
BRECKLAND COUNCIL

At a Meeting of the

CABINET

**Held on Tuesday, 30 May 2023 at 9.30 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Sam Chapman-Allen (Chairman)	Cllr Paul Claussen
Cllr Sarah Suggitt (Vice- Chairman)	Cllr Helen Crane
Cllr Tristan Ashby	Cllr Philip Cowen
Cllr Claire Bowes	Cllr Alison Webb

Also Present

Cllr Harry Clarke	Cllr Paul Plummer
Cllr Terry Jermy	Cllr Peter Wilkinson
Cllr Robert Kybird	

In Attendance

Rob Walker	- Deputy Chief Executive & Monitoring Officer
Alison Chubbock	- Section 151 Officer & Assistant Director Finance
Andrew Holdsworth	- Assistant Director Economy and Growth
Stephen James	- Executive Director
Ryan Pack	- Innovation and Change Business Partner
Stephen Scowen	- Strategic Growth Manager
Simon Wood	- Director of Planning & Building Control
Julie Britton	- Democratic Services Officer

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47/23 MINUTES

The minutes of the meeting held on 13 March 2023 were confirmed as a correct record and signed by the Chairman.

48/23 APOLOGIES

Apologies were received from Councillor Paul Hewett and the Chief Executive, Maxine O'Mahony.

49/23 URGENT BUSINESS

None.

50/23 DECLARATION OF INTERESTS

None declared.

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51/23 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The Chairman welcomed all non-members to the meeting.

52/23 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

The Chairman announced that as well as all the excellent work undertaken by Members and Officer to support Breckland Council's communities under the Inspiring Communities programme, he highlighted the ongoing success of the Breckland Care campaigns that were now entering its third year. These campaigns had been instrumental in raising awareness and shaping the Council.

At the Full Council meeting in February 2023, the significance of LGBT + History month and the importance of shedding light on the challenges faced by the LGBT+ community such as the struggle for equal rights and full inclusion had been highlighted. The Chairman was pleased to announce that this Council continued to prioritise raising awareness on these matters and he was immensely proud that this Council had fostered open conversations about difficult subjects.

Traditionally, the month of June marked Pride month, an annual celebration of diversity and acceptance and he was delighted to share the Pride Working Group, led by Councillor Hewett as the sponsor, who had put together a comprehensive programme of activities to emphasise the significance of this important topic.

On the 1 June, staff would be raising the Pride Flag at Elizabeth House at 11am and all Members were invited to join this symbolic event.

The Chairman hoped that this Pride month would be a resounding success and would continue to promote a culture of acceptance and respect throughout the year and in the years to come.

53/23 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM)

Councillor Ashby, the Executive Member for Health & Communities was pleased to inform Members that all funds had been allocated for the financial year 2022/23 and the new round of funding would commence shortly (date to be confirmed).

54/23 FINANCE AND PERFORMANCE REPORT 2022/23

Councillor Phil Cowen, Executive Member for Finance Revenues and Benefits presented the report that provided information on the actual full year financial position of the Council as of 31 March 2023. The performance data for the same period would be presented by Councillor Alison Webb, the Executive Member for Customer & Corporate Services.

It had been anticipated that at the end of Q3, this Council would have to draw down a contribution of just over half a million from the general fund to balance the accounts. This figure had been set against escalating housing costs and significant inflationary pressures. However, it could be seen at appendix C of the report, that the budget deficit had fallen to £196,000, a reduction of £346,000 despite the health and housing costs having risen within the same

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period. Furthermore, this council had invested in its emergency housing provision in Thetford and Dereham resulting in the removal of between £250-300,000 of costs that would otherwise been added to the bottom-line figure. This Council's commitment in providing best value for money showed that the prudent fiscal policies that this authority employed served the residents of Breckland well.

The work of the finance team was commended. All had worked diligently to deliver a very positive end of year finance report of which Members should be proud.

Councillor Webb then provided Members with a detailed overview of the Council's Performance for the period 1st January 2023 to 31st March 2023 (Q4). The report highlighted some of the great work that this Council was currently doing but also highlighted some areas that it wanted to improve on in the next few months.

There had been a slight format change to the report in terms of information relating to finance and performance were now included within the one report (see Appendix D).

The demand on the Council's Housing Team continued to be high, and the number of disabled facilities grants completed within 140 days was low. As previously discussed, these numbers should improve in this new financial year once the funding had been made available.

There had been some improvement to the Freedom of Information requests and complaint response times; however, whilst these remained lower than where this Council wanted them to be, it was positive to see these moving in the right direction.

Councillor Clarke referred to section 4.2 of the report in particular the disabled facilities applications and asked Councillor Webb if further options were being investigated in terms of resource and demand. He also asked about timescales and if there would have to be any re-configurations made to the budget.

Members were informed that all work had been put on hold until the new funding was received. The contractors responsible for these adaptations were not able to carry out the work immediately, it all took time and additional funding was being sought so more contractors could be employed.

Councillor Cowen explained that the budget for disabled facilities grant was not in direct control of this Council and discussions were being had on this matter.

Councillor Bowes, the Executive Member for Housing & Homelessness appreciated the challenges, but the Housing Team was working very hard whilst taking appropriate measures to prioritise the highest need cases. Further conversations were being had with Norfolk County Council about trying to gain further funding.

The Chairman felt that the Housing Team had been transformed over the years, the service had performed extremely well, and the next challenge was how the Government was going to provide further funding. This was not Breckland money, this Council was allocating the resource, not the funding.

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Councillor Jermy, the Chairman of the Overview & Scrutiny Commission and Leader of the Labour Group said that the funding did not match the demand therefore the formula needed to be looked at. He wanted to know how much more this Council would have spent if it did not have Elm House in Thetford. He also asked when the new housing would be occupied and raised a question about void rates in terms of properties that belonged to social landlords remaining empty for long periods of time and if there was a system for monitoring void rates.

Councillor Cowen pointed out that by having Elm House in Thetford and the recently acquired housing in Dereham, this Council had effectively gained between £250 and £300 thousand in benefit, but this did not encapsulate a full 12 months; therefore, he anticipated that the potential savings for a whole year would be significantly greater. He did not know when the new housing would be occupied but he expected that Councillor Hewett, the Executive Member for Property, Projects & Procurement would let Councillor Jermy know. As for the void rates, this Council was not in control of the housing associations, but this would be a question for Councillor Bowes to take up with those housing providers and the Registered Social Landlords (RSLs) and would get back to him in due course.

The Chairman mentioned the rental reform coming through from Government but as there had been such a change in the private sector he had asked the Anglia Revenues Partnership for an analysis. Councillor Bowes would be talking to landlords/RSLs in the next couple of weeks and he urged Members to report any concerns in respect of empty properties, through the 'Report it' system on the Council's website.

It was noted that the number of contractors had increased and if more were needed this would be investigated.

Reasons for Recommendation:

To provide Members, businesses and residents with an overview of how the Council was performing against several key strategic indicators. If approved, the capital budgets movement into 2023-24 would allow delivery of the Council's approved capital programme.

Options:

- 1) To note the content of the report. And recommend to Full Council that:
 - A) Capital budgets and associated funding sources of £4,364,264 be carried forward into 2023-24 to support approved capital projects.
 - B) The revised capital budget and associated funding for the 2023-24 capital programme as detailed in appendix A be approved.
 - C) The final capital out-turn and funding for 2022-23 as detailed in appendix B be approved.
- 2) Do nothing.

RESOLVED that:

- 1) The report and appendix be noted.

CABINET RECOMMEND to FULL COUNCIL that:

- 2) Capital budgets and associated funding sources of £4,364,264 be carried forward into 2023-24 to support approved capital projects.
- 3) The revised capital budget and associated funding for the 2023-24 capital programme as detailed in appendix A be approved.
- 4) The final capital out-turn and funding for 2022-23 as detailed in appendix B be approved.

55/23 INFRASTRUCTURE LEVY CONSULTATION

Councillor Sarah Suggitt, Deputy Leader and Executive Member for Strategic & Operational Planning presented the report that asked Members to agree the contents and approach for Breckland Council's response to the national consultation on a potential new 'Infrastructure Levy'.

As part of the Planning Reform agenda, the Government was proposing to introduce through the Levelling Up and Regeneration Bill an 'Infrastructure Levy'. Whilst the Bill was going through Parliament, it had entered into a consultation exercise on the technical aspects of the proposed scheme that would run until 9 June 2023.

The Infrastructure Levy had been designed to replace the current system of developer obligations required to mitigate the impact of the development. The current systems were either through the payment of a community infrastructure levy or the provision of a S106 Agreement, generally this was agreed through the local authority, the applicant or the developer. The current procedure used at Breckland Council was the S106 Agreement process. The Infrastructure Levy had been designed and would be a locally-set, mandatory charge levied on the final gross development value of completed development. It had been designed to replace the Section 106 for the purposes of securing affordable housing and introduce a new 'right to acquire', where local authorities would have to determine what proportion of the Levy due would be for the delivery of on-site affordable housing.

The proposals state that the Government remained committed to securing at least as much affordable housing as currently provided. Under the proposals, developers would still be responsible directly funding internal infrastructure and the infrastructure levy would be designed to provide strategic infrastructure.

S106 Agreements would be retained for the delivery of items that could not be conditioned or for more complex sites.

It was being proposed that the Infrastructure Levy be accompanied by an Infrastructure Delivery Strategy both the payment levels and the Strategy were proposed to be subject to consultation and independent examination.

The report sets out the broad themes and consultation document and proposes that the final consultation responses be agreed between Councillor Suggitt, the Executive Member for Strategic & Operational Development and

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the Deputy Chief Executive.

The consultation document had been sent to all Members for comment by close of play on 5 June 2023.

Councillor Crane, the Executive Member for Waste, Environmental Health, Licensing & Sustainability asked if this was mandatory or could Breckland Council opt out.

Members were informed that this was not a matter of choice, this was a proposal from Government through the Levelling Up paper, and what this consultation was trying to establish was what this could look like, and it would not come into force until 2030.

Councillor Clarke referred to section 1.11 of the report as he had noticed that the infrastructure might not be provided ahead of the development being occupied but authorities would have the option to borrow against future Levy receipts to forward fund the required infrastructure and asked what this would mean.

Councillor Suggitt stated that it was very important that this authority had good relationships with its partners to ensure that it was not at the back of the queue where infrastructure was concerned as it was frustrating for all when development took place prior to the infrastructure. The potential of a pilot authority status for this Council would be very helpful in forming a new approach and influencing policy as well as in terms of timing for the Council's Local Plan.

Councillor Kybird asked if the interest on any borrowing would be charged to the revenue account or to the Infrastructure Levy account.

This question could not be answered as it was currently unknown.

Councillor Kybird then asked if Members could be furnished with a copy of the consultation responses and who the relevant person was going to be who decided whether or not this Council took part in this pilot scheme.

It was agreed that all Members would be provided with a copy of the consultation responses and in response to the latter question it would be Councillor Sam Chapman-Allen, the Chairman of Cabinet in conjunction with the Deputy Chief Executive.

Councillor Cowen felt that this was potentially a very good scheme and was vital that this Council took part in the pilot scheme so that any issues or concerns could be identified. He felt that this should be grasped with both hands as it would mean that Breckland Council would be able to deliver the infrastructure to support projects.

The Chairman felt that the wider challenge would be the land value capture and he asked Simon Wood, the Director of Planning & Building Control how the Government was expecting to overcome this challenge through the introduction of an infrastructure levy taking into account that Breckland Council did not have a constant flow of viability assessments.

Members were informed that the Infrastructure Levy would be mandatory and

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non-negotiable and once the Gross Development Value (GDV) had been set the uplift capture in the value of a property would be understood.

The Chairman then asked a number of questions including how the Team would work out what a suitable level would be to set the framework, if the Director of Planning & Building Control felt that the S106 was broken and whether the whole system should be made more prescriptive rather than being totally overhauled.

The Director of Planning & Building Control advised that he and his Team would require a great deal of assistance from the Finance Team and external consultants. There would be the ability to set differential rates within districts therefore where there were challenges in bringing development forward there could be elements of cross subsidy to try and protect those areas and make it suitable for the district. Additionally, as part of any infrastructure delivery, there would be an examination process and it would have to be demonstrated that this Council would be able to deliver what was needed against the Local Plan. Currently between 600 and 700 units were delivered each year and this would be expected to be continued.

As far as S106 Agreements were concerned, the Director of Planning & Building Control felt that the current system was extremely cumbersome with continual negotiations around viability and affordable housing, and he hoped that this infrastructure levy would not be as problematic.

Councillor Jermy felt that the S106 process was certainly not robust, and he did not mind what system was used as long as this Council was able to get as much infrastructure in place as it could. He asked if the Chairman would be content for the consultation responses to be tabled at the forthcoming Overview & Scrutiny Commission meeting.

The Chairman agreed to this request. It was further agreed that Councillor Suggitt would email all Members with the responses thus far.

The Chairman then asked how this Council would ensure that this new process would not become a takeover in respect of infrastructure and stifle the affordable housing element. He also asked a further question in respect of the borrowing element.

In terms of the affordable housing element, Members were informed that this would remain very much a district matter and there were provisions proposed within the consultation document that allowed the local planning authorities to make a decision based on its need within the area and to 'top slice' the infrastructure levy to provide affordable housing. There was also the 'potential' for there to be more monies dedicated to such housing.

In terms of borrowing, the paper did not contain much detail about risk and further discussions on this matter would have to be had with other authorities. There were questions around when the infrastructure levy would be paid, the current proposal was that this would be paid on completion of dwellings, but this would mean that the ability would be lost to front fund infrastructure on the basis of infrastructure levy receipts. Consequently, borrowing would be the only way that district councils could be proactive in bringing that infrastructure forward early.

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Alison Chubbock, the Assistant Director of Finance & S151 Officer stated that borrowing in advance of the levy receipt was a risk and further details would be required on this matter including whether interest could be charged against the infrastructure levy.

Reasons for Recommendation:

The benefit of responding to the consultation was to enable the Council to reflect its views to DLUHC in formulation stage of this policy. Further potential participation as a pilot authority could help Breckland in early preparation for changes and in shaping policy formation more proactively.

Options:

- 1) Do Nothing – Not recommended as Breckland will not be able to inform the debate.
- 2) Respond as set out in this report – Recommended on the basis of the benefits set out below.
- 3) Respond using a different approach – Not recommended, as individuals can respond directly to share specific concerns / perspectives if required.

RESOLVED that:

- 5) Cabinet considered the suggested approach and strategy for Breckland's response to the Infrastructure Levy.
- 6) Delegated authority be given to the Deputy Chief Executive, in consultation with the Executive Member for Strategic & Operational Planning, the finalisation and submission of Breckland's response.

56/23 SNETTERTON POWER PROGRAMME

Councillor Paul Claussen, Executive Member for Growth & Economic Development asked Members to agree an approach and mechanism for allocating power reserved by the Council to support growth at Snetterton.

A new primary substation (PSS) at Snetterton had been completed. Delivery had been led by Breckland Council utilising grant funding from New Anglia LEP, Norfolk Business Rates Pool (BRP) and Council resources. It formed the main component of a power and distribution scheme intended to help enable significant new commercial development within one of the most high-potential growth sites in Norfolk. This was a primary piece of infrastructure capable of supporting up to 36MVA of power.

As part of the delivery of the PSS the Council reserved 6MVA of power capacity from UKPN to safeguard its application for activity which supported the objectives of the project. As a result, none of this first tranche of power would be released to any user without the Council's express permission. With the power imminently becoming available, the Council needed to adopt a formal position for identifying the basis for approving requests to draw down power, following which, access to further power would be through the standard mechanisms operated by UK Power Networks (UKPN).

Councillor Suggitt thanked Councillor Claussen and his Team for their hard

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work and perseverance in getting power to Snetterton. She felt that everyone should be very proud of this great achievement and looked forward to seeing the difference this was going to make to the district.

Councillor Cowen echoed the above sentiments. Snetterton sat in the tech corridor b between Norwich and Cambridge and could only be good news in terms of infrastructure and growth and was absolutely key in terms of business rates retention, green energy production and employment opportunities and would Breckland Council on the map.

The Chairman asked Andrew Holdsworth, the Assistant Director for Economy & Growth and Stephen Scowen, the Strategic Growth Manager if they had any further updates to share.

The Assistant Director for Economy & Growth stated that there was a strong commercial demand in this area and potential for some significant expansion to existing businesses as well as some enquiries from new investments.

Councillor Claussen pointed out that this work had been delivered on budget and on time and felt that the Officers concerned deserved a great deal of thanks.

Reasons for Recommendation

To manage the process to best link to Council priorities and policies, whilst ensuring an equitable process is followed.

The growth outcomes (particularly around the creation of higher value employment opportunities, GVA and timescale for development occurring) referred to within the original application for grant finance, and subsequently reflected within the grant funding agreement, are adhered to as closely as possible.

Options:

- 1) Agree recommendation.
- 2) Vary the approach, to favour a different balance or configuration of options (not recommended, on the basis the proposed recommendation is considered optimal for supporting the Council's priorities whilst materially accelerating development).
- 3) Do nothing (not recommended, as the Council would have no functional way of reallocating the power. This would result in the Council being in breach of its agreements).

RESOLVED that:

1. the approach and policy for power allocation set out in the report be approved; and
2. Delegated Authority be given to the Deputy Chief Executive, in consultation with the Executive Member for Economic Development, the application and implementation of the approach along with the ability to make any minor variations required to support the Council's objectives.

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57/23 ANGLIA REVENUES AND BENEFITS PARTNERSHIP

The minutes of the Anglia Revenues and Benefits Joint Committee held on 7 March 2023 were noted.

58/23 NEXT MEETING

The arrangements for the next meeting on 3 July at 9.30am in the Anglia Room, Conference Suite of Elizabeth House, Walpole Loke, Dereham, NR19 1EE were noted.

The meeting closed at 10.25 am

CHAIRMAN