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BRECKLAND COUNCIL

At a Meeting of the

CABINET

Held on Monday, 15 November 2021 at 9.30 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE

PRESENT

Cllr Sam Chapman-Allen
(Chairman)
Cllr Paul Claussen (Vice-
Chairman)
Cllr Gordon Bambridge
Cllr Philip Cowen

Cllr Paul Hewett
Cllr Ian Sherwood
Cllr Sarah Suggitt
Cllr Alison Webb

Also Present

Cllr Stephen Askew
Cllr Roger Atterwill
Cllr Timothy Birt
Cllr Bill Borrett
Cllr Marion Chapman-Allen
Cllr Harry Clarke
Cllr Vera Dale
Cllr Phillip Duigan

Cllr Terry Jermy
Cllr Mark Kiddle-Morris
Cllr Robert Kybird
Cllr Keith Martin
Cllr Philip Morton
Cllr David Wickerson
Cllr Peter Wilkinson

In Attendance

Sarah Barsby
Susie Bangs
Claire Burton

Alison Chubbock
Jason Cole
Andrew D'Arcy
Andrew Holdsworth
Stephen James
Ryan Pack
Greg Pearson
Rob Walker

Sarah Wolstenholme-Smy

Simon Wood
Teresa Smith
Julie Britton

- Assistant Director People and Governance
- HR Manager
- Organisational Development Performance Manager
- Assistant Director Finance (Section 151 Officer)
- Assistant Director Customer and Performance
- Planning Policy Manager
- Assistant Director Economy and Growth
- Assistant Director Housing and Communities
- Innovation and Change Business Partner
- Head of Strategic Policy
- Executive Director Place & Delivery and Monitoring Officer
- Legal Services Manager (Deputy Monitoring Officer)
- Director of Planning & Building Control
- Democratic Services Team Leader
- Democratic Services Officer

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89/21 MINUTES

The minutes of the meeting held on 20 September 2021 were confirmed as a correct record.

90/21 APOLOGIES

An apology was received from Councillor Mark Robinson.

91/21 URGENT BUSINESS

None.

92/21 DECLARATION OF INTERESTS

None.

93/21 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The Chairman welcomed all non-members present to the meeting.

94/21 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

Nothing to report.

95/21 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM)

The Executive Member for Housing, Health and Communities informed Members that there were not any funding applications to report.

96/21 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION

(a) Call-in of the Cabinet Decision on the Local Plan Review

The Deputy Leader and Executive Member for Economic Development and Growth introduced the report that would consider the recommendation from the Overview and Scrutiny Commission made on the 28 October.

The Executive Director of Delivery and Place, Rob Walker, reported that at a previous meeting of Cabinet (20 September 2021) Cabinet resolved to undertake a Single Policy Partial Review of Policy INF03, in parallel with a Substantive Review of the whole Local Plan. He informed Members that following consideration of the report by Cabinet and in line with the Council's Constitution the decision made by Cabinet would constitute as the final decision.

He advised that the Options were listed within the report, together with the advantages, disadvantages, and risks of each option, and that the recommendation from Officers at Option 1, outlined within the report, would see the completed partial review by Quarter 1 2023 and a Substantive Review by Q4 of 2027 (6 years).

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Councillor Hewett said that he had listened with interest to the concerns raised at the Overview and Scrutiny Commission meeting and asked what comfort the Cabinet Members could take that the Neighbourhood Plans in place would continue to hold weight and there would not be a 'cliff-edge' in 2024.

The Director of Planning and Building Control, Simon Wood stated that Neighbourhood Plans continued to be an important part of the development plan process. The Neighbourhood Plans were prepared by the community groups, and it was important that the plans continued to be up to date, and any newly created Neighbourhood Plans (2 years or less) would carry full weight.

The Executive Director added that the Local Plan would not automatically go out of date and that there would not be a 'cliff edge' and could still be relied upon. The current Local Plan and emerging policies would continue to remain in place whilst the substantive review would be carried out.

Councillor Webb said that she had been involved in meetings with residents when setting the current Local Plan and asked how long the Council spent in consultation with residents when the previous plan had been set. Members heard that whilst the precise figure was not known the Local Plan took seven years to complete and local groups were engaged throughout that process.

Councillor Suggitt asked why Option 1 (6-years) would be the best option and if Option 2 (3-years) was considered what would that mean for public consultation.

Members heard that the advantage of the 6-year period would be an established period to allow sufficient resource to complete a substantive review.

Councillor Sherwood explained that communities would have an opportunity to input into the review and by opting for the shorter timeframe would not allow that chance. He asked how important the 5-year land supply was for the Council.

Members heard that the five-year housing supply was the dominant factor that established weight with the Local Plan. Without this, applications for housing would be assessed via national policy rather than a local position and therefore in the opinion of the Director of Planning and Building Control would be a significant risk to the Council.

Councillor Cowen explained that the Overview and Scrutiny Commission was a significant committee that held the Cabinet members to account. As a registered architect he was fully aware of the importance of the 5-year land supply, which was a significant risk to the Council, but now that this had been achieved it gave security, and as the Executive Member for Finance, Revenue and Benefits the financial position, and in order to deliver a Local Plan, would mean an increase in resource either directly, or sub-contracted to the Council. He asked what projects would need to be put on hold or ceased if Members were minded to deliver the Local Plan if Option 2 were considered.

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Councillor Bambridge asked how many councils across Norfolk had a valid Local Plan, and how many across the Country had undertaken a full review within 3 years. Members heard that it was only Breckland and the Broads Authority who had a Local Plan; and the average time to undertake a substantive review of a Local Plan was 6 – 7 years.

Councillor Hewett asked if Members were minded to consider the shorter timeframe (3-years) how would a full community consultation be undertaken within a 2-year timeframe to allow a submission to be made.

The Director of Planning and Building Control explained that by accepting the shorter time frame would take away the ability for local groups and Members to scrutinise decisions made. He also said that the Examiner could question the community involvement and if it could be delivered on time.

Councillor Sherwood was concerned about the possibility that projects may have to be curtailed and felt that the longer time frame would allow residents to feel involved.

Councillor Atterwill thanked the Chairman for forwarding a copy of the Legal advice that had been provided but asked why it had been dated the 3rd November and not before the previous Cabinet meeting of the 20th September. He asked the Director of Planning and Building Control what would be reviewed in the Local Plan if a desktop review had not been carried out and asked why an expected timetable had not been produced to accompany the report.

The Executive Director explained that the legal advice had been specifically requested as a result of questions raised at the Overview and Scrutiny Commission. The request to review the Local Plan had been delayed due to a number of factors, such as the issues surrounding the Gypsy and Traveller query that was resolved in the High Court in July 2021, and the dualling of the A47 not taking place.

The Director of Planning & Building Control added that INF03 required the Council to review employment policies, as well as the Gypsy and Traveller accommodation and were key issues that were at the heart of the Local Plan. Housing policies also interconnected with other issues and therefore made logical sense to complete a full review of the Local Plan at the same time. The Legal advice had also suggested that Breckland move forward with a review of their Local Plan.

Councillor Birt had been involved in the Saham Toney Neighbourhood Plan which had taken 5 years of effort and he wanted to share the views of the Saham Toney Parish Council. It was felt that there was poor support for the Neighbourhood Plan, and he had no faith in the Council's ability to project manage such a detailed task.

The Executive Director did not agree that there had been poor support for Neighbourhood Plans. The Planning team were extremely experienced within their field and had to rely on their opinion as professional planning officers. Whilst it was accepted that there would be an increase in budget required, he did not accept there would be runaway costs.

Councillor Jermy pointed out that it was rare for a Cabinet decision to be called-in and heard at the Overview and Scrutiny Commission and felt the

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Council should work together as many wanted the same outcomes. The Neighbourhood Plans, established through the Localism Act could be weakened and many communities had asked if it was worth it.

Councillor Askew felt it was good to see democracy at work with the Overview and Scrutiny Commission providing the checks and balances to ensure best results possible. He was pleased to have another chance to discuss the topic and felt reassured that the decision made by Cabinet would be the best for the District. He wanted to see the discretionary services that were currently provided to its residents continue and did not want this to be reduced.

Councillor Borrett thanked the Overview and Scrutiny Commission for providing the opportunity to bring the decision back to Cabinet as it was important to ensure that the right decision was made. The Barrister's opinion had been asked to provide reassurance on the decision that was made and that whilst it would be possible to curtail the delivery of the consultation this would be at the expense of other services and agreed with the comment that slippage always occurred when reviewing a local plan.

Councillor Duigan asked for clarification on the Neighbourhood Plan allocations and if this would give extra weight for additional development outside of the 5-year land supply. Members heard that in the scenario where a Local Authority did not have a 5-year housing supply, and the Neighbourhood Plan was less than 2-years old, this would carry full weight and decisions could be made against it.

Councillor Atterwill said that it had been known since 2019 that a review would be required and asked why provision had not been made within the budget to carry forward with the review. He also asked for clarification on when policies would lose weight within the planning balance and what would happen to the 3-year period after 2024; as he was concerned that there could be slippage after 2027.

Members heard that the finances had been included within the report. In addition, the weight given to policies would be judged by a number of factors, including national framework and guidance and a definitive view could not be given.

Maggie Oechsle, a member from Yaxham Neighbourhood Plan said that there were only six Neighbourhood Plans agreed within the district, but as far as developers were concerned, what would happen during the 3-year gap. She went on to ask why there had not been money put aside to cover the shortfall on the budget instead of spending it on the Council building. She wanted to ensure that all parish councillors would be able to contribute to the review.

The Director of Planning and Building Control said that the Yaxham and Mattishall Neighbourhood Plans were made in 2017 and had already outlined the importance of community groups to maintain these.

Mr Graham Clarke spoke on behalf of Mattishall Parish Council. They were deeply concerned on the time Option 1 would take, and therefore felt that Option 2 seemed the sensible approach. Whilst there could be a slippage within the timescale, he felt that it was better to start than delay the

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process. He also raised concern on the lack of resource as it was felt that Capita had a pool of resource that could be called upon and it was in his opinion that a project manager should oversee the project to enable greater efficiencies.

The Executive Director said that resources within Capita would be used at every opportunity and whilst there was a national shortage of planners it was accepted practice that specialist consultants would be drawn upon.

Mr Richard Harrison, from Rocklands Parish Council also objected to the proposed options and said that a number of stakeholders, including the Local Plan Working Group had not been consulted.

The Chairman thanked the public who had attended, and Members of the Council who had spoken passionately, and whilst he was acutely aware of the risks he felt that Cabinet needed to ensure they managed expectations. It was also the role of all Members of the Council to expediate the delivery of the Local Plan as soon as possible.

Options:

There were 3 options:

- 1) Undertake a 'single policy' Partial Review that seeks to amend the wording of Policy INF 03 and remove the date by which the Partial Review should be submitted for examination to reflect the submission date proposed for the Substantive Review.
- 2) Undertake a Full Review of the Plan only.
- 3) Undertake the Partial Review as set out in Policy INF03 and a full review of the Plan within 5 years in accordance with National Planning Policy Framework.

Reasons for Recommendation

The Preparation of a Local Plan is a statutory requirement. Plans must be underpinned by an appropriate evidence base, much of which is required at an early stage of the preparation process to inform future decisions over development strategies and allocations.

RESOLVED that having had regard to the recommendation from Overview and Scrutiny Commission:

1. a Single Policy Partial Review of Policy INF 03 be prepared in parallel with a Substantive Review of the whole Local Plan as outlined in Appendix 1 of the report;
2. timetables for both the Single Policy Partial and Substantive reviews be approved as set out in a revised Local Development Scheme;
3. further work be undertaken and continued challenge and monitoring to agree the ongoing financial resource required for the preparation of the Single Policy Partial and Substantive reviews of the Plan;
4. the Statement of Community Involvement be approved for public consultation for a period of 6 weeks.

The Chairman said he would write to all Parish Councils and Members of the Council to explain what the decision made would mean.

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The Executive Member for People, Communications and Governance, Councillor Ian Sherwood presented the report that recommended amendments to the Council's performance-related policies following Covid-19 and the end of the shared arrangement with South Holland District Council (SHDC).

Options

Option 1: Implement the amendments to all policies and related procedures, as set out in this report (recommended).

Option 2: Do nothing

Reasons for Recommendation

To ensure the Council's performance-related policies are fit for purpose, supporting and enabling a high-performance work culture.

To enable the Council to manage performance and support employees in an agile working environment, post Covid 19.

RESOLVED that the proposed amendments to the Council's performance-related policies and associated procedures be approved.

98/21 UPDATE ON BRECKLAND 2035 SUSTAINABILITY PROGRAMME

The Executive Member for People, Communication and Governance, and the Lead Member for Climate Change, Councillor Ian Sherwood, presented the report that provided Members with a six-monthly update on the progress made against the Breckland 2035 Sustainability Strategy.

He was thrilled with what the Council had achieved since a climate emergency was declared in 2019. The report covered in detail what the Council had achieved and had set out to do using an allocated £525,000 of one-off funding from reserves to support the delivery.

Councillor Bambridge thanked the Council for the Community Green Grant to Lyng Village Hall that allowed the installation of batteries to store the self-generated electricity.

Councillor Wickerson asked if Swaffham would be included within the potential sites identified for possible tree planting with the Woodland Trust. Councillor Sherwood explained that sites around Swaffham had been included and he hoped to have further information on a substantial woodland project in due course.

Councillor Kybird also thanked the Council on behalf of Croxton Parish Council who had received a grant to install an electric vehicle charging point at the village hall. He also explained that the Gressenhall Workhouse Museum was establishing an exemplar community tree planting scheme complimentary to the Woodland Trust.

Councillor Birt had noted that within the report engagement with the Leisure provider was underway and asked if further details could be shared on that. He went on to ask what the timescale would be to receive the Key

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Performance Indicators (KPIs) that measured carbon footprint and queried the pathway to achieve net-zero in 2035. The Head of Strategic Policy advised that he had previously responded to Councillor Birt in regard to the Key Performance Indicators and a commitment had been made to annually publish the Council's carbon footprint which was a separate report and not part of the Council's KPIs. Work was underway with the leisure provider to with on plans to enable the leisure centres to take action to reduce their carbon footprint. The Leader reminded Councillor Birt that the Leisure Centres were not in the direct control of the Council and any work undertaken needed to be done in partnership with Parkwood.

Councillor Morton asked how projects would be selected from the Community Renewal Fund (CRF). The Head of Strategic Policy said that through the Norfolk Climate Change Partnership a joint application had been made across Norfolk for funding from the CRF to deliver two feasibility studies, one looking at hydrogen generation for haulage and one on community heating schemes.

Councillor Hewett was pleased that grants had been given and were changing lives of communities and in particular allowed children to care for the environment.

Cabinet Members noted the content of the report.

99/21 QUARTER 2 FINANCIAL PERFORMANCE REPORT 2021-22

The Executive Member for Finance, Revenues and Benefits, Councillor Philip Cowen presented the report that provided detailed information on the forecast full year financial performance for revenue, capital and treasury of the Council as at 30 September 2021. It also included a new section on information on the balanced sheet management which would highlight potential risks to the financial sustainability.

Councillor Hewett sensed that Breckland Council were not alone in terms of the short to mid-term financial position and that it was shared wider afield. He commended the Executive Member and his team for a sensible report.

Members noted the content of the report and the appendix.

100/21 Q2 21/22 PERFORMANCE REPORT

The Executive Member for Housing, Health and Communities presented the report on behalf of the Executive Member for Customer, Digital and Performance. The report provided Members with an overview of the Council's performance for the period between 1 July to 30 September 2021.

Members noted the content of the report.

101/21 PRIVATE SECTOR HOUSING ENFORCEMENT POLICY AND FINANCIAL PENALTY POLICY.

The Executive Member for Housing, Health and Communities, Councillor Alison Webb, presented the report that sought approval to implement the Private Sector Housing Enforcement Policy and a Financial Penalty Policy.

Councillor Hewett felt it would be a good way forward to work with landlords

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to ensure that the districts residents were safe and secure in rented properties.

Councillor Morton asked if all private accommodation had been covered by licensing. Members heard that a stock provision survey would be carried out and all accommodation would be covered by licensing.

Options:

- 1) Approve the Private Sector Housing Enforcement Policy and the Financial Penalty Policy and approve that delegation is given to the Executive Director responsible for Housing, in consultation with the relevant Portfolio Holder, to amend the Private Sector Housing Enforcement Policy and the Financial Penalty Policy in line with future changes in legislation and guidance.
- 2) Do nothing and do not approve the policies or the delegation.

Reasons for Recommendation(s):

- 1) To ensure that the Private Sector Housing Team has the widest range of tools available to it for tackling poor and dangerous practice in the private housing sector.
- 2) To send out a clear message to both landlords and tenants that Breckland Council takes seriously the health and wellbeing of its residents.

RESOLVED that:

- 1) the Private Sector Housing Enforcement Policy be approved.
- 2) the Financial Penalty Policy be approved.
- 3) delegation be given to the Executive Director responsible for Housing, in consultation with the relevant Portfolio Holder, to amend the Private Sector Housing Enforcement Policy and the Financial Penalty Policy in line with future changes in legislation and guidance.

102/21 SAHAM TONEY NEIGHBOURHOOD PLAN - MAKING (ADOPTION) OF THE NEIGHBOURHOOD PLAN

The Deputy Leader and Executive Member for Economic Development and Growth, Councillor Paul Claussen, presented the report that recommended to "make" the Saham Toney Neighbourhood Plan as part of the Statutory Development Plan for Breckland.

Councillor Bambridge congratulated Saham Toney on producing the Neighbourhood Plan.

Councillor Birt also added his congratulations but asked which document the Cabinet would be using as whilst an offer for a clean version had been made, the version on the website had typographical errors. The Executive Director for Place assured that the clean version would be used.

Councillor Borrett read a statement from Councillor Helen Crane, a Ward Member of Saham Toney that also congratulated the Parish on an outstanding accomplishment.

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Options:

There are two options for Members to consider:

Option 1 – Council agrees to “make” the Saham Toney Neighbourhood Plan and is “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of section 38A of the Planning and Compulsory Purchase Act 2004 as “...*more than half those voting to have voted in favour of the plan...*”, and to undertake the required publication, advise the Parish Council and other prescribed persons and subsequently update the district policies map.

Option 2 – Council does not make the Saham Toney Neighbourhood Plan where “...*it considers that the Plan would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).*”

Reasons for Recommendation:

It is recommended that members endorse Option 1 as there was a positive vote in favour for ‘making’ the Saham Toney Neighbourhood Plan through a Referendum and there is considered to be compliance, rather than being incompatibility, with European obligations and Human Rights conventions.

RESOLVED that:

- 1) the Saham Toney Neighbourhood Plan, as written at the time of the referendum, be “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of section 38A of the 2004 Planning and Compulsory Purchase Act (Option1)
- 2) the decision as required by paragraph (9) of section 38A 2004 Planning and Compulsory Purchase Act be published
- 3) Saham Toney Parish Council be advised and any other prescribed persons about this, to meet the requirements of paragraph (10) of section 38A of the 2004 Planning and Compulsory Purchase Act

RECOMMENDATION to FULL COUNCIL:

- 4) To amend the Breckland District Policies Map to meet the requirements of paragraph 9 Town and Country (Local Planning) (England) Regulations 2012.

103/21 ANGLIA REVENUES AND BENEFITS PARTNERSHIP

The minutes of the Anglia Revenues and Benefits Joint Partnership held on 21 September 2021 were noted.

104/21 NEXT MEETING

The arrangements for the next meeting on 10 January 2022 at 9.30am in the Breckland Conference Centre at Elizabeth House, Walpole Loke, Dereham were noted.

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105/21 EXCLUSION OF PRESS & PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

106/21 MATERIAL RECYCLING FACILITY (MRF) RECYCLING ARRANGEMENTS

The Executive Member for Planning, Leisure and Contracts, Councillor Sarah Suggitt, presented the report that asked Members to consider extending the current arrangements for the processing and sale of mixed dry recyclables collected by Councils in Norfolk. The contract was currently delivered by a joint venture company contract with Norse Environmental Waste Services Ltd (NEWS). The arrangement was between all seven Waste Collection Authorities in Norfolk (i.e., the District, City and Borough Councils) and the County Council in its role as a Waste Disposal Authority.

RESOLVED to amend and extend the current joint venture company contract with NEWS for three years from 2024 to 2027 and amend the contract to a variable gate fee based on actual costs from October 2021 be approved.

The meeting closed at 12.30 pm

CHAIRMAN