

BROADLAND CABINET

Minutes of a meeting of the Broadland Cabinet of Broadland District Council, held on Tuesday, 16 January 2024 at 6.00 pm.

Committee Members Present: Councillors: S Holland (Chairman), N Harpley (Vice-Chair), M Booth, J Davis and S Riley

Apologies for Absence: Councillors: S Beadle and D Roper

Officers in Attendance: E Hodds (Chief of Staff), T Holden (Managing Director), G Pell (Corporate Accountant), D Baillie-Murden (Programme Manager - Economic Growth), C Bennett (Senior Heritage and Design Officer), P Courtier (Director of Place), N Cunningham (Strategic Growth Projects Manager), G Denton (Assistant Director of Economic Growth), Edwards (Strategic Advisor - Nutrient Neutrality), R Fincham (Assistant Director of Finance), D Lorimer (Director of Resources), K Philcox (Housing Standards Senior Manager), M Pursehouse (Assistant Director of Individuals and Families), J Sutterby (Director of People and Communities) and C White (Democratic Services Manager)

Also in Attendance: J Coplestone, M Murrell, N Starling and F Whymark

63. DECLARATIONS OF INTEREST

Cllr J Davis declared an other registrable interest as a Board Member of Norfolk Environmental Credits.

The Director for Place (P Courtier) and the Director of Resources (D Lorimer) declared that they were Directors of Norfolk Environmental Credits, which could be a beneficiary of the Norfolk Nutrient Mitigation Fund, being considered at agenda item 18.

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs S Beadle and D Roper.

65. MINUTES

The minutes of the meeting of Cabinet held on 5 December 2023 were agreed as a correct record.

66. OVERVIEW AND SCRUTINY COMMITTEE

The Chairman of the Overview and Scrutiny Committee advised the meeting that at the 9 January 2024 Committee some members had expressed concerns about the proposed Changes to Earmarked Reserves. These concerns centred around a lack of detail about what the funds would be used for in the Capital Programme, the lack of a rationale for closing the Reserves and the reduction in the Compulsory Purchase Order Reserve. This had led to a split vote on this item, with the Chairman using his casting vote in favour of the recommendation. All the other items on the agenda had received unanimous support of the Committee.

The Leader advised the meeting that she hoped that these matters could be clarified for members when discussed later in the meeting.

67. REPRESENTATIONS FROM NON-CABINET MEMBERS

In respect of Agenda item 8 -Changes to Earmarked Reserves, Cllr Copplestone informed the meeting that she was very disappointed to see the proposed closure of the £279,000 Economic Success Fund Reserve. She noted that it had not been utilised recently because Covid funding had been used instead and there had also been a change of Assistant Director in the Economic Growth department. However, it had been used very successfully for the Choices Programme which helped people with low self-esteem back into work, as well as providing support for market towns and public realm improvements.

Cllr Murrell also expressed concerns about the proposal in the report regarding the reduction in the Compulsory Purchase Order (CPO) Reserve, as it could prevent more than one CPO taking place at any one time.

68. TREASURY MANAGEMENT QUARTER 2 REPORT

The Assistant Director for Finance presented the report, which reviewed the treasury management activity during the first six months of the financial year 2023/24 and reported on the prudential indicators.

Members were reminded that the Council agreed a Treasury Management Strategy on an annual basis, and it was a requirement of the Strategy that regular update on the progress with Treasury Management was reported to Cabinet.

Cabinet was informed that the Council had £38m worth of investments at the end of September 2023. Interest earnings on these investments was anticipated to be £1.7m, which far exceeded previous expectations of £1.1m. Due to the health of these investments the Council had no intention to borrow in this financial year. Moreover, there had been no breaches of Treasury Management policies to report over Quarter 2.

The Portfolio Holder for Finance advised the meeting that the previous

administration's commitment to the Capital Programme would need to be reviewed, as the spend could see the Council's investment income reduced by a third over the next year.

RESOLVED

To:

1. Endorse the treasury activity for the first half of the year and that it complies with the agreed strategy.
2. Note the 2023/24 prudential indicators for the first six months of the year.

Reasons for Decision

The report was a factual account.

69. CHANGE TO EARMARKED RESERVES

The Assistant Director for Finance presented the report, which suggested a number of changes to Earmarked Reserves, to help fund the Capital Programme.

Members were reminded that the Medium-Term Financial Position and Reserves Update report considered by Cabinet on 10 October 2023, had identified a need to reduce the call on the General Reserve to fund the Capital Programme. The report proposed utilising earmarked reserves that were not currently being used for Capital Programme.

An analysis of the Earmarked Reserves had identified three reserves that were not being actively used. These were, the Economic Success Fund, the Housing Assistance Policy Reserve and the Neighbourhood Plans Front Runner Reserve. It was also proposed to reduce the Compulsory Purchase Order (CPO) Reserve by £250,000. The proposed changes would free up £1m to help fund the Capital Programme.

The CPO Reserve was currently £650,000 and would be sufficient resource to pursue two CPOs at the same time. However, the Council had never undertaken two CPOs at the same time and there would also be a capacity issue in respect of officer time if it was to do so.

Members' attention was drawn to Appendix A, which set out the rationale for closing the reserves at Appendix A.

Members were reminded that closing the reserves did not preclude future projects progressing, as proposals could be brought to Cabinet for determination regarding how they should be funded.

Cllr S Riley, the Portfolio Holder for Finance noted the analysis of earmarked reserves and the £5.5m in capital commitments and that it was prudent to review unused reserves to help fund the Capital Programme. The Council was also being prudent in ensuring that it followed the Government recommendations of retaining a minimum of £1.4m in General Reserves.

Cllr M Booth, the Portfolio Holder for Economic Development agreed with this view and noted that there was no point in having £279,000 in the Economic Success Fund Reserve that was unused.

Cllr N Harpley, the Portfolio Holder for Communities and Housing added that the Choices Programme was to be revamped and the funding for this could be found elsewhere, so members could be reassured that it would continue to be delivered.

The Leader noted that the aim of the changes was to help fund a Capital Programme which would otherwise use up the entire General Reserve, which was something that could not be allowed to happen if the Council was to maintain a minimum General Reserve of £1.4m. She also emphasised that the Council remained committed to helping people back into work and supporting businesses and that closing these reserves would not affect that commitment.

RESOLVED

To agree the following changes to Earmarked Reserves.

- Close the Economic Success Fund Reserve
- Close the Housing Assistance Policy Reserve
- Close the Neighbourhood Plans – Front Runner Reserve
- Reduce the Compulsory Purchase Order Reserve by £250,000

And transfer these balances to a new Capital Funding Reserve, to be used to fund the Capital Programme.

Reasons for Decision

To reduce the call on the General Reserve to fund the Capital Programme.

70. CHARGING POLICY

The Assistant Director for Finance presented the report, which presented the draft Charging Policy for approval.

Members were informed that it was good practice to have a Charging Policy to help ensure that a consistent and fair approach to setting fees and charges was taken.

The report proposed the following 3 key principles.

1. All fees and charges should aim to cover the full cost of the service.
2. Where appropriate, consideration should be given to establishing a pricing structure that caters for people on low incomes.
3. Where possible charges should be collected in advance of service delivery.

Members were reminded that the Policy only applied to those fees and charges

that the Council had discretion to set. Other fees and charges, such as those relating to Planning, were statutory and set by Government.

The Policy also aimed to ensure that a service was paid for by those who were using it, rather than by the general Council Taxpayer.

Cllr S Riley, the Portfolio Holder for Finance, noted that the Policy was in line with relevant guidance for local authorities and he commended the report for approval.

RECOMMENDED TO COUNCIL

To approve the Charging Policy outlined at Appendix A of the report

Reasons for Decision

To ensure a consistent and fair approach to setting fees and charges.

71. GREATER NORWICH 5 YEAR INFRASTRUCTURE INVESTMENT PLAN 2024-2029 AND ANNUAL GROWTH PROGRAMME 2024/25

The Place Shaping Manager introduced the report, which sought Council approval of the Greater Norwich Five Year Infrastructure Investment Plan and the allocation of funding to projects identified in the Annual Growth Programme. The report also sought approval of the payment of a project management fee to the Greater Norwich Projects Team and the signing of a deed of variation to the agreement entitled 'Partner Draw down and Borrowing Authorisations'.

Members were reminded that the majority of Community Infrastructure Levy (CIL) receipts were pooled for use via the Greater Norwich's Infrastructure Investment Fund.

For 2024/25 the Annual Growth Programme proposed that funding be allocated to three projects including Aylsham Gym and Fitness Hub, which would receive £400,000 out of a total allocation of £928,000.

In addition, an allocation of £2.5m to support Norfolk County Council's Education Capital Programme.

Two additional categories had been included in the Infrastructure Investment Plan this year. The first was Major Projects, which would be used for longer-term projects, however no Major Projects had been proposed this year. The second new category was Match Funding, which was used to lever in additional external funding. In this case £650,000 was to be allocated for a further phase of development at The Nest.

Also proposed was that £4.5m should be drawn down as a loan via the City Deal Borrowing Fund to support the delivery of the Long Stratton Bypass; this was being agreed under delegated authority so was not a decision for the Council.

The Committee was asked to note that the Aylsham Gym and Fitness Hub and the Nest projects were to be added to the Council's Capital Programme for

administrative purposes, but this funding would be recouped from the pooled CIL money.

The report also recognised the expanding workload of the Greater Norwich Projects Team in administering the Infrastructure Investment Plan and Annual Growth Programme and proposed approval of a £115,000 programme management fee, in order to provide them with additional resource.

The Leader noted the excellent projects in Aylsham and the Nest and that the programme management fee was coming out of a pooled pot of CIL money.

Cllr J Davis, the Portfolio Holder for Environmental Excellence, suggested that going forward he would like to see as a priority, funding going into projects that addressed or took into consideration the impact on climate, biodiversity and the environment.

In response the Place Shaping Manager drew members' attention to the Greater Norwich Digital Data Dashboard, which could be reached via a link in paragraph 3.6 of the report and the significant number of green infrastructure projects and transport improvements that had been delivered through the Annual Growth Programme.

RECOMMENDED TO COUNCIL

To

1. Approve the Five Year Infrastructure Investment Plan 2024-29 and the proposed 2024/25 Annual Growth Programme as set out in Appendix A;
2. Include the Aylsham Gym and Fitness Hub (totalling £400,000) and the Nest multi-sport indoor community hub (totalling £650,000) into the Council's Capital Programme commencing in 2024/25;
3. Approve a new programme management fee within the draft Five Year Infrastructure Investment Plan and delegates authority to the Director for Place in consultation with the Portfolio Holder for Policy (Leader) to agree the final fee. This fee will supplement the cost of the Greater Norwich Project Team and the fee for 2024/25 will be in the region of £115,000. The amount for future years will be confirmed within each subsequent version of this Plan. Details related to this recommendation are set out as Appendix B to this report;

and

4. Agree that the Deed of Variation to the agreement entitled 'Partner Draw down and Borrowing Authorisations', that was originally signed by all partners on 21st October 2015, can be signed. This is required to progress the establishment of the already agreed City Deal Borrowing Loans Fund. Details related to this recommendation, including the Deed of Variation itself, are set out as Appendix B and Appendix C to this report.

Reasons for Decision

To agree to infrastructure projects identified as priorities for delivery across Greater Norwich.

72. CONSERVATION AREA APPRAISAL FOR THE CONSERVATION AREA OF HALVERGATE AND TUNSTALL

The Senior Heritage and Design Officer presented the report, which recommended the adoption of a Conservation Area Appraisal for Halvergate and Tunstall Conservation Area by the Council.

Members were informed that the Conservation Area had been designated in 2007, when the existing Conservation Area Appraisal had been also carried out. The Broads Authority had produced and adopted the Conservation Area Appraisal for Halvergate and Tunstall on 15 September 2023 and, as part of the Conservation Area fell within the Broadland District area, it also required adoption by the Council. No changes to the Conservation Area boundary had been proposed.

The Appraisal assessed the character and appearance of the Conservation Area, reviewed the boundaries, identified buildings of local heritage significance that positively contributed to the character and appearance of the Conservation Area, and set out proposals as to how the Conservation Area could be managed and further enhanced.

The Senior Heritage and Design Officer informed the meeting that the Area Assessment included a section on Management and Enhancement, which identified sites where enhancement would be desirable, however this did not place any liability on owners to undertake the works outlined.

He added that the Broads Authority had undertaken a rigorous consultation process for the Area Assessment, which included contacting all properties within the area and holding a public meeting/drop-in session. Feedback from the consultation was appended to the report.

Members noted that at the Communities, Housing and Planning Policy Development Panel held on 13 December 2023 an Article 4 direction to restrict Permitted Development rights was not considered appropriate, as the Conservation Area was varied in terms of types and design of dwellings and an Article 4 direction was usually applied where there was a high degree of uniformity which was very important to preserving the character and appearance of a Conservation Area.

At the same meeting the respective roles of Broadland Council and the Broads Authority had also been clarified and a section had been added to the Appraisal that referred to the separate development management documents for each authority.

In respect of concerns regarding the condition of one of the cottages in the area following fire damage, members were advised that it had not been insured, which was the reason for the slow progress with repairs. The Council was in contact

with the owner.

RECOMMENDED TO COUNCIL

To approve and adopt the conservation area appraisal for Halvergate and Tunstall Conservation Area (Appendix C).

Reasons for Decision

To meet legislative requirements and to continue to protect the character and appearance of the area.

73. LGA CORPORATE PEER CHALLENGE - PROGRESS REVIEW

The Leader noted the Progress Review report from the recent LGA Corporate Peer Challenge.

Members were reminded that the Peer Challenge took place over 11–15 July 2022 and involved a small team of Local Government Peers (Members and Officers) spending time with both Councils and key partners to observe, engage and identify good practices and key areas for development.

Members of the Peer Team returned in October 2023 to identify how their recommendations had been actioned, as well as any new opportunities or challenges that had arisen.

Of the eight recommendations made by the Peer Team six were green and two were amber status and there was a narrative for each recommendation in the appended Progress Review report.

An analysis was being undertaken of what services were shared, what are aligned and what remained sovereign, as part of the work recommended by the Peer Review Team to clarify the vision for the joint working between the Councils and streamline processes and procedures around governance.

Overall, the Leader noted that the Peer Team had been impressed by the progress that had been made.

RESOLVED

To receive and endorse the Corporate Peer Challenge – Progress Review report.

Reasons for Decision

To note the good progress and commitment of the Council to sector led improvement.

74. RURAL ENGLAND PROSPERITY FUND - SHARED EQUIPMENT

The Strategic Growth Projects Manager introduced the report, which presented a business case for a shared food processing facility.

The report proposed that up to £50,000 of the Rural England Prosperity Fund (REPF) allocation be used to fit out a Content Creation Kitchen at the Broadland Food Innovation Centre. Delivery of the Kitchen, which would be a shared facility for use by the food and drink cluster, would enable them to expand into new markets.

It was proposed that the remaining funds be diverted to the Rural Business Builder project, by continuing to offer grants of up to £25,000 at a 50% intervention rate. Reallocating £200,000 of the funding available would support a minimum of eight additional projects.

Cllr M Booth, the Portfolio Holder for Economic Development, fully endorsed the recommendations, noting that the Kitchen could be used by existing tenants and outside businesses, and he also felt the Rural Business Builder project was an excellent use of funds.

RESOLVED

To

1. Approve the use of REPF funds to deliver Test Kitchen 2 as a content creation kitchen at a cost of up to £50,000.
2. Divert remaining funds (£200,000) from the REPF allocation to the Rural Business Builder programme, providing grants of up to £25,000 to eligible businesses.
3. Delegate to the Assistant Director for Economic Growth, in consultation with the Portfolio Holder for Economic Development, the signing of contracts, agreements and procurement requirements associated with delivery of this proposal, subject to appropriate legal and procurement advice.

Reasons for Decision

To approve the principal areas of investment for the Rural England Prosperity Fund.

75. FORWARD PLAN

Cabinet noted the Council's Forward Plan.

76. EXCLUSION OF THE PRESS AND PUBLIC

The Committee passed a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act.

77. BROADLAND COUNTRY PARK CONTRACT AWARD

The Programme Manager – Economic Growth presented the exempt report, which proposed the procurement of a design team to support with the preparation and delivery of planning, architectural and engineering design, and building processes for the visitor kiosk, and associated facilities, at Broadland Country Park.

The Portfolio Holder for Economic Development, Cllr M Booth, commended the report and recommendations to members and stressed the need to progress the work as soon as possible.

Officers responded to a query relating to the costs of the contract, and it was then unanimously

RESOLVED

To delegate to the Director of Place in consultation with the Portfolio Holder for Economic Development, the signing of contract documents related to detailed design stage work at Broadland Country Park, subject to appropriate legal and procurement advice.

Reasons for Decision

To support the delivery of visitor facilities at Broadland Country Park.

78. COMPULSORY PURCHASE ORDER

The Assistant Director for Individuals and Families presented the exempt report, which proposed consideration of enforcement options in relation to a long-term empty property.

Officers outlined the background to the proposals and drew attention to legal advice recently received. Members noted the additional recommendations proposed by officers.

Members expressed their support for the recommendations, noting that a Compulsory Purchase Order was only considered as a last resort.

It was

RESOLVED

1. To authorise the Assistant Director for Individuals and Families to
 - a) make a Compulsory Purchase Order to be known as the Broadland District Council (Property X, Broadland) Compulsory Purchase Order under Section 226 of the Town & Country Planning Act 1990.
 - b) take all necessary steps, including sign all necessary documentation and orders to affect the decision made by Cabinet.

- c) Upon acquiring title for the Property, to enter the property into the first available auction, after a period of marketing.
2. To agree an undertaking in writing with the owner that, upon confirmation of the Order, the Council will not vest title until 1 October 2024.
3. To agree to meet the selling agency and legal expense up to £15,000 should the owner independently sell the property on the open market before 1 October 2024

Reasons for Decision

To bring an empty home back in to use.

79. NORFOLK NUTRIENT MITIGATION FUND

The Assistant Director for Finance presented the exempt report, which proposed that the Council formally accepted the Government funding on behalf of the Norfolk authorities and sought agreement to use a proportion of this grant funding to make a loan to Norfolk Environmental Credits Ltd (NEC) to fund a specific nutrient mitigation intervention.

During discussion, officers responded to queries regarding the proposed arrangements, and explained that there was a requirement to allocate all the funds by March 2025. With regard to the specific nutrient mitigation project and loan outlined in paragraph 4 of the report, officers advised that the Government wished to see evidence of at least one project coming forward by March 2024 and that they were not aware that any other proposals were at a stage that could currently be taken forward.

Members noted that a further report would follow with more detailed proposals regarding governance arrangements with partners.

Cabinet members expressed their support for all the proposals and it was

RESOLVED

To:

1. Accept the award of £9.6M capital funding through the Government's Local Nutrient Mitigation Fund to Broadland District Council as the lead for the group of Norfolk councils affected by nutrient pollution in The Broads and Wensum catchments. And consequently, commit to using this grant funding to enable an initial portfolio of £9.6m of nutrient mitigation work to unlock housing delivery
2. Agree that a further report on the Norfolk Nutrient Mitigation Scheme and governance proposals is brought back to the Cabinet following discussions with the other affected local authorities.
3. Agree to use up to £1.5m of this capital funding to make a loan to Norfolk

Environmental Credits Ltd (NEC) to fund a specific nutrient mitigation intervention as detailed in the report.

Reasons for Decision

To formally accept Government funding on behalf of the Norfolk authorities, to unlock housing growth and protect the environment.

(The meeting concluded at 7.34 pm)

Chairman