



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# **AGENDA**

**for the**

# **CABINET**

**23 July 2008**

**at 6.00 pm**

**LARGER PRINT COPY AVAILABLE  
PLEASE TELEPHONE: 01493 846325**

**CABINET**

To be held in the Council Chamber, Town Hall, Great Yarmouth  
on Wednesday, 23 July 2008 at 6.00 pm

**A G E N D A**

**DECLARATIONS OF INTEREST**

You have a **PERSONAL INTEREST** in a matter being discussed at a meeting IF

- It relates to something on your Register of Interests form; or
- A decision on it would affect you, your family or friends more than other people in your Ward.

You have a **PREJUDICIAL INTEREST** in a matter being discussed at a meeting IF

- It affects your financial position or that of your family or friends more than other people in your Ward; or
- It concerns a planning or licensing application you or they have submitted
- **AND IN EITHER CASE** a reasonable member of the public would consider it to be so significant that you could not reach an unbiased decision.

If your interest is only **PERSONAL**, you must declare it but can still speak and vote. If your interest is **PREJUDICIAL**, you must leave the room. However, you have the same rights as a member of the public to address the meeting before leaving.

**1. MINUTES**

... To confirm the minutes of the 25 June 2008 (pages 1-4).

**2. ISSUES ARISING FROM SCRUTINY, ADVISORY GROUPS AND REGULATORY COMMITTEES**

**(a) Flytipping**

On reference from the Scrutiny Committee of the 7 July 2008, Cabinet is advised that the Scrutiny Committee at its last meeting gave consideration to the costs associated with flytipping in the Borough and as part of the discussions on this issue, agreed that Cabinet should be asked to consider the following recommendations to alleviate flytipping problems:-

- free collections
- better education and use of PCSO's
- more evidence gathering

3. **FORWARD PLAN – 1 JULY TO 31 OCTOBER 2008**

... The Forward Plan is attached (page 5).

4. **OMBUDSMAN'S ANNUAL LETTER**

... The Head of Central Services' report is attached (pages 6-15).

5. To consider such other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

\* \* \* \* \*

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**CABINET**

**25 June 2008 – 5.00 pm**

**PRESENT:**

Councillor B Coleman (in the Chair); Councillors Ames, Peck, Plant, Shrimplin and Stone.

Councillors Castle, Walker and Williamson attended by invitation.

Mr R Packham (Managing Director), Mrs J Ratcliffe (Executive Director – Customers and Resources), Mr P Hardy (Executive Director – Economy and Environment), Mr C Skinner (Head of Central Services), Mr T Howard (Head of Regeneration and Environment), Mr S Duncan (Head of Financial Services), Mr R Hodds (Member Services Manager and Scrutiny Officer) and Ms J Butcher (Regeneration Manager).

**1. MINUTES**

The minutes of 21 May 2008 were confirmed.

**2. ISSUES ARISING FROM SCRUTINY, ADVISORY GROUPS AND REGULATORY COMMITTEES**

**(a) The Greater Yarmouth Tourist Authority**

On reference from the Scrutiny Committee of 2 June 2008, Cabinet was asked to consider the following recommendations agreed by Scrutiny Committee as part of its review into the Greater Yarmouth Tourist Authority:-

- (i) In future, Cabinet receive a written annual report from the Greater Yarmouth Tourist Authority, including commentary on its main activities, the seasons' performance and long term trends and issues.
- (ii) Consideration be given to the concept of a tourism based "Business Improvement District" broadly along the lines of the Town Centre Business Improvement District.

**RESOLVED:**

That the recommendations as detailed in (i) and (ii) above be agreed.

**3. FORWARD PLAN – 1 JUNE TO 30 SEPTEMBER 2008**

Cabinet received the Forward Plan for the period 1 June to 30 September 2008.

#### 4. STATEMENT OF ACCOUNTS 2007/08

Cabinet considered the Head of Financial Services' report on the Statement of Accounts for 2007/08. The Head of Financial Services reported that the Accounts and Audit Regulations 2003 require that the Council's Statement of Accounts for 2007/08 should be submitted to full Council for approval by the 30 June 2008. Members were advised that the Statement of Accounts 2007/08 is a detailed financial document which serves to summarise the financial performance of the Council for the year. The Statement of Accounts consists of:-

- An explanatory forward which provides an understandable guide to readers of the accounts on the most significant matters contained within the statements. It also assists in providing an interpretation of the accounting statements themselves.
- Statement of Accounting Policies which explains the basis for the recognition, measurement and disclosure of transactions and other events in the accounts.
- Statement of responsibilities for the Statement of Accounts which sets out the respective responsibilities of the Council and the Section 151 Officer for the accounts.
- The Core Financial Statements.

#### RESOLVED:

That Council be recommended to approve the Statement of Accounts 2007/08, noting that the statements will then be subject to audit.

#### 5. ANNUAL GOVERNANCE STATEMENT

Cabinet considered the Head of Financial Services' report on the Annual Governance Statement. The Head of Financial Services reported that the report provides background on the Annual Governance Statement requirement for the financial year 2007/08, and a draft Annual Governance Statement for review by the Committee.

The Head of Financial Services reported that the Council is required to prepare an Annual Governance Statement instead of a Statement of Internal Control with effect from 2007/08. The purpose of the Statement is to report on the authority's governance arrangements and is therefore wider ranging and more holistic. It is to be published with the Annual Statement of Accounts for 2007/08 in place of the Statement on Internal Control, having subsumed the Statement of Internal Control as a result of the changes.

The Head of Financial Services reported that the Annual Governance Statement should be an open and honest self-assessment of the Council's performance across all of its activities, with a clear statement of the actions being taken or required to address areas of concern, and should include the following:-

- An acknowledgement of responsibility for ensuring there is a sound system of governance (incorporating the system of internal control).
- A description of the key elements of the systems and processes that comprise the governance arrangements.
- A brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements.

- An outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.

**RESOLVED:**

That Council be recommended to approve the Annual Governance Statement 2007/08.

## **6. COUNCIL CONSTITUTION – AMENDMENTS AND REVISIONS**

Cabinet considered the Monitoring Officer's report on proposed amendments and revisions to the Council's Constitution. Members were advised that amendments were required to take account of recent changes to the Member Code of Conduct Regime. Complaints that a Borough or Parish Councillor has breached the Code are now considered by The Standards Committee, rather than by The Standards Board for England. Furthermore, three matters were accidentally omitted from the updated Constitution document, namely the power for a single Cabinet Member to authorise compulsory purchase orders; the terms of reference of the Audit and Risk Committee; and the additional delegations enjoyed by the Director of Community Housing.

**RESOLVED:**

That Council be recommended to approve the amendments and revisions to the Council's Constitution as detailed above.

## **7. LARGE CASINO LICENCE**

Cabinet considered the Head of Central Services' report with regard to the Large Casino Licence. The Head of Central Services reminded Cabinet that the Great Yarmouth Casino Stakeholder Advisory Panel had been established in 2006 to assist with the Large Casino Licensing process. Since the Panel last met in March 2007, not only has the Large Casino for Great Yarmouth been approved, but the regulations and guidance for conducting the licensing process had been published. The terms of reference and membership of the Panel ought now to be reconsidered in the light of these documents.

Members were advised that the first thing the Council must do, before starting the formal licensing process, is to amend its Statement of Gambling Policy so as to incorporate the criteria it will apply in determining the successful applicant. Once this has been completed, an invitation to apply for the licence can be published. It is hoped to begin this process straightaway, with a view to having the amended policy in place by early 2009. It will then be possible to invite applications for the licence. The amended policy will include a more detailed timetable for the licensing process.

The Head of Central Services also reported that the Code of Practice issued by the Department of Culture, Media and Sports had stated that Councils may wish to pay particular regard to the following matters when determining applications for the licence:-

- That provision that is made for protecting children and other vulnerable people from harm or exploitation.
- That provision that is made for preventing gambling from being a source of, or being associated with, crime or disorder.
- That provision that is made for ensuring that gambling is conducted fairly and openly.

- The likely affects on employment and regeneration.
- The design and location of the proposed development.
- The range and nature of non-gambling facilities.
- The financial and other contributions the applicant propose to make to the Council's area.

**RESOLVED:**

That Council be recommended to agree the following:-

- (i) That the membership of the Great Yarmouth Casino Stakeholder Advisory Panel should comprise the Leader (Chairman), Cabinet Member (Regeneration and Tourism) and Shadow Leader, the Manager of the CAB, and representatives from the Police, the Town Centre Partnership and the Tourist Authority and should be increased to include representatives from the faith community and from organisations representing children and vulnerable people.
- (ii) The panel to have the power to co-opt additional members, in consultation with the Head of Central Services.
- (iii) The remit of the panel be to help in the formulation of the amendment to the Statement of Gambling Policy. (It is possible that the panel will have further duties as part of the licensing process and this will be determined as part of the policy amendment process.)

**8. EXCLUSION OF PUBLIC**

**RESOLVED:**

That under Section 100(A)(4) of the Local Government Act 1972, the 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 3 of Part I of Schedule 12A of the said Act.

**9. ISSUES DETERMINED BY THE CABINET UNDER THE TERMS OF THE CONSTITUTION**

- (a) Golden Mile Opportunity Report

**10. CLOSURE OF MEETING**

The meeting ended at 6.00 pm.

GREAT YARMOUTH BOROUGH COUNCIL

FORWARD PLAN LISTING KEY DECISIONS LIKELY TO BE MADE DURING THE PERIOD

Executive Members are:

Stephen Ames      Barry Stone  
 Barry Coleman    Bob Peck  
 Jim Shrimplin    Graham Plant

1 July 2008 to 31 October 2008

NB Key decisions are Executive decisions (i) likely to result in savings or expenditure of more than £100,000; or (ii) which are significant in terms of the effect on people living or working in two or more electoral wards.

Matter for key decision	Who will make decision	Date/Period when decision likely	Groups/organisations to be consulted	How consultations are to take place	How representations are to be made, and by when	List of documents to be submitted to decision taker
-	-	-	-	-	-	-

One key decision was made in June, namely to proceed with option agreements for the Golden Mile Development.  
 No key decisions have been added

CFS/MJG – 1/9/1/3  
 14 July 2008

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Subject: Ombudsman's Annual Letter

Report to: Cabinet and Scrutiny Committee

Report by: Head of Central Services

**For information**

The Ombudsman's Annual Letter is reported to both Cabinet and Scrutiny Committee. Points to note this year are:

- A significant decrease in the number of complaints
- No findings of maladministration
- Two complaints were settled locally with the payment of £318 in compensation
- Continued improvement in response times for dealing with complaints

**FINANCIAL IMPLICATIONS:**  
None

**LEGAL IMPLICATIONS:**  
None

**EXECUTIVE BOARD OR DIRECTOR CONSULTATION:**  
Not applicable

**RECOMMENDATIONS**

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	X
	Financial	X
	Risk	X
	Sustainability	X
	Equality	X
	Crime and Disorder	X

	Human Rights	X
	Every Child Matters	X

Y:\HMLS\MemberServices\Robin Hodds\Reports\Master Report To Committees (New) - February 2008.doc

Local Government  
**OMBUDSMAN**

18 June 2008

Mr R Packham  
Chief Executive Officer  
Great Yarmouth Borough Council  
Dx 41121  
Great Yarmouth

MANAGING DIRECTOR
<i>H.G.</i>
19 JUN 2008
Action

Our ref: JRW/BRH/JCR/le  
Please quote our reference when contacting us

If telephoning contact: Mrs B Hedley on 02476 820018  
or email: [b.hedley@lgo.org.uk](mailto:b.hedley@lgo.org.uk)

Dear Mr Packham

**Annual Letter 2007/08**

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year, set out in the annual letter attached. I hope you find the letter a useful addition to other information you have on how people experience or perceive your services.

I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website ([www.lgo.org.uk](http://www.lgo.org.uk)) and share them with the Audit Commission. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it. We will also publish on our website a summary of statistics relating to the complaints we have received and dealt with against all authorities.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and put the annual letter on your Council's website. This covering letter is not intended for publication.

Yours sincerely



J R White  
Local Government Ombudsman

Enc: Annual Letter

The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB

T: 024 7682 0000  
F: 024 7682 0001  
DX: DX 702110 Coventry 6  
W: [www.lgo.org.uk](http://www.lgo.org.uk)  
Advice Team: 0845 602 1983

Jerry White  
Local Government Ombudsman  
Neville Jones  
Deputy Ombudsman

**The Local Government Ombudsman's  
Annual Letter**

**Great Yarmouth Borough  
Council**

**for the year ended  
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

## **Annual Letter 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about Great Yarmouth Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

### **Complaints received**

#### ***Volume***

We received 25 complaints against your Council during the year, 21 fewer than last year (46), but on a par with 2005/6 when we received 29 complaints. We expect to see these fluctuations year on year and I see nothing significant in the movements here.

#### ***Character***

The complaints that we received about benefits reduced significantly from 11 in 2006/7 to three in 2007/8. Four housing complaints were received this year, half of the number in 2006/7, and planning complaints reduced by a third, from 12 in 2006/7 to eight this year.

We received a similar number of public finance complaints this year (five) to last year.

The remaining five complaints were recorded in the 'other' category. They included complaints about waste management, environmental health, drainage, land and one miscellaneous matter.

### **Decisions on complaints**

#### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of the investigation, the Council takes or agrees to take some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report. I issued no reports against your Council this year.

Two complaints were settled locally. In a housing repairs complaint, the Council delayed in completing a roof repair and failed to keep the complainant informed, with the result that she had to cope with a leaking roof for longer than necessary. The Council included the dwelling in its re-roofing plans for the year and paid £250 for the time and trouble the complainant experienced.

In the second complaint, the complainant believed that his Council tax balance was nil but the Council then took recovery against him. It was established that the balance on one

account was nil but that there was an outstanding balance on another property and that the Council had delayed in recovering the amount. As a gesture of good will the Council agreed to refund the enforcement costs of £68.

The Council paid a total of £318 in compensation this year.

### ***Other findings***

Nine complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further five cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 15 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

### **Your Council's complaints procedure and handling of complaints**

This year nine complaints were determined to be premature and were returned to your Council to respond to. This accounted for 29% of all complaints decided, this is in line with the national average of 27%.

Four of those nine complaints were re-submitted to me. In all cases the complaints were not pursued, either because insufficient evidence of maladministration was seen or because it was decided not to pursue them for other reasons.

### **Liaison with the Local Government Ombudsman**

Enquiries were made on nine complaints during the year. Your Council's average response time was just over the target timescale of 28 days.

The average response time in respect of seven of the nine complaints relating to planning and building control, Housing and public finance and was just less than 24 days.

My investigators also made enquires on two benefits complaints. In each case the Council took 44 days to respond, although in one of these cases, emailed correspondence between my officers and the Council was misdirected, which contributed to some of the delay.

Overall, the Council has made pleasing progress to improve its response times to my enquiries over the last three years.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on how useful you have found these reports, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships involving your Council.

### **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	3	4	5	8	5	0	25
2006 / 2007	11	8	9	12	6	0	46
2005 / 2006	6	9	7	4	2	1	29

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	M1 reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	2	0	0	13	2	5	9	22	31
2006 / 2007	0	6	0	0	8	1	4	19	19	38
2005 / 2006	0	3	0	0	12	3	7	11	25	36

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2007 to 31/03/2008

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	9	28.3
2006 / 2007	13	27.8
2005 / 2006	15	36.1

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0

## Notes to assist interpretation of the LGO's local authority statistics 2007/08

### 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

### 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

### **3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **4. Average local authority response times 2007/08**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.