

# Overview & Scrutiny Committee

## Review of Cabinet Agenda

### Agenda

#### Date

Thursday 4 January 2018

#### *Members of the Overview & Scrutiny Committee*

Mr D G Harrison  
(Chairman)

Mr J J Emsell  
(Vice Chairman)

Mr A D Adams  
Mrs C H Bannock  
Mr D Buck  
Mrs J K Coplestone  
Mr G Everett  
Mr R F Grady  
Mrs L H Hemsall

Mr G K Nurden  
Mr G Peck  
Mr V Ray-Mortlock  
Mr V B Tapp  
Mrs K A Vincent  
Mr D C Ward

#### **Substitutes** **Conservative**

Any Members not  
appointed to the  
Committee or to Cabinet

#### **Substitute** **Liberal Democrat**

Any Members not  
appointed to the  
Committee

#### Time

10.00 am

#### Place

Council Chamber  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

#### Contact

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**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.**

#### **The Openness of Local Government Bodies Regulations 2014**

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to  
film / record this meeting**

**A G E N D A**

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- |          |   |               |
|----------|---|---------------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>     |               |
| <b>2</b> | <b>Apologies for absence</b>  |               |
| <b>3</b> | <b><u><a href="#">Minutes of meeting held on 28 November 2017</a></u></b> | <b>3 – 11</b> |

**4**    **Matters arising therefrom (if any)**

**5**    **Chairman's Announcements**

**6**    **Public Speaking**

To consider representation from the members of the public who have expressed the wish to convey their views on items on this agenda.

In accordance with the Constitution a period of 3 minutes is allowed per member of the public.

<b>7</b>	<b>Cabinet Reports</b>	<b>To follow</b>
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To consider the Cabinet reports in respect of the 9 January 2018 meeting.

P C Kirby  
Chief Executive

Minutes of a meeting of the **Overview & Scrutiny Committee – Review of Cabinet Agenda** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **28 November 2017** at **10.00 am** when there were present:

Mr D G Harrison – Chairman

Mr A D Adams  
Mrs C H Bannock  
Mr D Buck  
Mrs J K Copplestone

Mr J J Emsell  
Mr G Everett  
Mr R F Grady  
Mrs L H Hempsall

Mr G K Nurden  
Mr V Ray-Mortlock  
Mrs K A Vincent  
Mr D C Ward

Mr Clancy, Mr Fisher, Mr Proctor, Mrs Mancini-Boyle and Mr Vincent attended the meeting for items 109 - Budget Questions for Cabinet to 110 - Footway Lighting in Broadland

Also in attendance were the Head of Democratic Services and Monitoring Officer, Head of Planning, Head of Housing and Environmental Services, Head of Finance and Revenue Services, Corporate Finance Manager, Service Improvement Officer, Overview and Scrutiny Research Officer and the Committee Officer (JO).

### **107 APOLOGY FOR ABSENCE**

An apology for absence was received from Mr Tapp.

### **108 MINUTES**

The Minutes of the meeting held on 14 November 2017 were confirmed as a correct record and signed by the Chairman.

### **109 BUDGET QUESTIONS FOR CABINET**

Members received the responses from Cabinet to the Committee's questions.

In respect of question 2.5 - *What was the Cabinet's view on borrowing to invest for income generation?* The Portfolio Holder for Finance confirmed that if a positive business case was brought for borrowing to generate income it would be considered. However, as the Council currently had sufficient funds, it was unlikely to need to borrow in the foreseeable future.

In response to question 2.7 - *Why didn't Broadland District Council invest on our own and buy in the services required?* The Leader advised the meeting that the Council needed the necessary expertise and depth of resources that NPS could provide for housing development. This was also a way of managing risk, as NPS had also provided funding for the Carrowbreck development. The key rationale for forming the JVC had been that the

Council and NPS would share the risk, but retain the reward.

If any alternative means of developing land was proposed it would need to have compelling reasons to replace the JVC approach.

In answer to question 2.8 - *Did the Cabinet intend to invest in properties in order to regenerate housing in the District, including social housing and assisted housing for older people?* The Leader informed Members that although the Council had purchased property for temporary accommodation, the ownership of general need housing stock was a different business model that was not being considered. The Council was, however, looking to utilise its own land assets, which could include developing land for social housing. A report on Asset Management would be brought to Cabinet in the New Year.

In response to question 1.5 - *What plans were there to maximise the use of Broadland training venue at Hellesdon to ensure it became a profit centre?* The Portfolio Holder for Economic Development confirmed that the Council took a flexible and proactive approach to letting office space at Carrowbreck but was constrained by the requirement to have space available for the Council to use as a Disaster Recovery Centre. There was also an oversupply of office space in Norwich, which made letting Carrowbreck difficult.

A Member noted that 3D printers were becoming more affordable and could be a means of assisting local businesses to grow (as suggested in question 4.5).

In answer to a question about the future redevelopment of Thorpe Lodge, the Committee was informed that when Beeston Park was developed there would be an opportunity to relocate the Council to a new purpose built premises that could also hold a number of other public sector partners. It was too early at this stage to consider the details of the development, however.

In response to a query about accountability for negotiating contracts on the Council's behalf (question 2.9) Members were advised that they could be reassured that contracts were negotiated professionally and through a rigorous procurement process. Contracts could be agreed at: officer, Portfolio Holder, Cabinet or at Council level depending upon the size of the contract.

In answer to a query about maximising income from joint venture arrangements, the Leader informed the meeting that the Council looked at joint venture arrangements on a case by case basis to ensure that best value was secured, but it also considered the social and environmental aspects of ventures that it entered into, as well as all the other objectives and ambitions of the Council, not just the financial ones.

### CABINET REPORTS

#### 110 FOOTWAY LIGHTING IN BROADLAND

The report provided an update on the future maintenance of the 716 footway lights across five parishes (Hellesdon, Drayton, Freethorpe, Great Witchingham and Wroxham) that the Council was currently responsible for.

Following Norfolk County Council's decision to no longer adopt new footway lighting, Broadland had agreed the following:

- (1) to agree that the Council should not take on the responsibility for the operation of any new footway lighting from April 2018;
- (2) to undertake consultations with the parishes of Drayton, Freethorpe, Great Witchingham, Hellesdon and Wroxham to consider how a transition of the future responsibility for footway lighting currently provided by Broadland District Council and recharged to residents through Special Expenses can be made; and
- (3) to undertake consultations with all parish and town councils in Broadland to assess the future need for and provision of footway lighting from new developments across the District.

Following the Council resolution, the five parishes were invited to attend a consultation event in May 2017. However, Hellesdon Parish Council and Drayton Parish Council both responded with the following resolution:

*'The Parish Council will not adopt, nor take on the management, maintenance or pay the energy costs of the existing footway lighting in the Parish that is currently managed by Broadland District Council and recharged through a special expense.'*

*'The Parish Council will not enter into discussions or consultations with Broadland District Council either regarding a transition of the full responsibility for the existing footway lighting in the Parish, nor any discussion or consultation regarding the provision of footway lighting on new developments, as the Parish Council does not require footway lighting on new developments.'*

Since the majority of footway lights maintained by the Council were in Hellesdon and Drayton the consultation event was cancelled.

However, it was clear that some action would need to be taken, as the current level of Special Footway Lighting Expense charged to residents in the five parishes did not cover all of the costs for providing the current service.

To address this, a review had been conducted to identify if costs could be reduced whilst still complying with safety legislation and it had been concluded that the best way of doing this would be to cease the proactive scout rounds, which currently cost £38,171 per annum. However, even with this reduced service the level the Special Expense charged to residents in each parish would need to be increased to cover the cost.

The question of whether lights on new developments should be adopted also needed to be resolved; as well as whether a programme of replacement which would allow for part night lighting or dimming options using LED lighting, which could reduce energy consumption and costs by 50-70 percent, should be introduced.

Members were asked to note that an increase of the Special Expense would be included in any increase in Council Tax and this was currently capped at £5, which could have a detrimental effect on the Council's income.

The Committee was also reminded that the service was discretionary and there was no legal requirement for the Council to adopt and maintain footway lighting.

In answer to a query, it was confirmed that the Head of Finance and Revenue Services had approached the Department of Communities and Local Government about separating the Special Expense from Council Tax, but had been advised that the Government was not minded to change the legislation.

A Member informed the Committee that Drayton Parish Council did not want additional housing in the parish and, therefore, did not want footway lighting on the new development. He also suggested that the Cabinet resolution in February 2017 was more about Council Tax than footway lighting.

A Member suggested that it was unfair that all of Broadland's Council Tax payers be asked to make up the deficit that the Special Expense failed to cover in a few parishes, when other parishes maintained their own lighting.

The Committee was also reminded that the Leader had previously stated that the lights would not be turned off.

In response to a suggestion that parishes could precept its residents for the cost and then contract Broadland to maintain its footway lighting, it was confirmed that legal advice would need to be taken on this, but the parish would also need to discuss the matter with the Council, which the main two parishes so far had refused to do.

The Leader advised Members that they would need to balance the commitment to keep the lights on in the parishes against the constraints that increasing the Special Expense would have on Council Tax.

### **RECOMMENDED TO CABINET**

Options (1, 2 and 3)

- (1) resolve that this Council should continue to manage existing footway lighting it has adopted in Hellesdon, Drayton, Wroxham, Freethorpe and Great Witchingham; and
- (2) resolve that this Council should take on the management and maintenance of new footway lighting in the five parishes in which it currently acts as a Footway Lighting Authority and to recharge the cost as a Special Expense; and
- (3) resolve that any new and replacement footway lighting managed by this Council should be operated so as to provide part night lighting or dimmed lighting and delegate authority to the Environmental Protection Manager in consultation with the Portfolio Holder for Environmental Excellence to take all steps necessary to implement this.

### **111 COUNCIL PERFORMANCE - BROADLAND BUSINESS PLAN**

The report provided a comprehensive assessment of the Council's performance for the last six months with an update on delivery of the Business Plan's Objectives for the period 1 April 2017 to 30 September 2017. The report also included details of the Local Government Ombudsman decisions and formal complaints that had been received over the same period.

Members were asked to note that a review of the measures that were in place to support and reflect current service delivery methods had been undertaken and as a result some measures that were duplicated elsewhere or no longer relevant had been removed.

The Vice-Chairman commended the report which he said was informative, well laid-out and clearly demonstrated how the Council was meeting the ambitions and objectives in its Business Plan.

### **RECOMMENDED TO CABINET**

Option (1)

to note and consider the progress made against the objectives outlined in the appendices.

### 112 TREASURY MANAGEMENT REPORT TO 30 SEPTEMBER 2017

The report summarised the Council's Treasury Management activity during the first half of 2017/18.

The Council's investments as at 30 September 2017 totalled £31.84m and were spread over a range of AAA-rated investment products and Government backed schemes. Members were advised that all three of the externally managed funds had performed well over the last five years.

The Council was looking at alternatives, such as property investment, and it was intended to bring a report to Cabinet in the New Year. However, the Government had recently intimated that it would be introducing restrictions on local Government investments, so the scope of this might be limited.

In answer to a query, it was confirmed that NS&I was not an appropriate investment product for the Council.

In response to a query the Head of Finance and Revenue Services confirmed that whilst Council Tax was held by Broadland it was invested, but it was passed on to precepting bodies promptly according to an agreed schedule.

*Reason for underspend - see footnote at end of Minutes*

#### **RECOMMENDED TO CABINET**

Option (1)

to note the report on activity undertaken in the first half of 2017/18 in respect of Treasury Management activities.

### 113 ANNUAL AUDIT INSPECTION LETTER – YEAR ENDED 31 MARCH 2017

The Committee noted the Annual Audit Letter 2017 that included an unqualified opinion on the financial statements and concluded that the Council had in place proper arrangements to secure value for money in its use of resources.

The Vice-Chairman congratulated the Finance Team for its good work.

#### **RECOMMENDED TO CABINET**

to note the Annual Audit letter.

### 114 PUBLICATION OF THE GREATER NORWICH LOCAL PLAN FOR PUBLIC CONSULTATION

The report presented the Greater Norwich Local Plan (GNLP) Regulation 18 Growth Options document and recommended that it be published for consultation.

The document had been jointly produced by Broadland, Norwich City and South Norfolk Councils in partnership with Norfolk County Council and would contain a Core Strategy and allocations of land for development across the three districts to 2036.

It was emphasised that the consultation presented a series of questions about the choices to be made for the proposed allocation of 7,200 additional dwellings in Greater Norwich and was not attempting to provide the answers at this stage.

The evidence base for the Plan would be made up of a wide variety of studies including: viability, flood risk, economy, population forecast and a Sustainability Appraisal.

Agreement on the content of the document was being sought from each of the partners before the public consultation commenced.

There were a number of strategic growth options including; concentration close to Norwich, dispersal across greater Norwich and a new settlement of 500 homes. There was also a couple of options for a settlement hierarchy.+

The consultation would also ask if there was support for a Norwich centred policy area and on what boundaries.

Members were advised that the Communications and Engagement Manager was working on the production of a more 'user friendly' version of the consultation document and that responses could be made to as many or as few questions as the consultee wished.

The following responses were given to a number of questions and concerns raised by the Committee:

- When the GNLP was adopted it was anticipated that the Greater Norwich districts would have a five year land supply that would enable planning applications in locations not in the Plan to be opposed more robustly.
- Work had been undertaken with healthcare providers on a Norfolk Health protocol, so they would be aware of the impact of growth across

Greater Norwich.

- Anglian Water and the Environment Agency were key consultees and a number of projects to conserve water were being looked at, as well as measures to reduce consumption.
- The threat by the Chancellor of the Exchequer to review the planning system and authorise powers to seize land that had been awarded planning permission, but had not been built on, was unlikely to be pursued.
- If a Neighbourhood Plan ran contrary to the GNLP, greater weight would be attached to the GNLP in making planning decisions.
- Providing employment in rural areas could be raised through the consultation. Specifically through question 33 – What measures could the GNLP introduce to boost the rural economy?
- Establishing a new parish would require conducting either a Community Governance Review or a Boundary Review.

### **RECOMMENDED TO CABINET**

Options (1 and 2)

- (1) approve the 'Greater Norwich Local Plan Regulation 18 Growth Options' document and Interim Sustainability Appraisal for public consultation; and
- (2) delegate authority to the Head of Planning in consultation with the Planning Portfolio Holder to:
  - (i) make any minor corrections and presentational changes to the Growth Options document and Interim Sustainability Appraisal; and
  - (ii) sign off the Site Proposals document for public consultation.

### **115 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of

Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

### 116 EXEMPT MINUTES

The exempt Minutes of the meeting held on 14 November 2017 were confirmed as a correct record and signed by the Chairman.

*The meeting closed at 11.23 am*

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*Footnote to Minute no: 112:*

*Following the meeting it was confirmed that the reason for the underspend in Capital Expenditure was twofold:*

- 1. some budget had been apportioned to the Norfolk Broadband Rollout project which should have been implemented this year, however, to date there has been no progress on this;*
- 2. there had been some slippage with the use of the Disabled Facilities Grant, this was not unusual and it was expected that the budgeted expenditure would be fully spent by year end.*