

CABINET

Minutes of the meeting of the Cabinet held on Tuesday, 3 January 2023 at the Council Chamber - Council Offices at 10.00 am

Committee

Members Present:

Cllr A Fitch-Tillett	Cllr V Gay
Cllr R Kershaw	Cllr N Lloyd
Cllr E Seward	Cllr L Shires
Cllr T Adams (Chair)	Cllr A Brown

Members also attending:

Cllr J Rest
Cllr J Toye

Officers in Attendance:

Chief Executive, Democratic Services Manager, Coastal Manager and Director for Place & Climate Change

Apologies for Absence:

Mrs W Fredericks

92 MINUTES

The minutes of the meeting held on 5th December were approved as a correct record and signed by the Chairman.

93 PUBLIC QUESTIONS AND STATEMENTS

None received.

94 ITEMS OF URGENT BUSINESS

None received.

95 DECLARATIONS OF INTEREST

96 MEMBERS' QUESTIONS

The Chairman advised members that they could ask questions as matters arose.

97 RECOMMENDATIONS FROM CABINET WORKING PARTIES

1. Cabinet Working Party for Projects

RESOLVED

To receive the minutes of the meeting held on 21st September 2022

2. Planning Policy & Built Heritage Working Party:

1. COASTAL ADAPTATION SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Cllr A Brown, Portfolio Holder for Planning & Enforcement, introduced this item. He outlined the recommendations. He explained that the Coastal Adaptation Supplementary Planning Document was the result of a steering group project with Great Yarmouth BC, East Suffolk, Broads Authority and CPE, following a statement of common ground produced in 2018. The planning strategy enabled a cohesive, consistent approach to coastal management. He drew members' attention to the roll-back provision, relocated property in erosion areas, the previous like for like building rule had been relaxed.

RESOLVED

- a. That the draft Coastal Adaptation Supplementary Planning Document be published for formal consultation; and
- b. That delegated authority is given to the Planning Policy Manager in consultation with the Portfolio Holder, to make minor modifications and presentational or typographical amendments to the draft Coastal Adaptation Supplementary Planning Document that arise from other relevant Local Planning Authority sign-off committees prior to it being published for formal consultation: and
- c. That the Planning Policy Manager to further consider as to how the Coastal Adaptation Supplementary Planning Document could be flexibly implemented including use of language

2. LOCAL DEVELOPMENT SCHEME

Cllr Brown explained that the Working Party had spent considerable time discussing the Local Development Scheme and the proposed submission version of the Local Plan. It was hoped that an additional meeting of Full Council could be held in late February / early March to allow for all members to consider and then approve the Local Plan for submission.

Cllr A Fitch-Tillett seconded the recommendations and said that she was particularly proud of the Coastal Adaptation Supplementary Planning document.

RESOLVED

That the revised timetable for the submission, examination and adoption of the North Norfolk Local Plan and that the Local Development Scheme be brought into effect as of the date of the next meeting and published as required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

3. LOCAL PLAN SUBMISSION: PROPOSED MODIFICATIONS (POLICIES)

RESOLVED

That the Schedules of proposed modifications along with the Proposed Submission version of the Local Plan be submitted for independent

examination.

To delegate minor amendments in the finalisation of the submission version & Schedules and associated documents to the Planning Policy Manager in consultation with the Portfolio Holder and Policy Team Leader.

98 RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE

In the absence of the Chairman of the Overview & Scrutiny Committee, the Chairman advised that there were no recommendations to Cabinet.

99 BUSINESS CONTINUITY POLICY AND BUSINESS CONTINUITY MANAGEMENT FRAMEWORK

The Portfolio Holder for Environmental Services, introduced this item. He explained that following an internal audit, a recommendation was made that the Business Continuity Plan and other relevant policies were reviewed in light of the Covid-19 response. To enhance understanding of the Business Continuity Management (BCM) process, a separate BCM Framework had been created, with more detail in relation to suppliers and procurement. The policy and the framework had been considered by the Governance, Risk & Audit Committee.

It was proposed by Cllr N Lloyd, seconded by Cllr R Kershaw and

RESOLVED

To adopt the revised Business Continuity Policy and the new Business Continuity Management Framework

Reason for the decision:

To enhance understanding of the Business Continuity Management Framework. To comply with an audit recommendation.

100 COUNCIL POLICY IN RELATION TO THE REGULATION OF REGULATORY POWERS ACT 2000 (RIPA)

Cllr N Lloyd, Portfolio Holder for Environmental Services, introduced this item. He said that Members were required to be aware of the policy and it came before Cabinet regularly. He asked the Director for Communities to outline the key points. The Director of Communities explained that the Regulation of Regulatory Powers Act 2000 (RIPA) governed public authorities use of 'directed covert surveillance' and 'covert human intelligence sources'. The legislation ensured that an individual's human rights were protected whilst also ensuring that law enforcement and security agencies have the powers they need to do their job effectively. He explained that the Policy had been reviewed and revised to ensure that the Council applied its powers lawfully and in line with best practice. Consequently, a separate policy had been drawn up to ensure that RIPA was not impacting on people's rights when looking at social media and internet research and investigations.

He advised members that in the past 12 months, covert human intelligence sources had been used once.

The Chairman, Cllr T Adams asked whether the revised policy and format was easier for officers to use. The Director of Communities replied that it was and that the Council used an external trainer to train officers in the provision of the regulations. Templates were also provided.

The Chairman asked how often the policy was reviewed. The Director of Communities replied that it was reviewed annually and usually the changes, if any, were minor. This time it was a full review and refresh to reflect best practice and address any errors and inconsistencies that may have occurred during ad hoc changes in previous years.

Cllr E Seward referred to Closed Circuit Television Cameras (CCTV) used by town councils. He said that footage tended to be used by the Police and asked whether RIPA applied in such instances. The Director of Communities replied that it applied to all public bodies including the Police and that there was a section in the policy on joint investigations and another section on CCTV which referred to town centre CCTV and how officers should use any 'legacy' systems previously owned by NNDC.

Cllr V Gay referred to section 23, Joint Agency Surveillance, and asked which other agencies were involved and how often. The Director of Communities replied that it was very rare that the Council worked with other agencies but on occasion there may be a need to work with another Local Authority or a Registered Social Landlord. Cllr Gay then asked for clarification on what working with others meant in this context. The Director of Communities replied that it could be use of Council owned equipment such as CCTV or wildlife cameras in a joint operation. It was usually the Police who acted as the lead authority but would also assist in cases such as fly-tipping, when the local authority may lead.

Cllr R Kershaw referred to section 19.1, Automatic Number Plate Recognition (ANPR) and its relation to RIPA. He asked, if the Council simply used it for traffic flow management, whether it could be installed in the Council's car parks. The Director of Communities replied if it was used simply for monitoring traffic flow then it was not covered by RIPA. However, if it was being used for any form of surveillance, such as monitoring criminal activity, then it would be directed surveillance and the RIPA provisions would apply.

Cllr E Withington referred to remote public meetings and asked whether they were covered by this policy. The Director of Communities replied that active participants in a public meeting, the recording of it was not 'directed'. However, if you were a private individual and you wanted to use the recording as evidence then it may meet the requirements of the Internet and Social media policy. He added that the provisions around RIPA and directed surveillance were quite significant and it was therefore a conscious step for authorities to take to use the provisions. Repeated access to people's social media accounts could be an infringement of human rights and it was possible that the same could apply to public meetings. RIPA provisions only came into effect if it could result in court action and a prison sentence and it was unlikely that public meetings would fall into this category. This was one of the reasons for a separate Internet and Social Media Policy as it provided guidance on specific areas that may not fall within RIPA more widely.

Cllr A Brown asked about training and whether it focussed on officers just involved in surveillance operations or whether it was offered to all staff to ensure that they did not stray inadvertently into areas where RIPA may apply. The Director of Communities replied that it was provided to staff where RIPA was relevant to their role and any activities relating to it, to ensure that they were compliant and aware of

the requirements of the Act. He said that general training was not routinely offered to all staff, except for awareness raising via team meetings. If the Internet and Social Media was adopted then there would be a more wide-spread rollout of information to staff as this is where there may be some issues.

Cllr Brown replied that he was concerned that staff may not be aware of the risks and their obligations and training or advice may be beneficial.

The Chief Executive said that there was an outstanding Audit recommendation, following an audit across the Audit Partnership, relating to the management of benefit fraud. The recommendation suggested the appointment of additional staff for this purpose. The Corporate Leadership Team undertook a risk assessment regarding the level of fraud, particularly regarding Council Tax support and given the high rate of council tax collection, it was not felt it was justified to allocate specific officers for this purpose. Revenues officers were mindful of council tax fraud and benefits staff in terms of requesting supporting documents and if there were concerns about fraud, they could undertake a monitoring of social media accounts, if required. It had been agreed with the Governance, Risk & Audit Committee that a review would be undertaken after 12 months, together with any financial support that was required.

It was proposed by Cllr T Adams, seconded by Cllr N Lloyd and

RESOLVED

That the changes to the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures, set out at Appendix A, be approved.

That Members note the activity undertaken under RIPA and the update in relation to the recent IPCO inspection.

Reason for the decision:

The Policy has been revised following an audit of the Council's activities by the Investigatory Powers Commissioners Office (IPCO) conducted in 2021. Members are required to be aware of the RIPA activity undertaken by the Council.

101 COASTAL TRANSITION ACCELERATOR PROGRAMME - UPDATE AND APPROVALS

A Fitch-Tillett, Portfolio Holder for Coast, introduced this item. She began by saying that she was very excited to bringing the report forward. The NNDC Coastal team was respected nationally and had been for some time. The Council's work under the Pathfinder Scheme was seen both nationally and internationally as an exemplar. She said that DEFRA had awarded the Council the opportunity to take adaptation to coastal change much faster and further than before. Cllr Fitch-Tillett said that this was an opportunity to stabilise coastal communities and businesses and to achieve the best outcome, the project must be able to progress without delay. She went onto say that a lot of the work undertaken by the Local Government Association Coast Special Interest Group (SIG) would be incorporated into the programme, such as the possibility of insurance for property at risk and erosion, roll-back, the part that surface water plays in erosion and possibly even a change to building regulation for replacement properties. Cllr Fitch-Tillett concluded by saying that the funding for this scheme was not from the Council's budget, it came direct from DEFRA.

The Chairman invited the Coastal Transition Accelerator Programme Manager to

speak. He began by saying that it was well known that coastal change was a major issue in North Norfolk and the report set out the main issues and challenges. Government policy statements and Environment Agency strategies for coast and flood now included references to coastal adaptation and transition to help communities adapt to coastal change. NNDC was fortunate to be identified alongside East Riding of Yorkshire to be selected for the CTAP. The Council now needed to complete and submit an outline business case to the Environment Agency to access the full funding. He concluded by saying that the report also set out proposals to develop an initial phase of support for those at more immediate coastal erosion risk, to begin to facilitate coastal transition and to allow time to progress and develop wider opportunities of the programme.

The Chairman invited members to speak:

Cllr N Lloyd congratulated the Coastal Team and the Portfolio Holder on this project. He said that NNDC was at the forefront of coastal management at a national level. He said that climate change was mentioned throughout the report and it highlighted the vast sums of money that were needed to mitigate the cost and impact of climate change.

Cllr V Gay thanked the Coastal Team for all their hard work on this. She said it was an excellent example of where local government led the way in doing something really significant, adding it took years of hard work and dedication to bring large projects such as this to fruition.

Cllr L Shires, Local member for Happisburgh, thanked the CTAP Manager and his team for listening to the plight of Happisburgh residents. No suggestions had been dismissed and this felt like a really positive move for those impacted the most. As indicated by the Portfolio Holder for Coast, although the Pathfinder Scheme had been instigated 12 years ago, work had been continuous and it was not bearing real fruition.

Cllr A Brown thanked the CTAP Manager and his team for their excellent work. It was very beneficial for NNDC to be involved in a flagship scheme such as this. It was proposed by Cllr A Fitch-Tillett, seconded by Cllr N Lloyd and

RESOLVED

- 1. That Cabinet agrees that the Programme will be overseen by a Programme Board, which is to be constituted in accordance with NNDC project guidance**
- 2. That Cabinet authorises the Director for Place and Climate Change, in consultation with the Coastal Portfolio Holder, to approve the submission of the Outline Business Case to the Environment Agency and undertake any subsequent amendments as necessary.**
- 3. That Cabinet agrees that the approved Outline Business Case is to form the NNDC Programme Business Case.**
- 4. That Cabinet agrees the development and delivery of the Stage 1 Coastal Transition Support Package and authorises the Director for Place and Climate Change, in consultation with the Coastal Portfolio Holder, to undertake any necessary amendments to the package provided they are within the CTAP budget.**
- 5. That Cabinet agrees that land and asset purchases in excess of £100,000 for the purposes of the Coastal Transition Accelerator Programme are 'exceptional circumstances' and acquisition is delegated to the Leader the**

**of the Council, Portfolio Holder, Chief Executive and Monitoring Officer.
With report to the next available Cabinet.**

- 6. That Cabinet authorises the Director for Place and Climate Change to enter into legal agreements with land/asset owners in order to secure transition opportunities with advice from the Estates Team and in consultation with Legal Services and Portfolio Holder and Assistant Director Finance Assets**

Reasons for the decision:

To enable timely progression of the Coastal Transition Accelerator Programme
To ensure robust governance and oversight
To enable immediate support to those most impacted by coastal change

102 EXCLUSION OF PRESS AND PUBLIC

103 PRIVATE BUSINESS

104 EXEMPT APPENDIX 1 - COASTAL TRANSITION LAND AND PROPERTY PURCHASE

The meeting ended at 10.42am.

Chairman