

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 **Tuesday 3 March 2020** at **10.00 am** when there were present:

Mr S Riley – Chairman

Mr A D Adams
Mr S C Beadle
Mr N J Brennan
Mr P E Bulman

Ms S J Catchpole
Ms S I Holland
Mr K S Kelly
Mr D King

Mr K Leggett
Mr G K Nurden
Mrs S M Prutton
Mr N C Shaw

Mr Emsell, Mrs Hemsall, Mrs Karimi-Ghovanlou and Mr Vincent were also in attendance during the meeting.

Also in attendance were the Director Place, Director Resources, Director People and Communities, Assistant Director Planning, Assistant Director Governance and Business Support (Monitoring Officer), Assistant Director Individuals and Families, Business Support and Promotion Team Manager, Infrastructure Officer, Senior Governance Officer and the Committee Officer (JO).

113 APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Harpley and Mr Murrell.

114 MINUTES

The Minutes of the meeting held on 4 February 2020 were confirmed and signed by the Chairman as a correct record.

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 REVIEW OF LEGAL SERVICES PROVISION - CALL- IN OF CABINET DECISION

The Chairman explained that he had agreed that this item be added to the 11 February 2020 Cabinet Agenda, as a matter of special urgency. But, as it had not been subject to appropriate scrutiny, he had called it in to allow the Committee to consider the report.

The Assistant Director Governance and Business Support (Monitoring Officer) advised the meeting that due to the legal services contracts of both Councils expiring during 2020/21 Cabinet were being asked to look at options for a joint legal service across both Councils.

The Council had a Service Level Agreement with nplaw, whilst South Norfolk was a stakeholder in nplaw. Following discussions the Board of nplaw had invited Broadland to join as a stakeholder and an agreement had been drafted. However, there were issues with the agreement that needed consideration and, therefore, a number of other options were outlined in the report that Members were asked to look at before determining a preferred course of action.

Member's discussed and considered all of the options in the report and explored the decision made by Cabinet.

Following a vote with 12 voting for and one abstention it was:

RECOMMENDED TO CABINET

1. To agree the contract as set out in Option 1 of the report, subject to the removal of the restrictive clause, with final sign off to be delegated to the Assistant Director Governance and Business Support (Monitoring Officer), in consultation with the Portfolio Holder for Policy;

or

2. If the above matter could not be resolved to bring an alternative contract back to Cabinet for consideration.

CABINET REPORTS

117 COMMUNITY LOTTERY

The Assistant Director Individuals and Families advised the Committee that the report proposed establishing a Community Lottery to facilitate fund raising for local good causes.

The Council would provide the infrastructure, licences and online platform for local groups to sign up to take part in the lottery and for each £1 ticket sold they would receive 50p for specific good causes.

Community Lotteries were considered to be low risk in respect to problem gambling. As there was no 'instant gratification', due to the midnight deadline and payment was via pre-arranged sign up and online non-cash methods

It was proposed to deliver the Lottery with Gatherwell, an External Lottery Manager, which facilitated similar schemes for 51 other local authorities across the country.

It had been suggested calling the scheme the Community at Heart Lottery, but this would be finally agreed in consultation with the Portfolio Holder, Leader and Deputy Leader.

A Member suggested that this was not a good means of raising funds for local causes and that a national scheme would be more effective, whilst another Member thought that a donation page for local causes on the Council website might be a better way forward.

In response the Business Support and Promotion Team Manager advised the meeting that the scheme was not trying to compete with the National Lottery and should be seen instead as 'incentivised giving' to generate monthly income for the day to day funding of local good causes.

It was confirmed that the scheme would be promoted jointly by the local community group and the Council on their websites and that tickets would not be allowed to be purchased with credit cards. Customers' purchases could also be tracked and the number limited, if they were becoming concerning.

The Committee was advised that the initial contract with Gatherwell would be for 24 months, not 12 months as stated in the report. However, a break clause could be inserted into the contract if required.

The Committee confirmed that they would like to see a 12 month break clause in the contract and made this an additional recommendation to Cabinet.

RECOMMENDED TO CABINET

Option (1, 2, 3, 4 and 5)

1. The establishment of the Community Lottery for the purpose of raising funds to support good causes that benefit our residents;
2. Approves the procurement of an External Lottery Manager to run the operational side of the Lottery;
3. Authorises the Assistant Director of Individuals and Families, in consultation with the Portfolio Holder for Economic Development and Economic Development team to establish criteria for determining which good causes can participate in the Lottery, and apply those criteria;
4. Nominates the Assistant Director of Individuals and Families and Assistant Director of Finance as the personal licence holder for the Lottery and authorises them to apply for the personal licence and delegate the running of the Lottery to them; and
5. *To insert a 12 month break clause into the initial contract with the External Lottery Manager.*

118 DEVELOPMENT MANAGEMENT CHARGING FOR PRE-APPLICATION ADVICE

The report proposed the introduction of a range of charges for pre-application planning advice, which was a non-statutory service that the Council currently provided for free.

The Feasibility Study had identified that the pre-application service was an area that had the potential to generate income as Broadland was one of the only planning authorities in Norfolk that did not charge for pre-application advice.

Engagement with customers particularly agents had confirmed that they valued the benefits of pre-application advice and it was proposed that initial high-level advice and permitted development advice would still be available to customers free of charge, both on the phone and in person in the office. However, charges could be made for providing a more comprehensive response that involved further research or input from a range of officers.

The key benefit of a more in-depth service would be to speed up the planning application process for the customer by ensuring that the correct information was provided from the beginning and any officer concerns were addressed before the application was submitted. It would also be an opportunity to

recover some of the Council's costs and could generate additional revenue of £184,725 phased over four years.

The Place Shaping Panel had considered a proposal to introduce charging for the full range of pre-application services, including householder enquiries and from small housing developments and small commercial developments.

However, following further discussions with the Portfolio Holder and to strike a balance between recovering officer costs and supporting households and small businesses, the proposed charging schedule has been amended, to provide free advice for householder enquiries and residential development of 1-2 dwellings. The charge for major proposals (51 dwellings or more and for 10,000sq.m or more) had also been increased.

Members were advised that developments of three or more were usually brought forwards by agents who then charged the developer for advice that they were currently getting from the Council for free.

The Chairman suggested that due process should have taken place and that the report should have gone back for consideration by the Place Shaping Panel, before being taken to Cabinet.

In response, the Portfolio Holder for Planning informed Members that the principle of charging for advice had been agreed by the Panel and, as the revised schedule had been reduced, she had made a judgement call that it did not need further consideration by the Panel. However, she took on board the comments of the Chairman.

A Member pointed out that there was a risk associated with charging, which should have been pointed out in the report.

Some Members also considered that parish and town councils should be given free, rather than a reduction in the cost of advice, however it was also pointed out that a number of parish and town councils had considerable levels of reserves, as a result of the Community Infrastructure Levy.

A Member suggested that advice for residential developments of between one and five should be free and charges begin for six and to nine dwellings.

This proposal was put to the vote and lost, by 7 to 5 votes with 1 abstention.

RECOMMENDED TO CABINET

Options (1 and 2)

1. To introduce charging for pre-application advice as outlined in the proposed charging schedule, attached at appendix 1, from 1 April 2020; and
2. To review the charging schedule after 12 months.

119 PUBLIC SECTOR EQUALITY DUTY ANNUAL UPDATE

The report set out the activities that the Council had undertaken over the last year, which demonstrated its compliance with its Public Sector Equality Duty, as required by the Equality Act 2010.

A Member pointed out the gender imbalance between elected Members, but it was confirmed that this was a matter for the political groups concerned.

The Committee noted the report.

RECOMMENDED TO CABINET

Option (1)

To approve the report for publication.

120 BURE VALLEY RAILWAY AND PATH

The Director of Place informed the meeting that the report provided a comprehensive update to Members on the Bure Valley Railway and Path and sought endorsement for amendments to associated maintenance and management budgets.

In June 2017 the Council resolved to transfer the asset to the Bure Valley Railway Ltd. However, the implementation of the resolution had been delayed for legal reasons and in August 2019 the Council agreed to sign a Public Service Cooperation Agreement with Norfolk County Council for a 10-year period to enable £1.2m of funding from an Interreg Visitor Economy fund to be drawn down as investment in the asset. In September 2019 it was resolved to retain the asset and enter into negotiations regarding the future relationship with the BVR Ltd.

As the Council intended to retain the asset, a series of works were required across the site to bring it back up to pre-sale-negotiation standards and address the series of dilapidations that had occurred over the last five years whilst the 'bare-minimum' approach was adopted. This was also the reason that a rent review was not carried out in 2016. The next rent review would take place in September 2021, when much of the maintenance would have been carried out, including replacement of the nine mile length of outer-fencing.

It was, therefore, proposed to separate budgets for the BVR/BVP and Marriotts Way, which had previously been combined. This would simplify the process for awarding maintenance contracts and budget forecasts.

Approval of additional funding for the replacement of the outer fencing was also sought, as was approval of the £18,005 overspend for the 2019-2020 maintenance budget.

The Committee were also advised that the Managing Director and the Director of Place would be meeting with the Chief Executive of BVR Ltd tomorrow to discuss the ongoing relationship and to brief them on the contents of the Cabinet report. Some Members' concerns regarding peripheral issues such as signage would also be discussed.

RECOMMENDED TO CABINET

Options (1, 2, 3, 4 and 5)

1. For Cabinet to agree to separate budgets for the BVR/BVP and Marriott's Way and to increase the annual budget allowance for the BVR/BVP to £29,000 per annum, as contained within 4.6 of this report;
2. For Cabinet to agree to a separate budget and allowance of £9,000 per annum for the Marriott's Way, as contained within section 4.7 of this report;
3. For Cabinet to reallocate the £30,000 per annum rental income from the BVR Ltd into the asset to cover all annual maintenance costs for the site. Under this proposal any under spends could also be allocated into the reserve for 'large-capital' items;
4. Cabinet to approve the additional funding required to make good the outer-fence along the Bure Valley Railway line and to delegate the procurement strategy for these works to the Director of Place in consultation with the Portfolio Holder for Economic Development;
5. For Cabinet to approve the annual overspend, as outline in 4.19 of this report, incurred in the period 2019-2020 on the combined BVR/BVP and Marriott's Way budget.

121 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.

122 INSURANCE PROCUREMENT

The report explored the options available to the Council for procuring insurance cover, which expires on the 31 May 2020.

Following discussion it was:

RECOMMENDED TO CABINET

Options (1 and 2)

1. To agree the terms of the Local Government Mutual's offer to the Council.
2. To delegate to the Director Resources, in consultation with the Finance Portfolio Holder, authority to enter into all necessary legal agreements and applications necessary to give effect to this decision

The meeting closed at 12.41 pm