council is in compliance with its statutory duties.
- To protect the health and safety and welfare of employees and the health and safety of visitors to Breckland premises or where services are provided by the Council.

Options

- To agree the adoption of the revised Health & Safety Policy.
- Do nothing.

RESOLVED that the Corporate Health & Safety Policy 2017 be adopted.

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**112/17 REFERENCE FROM THE OVERVIEW & SCRUTINY COMMISSION
(AGENDA ITEM 18)**

All recommendations from the Overview & Scrutiny Commission to Cabinet had been considered.

113/17 ANGLIA REVENUES AND BENEFITS PARTNERSHIP (AGENDA ITEM 19)

The Executive Member for Place (Health Lead) provided Members with a brief overview of the recent ARP meeting.

The report was otherwise noted.

114/17 NEXT MEETING (AGENDA ITEM 20)

The arrangements for the next meeting on Tuesday, 28 November 2017 at 9.30am in the Norfolk & Dereham Rooms.

115/17 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 21)

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 involves the likely disclosure of exempt information as defined in paragraph 4 of Schedule 12A to the Act.

116/17 REVIEW OF CUSTOMER SERVICES (AGENDA ITEM 22)

The Executive Member for People & Information provided Members with a detailed overview of the report.

Reasons

See report.

Options

See report.

RECOMMEND to Full Council that the recommendations as listed in the Cabinet report be approved.

The meeting closed at 11:20am

CHAIRMAN