

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Environment and Community Panel**

## **Agenda**

Tuesday, 8th December, 2020  
at 3.00 pm

**Remote Meeting on Zoom and available for  
the public to view on [WestNorfolkBC on You  
Tube](#)**



**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200**

Thursday 26<sup>th</sup> November 2020

Dear Member

**Environment and Community Panel**

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 8th December, 2020 at 3.00 pm** in the **Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies for absence**

To receive any apologies for absence.

**2. Minutes (Pages 5 - 9)**

To approve the minutes of the previous meeting.

**3. Declarations of interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

Those declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**4. Urgent Business**

To consider any business which, by reason of special circumstances, the Chair proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. Members Present Pursuant to Standing Order 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and what items they wish to be heard before a decision on that item is taken.

**6. Chair's Correspondence**

If any.

**7. Climate Change Informal Working Group (5 minutes) (Verbal Report)**

To receive a verbal update on the establishment of the Informal Working Group from the Chair.

**8. Flood & Coastal Erosion Risk Management update from the Environment Agency's perspective (45 minutes) (Verbal Report)**

Representatives from the Environment Agency will provide an update to the Panel.

**9. Temporary Event Notices and Covid (25 minutes) (Pages 10 - 11)**

A request to add this item to the agenda has been received from Councillor Ryves (attached).

Officers will provide the Panel with an update on legislation and powers available to the Council. A guidance note has been prepared (attached).

Councillor Ryves will be given an opportunity to address the Panel.

**10. Work Programme and Forward Decision List (Pages 12 - 17)**

**11. Date of the next meeting**

To note that the next meeting of the Environment and Community Panel is scheduled to take place on 26<sup>th</sup> January 2021.

To:

**Environment and Community Panel:** Miss L Bambridge, C Bower (Vice-Chair), A Bubb, A Bullen, S Collop, M de Whalley, A Kemp, J Kirk, J Lowe, C Sampson (Chair), S Squire and M Wilkinson

**Portfolio Holders:**

Councillor P Kunes – Portfolio Holder for Commercial Services

Councillor S Dark – Portfolio Holder for Environmental Services and Public Protection

**Officers:**

Martin Chisholm – Assistant Director

Vicki Hopps – Environmental Health Manager

**By Invitation:**

Paul Burrows – Environment Agency

Councillor Ryves for Agenda Item 9

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**ENVIRONMENT AND COMMUNITY PANEL**

**Minutes from the Meeting of the Environment and Community Panel held on Tuesday, 20th October, 2020 at 3.00 pm as a Remote Meeting on Zoom and available for the public to view on You Tube.**

**PRESENT:** Councillors C Sampson (Chair), L Bambridge, A Bubb, S Collop, M de Whalley, A Kemp, J Kirk, J Lowe, J Moriarty (substitute for A Bullen), V Spikings (substitute for C Bower), S Squire and M Wilkinson.

**PORTFOLIO HOLDERS:**

Councillor R Blunt – Portfolio Holder for Development  
Councillor P Kunes – Portfolio Holder for Commercial Services  
Councillor E Nockolds – Portfolio Holder for Culture, Heritage and Health

**MEMBERS PRESENT UNDER STANDING ORDER 34:** Councillors Morley, Parish, Rust and Ryves.

**OFFICERS:**

Martin Chisholm – Assistant Director  
Duncan Hall – Assistant Director  
Nikki Patton – Housing Strategy Officer  
Marie Malt – Senior Licensing Officer

**EC125: WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting and advised that the meeting was being streamed live on You Tube.

[Click here to view the recording of the meeting.](#)

**EC126: APPOINTMENT OF VICE CHAIR FOR THE MEETING**

[Click here to view the You Tube recording of this item.](#)

**RESOLVED:** Councillor Spikings was appointed Vice Chair for the meeting.

**EC127: APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bower, Bullen and Lawrence.

**EC128: MINUTES**

**RESOLVED:** The Minutes from the previous meeting were agreed as a correct record.

EC129: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

EC130: **URGENT BUSINESS**

There was none.

EC131: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillors Morley, Parish, Rust and Ryves.

EC132: **CHAIR'S CORRESPONDENCE**

There was none.

EC133: **STATEMENT OF LICENSING POLICY**

[Click here to view the You Tube recording of this item.](#)

The Senior Licensing Officer presented the report.

The Chair thanked the Senior Licensing Officer for her report and invited questions and comments from the Panel, as summarised below.

The Panel was informed that two correspondence had been received, as attached.

Councillor de Whalley referred to paragraph 4.1 and the definition of Cumulative Impact and the Senior Licensing Officer provided clarification. He suggested that the paragraph be made clearer. He also referred to the term 'evidence available' and the Senior Licensing Officer explained that it meant evidence from responsible authorities.

The Senior Licensing Officer would amend the typo 'do' to 'do so' in Paragraph 23.4.

Councillor Kemp referred to the Coronavirus Pandemic and the Senior Licensing Officer explained that at the next meeting of the Environment and Community Panel in December the Panel would be provided with information on Covid Safe events and she would also produce a guidance note which could be circulated to the Panel.

Councillor Rust addressed the Panel under Standing Order 34. She referred to the removal of weblinks within the Policy as they were no longer valid. It was suggested by the Panel that a link to the Borough Council's Homepage be included in the document.

Councillor Morley addressed the Panel under Standing Order 34. He referred to paragraph 4.4 which was the to encourage measures outside of the licensed premises and felt that suggested measures should be included. The Senior Licensing Officer referred to public space protection orders and reminded the Panel that Section 182 guidance stated that the Policy needed to make clear that Licensing Law was not the primary mechanism for dealing with nuisance and antisocial behaviour.

Councillor Ryves addressed the Panel under Standing Order 34 he referred to public safety, the Coronavirus Pandemic and Temporary Event Licences. The Senior Licensing Officer explained that unfortunately Public Health was not a licensing objective. She reminded the Panel that each application would be considered on its own merit.

In response to a question from Councillor Kemp, the Senior Licensing Officer explained that licensed premises still had to comply with Coronavirus Legislation and conduct a risk assessment.

The Chair informed the Panel that he had received a request from a Member to consider Temporary Event Notices during the pandemic.

**RESOLVED:** The Panel reviewed the recommended changes and agreed that the Council be invited to adopt the revised statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.

EC134: **ESTABLISHMENT OF THE CLIMATE CHANGE INFORMAL WORKING GROUP**

[Click here to view the recording of this item.](#)

The Panel discussed the report which had been included in the Agenda.

Councillor de Whalley suggested that 'to review Policy and made Recommendations', be added to the proposed Terms of Reference.

The Panel discussed the Membership of the Group and it was explained by the Chair that more Members had put themselves forward to sit on the Group than there were spaces.

**RESOLVED:**

1. The Terms of Reference were agreed as:

*'To input and monitor the Climate Change Strategy and Action Plan, review Policy, make recommendations and feedback to the Environment and Community Panel as appropriate.'*

2. The Informal Working Group comprise of six Members.

3. The Democratic Services Officer to circulate the list of Members who had expressed an interest in the Informal Working Group and ask Members of the Panel to choose the six Members that they would like to sit on the Informal Working Group.

EC135: **ANNUAL UPDATE ON THE HOMELESSNESS AND ROUGH SLEEPER ACTION PLAN AND WORK OF THE TASK GROUP**

[Click here to view the recording of this item.](#)

The Assistant Director and Housing Strategy Officer provided the Panel with information on the Homelessness and Rough Sleeper Action Plan, as attached.

The Chair thanked officers for the update and invited questions and comments from the Panel, as summarised below.

Councillor Moriarty referred to allocating sites for affordable housing and Neighbourhood Development Orders. Officers would look into this and provide the Panel with further information.

In response to a question from Councillor Bubb, it was explained that the Travelodge was left without any damage.

Councillors Squire and Kemp asked if care leavers would be prioritised as needed. Officers agreed to provide the Panel with the relevant information on this.

Councillors Rust and Bambridge made reference to the figures stated for the amount of people sleeping rough in the town and the provision available. Officers provided details of the amount of people who had used the Night Shelter and had been accommodated during 'Everyone In'.

Councillor Rust raised concerns about assistance provided to those that were homeless or at risk of becoming homeless

Councillor S Collop informed the Panel that she was a Member of the Homelessness and Rough Sleeper Task Group and hoped that the Task Group should meet again as soon as possible, especially as the winter night shelter was about to open.

In response to a question it was confirmed that the latest number of rough sleepers in the town was eight, as recorded on 19<sup>th</sup> October.

**RESOLVED:** The update was noted.

EC136: **WORK PROGRAMME AND FORWARD DECISION LIST**



Councillor de Whalley informed the Panel that Jennifer Hobson who was leading on the Seals and Flying Rings Campaign would be prepared to provide an update to the Panel if required.

**RESOLVED:** The Panel's Work Programme was noted.

EC137: **DATE OF THE NEXT MEETING**

The next meeting of the Environment and Community Panel would be held on Tuesday 8<sup>th</sup> December 2020.

EC138: **EXCLUSION OF PRESS AND 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 or 3 of Part 1 of schedule 12A to the Act.

EC139: **EXEMPT - HOMELESSNESS UPDATE**

The Assistant Director and Housing Strategy Officer provided a presentation to the Panel which covered:

- Threats and Risks
- Covid Homelessness Costs
- Funding Opportunities
- Projects
- Winter Preparedness

The Chair thanked officers for the update and invited questions and comments from the Panel. Officers responded to questions relating to:

- The amount of beds available and how many had been accommodated
- The provision available and associated costs
- Universal Credit and Benefits
- Funding opportunities
- Evictions
- Welfare Cabins

**RESOLVED:** 1. The update was noted.  
2. The Panel thanked officers for their work in this area, particularly during the Coronavirus Pandemic.

**The meeting closed at 5.45 pm**

Agenda Item 9

**Request to add an item to a Policy Review and Development Panel, or King's Lynn Area Consultative Committee Work Programme**

|  |
|--|
| <b>Name: TEN permissions</b>   |
| <b>Item for consideration:</b><br><br>Dangers of social gathering not legal ground for refusing a Temporary Event Notice in exceptional pandemic conditions  |
| <b>Suggested Panel to take the item to:</b><br><br>E & C   |
| <b>Why do you think the issue warrants consideration by the Panel?</b><br><br>A very real danger that events will be held in the Borough that do not comply with social distancing instructions and involve large numbers of people interacting in small communities |
| <b>Have you raised the issue with officers/the relevant organisation in the past?</b><br><br>I have raised this with cllr Kuhns and his officers are concerned that such events cannot be refused under the current licensing protocols                              |
| <b>How can the Council influence the issue/what control do we have?</b><br><br>We can seek emergency powers giving us the power to refuse such events, on the grounds of public health   |
| <b>Any other information you would like to add to your request:</b><br><br>There was a " legal rave" event in Northwold in September and the organiser is now applying for a licence at the venue which will allow for further applications for rave events.         |

Please send completed form to [democratic.services@west-norfolk.gov.uk](mailto:democratic.services@west-norfolk.gov.uk)

## Environment and Community Panel –Temporary Events under Covid

Within the framework of The Licensing Act 2003, the system of permitting temporary event activities is intended as a light touch process, and as such, the carrying on of licensable activity does not have to be authorised by the licensing authority on an application. The Police or Environmental Health may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead.

The four licensing objectives are –

- The prevention of crime and disorder;
- Public Safety
- The prevention of public nuisance; and
- The protection of children from harm

The section 182 guidance provides a definition of Public safety - page 7, sections 2.7 to 2.14 at link below. The guidance states that public health is not public safety and that public health is dealt with in other legislation - to impose conditions which relate to cleanliness or hygiene, for example, would be outside the licensing authorities powers (*ultra vires*). Legal opinion from Cara Jordan, Eastlaw, confirms the position that the LA are unable to object under covid/public health.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

The LGA have issued a guidance note (updated 7<sup>th</sup> October 2020) stating that Health and Safety legislation should be used regarding covid and that events of up to 499 people can still go ahead if covid secure, available at the link below.

<https://www.local.gov.uk/covid-19-outdoor-events-guidance>

The Department of Public Health can make a direction under the No.3 Covid Regulations (link below) for an event or premises which can include a variety of measures including preventing the event. However, they can only do this where there is an imminent risk to health from the spread of Coronavirus and as Norfolk is in currently in Tier 1 there is no evidence to support prohibition of events. Even so, if the premises can demonstrate that they are Covid secure then again a prohibition cannot be considered.

<https://www.legislation.gov.uk/ukxi/2020/750/made>

Licensing Officers have channelled their concerns regarding this matter through the Institute of Licensing and the LGA. In addition, Senior Environmental Health Office James Windsor, at North Norfolk District Council emailed the DCMS on 16<sup>th</sup> September requesting the suspension of TEN's during this pandemic to assist with preventing the spread of covid. No response has been received to date.

## ENVIRONMENT AND COMMUNITY PANEL WORK PROGRAMME 2020/2021

| DATE OF MEETING                      | TITLE  | TYPE OF REPORT                                   | LEAD OFFICER/ ATTENDEE                       | OBJECTIVES AND DESIRED OUTCOMES   |
|--------------------------------------|--|--|--|---|
| <b>2<sup>nd</sup> June 2020</b>      | Officer update on the current situation and the impact this will have on the Panel Work Programme. | Update   |  |   |
|                                      | Carried forward from April Meeting - Quarter 3 2019/2020 Corporate Performance Monitoring.         | Performance Monitoring                           | Ged Greaves                                  |   |
| <b>14th July 2020</b>                | Alive West Norfolk Update  | Update   | Chief Operating Officer – Alive West Norfolk | As requested by the Panel.  |
|                                      | Corporate Performance Monitoring – Full Year   | Performance Monitoring                           | Ged Greaves                                  |   |
| <b>8<sup>th</sup> September 2020</b> | Climate Change Policy  | Policy Development                               | Dave Robson, Henry Saunders and Ged Greaves  | To consider the draft Policy  |
|                                      | Presentation from Water Resources East   |  | Representatives from Water Resources East    | As requested by the Panel at the meeting on 14 <sup>th</sup> July an update on the role of Water Resources East, in particular water storage and retention. |
|                                      | Balloon and Lantern release ban and signing up to NCC balloon and lantern charter                  | Opposition Item – requested by Councillor Squire | Nathan Johnson                               |   |
|                                      | Scrutiny and the Executive Protocol  | Policy Development                               |  |   |

|                                     |  |                         |   |   |
|-------------------------------------|--|-------------------------|---|---|
|                                     | WITHDRAWN - EXEMPT – Amendments to Refuse and Recycling Contract – Food Waste              | Cabinet Report          | Barry Brandford                               | To consider the report and make recommendations to Cabinet.                                   |
|                                     | Air Quality Annual Monitoring  | Monitoring              | Dave Robson                                   | To receive the annual update.   |
|                                     |  |                         |   |   |
| <b>20<sup>th</sup> October 2020</b> | Annual Update on the Homelessness and Rough Sleeper Action Plan and Work of the Task Group | Update                  | Duncan Hall and Nikki Patton                  | Last update presented to the Panel in October 2019  |
|                                     | EXEMPT – Homelessness Update.  | Update                  | Duncan Hall and Nikki Patton                  | To include funding opportunities, future projects, threats and risks and winter preparedness. |
|                                     | Statement of Licensing Policy  | Policy Development      | Marie Malt                                    | 3 Year Review.  |
|                                     | Climate Change Informal Working Group  | Operational             |   | To set up the Informal Working Group as agreed by the Panel at their meeting in September.    |
|                                     |  |                         |   |   |
| <b>8<sup>th</sup> December 2020</b> | Update on Flood Defences. Environment Agency   | Update                  | Paul Burrows from the Environment Agency      | Update as requested by the Panel at their meeting in July 20.                                 |
|                                     | Temporary event Notices and Covid  | Opposition Members Item | Marie Malt                                    | To discuss a request received from an opposition Member.                                      |
|                                     |  |                         |   |   |
| <b>26<sup>th</sup> January 2021</b> | Update on HMO's and Housing Standards  |                         | John Greenhalgh, Mark Whitmore and Sean Quinn | Requested by the Panel at their meeting in July 20  |
|                                     |  |                         |   |   |
| <b>9<sup>th</sup> March 2021</b>    |  |                         |   |   |

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| 20 <sup>th</sup> April 2021 |  |  |  |  |
|                             |  |  |  |  |

### **To be scheduled**

- Shop mobility
- Prevent and County Lines – last update presented to the Panel in October 19, next update due October 2020. Also to include update on Modern Slavery.
- Youth West Project. Last went to Panel in July 2018.
- Update on the 'Keeping Seals Safe from Flying Rings' Campaign – as required.
- Nominations to Outside Bodies and Appointments to Task Groups and Informal Working Groups – to be added to the Work Programme after an Annual Council Meeting has been held.
- Sustainability Transformation Plan – Update from the CCG
- Contaminated Land Strategy Review
- Gayton Road Cemetery
- Urban Wildlife.
- Presentation on Biodiversity
- Presentation from the IDB on their role and function
- Peat Bogs and CO2 emissions
- Anti Littering Campaign
- Together for Rivers Campaign
- Wild East Nature Recovery Programme

**FORWARD DECISIONS LIST**

| Date of meeting | Report title                             | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer                                       | List of Background Papers | Public or Private Meeting   |
|-----------------|--|-------------------------|----------------|---|---------------------------|---|
| 5 January 2021  |  |                         |                |   |                           |   |
|                 | The Audit Committee Effectiveness report | Non                     | Cabinet        | Leader<br>Asst Dir Resources  |                           | Public  |
| 15              | Strategic Property Acquisition           | Key                     | Cabinet        | Business Development<br>Asst Dir Property & Projects – M Henry        |                           | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
|                 | Southend Road and Hunstanton Bus Station | Key                     | Council        | Project Delivery<br>Asst Dir Companies and Housing Delivery – D Gagen |                           | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |
|                 | Parkway                                  | Key                     | Council        | Project Delivery<br>Asst Dir Companies and Housing Delivery – D Gagen |                           | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |

|  |                           |     |         |  |  |  |
|--|---------------------------|-----|---------|--|--|--|
|  | Salters Road, King's Lynn | Key | Council | Project Delivery<br>Asst Dir Companies and<br>Housing Delivery – D Gagen |  | Private - Contains<br>exempt<br>Information under<br>para 3 –<br>information<br>relating to the<br>business affairs of<br>any person<br>(including the<br>authority) |
|  | Fens Biosphere            | Non | Cabinet | Environment<br>Asst Director – S Ashworth                                |  | Public   |

| <b>Date of meeting</b> | <b>Report title</b>   | <b>Key or Non Key Decision</b> | <b>Decision Maker</b> | <b>Cabinet Member and Lead Officer</b>                                 | <b>List of Background Papers</b> | <b>Public or Private Meeting</b>   |
|------------------------|-----------------------|--------------------------------|-----------------------|--|----------------------------------|--|
| 2 February 2021        |                       |                                |                       |  |                                  |  |
| 15                     | Budget                | Key                            | Council               | Leader<br>Asst Director Resources                                      |                                  | Public   |
|                        | Food Waste Collection | Key                            | Council               | Leader<br>Asst Dir Operations and<br>Commercial                        |                                  | Private - Contains<br>exempt<br>Information under<br>para 3 –<br>information<br>relating to the<br>business affairs of<br>any person<br>(including the<br>authority) |
|                        | Lynnsport one         | Key                            | Council               | Project Delivery<br>Asst Dir Companies & Housing<br>Delivery – D Gagen |                                  | Private - Contains<br>exempt<br>Information under<br>para 3 –<br>information<br>relating to the<br>business affairs of<br>any person<br>(including the<br>authority) |



| Date of meeting | Report title   | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer                  | List of Background Papers | Public or Private Meeting |
|-----------------|--|-------------------------|----------------|--|---------------------------|---------------------------|
| 16 March 2021   |  |                         |                |  |                           |                           |
|                 | Update to the Major Project Board Terms of reference | Non                     | Cabinet        | Leader<br>Asst Dir Property & Projects – M Henry |                           | Public                    |

| Date of meeting               | Report title            | Key or Non Key Decision | Decision Maker | Cabinet Member and Lead Officer                                       | List of Background Papers | Public or Private Meeting   |
|-------------------------------|-------------------------|-------------------------|----------------|---|---------------------------|---|
| May 2021 date to be confirmed |                         |                         |                |   |                           |   |
| 17                            | Major Housing Project 2 | Key                     | Council        | Project Delivery<br>Asst Dir Companies and Housing Delivery – D Gagen |                           | Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) |