

CABINET

Minutes of the meeting of the Cabinet held on Monday, 6 March 2023 at the Council Chamber - Council Offices at 10.00 am

Committee

Members Present:

Cllr W Fredericks	Cllr V Gay
Cllr R Kershaw	Cllr N Lloyd
Cllr L Shires	Cllr T Adams (Chair)
Cllr A Brown	Cllr H Blathwayt

Members also attending:

Cllr C Cushing
Cllr N Dixon
Cllr J Rest

Officers in Attendance:

Chief Executive, S151 Officer, Monitoring Officer, Corporate Business Manager and the Democratic Services Manager

Apologies for Absence:

Mr E Seward

120 MINUTES

The minutes of the meeting held on 6th February were approved as a correct record and signed by the Chairman.

121 PUBLIC QUESTIONS AND STATEMENTS

None received.

122 DECLARATIONS OF INTEREST

The Leader declared a non-pecuniary interest in Agenda item 16. He had been in contact with many of the interested parties and was a Governor at Suffield Park Infant School. He said he would not vote on this item.

123 ITEMS OF URGENT BUSINESS

None received.

124 MEMBERS' QUESTIONS

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

125 RECOMMENDATIONS FROM CABINET WORKING PARTIES

Planning Policy & Built Heritage Working Party – 20th February 2023:

The Chairman of the Planning Policy & Built Heritage Working Party, Cllr A Brown,

introduced this item. He explained that there were two recommendations to Cabinet. It was a statutory duty under the Wildlife and Countryside Act 1981, section 89, that the Norfolk Coast AONB Management Plan was reviewed every 5 years and it would bring in a supplementary planning documents, landscape character assessments and countryside plans.

Regarding the National Planning Policy Framework (NPPF), he said that the Council had some concerns about the proposed changes and would be responding the Government's consultation as outlined in the report presented to the Working Party

RESOLVED

Norfolk Coast AONB Updated Management Plan (2019-2024), revised 2022

That the contents of the updated Norfolk Coast AONB Management Plan (2019-2024) are endorsed for use as a material planning consideration in the determination of planning applications.

National Planning Policy Framework – Consultation on proposed changes

To respond to the consultation as outlined in the report.

126 RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE

The Chairman of the Overview & Scrutiny Committee, Cllr N Dixon, informed members that there were no recommendations to Cabinet from the meeting held on 15th February.

127 BUDGET MONITORING 2022-2023 PERIOD 10

The Chairman introduced this item. He said that there was a forecast full year overspend of £0.603m, mainly due to inflationary pressures. However, this had been offset to some extent by the recruitment freeze which had resulted in some savings.

The S151 Officer added that officers been asked to underspend on essential items up until the end of the financial year to try and reduce the deficit further. It was hoped by year end it would be lower than forecast.

It was proposed by Cllr T Adams, seconded by Cllr L Shires and

Resolved to

- 1) Recommend to Full Council that any outturn deficit is funded by using the General Fund Reserve.

Reason for the decision:

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

128 MANAGING PERFORMANCE QUARTER 3 2022/2023

The Chairman introduced this item. He began by highlighting two projects, the tree planting scheme which was now almost complete and the solar car port at the Reef Leisure centre, which was innovative and exciting.

He went onto say that there were always challenges. Concerns had previously been

raised about the processing of benefits claims when there was a change of circumstances and he was pleased to say that this was currently at 8 days, which was a considerable improvement and to be welcomed.

In conclusion, he said that there were some significant changes in the 'Quality of Life' section following the loss of two blue flags. This situation would be closely monitored and reported on in the coming months.

It was proposed by Cllr T Adams, seconded by Cllr L Shires and

RESOLVED

That Cabinet notes this report and endorses the actions being taken by Corporate Leadership Team detailed in Appendix A – Managing Performance.

That Cabinet asks for further information or action where they consider it necessary regarding performance as outlined in Appendix A.

Reason for the decision:

To ensure the objectives of the Council are achieved.

129 UK SHARED PROSPERITY FUND (UKSPF) AND RURAL ENGLAND PROSPERITY FUND (REPF)

The Portfolio Holder for Sustainable Growth, Cllr R Kershaw, introduced this item. He began by thanking the Economic Growth Manager for all the time he had spent on exploring the parameters of the two Funds, which had enabled the bid to focus on key areas. A Board had been established with the two MPs and local business leaders and it would start looking at where the Council would channel the benefit of the funds. The funding came in from April and the Council would be working with other local authorities, with the support of the Local Enterprise Partnership (LEP) to help distribute the funding. In the first year the focus would be on communities and support with the cost of living crisis, then it would move onto skills in the later years.

The Leader said that he was concerned that there was no financial support for the administration of the rural elements of the fund. Cllr Kershaw replied that the two funds had essentially been combined to address the issue that there was no financial support provided for the administration side of one of the funds. This was also the reason why the LEP had been brought into to provide administrative support as there was not the capacity within the Council.

Cllr C Cushing asked when Members would be able to see the detail of what the money was being spent on. Cllr Kershaw replied that talks were underway with businesses so that things could progress post April when the funding came through. He confirmed that it came through in three tranches.

It was proposed by Cllr T Adams, seconded by Cllr R Kershaw and

Resolved

1. To delegate the establishment and processes for their delivery, including the commission and procurement of delivery partners, to the Portfolio Holder for Sustainable Growth and the Assistant Director for Sustainable Growth.

Reason for the decision:

This recommendation is being made in order to deliver the UKSPF and REPF schemes within the timescales of the funding programmes.

130 EMPLOYER DEFENCE RECOGNITION SCHEME

Cllr V Gay, Portfolio Holder for Leisure, Culture and Wellbeing, introduced this item. She explained that the Council had published its own Armed Forces Covenant pledge in February 2022, which committed to achieving the Bronze, Silver and Gold Defence Employer Recognition Scheme (DERS) awards. Having achieved the Bronze award in 2022, the Council now wanted to register for the DERS Silver award. One of the criteria for this required a change in the Council's policy in that it needed to commit to providing at least 5 days additional leave for reservist training.

Cllr J Toye, Member Champion for the Armed Forces, said that Armed Forces Personnel protected the country at home and abroad and it was an opportunity to return this commitment to them and set an example to other businesses. He added that officers needed the support of other departments to deliver this within the timescale specified.

It was proposed by Cllr V Gay, seconded by Cllr W Fredericks and

RESOLVED

To give authority to the Lead Officer and the Armed Forces member Champion to liaise with HR and other relevant internal services to identify and implement any relevant changes to policy and process to ensure the achievement of at least the eight essential criteria.

To agree to the submission of the DERS Silver Award application by the application closing date of 19th April 2023.

Reason for the decision:

To enable NNDC to successfully obtain the DERS Silver Award.

131 LOCAL AUTHORITY HOUSING FUND GRANT OPPORTUNITY

Cllr W Fredericks, Portfolio Holder for Housing, introduced this item. She began by the Housing Strategy & Delivery Managers for their support in making this opportunity work. She explained that the Government had offered funding of £1,245,210m to provide 11 additional affordable homes in the District by December 2023, initially to house Ukrainian and Afghan refugee households. However, it was not enough to cover the cost of 11 homes, just 40% of the asking price. The Council could not afford to top up the additional 60% that was needed so it was proposed to work with Flagship Housing Group to deliver the 11 homes, adding that long-term these properties would be available to households on the Council's housing list. She concluded by saying that it was not the fault of those that had fled war that the scheme had been offered in the format that it had. It was the decision of the Government to proceed in this way.

Cllr J Rest asked why Flagship Housing was the chosen provider and whether others had been considered. He was concerned that it may place too much of a burden on one housing association. Cllr Fredericks replied that other providers had

been approached but Flagship had stepped forward and was willing to work with the Council. They were also working with other local authorities on the same basis.

It was proposed by Cllr W Fredericks, seconded by Cllr T Adams and

RESOLVED that

- The Council accepts the Local Authority Housing Fund grant funding in full and commits to the delivery of 11 homes.
- The source of the homes is from market sales including new-build when available (and if affordable).
- The Council delivers the new homes in partnership with Flagship. The Council will pass the grant on to Flagship, who will provide the match funding and own the homes, in return the Council will have nomination rights to the homes in perpetuity.

Reason for the decision:

To seek approval for the Council to accept the LAHF grant and agree the delivery option recommended.

132 ESTABLISHING A JOINT VENTURE WITH ANGLIAN WATER AND NORFOLK AUTHORITIES TO PROVIDE ENVIRONMENTAL CREDITS

The Portfolio Holder for Planning & Enforcement, Cllr A Brown, introduced this item. He explained that the report contained details of how the constraints imposed by nutrient neutrality would be overcome through the establishment of a Joint Venture (JV). The Joint Venture would source the mitigation that is required to get the housing market moving and sell credits to developers to enable them to demonstrate housing schemes were nutrient neutral. Cllr Brown said that this was the preferred format for addressing the issue. The alternative option of developer-led schemes did not sit comfortably with the ethos of the District and could lead to small and medium sized enterprises struggling to meet the associated costs. The other option of using a solution led by Natural England, could cause some challenges as their methods for their calculator did not align with the Council's. A Joint Venture company was the best solution and the seed funding of £30k for local authorities joining the scheme seemed very reasonable.

Cllr Brown said that there were still some issues that needed to be firmed up. It was not clear what would happen in the case of a split vote and there was likely to be some contention as to how schemes were allocated. As it currently stood, the greatest need was in North Norfolk, in terms of numbers of affected sites.

He concluded by saying that he would like to see Government involvement in the control of the market in acquiring land and it would be interesting to see how the availability of sites would be affected and if there would be a mechanism put in place for the call of sites.

The Chairman added that Natural England had identified a site in North Norfolk where mitigation could take place but no further detail had been provided. He invited the Assistant Director for Planning to speak.

He began by saying that this was an extremely complicated area of planning policy. In terms of the numbers of applications currently delayed by nutrient neutrality, North

Norfolk had 99 applications and rising. He said that the JV solution was the best option for delivery of small and medium sized enterprises and the Council would focus on the delivery of these. In terms of the three strands of environmental credits, the first was that of the developer purchasing land and developing their own form of mitigation and this was likely to happen on the larger sites. Natural England are led in terms of nature-based solutions and this was taking longer to develop and come forward. This meant that the third option of the JV was preferable and good value for money.

Cllr W Fredericks referred to section 1.6 of the report which highlighted the necessary improvement of wastewater treatment. She referred to the loss of two blue flags in North Norfolk recently due to water contamination and said that she would like Anglian Water to demonstrate that this work was underway and their ongoing commitment to improvement and to outline their role in the Joint Venture company. The Assistant Director for Planning replied that it was a formal legal requirement of the Levelling Up Bill and all water companies would be bound by these improvements. He said that he would be speaking to Anglian Water at the next meeting of the Board and was happy to raise that point but added that it was a national issue.

Cllr V Gay said that clean water was once considered to be a considerable accomplishment of the UK and it was a shame to see standards slipping so much. She said that if Cllr Fredericks was proposing that Anglian Water spoke to members about the issue of waste water treatment in North Norfolk, then she would be happy to support that.

Cllr A Brown pointed out that in section 6 paragraph c, this was highlighted as a risk of the JV proposal. He added that the Council needed to progress as soon as possible.

Cllr R Kershaw said that he was supportive of the recommendations set out in the report but the attitude of Anglian Water so far regarding water pollution and the blue flags made them an uncomfortable bedfellow. He added that there was no mention of agriculture at all in the report, and it remained one of the biggest polluters. There was not enough water available to support the farming industry, yet alone the additional number of homes that needed to be built. He said that he supported the proposals for North Norfolk in terms of planning, there were far bigger issues ahead and he had concerns about how these would be addressed.

Cllr N Dixon said that he was supportive of the proposals in principle but saw it as a skeleton to which more 'flesh' needed to be added. He said that paucity of detail was the greatest challenge, referring to section 3.5 which stated that it was not anticipated that the JV would be a direct provider of mitigation solutions itself, yet the vision of mitigation solutions was at the heart of this but it was not known who was going to undertake it. He went on to say that it was heading in the right direction but he was not clear on how it was going to work. He gave the example of the proposed credit allocation policy, which suggested dealing with them on an 'oldest to newest' basis. This was fine but it was not clear how this would be allocated across the local authorities involved in the JV scheme. It was this kind of issue that was causing him some concern. The test would be in how these general principles were applied and whether they worked. Cllr Dixon went on to say that there was a thread of optimism regarding the timescales. He said he thought it would be difficult to hold to these timescales. Costs were also an issue. It wasn't clear how firm the costings were and whether more funding would be needed in the future. He concluded by saying that he was not highlighting these matters in a critical way but just to state that there was

still much more to be done in order to deliver what was needed in the timescales specified. He said that he felt an additional risk should be added to the list of mitigation progressing in some local authority areas but not others and the release of planning applications not being spread evenly across the affected areas.

Cllr N Lloyd echoed Cllr Dixon's comments. He said that he was concerned that if developers contributed sums of money to offset the nutrient neutrality issue, how that would affect the viability of affordable housing delivery. Commenting on agricultural impact, he said that every day phosphate and nitrates were leaching into waterways and this was a matter that would have to be addressed at some point.

He said that there was no other option right now but he asked that when it was reviewed in a year's time, would it come back to the Council so that progress could be assessed.

The Assistant Director for Planning said that the request was for seed funding to set up a private, arms' length company. He confirmed that he was happy to report back to Cabinet regularly on progress. He added that it would be a company in its own right that would be independent.

Cllr L Shires referred to page 119 and the 'need to identify a portfolio of short-term mitigation to enable planning applications to be considered and determined and new homes delivered'. She asked how long that this would take and whether it would be done independently as Districts. She said that short term mitigation did not feel like a long-term solution.

The Assistant Director for Planning replied that the group of short term mitigation measures had been set out and included purchasing an agreement with landowners to plant a cover crop to address run-off issues. This could mean a change in farming methods that could be in place for a number of years until the natural reed-beds were established or until investment in waste water treatment plants came to fruition.

Cllr Shires asked what if the long-term solutions were not fully developed by the end of the anticipated 2 year period, which was considered to be short term. The Assistant Director for Planning replied that various provisions were being looked into to ensure that they would be working by then, including agreements with Anglian Water to ensure that waste water treatment schemes were coming online and agreements with landowners regarding nature based solutions. He added that the position of Natural England, who had oversight of these matters, was that they would only release sites for development once they were assured that permanent mitigation was in place.

The Chief Executive reminded members that it was almost a year since the issue of nutrient neutrality had taken hold. A partnership solution was offered to try and address the issue. It was very much a stopgap and a practical response and a work in progress. He said that the issues that had been raised needed to be seen in the context of the wider relationship that the Council had with Anglian Water as the Planning authority, around their investment programme and their relationship with Ofwat around their improved capital programme. He said that in terms of accommodating future growth, and water scarcity and the quality of water discharge and the aspiration to achieve a better balance in terms of nature based solutions, it appeared that there needed to be a strategic conversation with Anglian Water moving forward if all these issues were to be addressed in a reasonable timeframe. These issues could not be considered in isolation. He concluded by commending the hard work of officers in bringing forward a practical solution. It was not the finished

article and the concerns raised around equity across the local authorities were addressed.

Cllr J Rest asked why Kings Lynn & West Norfolk Borough Council and Great Yarmouth Borough Council were not taking part in the Joint Venture company. The Assistant Director for Planning replied that the issue of nutrient neutrality was restricted to the River Wensum and the Broads and there was no real impact on those two authorities.

Cllr J Toye commented that the Council was establishing a separate company that would be costing the Council money and he would like to ensure that ongoing costs were monitored.

Cllr N Dixon said that one of the main challenges would be managing expectations. The Council needed to be careful that it was explained that this was an approach towards a solution and that the final solutions were still some way off. He urged caution in how the JV was presented.

Cllr H Blathwayt said that it was not a level playing field. Suffolk Coastal, for example, had escaped being caught up in the nutrient neutrality issue despite feeding into the catchment area for the Waveney River and the Broads.

The Chairman acknowledged that there were shortcomings and challenges but it was a good starting point. He thanked officers for their hard work.

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

RESOLVED

1. To enter a Joint Venture (a company limited by guarantee) with Anglian Water and one or more local authorities in Norfolk for the provision of environmental credits (initially focussing on addressing nutrient neutrality) as per the attached Heads of Terms.
2. To commit £30,000 revenue (Planning Reserve) in 2023/24 as part of establishing the Joint Venture. The purpose of the funding being to establish the operating model in year one, after which there will be full recovery of the operating costs as part of the credit income.
3. To delegate to the Director of Place and Climate Change in consultation with the Leader of the Council to finalise the details of the joint venture agreement and operating arrangements and enter the Joint Venture

133 THE REEF SOLAR CAR PORT

Cllr N Lloyd, Portfolio Holder for Environment and Climate Change, introduced this item. He said that he was delighted to see the project coming forwards. It would procure financial sustainability of the Reef Leisure Centre during a time of soaring energy costs. Cllr Lloyd explained that the scheme stacked up financially and would reduce the Council's overheads as soon as it was operational. He added that he hoped it would act as an incentive for future projects.

Cllr V Gay, Portfolio Holder for Leisure & Wellbeing, said that the project demonstrated the Council's commitment to the environment, but also to leisure provision for both visitors and residents and to financial prudence.

It was proposed by Cllr N Lloyd, seconded by Cllr V Gay and

RESOLVED

- To appoint supplier A to design and build a solar car port at the Reef, in accordance with the costs and specifications for two rows of photo voltaic arrays as set out in the business case (confidential appendix A) within the allocated budget for this scheme
- To delegate to the Assistant Director for Sustainable Growth, in consultation with the Portfolio Holder for Climate Change and Environment, agreement on the detailed design of the scheme
- To delegate to the Assistant Director for Environmental and Leisure Services to negotiate a suitable agreement with Sports Leisure Management Ltd. (Everyone Active) for matters relating to the electricity supply and any operational matters relevant to the site and the leisure contract
- To delegate to the Environment and Climate Policy Manager to explore options for further installations at other Council-owned assets (e.g. other leisure centres) as soon as this project is successfully underway

Reasons for the decision:

- To generate renewable energy to supply the Reef Leisure Centre and aid the Council's transition to Net Zero, reducing carbon and producing an associated cost saving from carbon avoided
- To provide a return on investment reducing the Council's and/or its contractor's energy costs
- To help protect the electricity supply to the Reef against ongoing energy price increases thus helping secure the use of the asset for the District
- To demonstrate the viability, acceptability, desirability and deliverability of this renewable technology to inform decisions about its potential roll-out on other parts of the Council's estate
- To showcase the scheme to inspire landowners, businesses and the wider community to embrace renewable energy generation

134 LEASE OF PREMISES AT NORTH LODGE PARK, CROMER

The Chairman invited the Estates & Assets Strategy Manager to introduce this item. She began by explaining that the proposals related to a Council-owned premises formerly used as a café/tea room and nursery along with adjoining public toilets at North Lodge Park, Cromer. It was currently vacant and the toilets were redundant as new ones were being provided nearby.

She said that 10 bids had been received for the site, five of which were considered to be of sufficient value to merit consideration.

The Chairman said that there was a huge variety in the bids that had come forward.

Cllr R Kershaw said that he understood the need for members to consider the best value bid but it was not just about money, it was also about the best option for the community. He said that initially, he was minded to support the proposal for a nursery but after further consideration, he felt that it was important to bring some life back into North Lodge Park and nowadays, parents tended to just drop off and fetch

their children from nursery, with very little interaction otherwise. He also questioned the demand for a nursery and therefore had come to the conclusion that Option 3 would be the best project as it would keep the facility open to the public, throughout the day and into the evening. He therefore proposed that Option 3 was progressed.

The Chairman said that he welcomed the number of new schemes and projects that were happening in North Lodge Park, such as the refurbishment of the Collector's Cabin and the new public conveniences on the former tennis courts.

Cllr L Shires said that she seconded Cllr Kershaw's proposal to progress with Option 3, purely for the social value which was immeasurable.

Cllr V Gay said that in the present climate, she felt that Option 3 was more viable as it was a community-led project.

Cllr W Fredericks sought confirmation that additional nursery provision wasn't needed in Cromer at the present time and that it was a sector that was well supported in the town. The Chairman replied that there would be a need for additional provision in the future but at the current time there was sufficient provision at Suffield Park Infant School, which had benefitted from Section 106 funding several years ago. He concluded that members needed to consider whether North Lodge Park was the right location for a nursery. Cllr Fredericks commented that there was very little parking for parents to drop off their children.

It was proposed by Cllr R Kershaw, seconded by Cllr L Shires and

RESOLVED to

Approve proposal ref: 3 as outlined in the exempt appendix A.

Members are satisfied that the bid promotes or improves social well-being in the whole or part of its area to such an extent that the general rule of best financial value should be departed from.

Reason for the decision:

A lease of the premises which brings the building back into use and will see an improvement in the Park through tenant investment. The proposal will generate income that will be used to fund Council services.

In departing from the best financial value, and approving Bid 3, the reasons for disposal were considered to have regard to the contribution of that bid to the promotion or improvement of social, economic or environmental well-being.

135 EXCLUSION OF PRESS AND PUBLIC

136 PRIVATE BUSINESS

The meeting ended at 11.07am.

Chairman