

## **BROADLAND ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL**

**Minutes of a meeting of the Broadland Environmental Excellence Policy Development Panel of Broadland District Council, held on Thursday, 25 August 2022 at 6.00 pm.**

**Committee Members Present:** Councillors: N Brennan (Vice-Chair, in the Chair), A Crotch, J Davis, J Fisher, K Lawrence, G Nurden and S Prutton

**Apologies for Absence:** Councillors: K Kelly (Chairman), D Britcher and J Ward

**Cabinet Member in Attendance:** Councillor: J Leggett

**Officers in Attendance:** N Howard (Assistant Director for Regulatory), T Munro (Community Safety and Intervention Lead), N Harris (Flood and Water Management Officer) and J Hammond (Democratic Services Officer)

### **1. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Britcher, Kelly and Ward.

### **3. TO CONFIRM THE MINUTES FROM THE MEETING OF THE ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL HELD ON 23 JUNE 2022**

The minutes of the meeting held on 23 June 2022 were confirmed as a correct record and signed by the Chairman.

### **4. PUBLIC SPACE PROTECTION ORDER - DOG FOULING**

*Cllr K Lawrence arrived at the meeting during the consideration of this item.*

The Assistant Director for Regulatory introduced the report which presented the proposed new dog fouling and dog restrictions Public Space Protection Order (PSPO) under the Anti-social Behaviour, Crime & Policing Act 2014. Members were informed that the proposed PSPO, if approved by Cabinet, would establish a like-for-like replacement of the existing PSPO, and would run for a period of up to three years.

It was highlighted that a formal public consultation was carried out between 6 May 2022 and 17 June 2022, where Town and Parish Councils, the Police, Police & Crime Commissioner, Norfolk Highways and the public were all consulted and no objections to the proposed PSPO were received. One member highlighted the lack of response from the Police and queried whether they had received the consultation. The Assistant Director for Regulatory explained that the Police operated a response by exception policy, which meant that they would only respond to consultations if they had concerns to raise.

Conversation turned to the number of instances of dog fouling reported and the Assistant Director for Regulatory explained that relatively low levels of reports were received in Broadland, the Council had received seven in the last twelve months, none of which resulted in a fixed penalty notice being served. However, discussions with residents had shown that dog fouling remained an issue which the public was concerned about. In response to a query on why only twelve months of data were reported, the Assistant Director for Regulatory explained that the last twelve months had been representative of previous years.

In response to a query on prosecuting dog fouling offences, the Assistant Director for Regulatory explained that no cases had progressed to the prosecution stage. He added that for the first offence, if the perpetrator could be identified, a fixed penalty notice (FPN) would be issued. If there was a further offence or if the FPN was not paid, then the Council may seek to prosecute. With regard to the FPN, one member queried whether the FPN fine amount was suitable to deter potential offenders. The Assistant Director for Regulatory explained that if set too high, offenders might prefer to challenge in court, which would not deter further offences and that in most cases the receipt of the FPN itself acted as a deterrent to others. He also reminded members that the Council had recently reviewed its environmental enforcement penalties.

It was noted that for a FPN to be issued, the identity of the perpetrator needed to be known. This was more easily achieved if they were 'caught in the act' and questioned. Given the impossibility for officers to patrol all areas of the District members queried the possibility and legality of appointing Town and Parish Councils to act as enforcement officers. The Assistant Director for Regulatory noted the benefit of localised empowerment, but at the same time did not want to put the staff of Town and Parish Councils at risk. He added that a legal view of the legislation would need to be sought and he agreed to look into this option.

Members were advised that despite the low rate of FPNs served, the PSPO signage and bins acted as a reminder to dog owners of the penalties of not complying with the order. Members queried whether Town and Parish Councils could easily obtain replacement signage. The Community Safety Interventions Lead informed members that Town and Parish Councils only need contact the Council with the request and new signage would be delivered to them, often

within a couple of days. In response to the suggestion that the Council provide all Town and Parish Councils with spare signage, the Assistant Director for Regulatory highlighted the cost that this would have on the Council, when several Town and Parish Councils did not require replacement signage so would only put it in storage. It was then agreed that officers would contact all Town and Parish Councils advising them that replacement signage was available and how it could be obtained.

It was then

## **RESOLVED**

To recommend that Cabinet approves the Public Space Protection Order No.3 as proposed in paragraph 4.5 and Appendix 1 over the geographical areas identified in Appendix 2 for a period of three years.

### **5. ANNUAL RE-RATIFICATION OF STRATEGY FOR NORFOLK STRATEGIC FLOOD ALLIANCE**

Members considered the report of the Assistant Director for Regulatory, which presented the updated Norfolk Strategic Flood Alliance's (NSFA) Strategy for annual re-ratification by Cabinet. The report also provided an outline as to how the Council and wider Alliance was delivering against the Strategy and against the wider needs of communities which faced potential threats of flooding.

Members were advised that, chaired by Lord Dannatt, the NSFA was established in early 2021 following the flooding experienced across Norfolk over Christmas and New Year in 2020 which caused widespread impacts, highlighted how the resources of responding agencies were severely stretched, inconsistencies in the responses of different local authority areas and public confusion over which agency to contact as well as the level of response they could expect. The NSFA was made up of strategic lead officers and Leaders from a range of agencies involved in flood response and water management across Norfolk, these agencies included:

- The Environment Agency
- Anglian Water
- The Association of Drainage Authorities
- The Water Management Alliance
- Water Resources East
- The Norfolk Resilience Forum
- The Broads Authority and Norfolk's Local Authorities (including Broadland District Council)

With regard to the work to be carried out by Broadland District Council, the Assistant Director for Regulatory explained that the key planned activities for the Regulatory Service, and in particular the Flood and Water Management Officer were to:

- Identify and map the flood risk threatened areas and past incidents, including surface water flooding.
- Prioritise higher risk flood-threatened local areas within the district for close

- attention, engaging with local communities and representatives.
- Deliver high quality planning consultation responses to maximise positive influence on flood prevention, mitigation, protection and resolution of significant issues and concerns. Doing this internally on non-major proposed new developments and working with the Lead Local Flood Authority (LLFA) to maximise bespoke consultation on major proposed developments.
  - Develop and deliver flood prevention and preparedness education and advice as a phased programme of activity to equip local people and ensure responsibilities are understood and exercised.
  - Pursue a prioritised work programme to promote, inspect compliance with and enforce where necessary the responsibilities of riparian owners, prioritising for close attention and working through the areas of greatest risk. This will involve practical inspection and community work by a practical inspector gathering information to enable informal and formal enforcement.
  - Enable better local community outcomes through flooding and water management policy and funding, strategic and partnering focus, strong positive relationships with stakeholders and key partner agencies.
  - Promote local community resilience (flood action groups, community emergency plans, etc.).

Members echoed the importance of identifying and mapping watercourses and areas at a higher flood risk within the Broadland District, but it was noted that this exercise could be very difficult in some areas, as some areas had not previously been mapped and a number of maps had not been digitised. Officers explained that the additional role of a Riparian Responsibilities Officer had been created, whose role would be to work closely with Town and Parish Councils to GPS map all flood risk areas and waterways, as well as work with riparian owners to provide guidance on their responsibility to maintain the watercourse.

In response to questions, the Assistant Director for Regulatory explained that the majority of the legislative powers for the enforcement of riparian rights rested with the LLFA, however, only Local Authorities such as Broadland District Council had the right to access private land to inspect culverts, and this demonstrated the importance of multi-agency cooperation to effectively tackle flooding. The Flood and Water management Officer added that the Council could exercise anti-social behaviour powers, such as fly tipping, dependant on the situation.

Discussion turned to the use of sandbags to control the flow of surface water flooding and minimise the effect it could have on properties. The Assistant Director for Regulatory advised the Committee that sandbags were not the most effective form of flood protection/prevention. As sandbags were difficult to store they were mostly used after the flooding had begun which lowered their effectiveness, they were also difficult to carry when wet and hard to dispose of, which resulted in the majority being left in place until they disintegrated. Members were informed that whilst the Council did currently distribute sandbags to the worst affected areas once a flooding emergency had been declared, officers were investigating more suitable alternatives which could be utilised in the future, for example gel bags, which were more environmentally friendly, easier to store and could be disposed of in the refuse bin.

One member highlighted their residents' concerns over the Norfolk Highways handling of culverts, as a number of residents had complained of the lack of

routine maintenance of culverts as well as a lack of engagement. The Flood and Water Management Officer explained that in some of cases, the resident and not Norfolk Highways may be responsible for the maintenance of the culvert, adding that the Norfolk Highways engineers would be able to confirm the riparian ownership. With regard to the lack of engagement with members and residents, the Flood and Water Management Officer could liaise with Norfolk Highways on the member's behalf, in cases where communication had stalled.

A number of members raised concerns over the lack of communication from both the NSFA and the Council with regard to flooding advice and in publicising achievements or actions undertaken. Members suggested that the Council publish a guide or compiled a list of resources both on its website and regularly in the Broadland News magazine. The Assistant Director for Regulatory advised members that a flooding advice page had been added to the Council's website which included links to the resources provided by both Norfolk County Council and the Government. Members were also reminded that a flooding advice leaflet had been distributed to residents and included in the autumn edition of the Broadland News magazine. Members suggested that officer consider adding the leaflet to the Council's website and in all editions of the Broadland News magazine. The Assistant Director for Regulatory then agreed to pass on the Committees recommendation to the NSFA that it publicise its achievements to the public, provide reassurance and promote engagement.

After further in-depth discussion, it was unanimously

## **RESOLVED**

To recommend that Cabinet ratify the Norfolk Strategic Flood Alliance Strategy 2022 as set out at Appendix 1, and note the progress being made.

(The meeting concluded at 7.28 pm)

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Chairman