

## COUNCIL

### Minutes of the meeting of the Council held on Wednesday, 1 March 2023 in the Council Chamber - Council Offices at 6.00 pm

<b>Members Present:</b>	Mr T Adams	Ms P Bevan Jones
	Mr D Birch	Mr H Blathwayt
	Mr A Brown	Dr P Bütikofer
	Mr C Cushing	Mr N Dixon
	Mr P Fisher	Mrs A Fitch-Tillett
	Mr V FitzPatrick	Ms V Gay
	Mrs P Grove-Jones	Mr C Heinink
	Mr P Heinrich	Dr V Holliday
	Mr R Kershaw	Mr N Lloyd
	Mr N Pearce	Mr S Penfold
	Mr J Rest	Miss L Shires
	Mrs J Stenton	Mr M Taylor
	Mr J Toyne	Mr A Varley
	Ms L Withington	

#### Also in attendance:

#### 131 APOLOGIES FOR ABSENCE

Apologies were received from Cllrs S Butikofer, T FitzPatrick, W Fredericks, G Hayman, N Housden, G Mancini-Boyle, J Purnard, E Spagnola, E Seward and E Vardy

#### 132 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS

None received.

#### 133 ITEMS OF URGENT BUSINESS

The Chairman informed members that there were three items of urgent business:

- Fees & Charges and Capital programme Amendments for 2023/2024
- Update on response to the County Deal consultation
- Update on Cabinet appointments

She invited the Leader to introduce the Fees & Charges and Capital Programme Amendments for 2023/2024.

The Leader began by saying the agreement of the revised Estates Fees and Charges (which had been circulated prior to the meeting of Full Council on 22 February 2023) needed to be formalised. He proposed that the amendments were approved. Cllr P Heinrich seconded the proposal.

The Chairman invited members to speak:

Cllr C Cushing said that it was extraordinary that a detailed paper setting out amendments to the Budget was being brought forward a week after the Budget was

debated and agreed. He said that this was the first time it had happened since he had been elected and he queried why it had taken so long to bring this to members and commented that there was more than just 'tweaking'. He referred to the Capital Budget and said that there had been a discussion at the previous meeting about including funding for a 3G pitch in Fakenham utilising money allocated to North Walsham. He noted that this had not been reflected in the updated report but that additional funding of £1m for a 3G football pitch at Cromer was included. He added that he understood £300k of this funding would come from reserves, which he found astonishing, given that only a week before the Administration had agreed to increase Council Tax to generate an additional £200k of income. Cllr Cushing queried why Cromer was receiving yet more money. He asked the Leader if the Fakenham bid would be coming forward in the next financial year and also to explain why such a large amount of funding was suddenly allocated to Cromer for a 3G pitch.

The Leader replied that he had addressed the Cromer sports provisions during his opening remarks at the Budget meeting of Full Council the previous week. He said that it was a repair and refurbishment project. The Fakenham project would need to be scoped out and considered. Cllr Cushing replied that there was no reason why the Fakenham bid could not proceed. The proposal for a 3G pitch in the town was included as part of the Levelling Up bid, so a lot of the initial work had already been done. The Football Association had also indicated that they were supportive of a bid at Fakenham and he could see no reason why it could not come forward now, rather than languishing in a reserve.

The S151 Officer said that in the updated appendix, the funding had been changed under the 'Quality of Life' heading to state Artificial Football Pitch North Walsham / Fakenham. Cllr Cushing replied that last week when the Budget was discussed, there was no reference within the Capital Bids for Cromer and now there was a £1m allocated to Cromer and just a single line splitting the funding across Fakenham and North Walsham, which indicated that there was no real desire to push the Fakenham bid forward, reinforcing the view that it was the poor relation of the market towns. The Leader replied that Cllr Cushing seemed to be suggesting that the Cromer pitch was not repaired. Cllr Cushing said that he was supportive of all three bids but wanted a commitment to Fakenham.

Cllr J Rest said that he could not understand why this information was not included with the original budget papers. He said that the Budget meeting was the most important Full Council meeting of the year and it was important to ensure that the information provided to that meeting was complete and correct. He added that the updated appendix did not make it clear which information was additional or updated. He said it was an appalling way to present papers for members to make a decision. In conclusion, Cllr Rest said that the report referred to members having agreed the Budget last week. He said that if he had known that there would be several amendments just a week later, he would not have supported the Budget. This was not the way to run a Council. He asked what would have happened if there had not been an extraordinary meeting already scheduled. Without these changes being approved, the projects could not be progressed. He said that it was vital that the Budget meeting was conducted properly. This had never happened before, the Council had always been able to discuss and agree the Budget previously.

The Section 151 Officer said that she had requested the item to come forward to this meeting as it was an opportunity to correct an error. She agreed that the charges could not have been made if it was not approved. She referenced the charges for the waste bins and said that this was the first time they had been included in the Fees & Charges schedule, they had previously been dealt with under delegation.

The non- discounted price wasn't included originally. It was also an officer error that the fees for Estates management had not been updated.

Cllr V FitzPatrick said that he agreed with Cllr Rest's comments. If the Budget papers could not be presented correctly to members, it was not unreasonable to ask what other papers may be incorrect or incomplete. He said that it shocking to have such errors presented to members just a week after the Budget was approved.

Cllr N Dixon said he was extremely disappointed to have received these papers at such a late stage. As Chairman of Overview & Scrutiny Committee, he said that the committee had spent some time scrutinising the financial reports ahead of the Budget and it now appeared that it was incomplete business and this undermined the value and the time spent by members at Overview & Scrutiny committee meetings.

Cllr N Pearce commented that the Budget was only approved a week ago. The amendments that were being proposed were significant and he had concerns about what would have happened to the services and projects concerned, if the meeting tonight had not already been scheduled to take place.

The Chairman invited the S151 Officer to respond. She began by saying that the Budget was not incorrect, it was just that these figures were not included on the fees and charges schedule. The budget was prepared on the basis of the level of fees and charges that were anticipated to be agreed, so it was the schedule that was wrong rather than the overall budget.

Cllr V FitzPatrick queried how it would be possible to know if something was wrong, given the statement that the S151 Officer had just provided. Members had to assume that they were being presented with the correct information when they were making decisions. He added that it undermined faith in the process.

Cllr J Rest sought confirmation that the figures that were presented at the meeting were correct.

The Leader said that the figures that the budget calculations were based on were correct, it was just that the wrong schedule for the fees and charges for 2023/2024 was included originally.

Cllr J Stenton said that she echoed Cllr Rest's concerns that members needed to be certain that the figures presented this evening were now correct. The Leader referred to his previous answer.

The Chairman said that she wanted to apologise on behalf of officers for any confusion caused.

Cllr S Penfold made a point of order. He sought clarification about how many times a member could speak during a debate and for how long. The Monitoring Officer replied that it was once for 5 minutes, however, it was at the Chairman's discretion. The Chairman said that she felt it was important, given the nature of the business being discussed, that members should have an opportunity to speak again if they wanted to.

Cllr Cushing requested a recorded vote.

It was proposed by Cllr T Adams, seconded by P Heinrich and

RESOLVED

To approve the amendments to Fees & Charges and the Capital Programme for 2023/2024

18 members voted in favour and 9 against.

## 2. County Deal Update

The Leader advised members that the Norfolk County Council consultation on the new County Deal closed on 20<sup>th</sup> March. He said that NNDC would like to see a County Deal but there were concerns over the arrangements and how much financial benefit would be delivered to North Norfolk. He said that because of the tight timescale to respond, the Chief Executive had emailed the Group Leaders seeking support for delegation to reply on behalf of the Council. Cllr Rest had indicated his support for this approach but Cllr Cushing had said that there had not been an opportunity to discuss the matter with his Group. The Leader said that members needed to agree on a way forward, reminding them that they could also respond directly to the consultation, as political groups or as individuals, however, it would also be a good approach for the Council to respond as a whole, if possible.

Cllr C Cushing said that he had been extremely surprised to receive an email earlier in the day from the Chief Executive requesting delegation to respond on behalf of the Council. He said that it was surprising that despite holding two Full Council meetings during the consultation period, this matter had not been brought forward for discussion. He referred back to his comments on the previous item and the lack of preparedness for business. He said he was not prepared to take a position on this matter until his group had had an opportunity to discuss it fully.

Cllr R Kershaw said it was a shame that when a briefing by the Leader of Norfolk County Council was held recently for members, none of the Opposition attended. He said that members had been briefed and it was now time to make a decision.

Cllr N Dixon said it was one thing to be briefed on the facts of the County Deal but the opportunity to discuss it was another. He added that he could not understand why, if senior officers knew it was coming forward, it was not scheduled in for debate. He said it was another example of the Council being chaotic and dysfunctional in the organisation of its business.

Cllr V FitzPatrick commented that he had attended the member briefing and he was a member of the opposition. He said that the response submitted by the District Council should reflect the views of the members as a whole and this was best achieved via a debate.

Cllr S Penfold said that he was happy for the Chief Executive to respond on behalf of members but acknowledged that it was a shame that there was no opportunity for it to be debated at Full Council. He suggested that the Opposition groups could have a discussion and then feed their comments back to the Chief Executive. It was important that a range of views were put forward.

The Chairman invited the Chief Executive to speak.

He said that this issue had been the subject of some debate at County level and there had been briefings for District councils across the region. No member had

written had contacted him expressing a strong view as to the position the authority should adopt. The consultation closed the day before the Pre-election Publicity period began for the forthcoming local elections. He said that he had written to the Group Leaders, on the basis that they had not raised it with him, to suggest a way forward. If this wasn't acceptable, then it was open to members to convene a special meeting of Full Council to debate the matter. He added that the position that he had set out in his email to the group leaders was one that was widely held across District Councils in Norfolk and they had also been expressed at County level. He explained that he had suggested that the response should be delegated to the Chief Executive in conjunction with the Group Leaders and he was not proposing that a response to the consultation should be submitted without their input.

The Leader reiterated his earlier comment that this was the right way forward.

The Chairman thanked everyone for their comments and suggested that the Group Leaders considered their preferred approach and let the Chief Executive know.

### 3. Cabinet appointment

The Leader informed members that Cllr H Blathwayt would replace Cllr A Fitch-Tillett as Portfolio Holder for Coast.

Cllr Blathwayt said that he had acted as a substitute for Cllr Fitch-Tillett on several occasions and he was in awe of the work that she had done.

The Chairman thanked Cllr Fitch-Tillett for all the work that she had done in this role.

## **134 PUBLIC QUESTIONS AND STATEMENTS**

### **135 NORTH NORFOLK LOCAL PLAN SUBMISSION**

The Chairman invited the Portfolio Holder for Planning, Cllr A Brown, to introduce this item.

Cllr Brown began by thanking the Planning Policy team for their hard work over the last 5 to 6 years to bring the Local Plan in its final draft format to Members for consideration. He said, that as Chairman of the Planning Policy & Built Heritage Working Party, he would also like to thank Members from across the Groups for their help and support throughout the process.

He said that the final draft of the Local Plan provided a blue print for development over the years 2018 to 2036. It included almost 80 policies to help the Council determine future planning applications. It identified sites for development to provide homes for local people, creation of jobs and infrastructure as well as looking after the built and natural environments. In particular, the Plan made provision for managing and adapting to climate change.

Cllr Brown then highlighted the key areas of focus for the Plan; Delivering sufficient homes at the right time and in the right places, strengthening the local economy, protecting the natural and built heritage and contributing towards health and wellbeing.

He explained that 12,000 homes needed to be delivered during the period of the plan. The aim was to make these as attractive as possible and the plan identified a

number of new development sites. To attempt to limit the impact of climate change, a comprehensive range of policies were included to mitigate risk, add resilience and reduce the carbon impacts of new development.

He said that a key challenge was to enable the required growth whilst also conserving and enhancing the landscape and natural environment of the District. The vast majority of development proposed in the Plan was to be located in the larger towns so that residents could access a broad range of facilities and services without the need to travel and so that the impact of developments on open countryside could be minimised. Smaller amounts of development were proposed in a number of selected villages which had either small site allocations or were subject to a policy which allowed for a 6% growth in housing over the Plan period.

Cllr Brown explained that the preparation of a new Local Plan was not the mechanism for review of environmental designations such as the Area of Outstanding Natural Beauty (AONB) and conservation areas, however, policies in the Plan ensured that the defining characteristics or special qualities of specific designations were taken into account during the planning application process.

He said that the Plan included a number of new policies relating to wildlife and environmental issues, including new requirements for larger developments to demonstrate a 10% net gain in biodiversity, measures to ensure no new phosphate and nitrate pollution in rivers and broads and a new tariff based contributions process to help mitigate the impact of visitors to designated wildlife sites.

In conclusion, Cllr Brown said that it must be recognised that several factors had impacted on the production of the Local Plan, including delays to planning reforms, the Pandemic and the ongoing issue of nutrient neutrality. All of this highlighted just how crucial it was for the Council to protect its 5 Year land supply and for this reason, he proposed that the Local Plan was submitted for independent examination to the Government Inspector.

Cllr R Kershaw, seconded the proposal and thanked Cllr Brown for his work in chairing the Planning Policy & Built Heritage Working Party.

The Chairman invited members to speak:

Cllr N Dixon began by saying that the Local Plan had been a long time coming. This was not a criticism at all and he recognised the patience and hard work of the Planning Policy Manager, adding that everyone had endured a number of frustrations along the way. He said that it was not perfect but there was another stage to the process which could address any imperfections. Cllr Dixon said that he was supportive of the Local Plan being submitted for inspection but that he had two serious reservations – the allocation of employment land and infrastructure issues.

Cllr Dixon said that he was very concerned about the negative implications for economic growth, particularly the challenges presented by the capacity for utilities and the connectivity of transport links. In addition, he reiterated his disappointment that proposals to produce a new Economic Growth Strategy had been withdrawn and that it was being replaced with an action plan, which he considered to be weak and half-hearted.

Cllr Dr V Holliday said that was hugely appreciative of the hard work that had gone into producing the Local Plan but she was disappointed from her wards' perspective. There were no new homes for local people and the issue of second homes and

holiday lets had not been addressed. She disagreed with the small growth village proposed for her ward and queried the timing of infrastructure delivery in relation to housing developments. In addition, she said she was disappointed with the control of the AONB and visitor pressure on the marshes remained enormous. She acknowledged that her comments sounded harsh but said she wanted to give the perspective of her ward.

Cllr C Cushing said that he was supportive of the Local Plan being submitted for inspection but wanted to reiterate Cllr Dixon's comments. In his ward of Fakenham, there were plans to build 950 homes with 600 more to follow under this Plan. There was no employment land allocated to go with them and he challenged where additional jobs would come from with no Economic Growth Strategy in place. Like Cllr Dixon, he believed that it should sit alongside the Local Plan.

Cllr N Pearce said that he was disappointed in the Local Plan. He said that he was very concerned about the infrastructure issues, which were particularly relevant in his ward. Without this and employment land to go alongside housing developments, it would be hard to get the transport links in place. He concluded by saying that he was supportive of the Plan being submitted for inspection and hoped that the process would allow for amendments.

Cllr H Blathwayt referred to the issue of infrastructure and said that he would like to see a guarantee from Anglian Water that it could deal with the added water recycling and that there would be no dumping in the sea or rivers.

Cllr P Heinrich commented that following the Regulation 19 consultation and the amendments proposed, North Walsham members had raised considerable concerns and he thanked officers for addressing these. However, members had been expecting a comprehensive development brief for the North Walsham West area. This had not been prepared but it seemed that the developers had prepared their own, and this was a matter that should be led by the Council, involving local members, he said he would like to ask for clarity on the timescale for the Council's completion of a development brief and an assurance that it would involve local members and the town council. Secondly, he said that it was accepted several years ago under Regulation 18 that the road linking Norwich Road to Cromer Road and the industrial estate was essential. Not only to support the land set aside for economic development but also to move the heavy goods vehicles that were causing chaos in the surrounding roads. Therefore, the road was critical and he sought confirmation that it was the intention of the Council to ensure that the full length of the North Walsham Western link was built including the section into the industrial estate and that the southern section was built before any significant development took place.

Cllr V Gay said that although all wards were touched by the Local Plan, North Walsham was affected more than most and the greatest protection for the District lay with having a strong Local Plan. For North Walsham it also lay in having a strong Council-led development brief for the town together with a design guide for the District. She said that she had the following question – 'may we be guaranteed that a Council-led development brief will have been consulted upon and formally agreed before any planning application for the North Walsham West extension receives consideration by NNDC?'

Cllr N Lloyd said that he shared the same concerns as his fellow North Walsham members. Residents of the town were expected to receive 1800 new dwellings in the town in the next 15 years and they deserved adequate infrastructure to support this.

Cllr J Rest asked about the cost of appointing an Inspector for independent examination and whether this was fixed.

Cllr S Penfold said that he was supportive of the comments made by North Walsham members, as the County member for North Walsham west but also as District Councillor for the surrounding villages of Scottow, Worstead, Skeyton and Swanton Abbott. It was important that they were included in any consultation as they would be impacted by traffic, particularly along the B1150.

The Planning Policy Manager said that the Council was responsible for appointing a Programme Officer for the examination process which had a salary attached and the Council also had to pay the examiner's fees which were significant – over £100k. There was an earmarked reserve in place to cover these costs.

He then spoke about the contents of the Local Plan and some of the issues raised by members. He said that members were not being asked to determine planning applications at this stage. Members were being asked to agree a set of policies that would provide assurance that when development takes place it would be acceptable. He referred to North Walsham as an example and explained that the Urban Extension had a specific policy and plan attached to it and it required that a lot of processes were undertaken before approval was granted. This included the prior approval of a comprehensive drainage strategy and Anglian Water had been consulted on the preparation of the Local Plan to support this. The drainage strategy would come in as part of the development brief and certainly as part of the planning application and would be subject to further rounds of public consultation and engagement with Anglian Water. He said that the same principle would apply to all other infrastructure and Highways, Anglian Water and the Environment Agency would be involved in developing the District through two further stages past Local Plan preparation. It was currently the very early stages and was focussed on the principles of allocating land not the approval of planning applications.

The Planning Policy Manager explained that the policy for North Walsham included two important provisions, one was that prior approval of the development brief was required planning permission could be granted. He acknowledged that there was concern that the developer might prepare their own development brief. It said that Members could turn that brief away and agree for the Council to develop its own brief. Regardless, the policy required a brief and the Council had to agree to its content before an application was determined.

Secondly, the policy specifically required the development of the road link from Norwich Road, Cromer Road and through into the industrial estate and this was written into the Local Plan.

Regarding infrastructure, he said that there was a policy within the Plan that required developers to make the required supporting infrastructure as part of their proposals.

In conclusion, the Planning Policy Manager said that it was not a perfect Local Plan. There were things that could be done better and officers had worked hard in recent months to address Members' concerns. He said that he would not be recommending submission if he was not happy with the Plan and prepared to defend it.

The Chairman thanked the Planning Policy team for their hard work and said it would be almost impossible to satisfy everyone's demands.



It was proposed by Cllr A Brown, seconded by Cllr R Kershaw and

**RESOLVED**

**To submit the Draft North Norfolk Local Plan to a Government appointed Inspector for independent examination**

One member abstained.

**136 INTERIM POLLING REVIEW - FINAL RECOMMENDATIONS**

The Leader introduced this item. He thanked officers for their hard work on this and said it had been complex and challenging.

The Chairman invited members to speak:

Cllr A Fitch-Tillett said she wanted to pay tribute to the Elections Team Leader for working with Overstrand Parish Council to change the original proposal to one that they were happy with.

Cllr N Dixon referred to the proposals for Hoveton and page 29 of the report. He said new information had come to light which could impact on the choice of location for the polling station. He explained that the report indicated that there was a hire cost of £1000 per day to use the village hall and this was stated as being prohibitively expensive and that was why the Broadland Youth and Community Centre was proposed. Cllr Dixon said that this was incorrect and that the hire charge for the village hall was £10 per hour and he questioned how this error had occurred, whilst acknowledging that the references in the report to the good relationship that had developed between the Elections team and the Broadland Youth and Community Centre. He added that there was more car parking at the village hall and this would make it a better venue and proposed that an amendment was made to revert use of the village hall as the polling station for Hoveton.

The Chief Executive said that this was a legitimate request and said that additional communication had since been received from the Village Hall Committee confirming the hire charge of £10 ph. There was therefore no issue with retaining the village hall as the polling station for Hoveton.

Cllr N Dixon proposed the following amendment: 'That Hoveton Village Hall is retained as the polling place and polling station for the civil parish of Hoveton (HT4)'. Cllr L Shires seconded the amendment.

Cllr A Brown referred to the original proposal to relocate the polling station for Thornage to Briningham and he thanked the Elections team for proposing that Gregory's Barn at Thornage Hall was used instead.

Cllr N Lloyd referred to page 29 and the reference to North Walsham North ward and asked for clarification. The Chief Executive replied that this was a town council ward and not a District council ward.

It was proposed by Cllr T Adams, seconded by Cllr A Brown and

**RESOLVED** to approve the following recommendations (as amended)

Thornage (STO7)

To recommend that Gregories Barn, Thornage Hall is designated the Polling Place and Polling Station for the civil parish of Thornage (STO7) replacing the existing arrangement at Thornage All Saints Church with immediate effect.

Overstrand (PO2)

To recommend that Overstrand Parish Hall is retained as the designated Polling Station for the civil parish of Overstrand (PO2).

Hoveton (HT4)

To recommend that Village Hall is used as the Polling Place and Polling Station for the civil parish of Hoveton (HT4) at the forthcoming Local Elections in May.

Holkham (WH1)

To recommend that The Ancient House is used for parish polling for the civil parish of Holkham (WH1) at the Local Elections being held on Thursday 4<sup>th</sup> May 2023. Following an evaluation we will look to formally re-designating the polling station to The Ancient House at the next full review of the district arrangements.

North Walsham North (NWW2)

To recommend that St Benets Hall be designated as the Polling Place and Polling Station for the North ward of the civil parish of North Walsham with immediate effect.

**137 EXCLUSION OF PRESS AND PUBLIC**

**138 PRIVATE BUSINESS**

The meeting ended at Time Not Specified.

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Chairman