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BRECKLAND COUNCIL

At a Meeting of the

CABINET

Held on Monday, 21 November 2022 at 10.00 am in
Swaffham Town Hall, 4 London Street, Swaffham, PE37 7DQ

PRESENT

Cllr Sam Chapman-Allen
(Chairman)
Cllr Paul Claussen (Vice-
Chairman)
Cllr Gordon Bambridge
Cllr Philip Cowen

Cllr Jane James
Cllr Ian Sherwood
Cllr Sarah Suggitt
Cllr Alison Webb

In Attendance

Ralph Burton
Alison Chubbock
Jason Cole
Andrew Holdsworth
Michael Horn
Maxine O'Mahony
Ryan Pack
Greg Pearson
Rory Ringer

Rob Walker
Sarah Wolstenholme-Smy

Simon Wood
Teresa Smith

- Assistant Director Property and Infrastructure
- Section 151 Officer & Assistant Director Finance
- Executive Director
- Assistant Director Economy and Growth
- Solicitor to the Council
- Chief Executive & Head of Paid Service
- Innovation and Change Business Partner
- Head of Strategic Policy
- Democratic Services Manager (Deputy Monitoring Officer)
- Deputy Chief Executive & Monitoring Officer
- Legal Services Manager (Deputy Monitoring Officer)
- Director of Planning & Building Control
- Democratic Services Team Leader

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87/22 MINUTES

The minutes of the meeting held on 26 September 2022 were confirmed as a correct record and signed by the Chairman.

88/22 APOLOGIES

An apology was received from Councillor Hewett.

89/22 URGENT BUSINESS

None.

90/22 DECLARATION OF INTERESTS

Councillor Cowen declared an interest under Agenda Item 9 - Breckland

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Local Plan Partial Update of the agenda, as he operated an architectural practice.

91/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The Chairman welcomed non-members to the meeting.

92/22 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

None.

93/22 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM)

Councillor Alison Webb, Executive Member for Health and Communities reminded Members that applications for the next round of funding would need to be submitted to the Norfolk Community Foundation by 9 December 2022.

94/22 Q2 PERFORMANCE REPORT

Councillor Jane James presented the report of the Council's performance for the period 1 July to 30 September 2022.

A positive improvement had been made with the customer call targets, and initial data from Quarter 3 had shown that this had continued to improve. Projects were underway to restore the performance on the response times for complaints and Freedom of Information (FOI) requests to ensure they were answered within the timescales. In addition, 272 disabled facility grants had been successfully completed but it was noted that there were more applicants that required work to be completed.

Councillor Jermy felt that the current key performance indicator provided limited insight to the disabled facilities grant information and wanted to see how many residents were waiting for assessment, how many had been assessed and how many were waiting for implementation so that an average wait time could be tracked.

Councillor Bambridge added that the information was available and he would ensure it would be included within future reports.

Councillor Birt asked what internal corrections were being considered to make changes to the complaints and FOI process and how would this resolve the issues. Members heard that areas where hold ups occurred had been identified and whilst there would be an overall drop again next quarter, the quarterly performance report would highlight the improvements that were now in place.

Councillor Morton noted there had been a dramatic reduction in the gas usage figures and asked what the reason was for this reduction. He also asked why the usage did not include the Leisure Centres. The Change and Innovation Partner said that the information on Leisure Centres would be third party data and therefore this information could not be included.; however, it was reported within the annual carbon footprint figures.

Members noted the contents of the report.

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95/22 BRECKLAND LOCAL PLAN PARTIAL UPDATE: SUBMISSION TO THE SECRETARY OF STATE FOR EXAMINATION

Councillor Sarah Suggitt, Executive Member for Strategic and Operational Planning presented the report to Members.

Breckland were undertaking a Partial Update to Policy INF03 of the Local Plan. The report had been prepared in line with statutory regulations and informed by two separate rounds of public consultation, and if agreed would be submitted to the Secretary of State by the end of November.

Councillor Birt said that the Planning Inspector had asked for the INF03 to be reviewed, but now there was insufficient time to complete the work. He felt there had been no mechanism for Members to have a 'minuted' discussion and wanted to be disassociated from the approach that had been taken. He went on to say that the consultation process had been confused and the website link had not worked and wanted to understand what lessons had been learnt to ensure a full review could be undertaken that would be robust and accurate.

In response, Councillor Suggitt explained that the website was working and that whilst technical issues had been raised regarding consultations 18 and 19, legal advice had been sought and she had been comfortable with what had been done.

Options:

- 1) To approve the recommendations within the report,
- 2) To not approve the recommendations within the report.

Reasons for Recommendation:

The Preparation of a Local Plan was a statutory requirement and must follow a statutory procedure, including public consultation and examination.

RESOLVED that:

- 1) the Breckland Local Plan: Partial Update (and associated documents) be submitted to the Secretary of State for Communities and Local Government in accordance with the Town and Country Planning (Local Planning) (England) Regulations (2012) as amended.
- 2) delegated authority be given to the Deputy Chief Executive, in consultation with the Cabinet Member with Portfolio for Planning to make any necessary typographical or other minor changes to the Plan prior to its submission and for changes to the Plan, as necessary during the Examination process arising from matters including national or other policy changes, additional relevant evidence and matters arising from the independent examination, prior to the receipt of the final Inspector's Report.

96/22 LOCAL COUNCIL TAX REDUCTION SCHEME (LCTRS) FOR 2023-24

Councillor Philip Cowen, Executive Member for Finance, Revenue and Benefits presented the report that asked Members to review the Local Council Tax Reduction Scheme (LCTRS) for 2023-24.

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It was the tenth year of the scheme and taking into consideration all factors within the report it was recommended to approve the LCTRS scheme for the year 2023-24 with no changes.

Councillor Land was pleased to hear of the scheme but asked how it was administered, what the criteria was and how it could be accessed so he could help and support his residents.

Councillor Cowen would ask his colleagues at the Anglia Revenues Partnership to provide Councillor Land with the details to support him.

Options:

- 1) To consider and approve the annual review of the LCTRS scheme for the 2023-24 year with no changes.
- 2) Do nothing.

Reasons for Recommendation:

- To ensure that the principle of everyone making at least a small contribution towards their Council Tax charge was maintained.
- To maintain a level of Council Tax income to continue to provide funding for services at district and county level.
- There was other support available for those on low incomes and impacted by the cost-of-living crisis within the Housing Team and those affected should also be signposted to maximise benefit take-up, reviewing discounts and exemptions and providing Exceptional Hardship Payments where there was a need.

RESOLVED that the annual review of the Local Council Tax Reduction Scheme (LCTRS) for 2023-24 be approved, with no changes.

97/22 QUARTER 2 FINANCIAL PERFORMANCE REPORT 2022-23

Councillor Philip Cowen, Executive Member for Finance, Revenue and Benefits presented the report on the forecast full year financial position of the Council as at 30 September 2022.

The report outlined the impact of external factors were having on the Council's finances and identified the areas of greatest variance. It was highlighted that housing costs and waste collection services increases were only partly offset by efficiencies and reduced council costs leaving a budget gap at the end of quarter 2 of £407,000.

Whilst the figure was substantial, this time last year the Council had forecasted a deficit of £398,000 without the pressures being felt this year. The cost pressures in the housing areas were being managed through investment in new premises such as that provided at Elm House in Thetford and other programmes that were being addressed elsewhere in the district, so that the Council can reduce its costs for temporary accommodation.

Councillor Jermy said there had been an unprecedented housing demand and a further increase was expected and he was concerned that the Council was still overspending on this issue. He asked what modelling could be done to inform the future budget. He also asked that as the budget for proactive maintenance on footpaths had been pushed back if the budget would be increased in 2023/24.

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In response, Councillor Bambridge explained that with a decrease in private landlords this had put increased pressure on the Housing team for alternative accommodation to be sought. There was no single solution but the Council was seeking help through Housing Associations, landlords and social housing.

Ralph Burton, the Assistant Director for Property & Infrastructure said that the footpaths had regular inspections which was very reactive, and it was a challenge to judge what proactive work would be included in the budget each year.

Councillor Birt queried the longer term and asked what the prospect would be to achieve the savings within the evolve programme. Councillor Cowen said that when the efficiencies were set the team did their best to mitigate challenges that could come along, but assured Councillor Birt that the programme was constantly monitored to reflect the constant changing financial issues seen locally and nationally. The Section 151 Officer added that the report included 50% achievement of next year's efficiencies saved from the targets set already.

Members noted the contents of the report.

98/22 FUTURE BRECKLAND

Councillor Paul Claussen, Deputy Leader and Executive Member for Economic Development and Growth presented the report that asked Members to adopt the five Town Delivery Plans as part of the Future Breckland programme.

The Chairman thanked those involved in preparing the plans for the market towns and was pleased to see partnerships developed between the town councils, county council and businesses. He added that not everything in the plans were for Breckland Council to deliver but it would work collaboratively with partners to deliver what residents and communities wanted.

Councillor Cowen said that he had been a councillor for nearly 20-years and that there was a significant challenge to the district due to the geographic position and the rural area. The pandemic had demonstrated a change and he was pleased to see that the prospectus had set the pace and framework to re-examine how the infrastructure within the district would change. He added that the documents were a testament to all those that had been involved.

Councillor Webb added that Dereham was the first to be involved in the project and was pleased to report that some of the quick wins identified had already been delivered by working in partnership with Dereham Town Council

Councillor Harvey was pleased to see the Thetford Town Plan, and said it was a good overall assessment. Whilst he understood that there was a need to look ahead, he felt that the Council must not overlook the current position and would like to see Breckland a lead player in examples such as street cleaning and litter picking.

Councillor Birt felt that the report concentrated on the market towns and with 50% of the residents living outside those market towns with no direct access

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to the towns, he asked if more could be done in the rural areas. He also highlighted that the report had mentioned that there would be no implications to the carbon footprint and asked if this was correct.

Councillor Claussen felt that the full report had been built through engagement with what businesses and residents wanted for the district.

Rob Walker, the Monitoring Officer added that when signing of the report he was comfortable that this did not have an impact on the carbon footprint. However, when delivery of those future projects would be considered the environmental impact would also be reviewed.

Councillor Jermy asked what success looked like, how it would be measured and how often. Members heard that the documentation and data was now available to respond to what the Government may ask.

Councillor Bambridge added that whilst the report was focussed on the market towns, it would also affect those who lived in the rural areas as everyone would benefit as they visited the market towns.

Options

Option 1 - Agree and adopt all Future Breckland outputs and delivery/governance approach

Option 2 – Amend and agree an alternative approach.

Option 3 – Do nothing.

Reasons for Recommendation(s):

The adoption of the Future Breckland outputs would allow the Council to focus efforts on areas that would have the most positive impact for residents and businesses, and drive partners to do the same. Adopting the documents would also provide a guide for future funding applications, therefore enabling further delivery.

RESOLVED that:

- 1) the five Town Delivery Plans underpinning the Future Breckland Programme be adopted,
- 2) the new draft District Wide Prospectus be noted and a public consultation on the draft be agreed, with delegation to the Deputy Leader to make any changes required to adopt.
- 3) the plans for ongoing mobilisation of the work be noted.

99/22 CARBON FOOTPRINTS 2020-21 AND 2021-22

Councillor Ian Sherwood, Executive Member for Environmental Health, Licensing and Sustainability provided an update to Members on the latest figures for the council's carbon footprint.

Councillor Sherwood said it was important to acknowledge that the 2020/2021 figures had been impacted by the pandemic which was why a decision had been made to delay and publish with the 2021/ 2022

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documentation.

Councillor Morton thanked the Executive Member for presenting an honest and accurate report. However, he felt slightly disappointed that it had not achieved the main objective of meeting zero carbon by 2035. He would like to see options of the waste vehicles going forward and a strategy for how the leisure centres would deal with Carbon emissions.

Councillor Sherwood agreed that further work was required but was confident that the NetZero target would still be achieved by 2035.

Councillor Birt noted that the report referenced Hydrogen and recognised that there was still a way to go before this would be accessed but asked where the Hydrogen would come from and if it would be the correct solution. He also said that the report had noted a decrease in the carbon impact at Elizabeth House due to flexible working but asked if there had been an increase in where those individuals were working.

In response, Councillor Sherwood explained that the report could only acknowledge what it could measure and it would be impossible to know of the carbon impact on where everyone worked. As the Chairman of the Norfolk Climate Change Partnership, he informed Members that all Norfolk councils, including Norfolk County Council were looking at Hydrogen but was aware that this would not be emission free. He was proud that Breckland Council had declared a climate emergency and had invested in Officers time in taking all climate issues seriously, whilst continuing to deliver key services.

Members noted the content of the report.

100/22 CHARGING POLICY

Councillor Philip Cowen, Executive Member for Finance, Revenue and Benefits presented the report that asked Members to agree a corporate policy to guide all decisions on setting fees and charges.

Councillor Birt noted that the report mentioned that there would be instances where charging beyond the full cost was identified would occur and asked when this would be appropriate.

Councillor Cowen said that typically it would be when the council would re-invest but further examples would be sent to Councillor Birt.

Options:

- 1) To approve the policy,
- 2) To not approve the policy.

Reasons for recommendation:

The policy was expected to ensure consistency in the setting of fees and charges across the authority. It is further anticipated to protect the Council from financial loss through the effects of inflation.

RESOLVED that the charging policy report be approved.

101/22 PROSPERITY FUNDING

Councillor Paul Claussen, Deputy Leader and Executive Member for Economic Development and Growth presented the report that asked approval to take the steps necessary to submit an investment plan for Rural England Prosperity Funding.

An expected allocation of £1m capital funding would be received from DEFRA. 25% would be required to be spent by end of March 2023, and the remaining 75% in the 2023/24 financial year.

Options

- 1) To approve the recommendations, accept the funding and follow the outline approach set out in section 2 of the report.
- 2) To seek a different investment approach to the one proposed
- 3) Do nothing. As a result, Breckland will be unable to finalise and submit the necessary information before the deadline.

Reasons for Recommendation:

Accepting the investment will enable significant benefit to be delivered for people, businesses, and visitors to Breckland.

The proposed investment approach blends flexibility with practical focus and enables specific interventions to be developed around defined priority areas for the Council through its Thriving Places and Inspiring Communities programmes – and builds upon the investment activities highlighted via the Future Breckland Programme. As such it is evidence led and enables benefit to be felt across the District.

RESOLVED that:

- 4) all of the Rural England Prosperity Funding (REPF) available to Breckland District Council be accepted, and the operation of the fund be delegated to the Assistant Director for Economy & Growth in consultation with the Deputy Leader.
- 5) the outline approach set out in the report for completing Breckland's addendum to its UK Shared Prosperity (UKSPF) Investment Plan be approved, noting that detailed project proposals would be brought forward in due course.

102/22 CORPORATE PEER CHALLENGE AND ACTION PLAN

The Chairman presented the report that asked Members to sign-off the action plan that had been produced following the Local Government Association (LGA) Corporate Peer Challenge Review Team.

Options:

- 1) To do nothing.
- 2) To receive and sign-off the Action Plan following the LGA Corporate Peer Challenge Review Team.

Reasons for Recommendations:

To meet the LGAs requirements for an Action Plan to be produced following a Corporate Peer Challenge Review and to set-out the key actions to be

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completed to deliver against the recommendations successfully.

RESOLVED that the Action Plan produced following the LGA Corporate Peer Challenge Review Team be approved and signed-off.

103/22 ANGLIA REVENUES AND BENEFITS PARTNERSHIP

Councillor Philip Cowen, Executive Member for Finance, Revenues and Benefits asked members to note the minutes from the meeting of the Anglia Revenues and Benefits Partnership Joint Committee held on the 20 September 2022.

Councillor Birt said the minutes made reference to an 'Appendix A' but asked where this could be found within the minutes. He also asked what was meant by the comment 'ARP needed to ensure staff do exactly what they were meant to do'.

Councillor Cowen said that as Councillor Birt was aware the Anglia Revenues Partnership (ARP) consisted of five other Local Authorities, all of which have different terms of conditions. ARP was undergoing a significant period of change and that it needed to continue to do what it had been doing to ensure that the right staff were in the right place.

Members noted the minutes.

104/22 BARNHAM BROOM GOLF & COUNTRY CLUB INVESTMENT ASSET

As Councillor Hewett, Executive Member for Property, Projects and Procurement had presented his apologies, the Chairman read a statement on his behalf.

The Council was in receipt of an unsolicited offer for the purchase of its freehold interest in the property asset known as Barnham Broom Golf & Country Club. The offer had been considered by the Council's specialist advisers against the context of the current economic and market conditions, as well as the presently known future scenarios. Whilst members had three options to consider, the conclusion was that the offer was worthy of serious consideration for the reasons outlined in the report and that Option 1 was the preferred recommendation.

Councillor Jermy said that because the recommendation was in the public domain, the proposed delegation for an allowance of 3.5% flexibility to amend the price could significantly lessen the value of the deal. He also stated that the Rule 12 Notice that accompanied the report should be revoked, as no length of time to complete the deal had been included within the report. He went on to say that the report stated that the Council had acquired the property in 2006 for £7m plus costs, but it had not said what those costs were. He made reference to the fact that subsequent Council papers had earmarked a further £2.8m for investment. In addition, he wanted to know whether the percentage yield stated in the report was based on the £7m or a different figure.

The Assistant Director for Projects and Infrastructure stated that the Council was required to ensure that the figure paid for the property was best value and to ensure flexibility during the next stage, an appropriate tolerance figure

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is suggested .

The Solicitor to the Council stated that in his opinion, the process of making the decision in accordance with the Rule 12 Notice was lawful.

Councillor Jermy went on to say that when Breckland Council decided to purchase Barnham Broom, members were not told what the Council was actually purchasing. He felt that overview and scrutiny was an important function and that he had not seen or heard anything that made him feel that the Rule 12 Notice should have been actioned. He went on to say that this deal did not provide best value for the residents. He felt that the purchase of Barnham Broom had been a disaster and further felt that a full and external audit of what had happened should take place.

The Solicitor confirmed that Rule 12.4 expressly stated that a decision taken under Rule 12 could not be called into Overview & Scrutiny Commission, and that the requirement to proceed under a Rule 12 Notice had been explained at length.

The Chairman added that if it had not been for its capital assets, the Council would have had to find income from elsewhere. He felt that the challenge on this matter had been unfair and that all members had full access to all the information. Whilst he understood that residents would want to know the figures, the information could not yet be made available publicly. However, if the Council agreed to dispose of the asset, information would subsequently be available at the Land Registry.

Councillor Birt said he had personally undertaken a consultation with a Barrister who also shared his concern on the process undertaken. Whilst the Rule 12 Notice had removed the normal opportunity for scrutiny of the decision, there had not been anything within the report that had set out why it could not follow the usual Rule 11 process. As far as he understood, the sale was still subject to contract and therefore was not binding at this stage. He asked therefore why a decision was so urgent, and what the justification was for the Rule 12 Notice. He urged Cabinet members to make a decision that further detailed information was required, such as an up-to-date valuation. He asked if it would come back to Council for a decision once a detailed survey had been carried out, in which case why could the decision today not be made under Rule 11. An unsolicited offer suggested that other people were interested. He felt that as all the relevant information was not forthcoming, he reserved the right for a judicial review of this matter. Furthermore, Counsel had advised that proceeding on the present basis could potentially be deemed as misconduct in public office.

The Solicitor to the Council advised that he had written at length to Councillor Birt last week to set out the rationale for why the Rule 12 Notice had been published and why (in his opinion) it was a lawful and acceptable way of proceeding in this proposed transaction. He was disappointed both that this email had not been acknowledged by Councillor Birt, and that he had not been informed what counsel had said, if it was indeed the case that counsel's advice had been obtained by Councillor Birt. He stated that he was satisfied that the Rule 12 notice was sound, and that the Council's constitution had been properly followed in this instance. He added that no member should ever make a decision at any committee meeting unless that member was completely satisfied that he/she was in full possession of all relevant and

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material facts before making that decision.

Options

- 1) Agree disposal of the property asset against the received offer.
- 2) Agree disposal of the property asset and seek alternative offers.
- 3) Do nothing and retain the property asset.

Reasons for Recommendation

The following outlines the reasons for the recommendation:

- The asset has served its original purpose as an investment.
- This asset's size (it accounts for 34% by building footprint of the Council's total commercial property portfolio) and specialist nature makes this asset a risk to continue to hold given the wider economic outlook and the Council's financial position.
- The proposed disposal would enable the Council to invest the future receipts in initiatives that would continue to deliver its corporate plan, which would either be alternative commercial property, alternative commercial investments or projects that enable a wider social return on investment.
- In the volatility of the current market, it was considered a good offer, and was deliverable. If the terms of the proposed sale were agreed by Cabinet, Officers would endeavour to deliver the sale at pace, in order to try and avoid intervening economic (or other) events defeating the proposed deal.
- The terms agreed (subject to contract) provided for safeguards for future changes to the property asset.

It should be noted that before a resolution was made, Members RESOLVED to exclude the Press and Public (Item 20 of the Agenda) and consider the Appendices in Agenda Item 21, before making the final resolution.

RESOLVED that disposal of the property asset known as Barnham Broom Golf & Country Club on terms outlined in Appendix A of the report be agreed, and delegate any amendment to the terms as outlined to the Executive Director in consultation with the Executive Member except for the principal term of price, unless the amendment of the price is within 3.5% of the original price.

105/22 NEXT MEETING

The arrangements for the next meeting on Monday 9 January 2023 in the Anglia Room of the Breckland Conference Centre, Elizabeth House, Walpole Loke, Dereham, NR19 1EE were noted.

There would be an opportunity for members of the public to ask questions of Cabinet from 9.30am and the main meeting would follow at 10.00am.

106/22 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972

the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

107/22 BARNHAM BROOM GOLF & COUNTRY CLUB INVESTMENT ASSET

Members held a discussion regarding the information held in Appendix A and B from the report.

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The meeting closed at 12.31 pm

CHAIRMAN