

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK
JOINT MEETING OF THE REGENERATION & DEVELOPMENT AND
ENVIRONMENT & COMMUNITY PANEL

Minutes from the Meeting of the Joint Meeting of the Regeneration & Development and Environment & Community Panel held on Wednesday, 30th September, 2015 at 6.00 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT:

Councillors L Bambridge, A Bubb, Mrs S Collop, C Crofts, G Hipperson, M Chenery of Horsbrugh, P Kunes, Mrs K Mellish, P Rochford, C Sampson, T Smith, Mrs S Squire, J M Tilbury, A Tyler, Mrs E Watson, Mrs J Westrop, D Whitby, T Wing-Pentelow and Mrs A Wright

Portfolio Holders

Councillor R Blunt, Portfolio Holder for Development
 Councillor A Lawrence, Portfolio Holder for Community
 Councillor D Pope, Portfolio Holder for ICT, Leisure and Public Space

Officers:

Stuart Ashworth, Planning Control Manager
 Chris Bamfield, Executive Director Commercial Services
 Matthew Clarey, Enforcement Team Leader
 Sheila Farley
 Vicki Hopps, Environmental Health Manager (Commercial)

RD&EC54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Beales, Mrs C Bower (Councillor T Wing-Pentelow substituting), Mrs J Collingham (Councillor T Bubb substituting), N Daubney, Mrs S Fraser, M Hopkins, M Howland and B Long.

RD&EC55 MINUTES

RESOLVED: The minutes from the meeting held on Wednesday 2 September 2015 were agreed as a correct record and signed by the Chairman.

RD&EC56 DECLARATIONS OF INTEREST

There was none.

RD&EC57 URGENT BUSINESS

There was none.

RD&EC58 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor J Moriarty – RD&EC62 & RC&EC66.

RD&EC59 **CHAIRMAN'S CORRESPONDENCE**

There was none.

RD&EC60 **MATTERS REFERRED TO THE PANEL FROM OTHER COUNCIL BODIES AND RESPONSES MADE TO PREVIOUS PANEL RECOMMENDATIONS/REQUESTS**

The Panel noted the response made by Cabinet to the recommendations from the Joint Panel Meeting on 2nd September 2015 in respect of the following items:

- Nar Ouse Business Park Enterprise Zone
- South Wootton and Brancaster Neighbourhood Plans
- Site Allocations Plan – Proposed Modifications

RD&EC61 **HIGHWAYS WORKS**

This item was deferred.

RD&EC62 **OVERVIEW OF ENFORCEMENT**

The Chairman, Councillor Mrs Mellish, welcomed Councillor Blunt to the meeting as the new Portfolio Holder for Development.

The Planning Control Manager provided an overview of Planning Enforcement. He explained that the department investigated potential breaches of planning control and took the required action. The Planning Control Manager provided information on the main categories of potential breaches of planning control, which included material changes of use of land, operational development and breach of planning conditions.

The Panel was provided with information on the procedure following receipt of a complaint. The complaint would be registered and previous planning history would be researched. A site inspection would then take place within 5 days or within 24 hours if an irreplaceable asset was at risk, such as a Listed Building. Following the inspection investigations would take place and if required the Council could make a formal request for information by serving a Planning Contravention Notice or a requisition for information (s330) notice.

If the breach was considered to be harmful or contrary to the current policy and could not be modified, the Council could consider formal enforcement action and serve the relevant notice. If the land owner or occupier failed to comply with the formal notice the Council could take further action such as prosecution or direct action in default of the notice, which could include entering the land to rectify issues.

The Enforcement Team Leader provided the Panel with details of the Enforcement Team and the areas they covered. He provided information on the case load as at 1 September 2015 and explained that there were currently 325 live cases. 482 cases had been received and 421 cases closed since 1 January 2015. Those present were provided with details of some of the enforcement cases dealt with by the Council.

The Chairman thanked the Planning Control Manager and Enforcement Team Leader for their presentation and invited questions and comments from the Panels, as summarised below.

In response to a question from Councillor Crofts, the Enforcement Team Leader explained that a land charge would be placed on the land so that the Council could be reimbursed if any costs were associated with works where a notice had been defaulted on.

In response to a further question from Councillor Crofts, the Enforcement Team Leader confirmed that high hedge notices did not apply to fences. The Enforcement Team did deal with high hedges and a formula was used to determine if a high hedge was having a detrimental impact, which took into account the orientation of the sun and proximity to neighbours.

Councillor Kunes asked if a section 215 notice could be placed on Agricultural Land. The Enforcement Team Leader explained that a section 215 notice could be served if the condition of land was causing an adverse effect on the amenity of an area. It could be placed on any type of land, however it could not be served if the land was being used lawfully.

In response to a question from Councillor Mrs Bambridge, the Enforcement Team Leader provided detail of the process involved in dealing with high hedges. He explained that the complainant would firstly be advised to make a request to the land owner and try and negotiate informally. If attempts failed the Council could serve a notice on the land owner.

Councillor Moriarty addressed the Panel under Standing Order 34. He referred to retrospective applications. He commented that it had been stated at the Planning Committee that Government Guidance allowed historical breaches to be taken into account as a material consideration when determining planning applications. The Planning Control

Manager explained that this was a new piece of legislation and it would be up to the Planning Committee to determine how much weight they gave to this when determining planning applications.

Councillor Moriarty referred to the Enforcement Team's case load and asked if resources available were having an impact on the amount of cases closed. The Enforcement Team Leader informed those present that a new member of staff was starting in November and he explained that the cases closed did include historical cases. The Planning Control Manager felt that the team were able to manage the cases received, however if there was a huge influx of new cases they could review their processes.

Councillor Baron Chenery of Horsbrugh referred to a Compulsory Purchase Order in East Rudham. The Planning Control Manager explained that this was the first Compulsory Purchase Order they had progressed and was a learning experience. He explained that the Compulsory Purchase Order process was complex and could be challenged. The Secretary of State had to be notified and views sought from the relevant organisations such as English Heritage.

In response to a question from Councillor Bubb, the Planning Control Manager confirmed that the relevant Ward Member was made aware of any enforcement issues as appropriate.

Councillor Mrs Squire referred to Section 215 notices and asked if they went to prosecution could the Council recover costs and what happened if the land owner did not pay. The Enforcement Team Leader explained that court costs would be recovered by the courts. If the land owner defaulted on the notice and the Council had to do the works, it would be a cost to the Council and then placed as a land charge with the Land Registry. The Council could then enforce the sale so that they could recover costs if required.

In response to a question from the Chairman, the Planning Control Manager confirmed that the Council could prosecute if unauthorised works were carried out to a protected tree. The Council would have to take a view on the seriousness of the issue and replanting could be one of the options to remediate.

Councillor Mrs Bambridge referred to a property within her ward that was in a bad state of repair and asked when Compulsory Purchase Order powers could be invoked. The Planning Control Manager agreed to discuss the issue with Councillor Mrs Bambridge outside of the meeting. He reminded those present that the Council had a Derelict Land and Buildings Group.

RESOLVED: The overview was noted.

The Environmental Health Manager (Commercial) provided those present with an overview of the Food Safety Team and the work they carried out. She provided details of the Legal Regulations surrounding the Food Safety processes and statutory duties of the Council.

The Panel was provided with an overview of how Food Hygiene Inspections were carried out and the ratings achieved by premises for 2014/2015. She informed those present that 775 premises were currently rated as very good, one premises did have a zero rating, but issues had now been resolved and the premises was currently rated as generally satisfactory.

The Environmental Health Manager explained that each year the Food Standards Agency promoted a Food Safety week. This year was the Chicken Challenge and promoted steps to protect people and their families when preparing raw chicken.

The Food Safety Team had also been involved in the requirement for all food businesses to provide information about Allergenic Ingredients used in the food sold or provided by them. Training sessions had been made available for businesses and information packs had been created.

The Panel was informed that the Council had a statutory duty to conduct Shellfish Sampling. Classified areas had to be periodically monitored for microbiological quality. Shellfish flesh and water samples needed to be tested for the presence of certain toxins. The Environmental Health Manager confirmed that the Council had to meet the costs of shellfish sampling as it was a statutory duty. Discussions were ongoing to try and reduce the fee charged by external organisations when the only way to access areas was by boat.

The Chairman thanked the Environmental Health Manager for her report and invited questions and comments from the Panels, as summarised below.

In response to a question from Councillor Rochford, the Environmental Health Manager explained that the Council was required to submit ten shellfish samples per year, however they submitted twelve. This was in case one of the samples failed. The Panel was informed that if one of the samples failed the Council could lose its classification and the reclassification process would have to be started again.

Councillor Bubb referred to ship inspections and asked who met the cost of the inspections carried out by the Council. The Environmental Health Manager explained that the Council carried out inspections to all ships in the docks. The individual ships had to pay for the inspection and fees were set nationally.

In response to a question from the Vice Chairman, Councillor Mrs Wright, the Environmental Health Manager explained that high risk premises would receive the most frequent visits from the Food Safety Team. High risk premises could include those who had problems in the past, had complex structures of premises or methods of cooking.

In response to a further question from the Vice Chairman regarding Campylobacter, the Environmental Health Manager explained that the bacteria could not be controlled at source as it was intrinsic in the bird and the slaughter process. There was currently no vaccine which could be provided. The Environmental Health Manager explained that as long as raw meat was prepared and cooked correctly and those who had handled raw meat wash their hands, it should not be an issue.

Councillor Moriarty addressed the Panel under Standing Order 34. He referred to the Allergen information which had to be made available by all food businesses and asked how catering businesses advertised which allergens were present in their food. The Environmental Health Manager explained that she would advise them to have a list available of ingredients and products and place a notice near the food to inform customers that they should contact a member of the catering staff if they had any allergies.

Councillor Mrs Collop referred to the food ratings scheme and the Environmental Health Manager explained that food premises were rated from zero to five. The Food Safety Team had a separate ratings scheme which went from A to E which determined how often premises should be inspected. She referred to the premises which had been previously rated as zero and explained that regular checks were conducted at the premises.

In response to a question regarding the preparation of Game, the Environmental Health Manager explained that the same precautions should be taken when handling any form of raw meat, it should be cooked thoroughly and then you should wash your hands. She explained that raw meat should not be washed as it often spread bacteria.

In response to a question from Councillor Mrs Squire the Environmental Health Manager explained that Food Hygiene ratings were available to view via the Borough Council's website. There was also an app which could be downloaded.

In response to a further question from Councillor Mrs Squire, the Environmental Health Manager explained that the Council would be notified by Public Health England if a food poisoning incident was reported. The Council would then contact the individual to try and determine the cause. Action could then be taken as necessary and would be dependent on the seriousness of the case.

Councillor Hipperson asked if it was safe to eat rare steak and the Environmental Health Manager explained that if the cut of meat was seared on both sides to kill off pathogens and prepared hygienically it should be safe. Precaution should be taken in cases of eating rare minced products unless the meat had been seared first before being minced.

Councillor Smith asked what the process would be if a food premises was taken over by new management. The Environmental Health Manager explained that if it was a change of process, the business would have to re-register as a new business and would be unrated until an inspection took place.

Councillor A Tyler understood that there was a wide range of food premises, and asked if there was a trend to the type of business which was high risk or low rated. The Environmental Health Manager explained that multi-national businesses usually had quite a high hygiene standard. School and care home caterers also had specific hygiene standards that they had to meet so generally were awarded quite a high rating. Inexperienced smaller premises sometimes had problems achieving a decent rating and the Environmental Health Manager explained that officers were available to provide advice and information to new businesses to help them to achieve a good rating.

RESOLVED: The Food Safety update was noted.

RD&EC64 **OVERVIEW OF HANSEATIC ACTIVITIES**

This item of business was deferred until the next meeting.

RD&EC65 **CABINET REPORT - RESIDENTIAL CARAVAN SITE LICENSING**

The Housing Services Operations Manager presented the Cabinet report. She reminded those present that in June 2014 a report had been taken to Cabinet to approve the commencement of a public consultation exercise to the proposed revised residential caravan site licensing conditions.

The report now being considered presented the results of the consultation exercise, the proposed amended residential caravan site licence conditions and a proposed fees policy which would come into effect in April 2016.

The Chairman thanked the Housing Services Operations Manager for her report and invited questions and comments from the Panels, as summarised below.

In response to a question from the Vice Chairman, Councillor Mrs Wright, the Housing Services Operations Manager explained that the interpretation of a mobile home was a home that could be lifted by

sturdy means. The Residential Caravan Site Licences applied to permanent sites, however there were some exemptions such as Norfolk County Council sites and gypsy and traveller sites.

The Chairman, Councillor Mrs Mellish asked if any concerns had been raised through the consultation exercise with regard to the introduction of licence fees. The Housing Services Operations Manager explained that no major concerns had been raised through the consultation process and responses to the consultation were included within the Cabinet report.

In response to a question from Councillor Mrs Bambridge, it was confirmed that if a property was a permanent home it would be subject to Council tax.

Councillor Crofts asked if there was a difference between mobile homes and caravans and the Housing Services Operations Manager explained that for the purpose of the residential caravan site licensing scheme it was considered to be a mobile structure and included park homes.

Councillor Smith asked how the fees had been calculated and the Housing Services Operations Manager explained that Government Guidance had been looked at and comparisons made to what was charged by other Local Authorities. She explained that the fees charged needed to take into account the rurality of the borough and the cost involved in travelling to sites.

Councillor Hipperson referred to planning issues with a caravan park within his ward. The Housing Services Operations Manager explained that caravan parks had certain regulations that had to be adhered to including the distance between caravans etc. and this was a planning consideration.

Councillor Smith referred to page 50 of the agenda, the draft single new conditions which stated that the site owner shall establish whether the site is at risk from flooding by referring to the flood risk information pages on the Borough Council's website. He asked what would happen if people did not have access to the website and asked if there were other places that this information could be found. The Housing Services Operations Manager confirmed that there were other ways to access the information.

RESOLVED: That the Regeneration & Development and Environment & Community Panel support the recommendations to Cabinet as set out below:

1. Members note the report and endorse the approach to dealing with, and enforcement associated with residential caravan sites.
2. Members approve the amendments to the standard residential caravan site licence conditions.

3. Members approve the adoption of the proposed Fees Policy with annual fees commencing in April 2016.
4. It is proposed that the Chief Executive, in consultation with the Portfolio Holder with responsibility for housing be given delegated authority to make minor amendments to the standard conditions to ensure it complies with legislative requirements, Government Guidance and caselaw.

RD&EC66 **WORK PROGRAMME AND FORWARD DECISIONS LIST**

The Chairman invited Members of the Panel to contact her if they had any items which they would like to add to the work programme.

Councillor Moriarty addressed the Panel under Standing Order 34. He referred to the presentation provided to the Resources and Performance Panel the previous evening on Transforming Services. He explained that information had been provided on moving the Customer Information Centre to an appointments only system. He felt that the Environment and Community Panel should consider the impact that this would have on the Local Community.

The Chairman agreed to discuss this at the next Panel sifting meeting. The Panel was informed that a Cabinet report on Customer Services and Channel Shift was due to be considered by Cabinet on 3rd November 2015 and the Chairman of the Panels would discuss how the Panels could have an input into the process.

RESOLVED: (i) The work programme and forward decision list was noted.

(ii) Suggested agenda items to be considered by the Chairmen and added to the work programme as appropriate.

RD&EC67 **DATE OF THE NEXT MEETING**

The next meeting of the Regeneration & Development and Environment & Community Panel was scheduled to take place on Wednesday 28th October 2015 at 6.00pm in the Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.

The meeting closed at 7.40 pm