

CABINET

Minutes of the meeting of the Cabinet held on 8 December 2009 at the Council Offices, Holt Road, Cromer at 10.00 am.

Members present:

Mrs P Bevan Jones	Mrs H T Nelson
Ms V R Gay (Chairman)	Mr E Seward
Mr G Jones	Mr C Stockton
Mr P W Moore	

Also attending:

Mr R Combe	Mr W Northam
Mr B Hannah	Mr N Ripley
Mr P High	Mr B Smith
Mrs A Moore	Mrs L Walker

Officers in attendance:

The Chief Executive, the Deputy Chief Executive, the Strategic Director – Information, the Strategic Director – Environment, the Interim Financial Services Manager, the Coastal Planner and the Senior Planning Officer.

100 APOLOGIES FOR ABSENCE

None.

101 MINUTES

The minutes of the meetings of the Cabinet held on 20 October and 3 November 2009 were approved as correct records and signed by the Chairman.

102 PUBLIC QUESTIONS

None.

103 ITEMS OF URGENT BUSINESS

None.

104 DECLARATIONS OF INTEREST

Member(s)	Minute No.	Item	Interest
Mr B Hannah	109	Progression of workstreams - update	Personal and non-prejudicial as a Member of the Police Authority and Community Partnership
Mr C Stockton	112	Coastal Change Pathfinder Bid	Personal and prejudicial - as the owner of a home and business in Happisburgh which could benefit from the project

105 JOINT STAFF CONSULTATIVE COMMITTEE

RESOLVED that

the minutes of the meeting of the Joint Staff Consultative Committee held on 16 September 2009 be received.

106 LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY

RESOLVED that

the minutes of the meeting of the Local Development Framework Working Party held on 28 September 2009 (deferred from previous meeting) and on 19 October 2009 be received and the recommendations contained therein adopted.

107 CAR ALLOWANCES WORKING PARTY

RESOLVED that

the minutes of the meeting of the Car Allowances Working Party held on 12 October 2009 be received and the recommendations contained therein adopted.

108 2009/10 REVISED BUDGET

The Cabinet considered the report which set out the revised budget for 2009/10 on both the revenue and capital account.

Copies of a revised Appendix F were circulated.

Mr P Moore read out a statement in support of the report which is attached as an appendix to these minutes.

RECOMMENDED to Full Council to agree

- a) the revised revenue estimates
- b) the revised transfers to and from reserves included as table 7 in the report
- c) the revised capital programme and associated financing
- d) the scale of fees and charges included at appendix F to the report
- e) that a sum of £20,000 is made available from general reserves to support ongoing work within the community safety team and a further £10,000 made available to finance a transport study commissioned for North Walsham football ground to support the Council's number one priority of affordable housing.

109 PROGRESSION OF WORKSTREAMS - UPDATE

The Cabinet considered the report which summarised progress against the Council's Strategic Options Review and detailed the work that had been carried out under the four key workstreams.

Workstream 1: Management and Service Structural Review

In response to a question, it was confirmed that despite the downturn in the number of planning applications the Council received, which was expected to increase, staff were still inundated with requests about planning applications and were very busy.

Corporate Management Team and the Cabinet had to provide strong and collective leadership and had no choice but to make decisions about the future of this authority. All staff in the authority had been invited to submit expressions of interest in voluntary redundancy/retirement, and whilst it was not possible to say that there would not be any compulsory redundancies, it would be a last resort.

Mr B Hannah read out a statement concerning the structural review (attached as appendix to these minutes).

Other Members were concerned that whatever cuts in service had to be made, these should not have an adverse effect on the Council's frontline services, but reassurance was given that the Council was not looking to reduce the quality of the service to the public. It was also important that contracts within the remit of the Environmental Health Department which were shortly to be retendered should not be impaired by any cuts.

EXCLUSION OF PRESS AND PUBLIC

In order to discuss contractual matters, it was

RESOLVED that

under Section 100A(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 likely disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 12A (as amended) to the Act.

Definition of paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection

with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Members discussed the proposed reassignment of the S151 Officer and Monitoring Officer statutory designations and the way in which the process should be managed and reported to Members in order to ensure that it was transparent.

As an amendment, it was proposed, seconded and agreed that the following wording be added to recommendations a) and b):

- a) "... this to be carried out under authority delegated to the Chief Executive, who will report back to Full Council if the contractual process cannot be concluded through negotiation."
- b) "...this to be carried out under authority delegated to the Chief Executive."

READMITTANCE OF PRESS AND PUBLIC

RESOLVED that

the press and public readmitted to the meeting.

Workstream 2: Service Prioritisation and Budget Savings

Mr P Moore read out a statement in respect of Workstream 2: Service Prioritisation (attached as an appendix).

A statement by Mrs P Bevan Jones was read out. In it, she considered that the structure of the safer communities team with all the posts, should be retained and considered in relation to the Crime and Disorder Reduction Partnership and also the forthcoming budget. It was vital that the excellent work of this team was permanently secured and if possible considered as a mainstream service.

Mrs L Walker expressed concern over the proposals for the Council's Community Safety Team. She considered that community safety was not a discretionary service as the Council had a duty to comply with Crime and Disorder legislation. She was also concerned at the effect this report may have on members of staff in that section who were on sick leave, should they read the report. In response, it was noted that some Members also considered it ought to be a statutory service. It was not, but was a very important one. The Deputy Chief Executive added that this was an issue for the Council and another example of having to deliver a service which was not being funded, and the report highlighted the difficulties faced when this happened. It was important to highlight the distinction between a service being discretionary but needing to fulfil obligations. Discussions were taking place with appropriate bodies to look into this issue within the Community Safety Team.

Workstream 3: Shared Services

It was noted that £50,000 had been awarded from RIEP for the Eastern Region to work with King's Lynn and West Norfolk, and Great Yarmouth Borough Councils in relation to Revenues and Benefits Services. The announcement made today by the Boundary Commission that its preferred option under the Local Government Review was for a single unitary authority for Norfolk was not helpful to this relationship.

It was requested that there be a mechanism in place for reporting back to Members on progress with this activity. It was noted that any decision-making would be through the Cabinet and the Overview and Scrutiny Committee.

It was noted that thought was being given to joint working with other local authorities, including work being carried out on legal services in the county.

Workstream 1: Management and Service Structural Review

RECOMMENDED to Full Council that

- a) the Financial Services Manager, the current S151 Officer, and the Legal and Democratic Services Manager, the current Monitoring Officer, be thanked for the work they have done whilst holding these responsibilities, and that their statutory designations as S151 Officer and Monitoring Officer will cease upon conclusion of proper contractual process; this to be carried out under authority delegated to the Chief Executive, who will report back to Full Council if the contractual process cannot be concluded through negotiation.
- b) subject to the above, the Strategic Director – Information be appointed the Council's Monitoring Officer and the Deputy Chief Executive be appointed the S151 Officer; this to be carried out under authority delegated to the Chief Executive.
- c) the Council's Constitution be updated to reflect these changes.
- d) Members note and endorse the savings and changes as set out in section 10 of this report.

Workstream 2: Service Prioritisation and Budget Savings

RECOMMENDED to Full Council that

Members support the saving priorities as identified within this report for input to the detailed budget which is due to be considered by Cabinet on 18 January 2010.

Workstream 3: Shared Services

RECOMMENDED to Full Council that

- a) the Change Management Board is formally dissolved.
- b) an internal shared services board is established to include the Leader of the Council, Deputy Leader, Portfolio Holder for Resources and Portfolio Holder for Human Resources. That this group then recommend who the representation should comprise on the Joint Partnership Board.
- c) the minutes from both groups will be taken to the Performance and Risk Management Board.

110 REVISED WHISTLEBLOWING POLICY

The Cabinet considered the report which sought feedback from Members on the draft, revised Whistleblowing Policy that took account of the Council's practical experience of handling whistleblowing allegations and

recommendations made in a recent Internal Audit report on the Whistleblowing Policy and its application.

Copies of the revised Whistleblowing Policy showing amendments which had been made to it were distributed.

The Chairman of the Audit Committee was thanked for her contribution to the Whistleblowing Policy document and acknowledgement made in respect of the amount of work put into producing it.

The aim of the Policy was to make it more robust and transparent. Members' attention was drawn to concerns of the Overview and Scrutiny and Standards Committees that the document would demonstrate sufficient independence, suggesting the need to consider having an independent person on the panel. The Standards Committee the previous day had also considered the document and were in general support of it. However, views were expressed about it about informing the subject of the allegation and retaining confidential records in the event that no further investigation was required.

RECOMMENDED TO FULL COUNCIL to

adopt the revised Whistleblowing Policy and associated processes, subject to amendments received and agreed at the meeting to be held on 16 December 2009.

**111a) RECOMMENDATION FROM OVERVIEW AND SCRUTINY COMMITTEE:
21 OCTOBER 2009**

Members did not support the Overview and Scrutiny Committee's request for the establishment of a crime and disorder sub-committee. Cabinet considered that it should first be determined whether this was needed when there was already in existence a Crime and Disorder Reduction Partnership and a mechanism for reporting to the Overview and Scrutiny Committee. The Council already complied with legislation with its existing arrangements.

RESOLVED that

- a) Cabinet do not support the Overview and Scrutiny Committee recommendation to appoint a crime and disorder sub-committee to meet on a quarterly basis for the purposes of the Policy and Justice Act 2006 or, therefore, that the Constitution be updated accordingly (Terms of Reference).
- b) Cabinet support the Overview and Scrutiny Committee recommendation that the implementation of the Councillor Call for Action in the protocol attached as an appendix to the report be adopted and the Constitution be updated accordingly.

111b) CRIME AND DISORDER COMMITTEES AND COUNCILLOR CALL FOR ACTION

The Cabinet considered the report which set out the responsibility of the Council to establish a crime and disorder committee, under section 19 of the Police and Justice Act 2006, and to make provision for implementing a

protocol in support of the Councillor Call for Action set out under section 119 of the Local Government and Public Involvement in Health Act 2007.

RESOLVED that

the matter of how the Council should discharge its responsibilities for the purpose of the Policy and Justice Act 2006, be referred back to the Overview and Scrutiny Committee for further consideration with reference to the current arrangements established in relation to the Crime and Disorder Reduction Partnership.

RECOMMENDED to Full Council that

the Councillor Call for Action in the protocol, attached as Appendix I to the report, be adopted and implemented, and that the Constitution be updated accordingly.

112 COASTAL CHANGE PATHFINDER: DELEGATED POWERS

The Cabinet considered the report which concerned the Council's bid to Defra to be a 'Coastal Change Pathfinder'. If successful, it would bring substantial funds (for the financial years 2009-10 and 2010-2011) to trial new approaches to managing the impacts of coastal change in North Norfolk. The funding sought was substantial, however, the projects within the bid were extremely complex and the spend period was very short; therefore delegated authority was being sought (for the Chief Executive or Strategic Director (Communities)) to procure works and services.

It was announced that the Council's bid for funding under the Pathfinder Project had been successful and was to be awarded £3m over 18 months. The amount available nationally had been £11m. The Council had applied for just over half that amount on the basis that the projects could be scaled up or down. The Council had been the biggest recipient, receiving more than 25% of the money, and together with successful bids from Great Yarmouth Borough Council and Waveney Council, amounted to nearly half the amount of money available. There was now a need to spend £1m of the money before March 2010 and £2m the following year. The first meeting to prioritise projects had taken place.

Appreciation was expressed to the Chief Executive, Mr Stockton, the Head of Coastal Strategy, the Coastal Planner and the External Funding Officer for their achievement, and showed what could be achieved by a district council.

It was also hoped that the Council would receive green flag recognition from the Comprehensive Area Assessment for Coastal Management.

RESOLVED that

delegated authority be given to the Chief Executive or Strategic Director (Communities) to procure works and services, subject to the award of funding, and within the parameters set out in the Council's Coastal Change Pathfinder applications.

113 CARBON REDUCTION PLAN PROJECTS FINANCING

The Cabinet considered the report which concerned the financial investment which was required, in order to achieve the Council's aims of reducing its carbon emissions by 33% over the next 5 years.

It was noted that the correct recommendations were those at the end and not the beginning of the report.

RESOLVED

- a) to endorse the principle of the creation of an invest to save fund initially comprising £40,000 in revenue and £160,000 from capital to be used to fund the projects contained in the Council's Carbon Management Plan.
- b) to consider and approve the Carbon Management Plan at their April 2010 meeting.
- c) to delegate authority to the Sustainability Board to sign-off project valued £10,000-£50,000 subject to finance approving the business case and for projects over £50,000 to be reported back to Cabinet.
- d) that a report be submitted annually to update Cabinet on financial expenditure and achievement against carbon emission targets.

114 NORFOLK MINERALS AND WASTE CONSULTATION

The Cabinet considered the report which concerned consultation by Norfolk County Council on 'preferred options' for new minerals and waste allocations in its Local Development Framework. The report summarised the sites that had been considered and sought Cabinet approval to send the response which was attached to the report to the County Council.

Mr P High said that he and Mr M Baker, local Members for Holt, and Holt Town Council objected to the proposals there due to concerns about impact on Holt Lowes and proximity of the sites to the built-up area of Holt. MIN82 was the least damaging.

The Chairman endorsed the comments in the report for her ward of North Walsham (North).

Mr P Moore asked for the concerns expressed over drainage problems in North Walsham (WAS30) to be strengthened. This was agreed to.

RESOLVED to

note the contents of the report and to endorse the attached response to the County Council Minerals and Waste consultation, subject to strengthening of the wording regarding drainage concerns in the area of site WAS30.

The meeting closed at 12.29pm.

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Chairman, 18 January 2010