At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

Held on Thursday, 6 October 2011 at 2.00 pm in the

PRESENT
Mr J.P. Cowen (Chairman)  Mr A.P. Joel
Mr S.G. Bambridge (Substitute Member)  Mr R.G. Kybird
Mr A.J. Byrne  Mr R R Richmond
Mr C G Carter  Mr J.D. Rogers
Mr R.F. Goreham (Vice-Chairman)  Mr B. Rose
Mrs D.K.R. Irving

Also Present
Mr W.P. Borrett  Mrs E.M. Jolly
Councillor C. Bowes  Mr M.A. Kiddle-Morris
Mr T R Carter  Mr K. Martin
Mr P.D. Claussen  Mrs J.A. North
Mr P.J. Duigan  Mr W. R. J. Richmond
Councillor E. Gould  Mr S. J. F. Rogers
Mr T. J. Jermy  Mrs L.S. Turner
Mrs D.K.R. Irving  Mr M. A. Wassell

Mr P. Camamile – Chief Executive Water Management Alliance

In Attendance
Ralph Burton  - Strategic Property Manager
Stephen James  - Senior Procurement and Performance Officer
Keith Eccles  - Building Control & Development Services Manager (Capita Symonds for Breckland Council)
Paul Jackson  - Planning Manager
Helen McAleer  - Senior Committee Officer
Rory Ringer  - Democratic Services Team Leader
Teresa Smith  - Committee Officer (Scrutiny & Projects)
David Spencer  - Principal Planner*
Mark Stokes  - Deputy Chief Executive
Robert Walker  - Assistant Director of Commissioning

71/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 1 September 2011 were confirmed as a correct record and signed by the Chairman.

72/11 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Mr Gilbert and Mrs Matthews. Mr Bambridge was present as substitute for Mrs Matthews.

73/11 URGENT BUSINESS (AGENDA ITEM 3)

None.
74/11 DECLARATION OF INTEREST (AGENDA ITEM 4)

Mr Bambridge and Mr Kiddle-Morris declared a personal interest in Agenda Item 9 (Drainage & Flooding) by virtue of being Executive Members of the Norfolk Rivers Internal Drainage Board.

Mr Rogers declared a personal interest in Agenda Item 10 (Town & Village Greens Consultation) by virtue of being Chairman of the Norfolk County Council Planning (Regulatory) Committee.

Mrs Jolly declared a personal interest in Agenda Item 9 (Drainage & Flooding) by virtue of being a member of the East Harling Internal Drainage Board.

Mr Cowen declared a personal interest in Agenda Item 7 (Draft National Planning Framework) by virtue of being an architect in practice in the district.

75/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Bowes, Mr Borrett, Mr T Carter, Mr Claussen, Mr Duigan, Councillor Gould, Mr Jermy, Mrs Jolly, Mr Kiddle-Morris, Mr Martin, Mrs North, Mr W Richmond, Mr S Rogers, Mrs Turner and Mr Wassell were in attendance.

76/11 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)

Mrs Turner, Executive Member for Localism, Community and Environmental Services had been invited to update the Commission on current issues within her portfolio.

She explained that it was a wide ranging portfolio which she had taken over in May and it had been a rapid learning curve. She updated Members on the key issues under the headings of Communities and Environmental Services.

Communities
The Arts and Sports programme offered residents of all ages a wide range of activities and since April over 6,000 had taken part. The Breckland Book Festival was about to launch. Successful funding bids had provided £6,000 for the budget for the next year.

The LSP and Pride Group worked hand in hand and efforts were being made to minimise bureaucracy and reduce duplication. The Pride brand was well recognised in the community. The 12 Days of Christmas was a project aimed at encouraging goodwill and support for local groups and charities within the Breckland area.

The Community Safety Team was delivering quality work which had been recognised by other authorities. Joint working enabled a quick response to problems.

Consultations were taking place to investigate the possibility of providing CCTV input to South Holland District Council.

The Youth and Older People’s Forums were well supported.
applications had been received for the current vacancies on the Youth Council.

The recent Older People’s Forum had been a success with very positive feedback. A shadow Committee had been formed and there would be an Annual General Meeting held in the New Year.

The Environmental Awareness Officers had moved up to join the Community Services Team and they were currently working on the Jubilee Wood Project.

Emergency Planning Work continued to ensure the Council’s resilience in the event of a disaster.

The Communities Team was undergoing a complete restructure.

**Environmental Services**

The Officer Team had been restructured from 8.5 to 5 full time members of staff.

The possibility of offering Enforcement help to South Holland in exchange for assistance with carbon restructuring was being discussed.

Problems with litter and fly-tipping needed a cultural change and one option being considered for dealing with offenders was Restorative Justice, in place of a fine. Fly-tippers would still be prosecuted where appropriate.

The extension to the Serco contract would be discussed at the Commission meeting on 17 November 2011. The current contract ran until 2015 with the potential for a ten year extension.

There had been a lot of talk about the additional £250million allocation for waste collections, on the news. Residents views would be sought in response to that, but when consulted previously residents had opted for a fortnightly collection and there was a very small complaint rate associated with that service.

Mr Rogers asked if the Council would be entitled to a share of the £250million if they opted to stay with fortnightly collections and the Executive Member agreed to find out.

The Vice-Chairman drew attention to a fly-tipping problem in Dereham which he was having problems resolving because it was taking place on private land. The Executive Member agreed to look into the case.

Mr Bambridge was concerned at proposals to amalgamate the LSP and Pride groups. They had two different funding streams and dealt with different issues. He agreed that it was OK to amalgamate staff but he commended the Executive Member to keep the two separate.

Mrs Turner explained the reasoning behind the proposed consolidation. Currently many of the same people sat on both Boards and there was often poor attendance of named Members at the LSP. She assured Mr Bambridge that the Council would still receive the Second Homes Council Tax funding and would continue to support smaller projects.
Mr Bambridge was worried that there would be a danger of losing some of the people and groups that applied for the smaller grants and he asked the Executive Member to ensure that that did not happen. On another point he asked how Restorative Justice could be used when it was up to the Justice system to impose any penalty.

Mrs Turner acknowledged the comments re Pride and then explained that the Council was keen to avoid the cost of the court system, especially in cases where it was unlikely that any fine imposed would be paid. They were in discussions with the police about the possibility of using Restorative Justice and were keeping all options open.

The Chairman thanked the Executive Member for her update.

77/11 DRAFT NATIONAL PLANNING FRAMEWORK (AGENDA ITEM 7)

The Chairman noted that the Chief Executive of the Water Management Alliance had been invited to address the Commission at 3 o’clock (for Agenda Item 9) and so the order of agenda items might need to be changed to accommodate his presentation.

The Principal Planner presented the report on what he described as a significant national consultation which had generated a lot of debate. The draft sought to consolidate the existing Planning Policy Statements, Circulars, etc, which ran to about 1000 pages, into 58 pages covering six broad areas. The consultation ended on 17 October. It was therefore imperative that given the emphasis on planning at the local level in the draft National Planning Framework (NPF) that Breckland Council responded to the consultation.

The Principal Planner drew Members’ attention to pages 154 to 156 of the agenda supplement where the issues were set out. The supplement also contained the Officer’s draft response to the technical questionnaire and he sought Members’ input to that.

The Chairman encouraged Members to put forward their views to assist the Executive Member in formulating his response. It was noted that the draft consultation was aimed at all levels of authority and therefore some items did not apply to district councils.

Mr Borrett noted that only two options were provided, either to supplement the draft NPF or to make no comment. He suggested that a third option should be added to allow alterations or changes.

Mr Kiddle-Morris (the Executive Member for Assets and Strategic Development, responsible for responding to the consultation) said that he was willing to take any comments.

Mr Borrett did not agree with most of the Officer’s responses. He thought that there was a lot of good in the document and felt that the responses did not reflect his opinion.

Other Members agreed and the Chairman suggested that they should put proposals forward.

The Vice-Chairman said that Members were there to express their
views whether they concurred with the Officer’s or not. The proposal to add a third option was seconded and agreed.

The Chairman asked the Executive Member for his comments and Mr Kiddle-Morris gave his overview. He felt that the draft was a very broad brush which would allow the current Core Strategy and Development Control Policies to be turned into a Local Plan that would accord with what Breckland wanted.

Mr Byrne asked what the ‘presumption in favour of sustainable development’ meant.

The Principal Planner acknowledged that the key issue at the operational level would be defining sustainable development. At a local level, significant evidence of housing, employment and environment needs would provide the corner stone for a local definition.

Mr Kiddle-Morris pointed out that the LDF defined sustainable development but not as the Council wanted it. The draft suggested that a definition needed to be in place. He thought care was needed to avoid a definition that would not apply in rural areas. The NPF should allow houses and employment to be put where they were needed and wanted.

The Chairman agreed. Members were frustrated by previous central Government definitions which were not relevant to Breckland. He felt that some strategies and policies needed to be more flexible to support rural communities. He did not want sustainability defined at national level and suggested that the Council’s response should make that clear.

Mrs Jolly asked if the Council needed to be more robust about the way that Local Plans were drawn up in terms of consistency, openness and fairness. Without National Guidelines she was concerned that the Council could be open to criticism.

Mr Kybird suggested that the Council needed to comment on the Environmental Assessment process (paragraph 35, page 24 of the agenda) which fed into the response on page 162. He felt that it needed to be set out in advance what the Council understood it to mean.

Mr R Richmond had raised that subject at the recent Conservative Conference and felt that grass root consultation was needed, starting at Parish Council level.

Mr Claussen was concerned at the Officer’s comments about wanting direct guidance from central government. He felt it was not what was wanted. The Council had an opportunity to create a Local Plan to suit Breckland.

The Chairman concurred. Efforts had been made to create a Breckland Plan before but that had proved impossible. The NPF gave the chance to do so. He felt that the overarching strategy was to have a light touch from central government and a heavy touch from local government. He did not think it was a problem if the Council was perceived to be different because Breckland was different from other areas. The Policies needed to reflect local needs and plan for growth and
prosperity. There were fundamental differences in Breckland and the towns were different from the rural areas.

The Vice-Chairman noted that that was what everyone wanted, but it was hard to achieve. Without a strong policy framework planning applications would be harder to determine and planning meetings might take much longer.

Mr S Rogers asked if the answers in the questionnaire were purely officer led and it was confirmed that Members had not seen the document before. The responses by the officer were there to prompt debate and for Members to agree, disagree or modify.

The Executive Member asked the Commission for guidance. Officers were not happy to retain a five year housing land supply and he endorsed that view. Did Members agree to that? Also, there was a duty to provide cross-border co-operation with neighbouring authorities, but he felt that there was also a duty to provide co-operation with utility companies and he suggested that should be added to the draft.

The Chairman thought that was highly relevant. The Commission had received presentations from utility companies and they had explained that they were not able to front load development with infrastructure as the regulators did not allow it. That created a fundamental problem which was often a bar to development.

Mr Kybird was concerned that without a five year land supply it might create a free for all. The Chairman saw it the other way and thought that taking the requirement away would give the Council more freedom.

The Principal Planner felt that was a fair assessment. Due to the Council's absence of the required five year housing land supply some developers were bypassing the plan-led system. If the requirement was removed it would give the Council stronger local control to deliver growth in the locations they had chosen.

The Planning Manager pointed out that the five year land supply had been predicated on the Regional Strategy which was likely to disappear. The Council would then be able to set its own target. The benefit of setting a target was that the Council could then resist anything else that came along. The Council would also need a Policy which set out where it wanted development.

Mr Borrett felt that the response at 2(c) on page 163 of the agenda should be that the Council did agree with the duty for cross border co-operation and co-operation with Utility companies. He felt that the draft was a quite positive document for Breckland but that a lot of the officer responses sought more Central Government guidance and as a Member he did not agree with that. The responses gave the impression that Breckland was not keen on the proposals. He asked the Executive Member to take on the tone of the meeting and suggested that authority should be delegated to him to amend the response.

The Chairman felt that the Vice-Chairman's comments about the need for guidance provided a counter-argument. However he felt that Members knew what was required in the District and would ensure that controls were put in place. He asked the Commission Members to give
their views to provide a steer to the Executive Member.

The Vice-Chairman clarified that he was not fundamentally disagreeing with Mr Borrett. ‘Brecklandising’ was good but rules and regulations, whether set locally or by Central Government, were needed, or people would exploit the system. Rural transport and infrastructure were problems for Breckland which had to be firmly addressed.

Councillor Gould said that the problem with rules and regulations meant that you ended up with housing non-specific to the area. The framework provided an opportunity to produce Norfolk-looking houses and it was an opportunity that should be grasped.

Mr J Rogers noted that under the current system only the towns had any chance of development, but many parishes had roads, water, electricity supply and sewers. If development took place in the parishes it would negate the need and the huge cost of more infrastructure in the towns.

Discussion was deferred at this point to allow Agenda Item 9 to be presented. After which Members continued with their discussions.

Mr C Carter supported the Executive Member’s views which he thought were exactly along the right lines. Structure and guidance rather than strict procedures would allow Brecklandisation without leading to extensive planning debates.

Mr Joel quoted the Government Minister Eric Pickles who had said that the Framework gave Councils a chance to do what they wanted to do as part of their Local Plan.

Mr Kiddle-Morris picked up on Mr J Roger’s point about development in the countryside and said that Neighbourhood Plans would provide the opportunity for communities to put development where they wanted it.

His biggest concern was that currently the LDF and Policies were in place but nothing was in place for a transition to a Local Plan. He had concerns if the transition had to take place quickly and wanted to highlight that in the Council’s response. He suggested that he should work with the Planning Manager and the Principal Planning Policy Officer to provide a response for the Leader to send.

Mr Bambridge thought that it would be appropriate to have a representative from the Commission taking part in that discussion. Mr Kybird suggested the Chairman of the Commission and that was agreed by Members.

The Vice-Chairman noted that one person’s interpretation of views might differ from another’s. He thought the response should be signed off by both the Leader and the Chairman of the Commission.

Mr R Richmond asked Members to be mindful of the development of Brownfield sites which could be expensive.

Finally the Chairman reminded Members about windfall sites which he said, to paraphrase the document, had no part to play. He was...
concerned, because windfall sites had been included in the LDF due to the lack of allocation in the villages, and to try to address the needs of those disenfranchised by sustainability requirements. He was nervous about losing that and asked Members to remember why windfall sites had been included.

**RESOLVED** that the Commission’s Chairman and Vice-Chairman should work with the Executive Member for Assets & Strategic Development, the Planning Manager and the Principal Planner to make recommendations for the Leader to sign off.

### 78/11 CORPORATE PLAN (AGENDA ITEM 8)

The Senior Procurement and Performance Officer presented the Draft Corporate Plan 2011-2015 which described the main areas of focus for the Council over the next four years.

The priorities and aims followed closely on from those contained within the previous Corporate Plan and had been updated and refreshed following changes in central Government and the local elections.

The Plan was available for the public on the website and for Officers on the Intranet. A link had also been distributed to all Members and Parish Clerks to ensure a comprehensive consultation process.

Comments received via the Consultation and from the Commission would accompany the final report and draft plan when it was presented to Cabinet for their consideration.

**RESOLVED** that the recommendations be noted.

### 79/11 DRAINAGE & FLOODING (AGENDA ITEM 9)

Mr Phil Camamile, Chief Executive of the Water Management Alliance, thanked Members for the opportunity to talk to them.

Members were shown two maps (attached for information). The first showed the Norfolk County Council constituent IDBs and the second showed IDBs within the Breckland boundary. The Drainage Boards were responsible for ordinary water courses – not main rivers, which came under the authority of the Environment Agency.

There were 22 Internal Drainage Boards (IDBs) in Norfolk which fell into five groups. The Water Management Alliance covered about 20%. The areas covered were those where the theoretical risk of flooding was the greatest. However, because those areas were managed, the risk of flooding was actually low.

For the areas outside the IDBs the Council had authority and the power to make byelaws to protect activities in and alongside watercourses. However, byelaws tended to be applied inconsistently. Often it was water from developments outside the drainage areas that caused problems and that was difficult to control.

Mr Camamile suggested that there were two potential answers to the Council’s drainage problems. They could either adopt byelaws, and the Water Management Alliance would be happy to help with that; or they
could extend the areas of the Drainage Boards to the full extent of the water table. The Norfolk Rivers Board would welcome the opportunity to work closely with the Council.

Mr Borrett noted that he was the Council’s (unpaid) appointee to the Norfolk Rivers IDB which he said was amazingly effective, important and efficient. It had a lot of local knowledge and was very low cost to run. He wholeheartedly supported the proposal to extend the boundaries of the IDBs as it would reduce the burden on the Council.

Mr Camamile clarified that the Council paid the Norfolk Rivers IDB £45,000 per year and received 83% of that back from central Government so the net cost was only £8,300.

Mr Bambridge was interested in the catchment areas of the IDBs. He thought it was vital that they had influence outside their areas as that was often where problems came from.

Mr Camamile agreed. Extending IDB areas would also allow them to collect drainage money from agricultural users who currently paid the Environment Agency and it would give control to local people.

Mrs Jolly asked what connection the IDBs had with Anglian Water and the Environment Agency with regard to sewage and drainage.

Mr Camamile explained that the aim was to work together when possible, but it depended on how pro-active each IDB was. The Norfolk Flood Risk Management Partnership, set up by Norfolk County Council, was the lead local flood authority and involved all the operating agencies and should ensure integration.

Mr Kiddle-Morris noted that at Norfolk County Council the importance of the local knowledge of IDBs was stressed. However, his main concern was that IDBs were not statutory planning consultees and he thought that they should be. He also agreed that their areas of control should be extended.

Mr Camamile explained that if the IDB had an objection to a planning application they had to do so through the Environment Agency. The IDBs did try to work with Local Planning Authorities through Planning Policy Statement (PPS) 25 during pre-application discussion but that was not good enough and they wanted a change to the law.

The Chairman noted that the National Planning Framework did away with PPSs and that there was no mention of drainage.

Councillor Gould (Chairman of the Planning Committee) thought that the Council should consider adding the IDBs as statutory consultees.

The Vice-Chairman said that the IDBs were unsung heroes. He thought that they should be statutory consultees. With regard to liaison between agencies if one body had managed to bring them together it was a good thing.

Mr R Richmond asked if Mr Camamile could help with a problem in his ward. They had written to the Environment Agency regarding the River Wensum which was only four feet wide in places.
Mr Camamile said that they were already trying to encourage the Environment Agency to de-main areas of the River Wensum which could then be adopted and looked after by the IDBs. The Environment Agency did not have the money to maintain the river which was why it was getting choked up and that was causing flooding in some places.

Mr R Richmond asked if the Commission could invite a representative from the Environment Agency to a future meeting and the Chairman suggested this it should be added to the work programme at Agenda Item 15.

The Chairman thanked Mr Camamile for his presentation.

RESOLVED to:

(1) ask the Planning Committee to recommend that IDBs became statutory consultees; and

(2) RECOMMEND TO CABINET that it:

(a) considered Mr Camamile’s offer to give advice on the drafting of byelaws; or
(b) extended the catchment areas of the IDBs to allow them to take a greater role in managing water courses and preventing future problems.

80/11 TOWN AND VILLAGE GREENS - CONSULTATION (AGENDA ITEM 10)

The Strategic Property Manager explained the background to the consultation on the Registration of Town and Village Greens by central Government which was aimed at improving the balance between protecting open spaces and enabling development.

Currently anyone could apply to register a piece of land and if approved it provided the highest level of protection against development. Concerns had been raised about the number of applications being made as the cost was borne by taxpayers. The proposal was to introduce a Local Green Space designation in the Planning Framework. The criteria were explained. It was also proposed to offer landowners some protection and to introduce fees for the applicant.

It was considered that a response should be made by the Council, but the timeframe was short as the consultation closed on 17 October 2011. Members were asked for their views.

The Chairman asked why the Council had not been made aware of the consultation earlier and was advised that the letters from DEFRA had not been sent to District Councils although their responses would be welcomed.

Members agreed that a letter of complaint should be sent to DEFRA about the lack of consultation direct to District and Parish Councils.

The Executive Member for Assets and Strategic Development noted that some areas used as Open Space had never actually been
recognised as such under the Local Plan. The current process was one-sided and provided no protection for landowners. He considered that the proposals would make the system fairer for both sides.

The Chairman drew attention to the questions which had been summarised on pages 147 and 148 of the agenda. He asked Members for their comments.

Mr Bambridge suggested that the proposal to charge a fee for applications at Question 10 should be supported and that the applicant should bear the charge. He also felt that the proposed ceiling of £1000 for that fee (at Question 12) was not enough for larger pieces of land. He thought that any application for a Village Green should have the agreement of the landowner.

The Chairman summed up the Commission’s comments which in broad terms were supportive of the document subject to the following caveats:

1. The response should include a complaint about the lack of early involvement of District, Town and Parish Councils and those comments should be copied to the local MPs so that they were aware.
2. The proposal to introduce a fee was supported but the ceiling of £1,000 was not, as the amount should depend upon the size of the land.

The Executive Member noted that comments would also be sought from the Housing and Planning departments but he did not envisage them overturning the Commission’s recommendations.

The Chairman asked for the comments to be passed to the Leader of the Council as he might decide to delegate authority to respond as the timeframe closed before the next Cabinet meeting.

81/11 TASK AND FINISH GROUPS (AGENDA ITEM 11)

(a) Parking Task & Finish Group

The arrangements for the first meeting of the Dereham Parking Review were noted. Mr Duigan was added to the Group’s membership.

(b) Bunker and Business Continuity Task & Finish Group

Mr C Carter was added to the Group’s membership.

Mr Kybird advised that the areas to be addressed had been slightly extended to include looking at the storage facilities in the Bunker and at business continuity matters.

Mr Kybird and Mr Rose had visited the bunker. Arrangements had been changed, following that visit, to reduce fire risk to the records stored there. Access had been limited and it was considered that the Asset department had provided a strong and proper response to the concerns raised.

The Deputy Chief Executive asked Members to look at the future use
of the bunker for file storage, not just as an emergency facility.

The Executive Member for Assets & Strategic Development advised that there would be costs associated with using the bunker, but as documents were currently being stored in rented premises their transfer to the bunker would reduce costs.

Mr Bambridge noted that the Business Improvement & Projects Sub-Committee had strongly recommended the provision of a generator in respect of business continuity and asked for that to also be considered by the Group.

It was confirmed that the Group would look at the two distinct issues of the Bunker and Business Continuity and that Breckland House in Thetford would also be included in the Business Continuity considerations, due to problems with flooding there.

The arrangements for the first meeting were noted.

82/11 HEALTH & SCRUTINY (AGENDA ITEM 12)

Mr Kybird advised Members that he and Lady Fisher had attended a training session which had been quite useful. He would bring any matters of note from the next Health & Scrutiny meeting to the Commission in November.

83/11 SCRUTINY CALL-INS (AGENDA ITEM 13)

None.

84/11 COUNCILLOR CALL FOR ACTION (AGENDA ITEM 14)

None.

85/11 WORK PROGRAMME (AGENDA ITEM 15)

The Chairman suggested that the Environment Agency to be invited to the special Utility meeting to be held in December. Anglian Water had been invited to attend that meeting and representatives from the energy suppliers would also be invited.

Mr Rogers asked for sewage and flooding issues should be included and the Chairman said they would be discussed at the December meeting and that power and telecommunications might also be included making it a Utilities and Statutory Service Providers meeting.

Mr Kybird raised the problem of accidents occurring due to the street lights in Thetford being turned off between midnight and 8.00am. He thought that large items of street furniture should have reflective tape around them. The Chairman suggested that he should speak to the relevant Executive Member about his concerns.

The November agenda was full with several large items on housing and the Executive Member for Planning & Environmental Services would be in attendance.

The Chairman thanked all of the additional Members that had come to
the meeting. He said that it was important for Officers to see how seriously Members took the Plan and the future.

86/11 NEXT MEETING (AGENDA ITEM 16)

The arrangements for the next meeting on 17 November 2011 at 2pm in the Anglia Room, were noted.

The meeting closed at 4.50 pm

CHAIRMAN
A map showing the IDB's within the Breckland Council Boundary.

LEGEND

Key:
- Breckland Council Boundary
- Norfolk Rivers IDB
- Downham Market Group of IDB's
- East Harling IDB
- Wymondham, Lawton Park & Letheringland

KEY MAP

SHEET NUMBER
NRIDB
10/06/2011
FILE NAME
NorfolkIDB2009.dwg