

Cabinet



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Friday, 22 October 2021

A meeting of the **Cabinet** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Monday, 1 November 2021 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting so that we can ensure compliance with current Covid regulations. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516010, Email:emma.denny@north-norfolk.gov.uk.

Please note that this meeting is livestreamed:

<https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzg>

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs W Fredericks, Mrs S Bütikofer, Mrs A Fitch-Tillett, Ms V Gay, Mr R Kershaw, Mr N Lloyd, Mr E Seward, Miss L Shires and Mr J Toye

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. MINUTES

1 - 22

To approve, as a correct record, the minutes of the meeting of the Cabinet held on 4th October 2021.

3. PUBLIC QUESTIONS AND STATEMENTS

To receive questions and statements from the public, if any.

4. DECLARATIONS OF INTEREST

23 - 24

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest (see attached guidance and flowchart)

5. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972

6. MEMBERS' QUESTIONS

To receive oral questions from Members, if any

7. RECOMMENDATIONS FROM PLANNING POLICY & BUILT HERITAGE WORKING PARTY

At the meeting of the Planning Policy & Built heritage Working Party held on 11th October, the following recommendations were made to Cabinet:

Local Plan Strategic Policies:

RECOMMENDED to Cabinet

1. That the Local Plan strategic policies section be agreed as the basis for undertaking the consultation and submission in line with Regulation 19 – 22.
2. That minor amendments in the finalisation of the proposed submission version be delegated to the Planning Policy Manager and Team Leader.

Five Year Land Supply Statement 2021 and Housing Delivery Test Result

RECOMMENDED to Cabinet

That the Council publishes the 2021 Five Year Land Supply Statement.

Local Plan Site Allocations – Cromer

RECOMMENDED to Cabinet

That land off Roughton Road (site references C19 and C19/1) is not included as a proposed allocation in the Regulation 19 version of the Local Plan.

8. RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE

The following recommendation was made to Cabinet by the Overview & Scrutiny Committee at the meeting held on 13th October 2021:

Agenda Item 11: Use of Housing Reserves to Enhance Delivery

To recommend to Cabinet, that CLT and the Housing Portfolio Hold officers to investigate what more can be done to work with private landlords to support and retain privately rented accommodation in the District.

9. BUDGET MONITORING 2021/22 PERIOD 6

25 -
60

Summary: This report summarises the budget monitoring position for the revenue account, capital programme and reserves to the end of September 2021.

Options considered: Not applicable.

Conclusions: The overall position at the end of September 2021 shows an £3,764,805 underspend for the current financial year on the revenue account, this is however currently expected to deliver a full year underspend of £78,924.

Recommendations: **It is recommended that Cabinet:**

- 1) Note the contents of the report and the current budget monitoring position.**
- 2) That £40,000 is released from the Invest to Save reserve to fund the purchase and implementation of Planning s106 software.**
- 3) That £150,000 is released from the Capital Receipts Reserve to fund the new Financial Management System purchase and implementation.**

Reasons for Recommendations: To update Members on the current budget monitoring position for the Council.

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report and which do not contain exempt information)

System budget monitoring reports

Cabinet Member(s) Ward(s) affected: All
Cllr Eric Seward

Contact Officer, telephone number and email: Lucy Hume, 01263 516246, Lucy.Hume@north-norfolk.gov.uk

10. NORTH NORFOLK CORPORATE PLAN - REVIEW OF DELIVERY FEBRUARY 2020 - OCTOBER 2021 AND AGREEMENT OF PRIORITY OBJECTIVES FOR THE NEXT TWELVE MONTHS 61 - 102

Summary: Over the past eighteen months much of the Council's corporate focus has been on responding to the COVID pandemic and supporting local recovery, as well as seeking to maintain core service provision. This has meant that there has been less capacity to progress some aspects of the Council's Corporate Plan Delivery Plan as originally proposed in February 2020.

Cabinet therefore reviewed the Delivery Plan objectives and actions in October 2020 at which time it agreed eighteen priority objectives for delivery over the 12 months from October 2020 – October 2021.

This report outlines the progress made in delivering against the revised priorities given the prolonged COVID situation and against some other Corporate Plan objectives where capacity has existed and proposes new priority objectives for the next year.

Options considered: Given the changing context in which the Council has needed to operate over the period since March 2020 due to COVID the Council could have resolved not to progress any of the Corporate Plan objectives because of the need to concentrate resource on the emergency response. The Cabinet therefore considered a number of possible actions before agreeing a revised list of 18 priority actions for the 12 months from October 2020.

The alternative options considered were:-

- do nothing to re-profile the Delivery Plan actions, or
- agree to “pause” all Delivery Plan actions and concentrate on the COVID response and Business As Usual

service provision, which was not considered a viable position given the wider land medium-term pressures the Council faces in terms of its budget etc.

Conclusions: The report details a practical and measured response to the Council prioritising its Delivery Plan actions in light of the COVID situation and the achievement made against these revised objectives over the 12 months October 2020 – October 2021.

Recommendations: **Cabinet is asked to review and comment on the progress made against the original and revised Delivery Plan objectives and agree those objectives where they would wish focus to be directed over the next twelve months given the continued COVID situation which, although improving, is still commanding some management time in working with partners in responding to local case rates and seeking to relieve winter pressures on local NHS partners.**

Reasons for Recommendations: To reflect the changed circumstances in which the Council has operated over the period since March 2020 in seeking to balance its Corporate Plan priorities against the ongoing COVID situation.

Cabinet Member(s)	Ward(s) affected
Cllr Sarah Butikofer, Leader of the Council	All

Contact Officer, telephone number and email:

Steve Blatch, Chief Executive
 Email:- steve.blatch@north-norfolk.gov.uk
 Tel:- 01263 516232

11. NORTH WALSHAM TOWN CENTRE 'PLACE MAKING' PROPOSALS 103 - 116

Summary: This report sets out the proposed improvements to North Walsham town centre, the consultation process that has been carried out and it seeks authority to proceed with the activities that will enable it to be implemented as part of the High Street High Street Heritage Action Zone (HSHAZ programme)

Options
considered:

The report recommends a particular way forward: to progress with the place making proposals as part of the town centre improvements under the HSHAZ programme. The alternatives are either

- a. to abandon the place making project (therefore forfeiting the grant funding and the opportunity to make significant changes that will benefit the town centre); or
- b. to revise the proposals and re-consult on alternative town centre designs (which might jeopardise the opportunity to progress the scheme within the tight budgetary timeframe that exists).

Conclusions:

The proposals affecting North Walsham town centre are considered to be beneficial to its future vitality and viability. Extensive community engagement processes were followed in the development of the proposed scheme and this has subsequently been subject to considerable consultation processes, that have elicited lots of valuable feedback. It is considered vital to maintain the momentum by progressing the proposals to the next stage of their implementation – the serving of a statutory Traffic Regulation Order (TRO) - leading hopefully to the physical works progressing as soon as it is feasible to do so. It is also considered important to pave the way for the development of the proposed bus interchange, which will be necessary to facilitate the town centre improvements.

Recommendations: Note the proposed design and layout changes to North Walsham Town Centre and the community engagement/consultation process

Delegate the determination of the final place making designs to the Assistant Director for Sustainable Growth in consultation with the Portfolio Holder for Sustainable Growth

Delegate to the Assistant Director for Sustainable Growth in consultation with the Portfolio Holder for Sustainable Growth, having regard to the consultation feedback, the decision on the proposed Traffic Regulation Order – on which NCC will follow the statutory consultation process

Agree to the potential use of the New Rd Car Park as a bus interchange and to meet the revenue costs of its future maintenance

Agree in principle to the permanent designation of eight spaces at the Bank Loke Car Park and eight spaces at Vicarage Street car park as free short stay (1-hour) spaces, to compensate for the sixteen (30-minute) short stay free parking spaces that would be lost on Market place should the place making scheme go ahead.

Reasons for Recommendations: To enable the North Walsham 'place making' proposals to progress in a timely fashion and to ensure the land and resources are made available for the bus interchange proposals to be further developed.

Cabinet Member(s) Cllr V Gay, Cllr N Lloyd, Cllr E Seaward, Cllr D Birch, Cllr P Heinrich	All North Walsham Wards
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Contact Officer, telephone number and email:
 R Young, 01263 516162 robert.young@north-norfolk.gov.uk

12. COUNCIL POLICY IN RELATION TO THE REGULATION OF REGULATORY POWERS ACT 2000 (RIPA) 117 - 164

Summary: The purpose of this report is to provide the Cabinet with an opportunity to review and approve the Council's revised Regulation of Investigatory Powers Act 2000 Policy and Procedures, to be assured that it is up to date and fit for purpose and to report on the use of the powers over the preceding months.

Options considered: The Policy is required to ensure proper application of the Act, so there is not an alternative option.

Recommendations: 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.

Reasons for Recommendations: 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.

Cabinet Member(s) Ward(s) affected
Nigel Lloyd All

Contact Officer, telephone number and email:
Steve Hems, Director for Communities
01263 516192
steve.hems@north-norfolk.gov.uk

13. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 of Part I of Schedule 12A (as amended) to the Act.”

14. PRIVATE BUSINESS

15. EXTENSION AND AMENDMENT TO CO-MINGLED DRY RECYCLABLE WASTE PROCESSING CONTRACT WITH NORSE ENVIRONMENTAL WASTE SERVICES

165 - 176

Summary: This report summarises the negotiations that have recently been carried out by the Norfolk Waste Strategic Officer Group on behalf of all of Norfolk's Councils with Norse Environmental Waste Services Ltd (NEWS) on proposals to amend and extend the existing Material Recycling Facility (MRF) contract to 2027.

The contract for the processing of recyclables is delivered by NEWS, which is a joint venture company with all seven Waste Collection Authorities in Norfolk (i.e. the District, City and Borough Councils), the County Council in its role as a Waste Disposal Authority and Norse Commercial Services Ltd.

The contract expires on 30 September 2024 and costs are currently paid based on a fixed gate fee (subject to annual increases). To secure a three-year extension to 2027 which had been allowed for in the contract, payment for the

service would have to change from the existing fixed gate fee basis to a variable gate fee, which would be based on actual costs and which would apply from October 2021.

The existing arrangement with NEWS as a Joint Venture Company is in alignment with Teckal principles, which gives the opportunity of a contract extension using Teckal exemptions. Legal advice on this has been secured to ensure that changes to documentation made to facilitate the amend and extend option would maintain this alignment.

Evidenced by soft market testing, an extension would allow better value to be secured in the longer term and also provide stability of arrangements during a period where national waste policy and legislation on waste is expected to lead to changes on the volume and composition of waste collected by Councils.

Options considered:

Option 1 - Extend the current joint venture company contract with NEWS for three years from 2024 to 2027 and amending the contract to a variable gate fee based on actual costs from October 2021.

Option 2 - Extend the existing contract for the extension period available (3 years) maintaining terms and conditions as previously agreed. The existing gate fee is below market value and the average gate fee paid by local authorities in England. However, the contractor would retain associated risks with fluctuating market commodity values and would not agree to the proposal.

Option 3 - Tender for a new contract from 2024 – soft market testing was undertaken to establish the likely response from potential bidders if a procurement exercise was undertaken. This showed that current market conditions along with future uncertainty over Government waste policy would see higher gate fees than the fee the Council is currently paying to NEWS and higher gate fees than the Council would pay to NEWS under the variable gate fee proposal.

Conclusions:

The proposal to amend and extend the contract with NEWS offers the best value to NNDC over the extended contract period, as demonstrated by the soft market testing exercise that was undertaken. In addition, the uncertainty around changes to waste services that may be required

from 2023/24 in response to new national waste policy and legislation, creates foreseeable but unknown risks about the future volumes and the mix of recyclable materials that NNDC may be collecting in the medium term, making a contract procurement exercise extremely difficult at the current time.

Recommendations: **That Cabinet agrees to amend and extend the current joint venture company contract with NEWS for three years from 2024 to 2027, accepting a shift to a variable gate fee based on actual costs from October 2021.**

Reasons for Recommendations: The proposal to extend the contract with NEWS offers the Council the best value over the full term of the remaining contract and proposed extension period.

Cabinet Member(s) – Ward(s) affected - All
Cllr. Nigel Lloyd

Contact Officer, telephone number and email: Scott Martin, 01263 516341, scott.martin@north-norfolk.gov.uk
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