

Minutes of a meeting of the **Council** held remotely on **Thursday 30 July 2020** at **7.00pm**.

A roll call was taken and the following Members were present:

Cllr K A Vincent – Chairman

Cllr A D Adams	Cllr S C Gurney	Cllr T M Mancini-Boyle
Cllr S C Beadle	Cllr N J Harpley	Cllr J A Neesam
Cllr N J Brennan	Cllr D Harrison	Cllr G K Nurden
Cllr D J Britcher	Cllr L H Hemsall	Cllr G Peck
Cllr P E Bulman	Cllr S I Holland	Cllr S M Prutton
Cllr S J Catchpole	Cllr N C Karimi-Ghovanlou	Cllr S Riley
Cllr S M Clancy	Cllr K S Kelly	Cllr D Roper
Cllr B Cook	Cllr D King	Cllr C E Ryman-Tubb
Cllr J K Copplestone	Cllr S Lawn	Cllr N C Shaw
Cllr A D Crotch	Cllr K E Lawrence	Cllr J L Thomas
Cllr J J Emsell	Cllr J Leggett	Cllr S A Vincent
Cllr J F Fisher	Cllr K G Leggett	Cllr J M Ward
Cllr R M Grattan	Cllr I J Mackie	Cllr F Whymark

Also in attendance were the Managing Director, the Director of Resources, the Director of Place, the Assistant Director Governance & Business Support (Monitoring Officer), the Assistant Director Finance & Chief Financial Officer (Section 151 Officer) and the Committee Officer (DM).

#### **148 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

<b>Member/Officer</b>	<b>Minute No &amp; Heading</b>	<b>Nature of Interest</b>
Cllr Beadle Cllr Copplestone Cllr Grattan	156 - Cabinet – Minute no: 111 – Broadland and South Norfolk Our Plan for Recovery from the Covid-19 Crisis	Recipient of Government business support grant arising from the COVID-19 crisis.
Cllr Hemsall	163 – Temporary Pavement Licensing	Norwich Guide Dog Forum Coordinator Volunteer - non pecuniary interest
Cllr Mackie	155 and 165 – Overview and Scrutiny Committee minutes – Review of Legal Services	Member of Norfolk County Council – provider of legal services – non pecuniary interest

**149 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr R R Foulger, Cllr I N Moncur, Cllr M D Snowling, Cllr L A Starling, Cllr D M Thomas and Cllr S C Walker.

**150 MINUTES**

The minutes of the meetings held on 21 May and 30 June 2020 were, by way of a roll call, confirmed as a correct record and signed by the Chairman.

**151 MATTERS ARISING**

Members received the changes made to the standing orders relating to Part 4 Rules of Procedure / Council Procedure Rules / 25 – application to Committees and Sub Committees as agreed at the 21 May 2020 Council meeting (minute no 137 refers) and as set out on the agenda pages. Following a show of hands, it was

**RESOLVED** to approve the final wording as follows:

[Part 4 Rules of Procedure / Council Procedure Rules /25 Application to committees and sub committees]

25.2 Rules 2.1(1), 7, 8, 12.3, 12.4, 12.5, 12.6, 12.7, 14, 15.1, 15.5, 15.7, 15.8, 15.9, 15.10, 15.11, 17, 18, 19, 20, 21, 22, 23, and 26 and 27 apply to meetings of committees and sub-committees with any necessary modifications, apply to meetings of the overview and scrutiny committee and the quorum for any three member panel or committee.

**27. Meetings held in accordance with section 78 of the Coronavirus Act 2020**

These Procedure Rules 27.1 – 27.8 should be read in conjunction with the council's pre-existing Procedure Rules within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, the Virtual Meeting Standing Orders Procedure Rules take precedence in relation to any remote meeting.

**152 ANNOUNCEMENTS**

Members noted the civic engagements undertaken by the Chairman of the Council since the last meeting. The Chairman drew attention to an event held since the publication of the agenda, the celebration of Broadland's Community Heroes and it had been a privilege to meet the award winners and hear about their community work.

The Leader of the Council (Cllr Vincent) advised Council that the Broadland Growth development of 22 homes at Gt Plumstead was now complete with most homes now occupied. A report would be prepared on the scheme and its benefits in the near future.

The Portfolio Holder for Wellbeing (Cllr Wymark) invited all Members to attend the next meeting of the Wellbeing Panel on 5 August 2020 when the Panel would be looking at the Greater Norwich Homelessness Strategy and the Rough Sleeper Statement. In response to a question, the Portfolio Holder commented that the recent housing workshops were coming to a conclusion and that this work would be fed into reports to be considered by the Panel at future meetings.

The Portfolio Holder for Environmental Excellence (Cllr Leggett) drew attention to a recent email sent to all Members regarding the review of the Council's Licensing Policy and the opportunity to comment on the Policy.

The Portfolio Holder for Economic Development (Cllr Copplestone) advised Members that a further £20m of new government grants had recently been announced for small business to apply for grants of £1000 - £5000 to help in their recovery from Covid-19, in particular, new technology and fees. This was in addition to the £10m package announced earlier in the month to support those in the tourism industry. This information would be communicated to businesses in the weekly business update.

The Portfolio Holder for Planning (Cllr Hemsall) made reference to the next meeting of the Place Shaping Panel on 10 August 2020 when the Panel would be looking at the updated Development Plan and she invited all Members to attend. With regard to the Design Awards, she advised Members that the awards for this year would be postponed in view of the Covid –19 crisis and would instead be rolled over to next year.

The Managing Director advised Council that, in accordance with LGA advice, occupancy of the office continued to be at a minimum but that plans were being developed for a safe return of staff where necessary and appropriate and a review would be undertaken of the lessons learnt from remote working and a modified way of working. Proposals were mindful of the potential for a resurgence of COVID-19. A comment was made about the timescales involved in this and that it was hoped the public would soon be able to visit

the Council offices safely. The retail sector had returned to business but it was still not possible for the public to visit the Council offices.

**153 QUESTIONS FROM THE PUBLIC**

It was noted that there had been no questions from the Public.

**154 PUBLIC SPEAKING**

It was noted that there had been no requests for public speaking.

**155 OVERVIEW AND SCRUTINY COMMITTEE**

The minutes of the Overview and Scrutiny Committee meetings held on 9 June, 30 June, and the non-exempt minutes of 14 July 2020 were (by a show of hands) received.

***30 June 2020 – Minute no 138 – Overview and Scrutiny Committee Annual Report 2019-20***

The Chairman of the Overview and Scrutiny Committee invited Council to note the annual report of the Overview and Scrutiny Committee for 2019 -20. He commended the work of the Committee over the last year and the hard work of Members, many of who were new to Scrutiny. He also thanked officers for their support. It was hoped that training of Members would continue following the Covid-19 crisis. He offered his sincere condolences to all who had been affected by the Covid-19 pandemic and advised that a full review of the Council's response to the pandemic would be undertaken by the Committee at the appropriate time.

**RESOLVED**

to note the annual report of the Overview and Scrutiny Committee for 2019-20.

**156 CABINET**

The minutes of the Cabinet meeting held on 16 June and the non-exempt minutes of 21 July 2020 were received.

***21 July 2020 - Minute no: 111 – Broadland and South Norfolk Our Plan for Recovery from the Covid-19 Crisis***

The Leader of the Council invited Members to support the recommendation to endorse the Recovery Plan and the priorities to support the recovery. Members paid tribute to officers for pulling together a comprehensive report.

The Leader of the Opposition (Cllr Roper) echoed this comment and asked when preparing the updated report in September if the following matters could be considered: individual district specific reports for the two councils in the event that district specific matters needed to be addressed; clarity regarding time frames forming the short, medium and long term; soft telephony roll out; broadband infrastructure and public transport.

The Leader of the Council congratulated Cllr Roper on his recent appointment as Leader of the Opposition. He commented that, whilst the recovery report was a combined report for both Councils, it would continue to contain district specific information where necessary and appropriate and there was therefore no need for individual reports. With regard to Broadband, he reminded Members that the Council had received an update on progress of the Better Broadband for Norfolk project at the recent meeting of the Economic Success Panel and a key highlight was that coverage in Broadland had exceeded the target 97% and had now reached 98% of Broadland properties with access to down load speeds of 15Mbps or more. It was also noted that the strategy for better broadband was being communicated to businesses and work would be undertaken in the autumn to identify how many properties remained with a down load speed of less than 15Mbps and discussions held with businesses about their FTTP (Fibre to the Premises). Investment had been made as part of the IT strategy to enable the rollout of soft phones to allow staff to be more easily contacted whilst working remotely and this was being progressed as quickly as possible. With regard to the timescales referred to in the report, essentially short term implied 0-3months, medium term 3-6 months and long term 6 months plus. However, mindful of the unprecedented pandemic, implementation may not always proceed as planned as the situation remained fluid and there was a need to continually revisit timeframes and adapt as the environment changed.

Reference was made to the need to be mindful of the desire to balance the needs of the environment as well as the economy and society in planning for the recovery from Covid-19 and the importance of the availability of nature and open spaces for mental health and wellbeing and perhaps this needed to be addressed in future reports.

The Leader drew attention to a number of initiatives whereby the Council was already investing in green infrastructure, for example, the recently acquired country park, the Bure Valley Railway and Path, and the woodland at Little Plumstead. These demonstrated the Council's drive to put forward positive environmental factors as part of a sustained recovery.

In response to a question about how the Council could assist with focussing on the timely communication of more accurate and geographically local

infection rates and information on testing to communities, the Managing Director reported that there continued to be a demand for more timely, localised and accurate data and the picture continued to emerge and progress. This matter was controlled through the Norfolk Outbreak Board made up of professionals from Public Health and District Councils who were managing this with support of Environmental Health Officers in terms of track and trace. Efforts were ongoing to continue to press for timely and accurate localised data to ensure outbreaks could be controlled. Leaders of the county council and the district councils were also meeting to provide a political oversight of this work. In the event of an outbreak, the decisions on actions would be taken by the upper tier authority led by the data provided by Public Health. The local outbreak board would deal with the dissemination of information as necessary in the event of any outbreak, utilising track and trace information, which if occurring was likely to involve an individual or premises and contacts associated with them rather than the need to alert whole communities.

It was then, by way of a roll call,

**RESOLVED**

- (1) to endorse the initial Recovery Plan and priorities to support recovery from the Covid-19 crisis in Broadland;
- (2) that the in-year review and update of the 2020/21 Delivery Plan be brought back to Cabinet in September 2020 and then onto Council for agreement.

***21 July 2020 – Minute no: 113 – Environmental Strategy***

The Portfolio Holder for Environmental Excellence commended the Strategy to Council commenting that it was a document of interest to all and would have particular relevance as the Council supported recovery from the Covid-19 pandemic. She believed the strategy reflected the wishes of the Council and residents. A few minor typographical changes had been sought by Cabinet together with the addition of reference to sustainable development and an addendum to make reference to what had been done to date by the Council. She made reference to the need to ensure adequate resources were in place to aid the delivery of the Strategy as it cut across all services of the Council and needed a coordinating role to promote the strategy, report on progress and capture ideas.

Members welcomed the strategy but some expressed frustration with the process followed for the development of the strategy and delays and compromise arising from the need to progress the strategy across both councils, with a view that this may have resulted in a more diluted version of the document.

It was noted that the document was very much a living strategy which would continue to evolve.

In response to a question regarding adequate resources being available to support the document, the Managing Director referred Members to the budget setting process as being the opportunity for Members to ensure they were satisfied that appropriate resources were allocated in the business plan.

In response to a request for information regarding any increase in levels of consumption/waste arising from the pandemic, in particular, PPE equipment, the Portfolio Holder undertook to look into this. It was reported that recycling rates appeared to have increased by 15% during the pandemic and residual waste by 5%. The Portfolio Holder also undertook to investigate why the ordering of brown bins was currently experiencing delays.

It was suggested that reference in the strategy to working with communities to reduce emissions and to support lifestyle changes needed to be expanded as communities were keen to support this but not sure how this could be done. The Portfolio Holder commented that plans were in place for actions and these would be highlighted in the finished document and the action plan which was still to be populated. Reference was made to sustainable investment and the innovative local government green bond proposal to help with local green infrastructure and that this was something the Council should investigate.

It was then, by way of a roll call,

### **RESOLVED**

to approve the Environmental Strategy.

## **157 PLANNING COMMITTEE**

The decisions of the Planning Committee meetings held on 20 May, 17 June and 15 July 2020 were, by a show of hands, received.

## **158 ANNUAL REPORT OF THE AUDIT COMMITTEE**

The Chairman of the Audit Committee invited Council to note the content of the annual report for 2019/20. He drew attention to the key items considered and reviewed and thanked Members of the Committee and officers for their efforts in supporting the work of the Committee.

**RESOLVED**

to note the Annual report of the Audit Committee for 2019/20.

**159 MONITORING OFFICER REPORT**

Members considered the report of the Monitoring Officer and the Leader of the Council invited Members to approve changes to appointments as set out in the report.

The Leader of the Opposition proposed an amendment, duly seconded, to allow for further additional changes to be made to the recommendations in the report to incorporate changes to appointments by the Liberal Democrat Group.

The Chairman sought guidance from the Monitoring Officer as she felt the business was being raised late and Members were not aware of the changes. The Monitoring Officer advised Council that these changes had been received late and did not meet the criteria to be regarded as urgent business. Section 15.6 of Part 4 of the Constitution did however allow for amendments to be made to leave out and/or insert words to motions and the amendment could therefore be considered.

The Leader of the Opposition read out the following changes which were screen shared with all present at the meeting:

Awards Panel: Karen Lawrence replaces Sue Catchpole  
Service Improvement & Efficiency Cttee: Sue Holland replaces Julie Neesam  
Overview and Scrutiny Committee: Caroline Karimi-Ghovanlou replaces Stuart Beadle  
Place Shaping Panel: Dave Thomas replaces Julie Neesam  
Wellbeing Panel: Julie Neesam replaces Dave Thomas  
Joint Appointments Panel: Dan Roper replaces Steve Riley  
Joint Lead Members Group: Dan Roper replaces Steve Riley  
Joint Scrutiny: Steve Riley replaces Sue Holland

To add the following as Substitutes to Committees:

Audit Committee: Sue Catchpole  
Awards Panel: Sue Catchpole, Julie Neesam, Sue Holland  
Economic Success Panel: Dave Britcher  
Environment Excellence Panel: Stuart Beadle  
Member Development Panel: David Harrison  
Wellbeing Panel: Dave Thomas, Caroline Karimi-Ghovanlou  
Place Shaping Panel: Julie Neesam  
Overview and Scrutiny Committee: Stuart Beadle



Service Improvement & Efficiency Cttee: David Harrison, Julie Neesam, Steve Riley  
Planning Committee: Sue Catchpole  
Joint Appointments Panel: Sue Catchpole  
Joint Leaders Group: Sue Catchpole  
Joint Scrutiny: Sue Holland

The Chairman of the Council stated that she had taken advice *from the Monitoring Officer* on this matter and was keen to see the Constitution upheld. She had decided that the late receipt of the changes would not be justified on the grounds of urgent business and was also of the view that the late amendment did not fall within the *requirements* of the Constitution and could not be justified. The deadlines for receipt of matters for consideration by Council were clear and this information had been received too late.

The Leader of the opposition sought clarity as he believed that in the past changes to appointments to Committees had been dealt with by the Managing Director under delegated authority and reported back to Council to note; indeed, a standing item had appeared on past Council agenda advising Members of changes approved. He had hoped the same approach could be taken on this matter. He apologised for the late notice of the changes but had been unfamiliar with the change in approach and resultant deadlines but he hoped to gain Council's support for the changes proposed before the summer break.

The Chairman commented that the procedure had been the same for the last 12 months and the proposed changes had only been notified 3 days before the meeting *which was considerably later than the 10 days stated in the Constitution*. She had received a flurry of late business, only one of which she felt warranted being considered as a matter of urgency. She had received no supporting information as to why this item should be considered as a matter of urgency at this meeting. She reiterated she was keen to uphold the Constitution and to ensure, particularly in the current climate of remote meetings, due notice was given to all Members to give proper consideration to matters being raised and she urged officers and Members to have regard to the Constitution in this respect.

The amendment was then put to the vote and following a roll call, the amendment was lost.

The Leader of the Opposition stated that, despite the decision, he would be supporting the recommendations contained in the report. As a regular occurrence, amendments were made to recommendations before Council and on a number of occasions these had been late amendments. He was disappointed with the political approach being taken as he saw his proposals as an acceptable amendment to a recommendation before Council and had been advised it could be considered as such.

The Chairman reiterated her impartial apolitical stance and stressed that her interpretation of the rules were the same for all parties. She drew attention to the functions of Full Council in Part 2 of the Constitution which included making appointments to Committees.

Members then voted on the proposals contained in the report and it was, by way of a roll call,

### **RESOLVED**

to approve the following amendments to the appointments

- Joint Leader Member Group – Cllr Justine Thomas to replace Cllr Stuart Clancy, Cllr Thomas to be Vice Chair
- Planning Committee – Cllr Sue Prutton to replace Cllr Stuart Clancy
- Internal Drainage Boards – Cllr Nigel Brennan to replace Cllr Justine Thomas

***Note: amendments in italics agreed at the meeting on 23 September 2020***

***[The chairman adjourned the meeting for a 5 minute comfort break. The meeting was reconvened at 9.02pm when a roll call was taken to confirm all Members were still in attendance.]***

### **160 OUTSIDE ORGANISATIONS – FEEDBACK FROM REPRESENTATIVES**

Members received and noted the feedback from Members on Outside Bodies.

### **161 QUESTIONS FROM MEMBERS**

It was noted that there had been no Questions received in accordance with Procedural Rule 12.4.

### **162 MOTIONS**

Council considered the following motion received under Procedural Rule 13:

Proposed by Cllr. Steve Riley, seconded by Cllr. Sue Catchpole

*The council recognise the work of the joint working party in examining proposals for the waste contract future provision. Future waste provision is a complex issue involving a quality of service level to BDC residents, environmental concerns and appropriate policy together with future proofing.*

*Investment over the term of any contract or other provision will involve the spending and commitment of multi £millions in funding by the council on behalf of council tax payers and is of a significant magnitude. A final decision will also need to take account of any risk involved on a business case basis. Therefore, in line with Part 3 of the constitution, Responsibility for functions, 16.4(3) "the cabinet may refer to the council the exercise of any power delegated to it".*

*I therefore move that cabinet exercises its authority under the above and ask cabinet to refer to the council the final decision on the waste services review.*

The Monitoring Officer reminded Members that the motion was inviting Council to make a recommendation to Cabinet that the decision on the waste contract be made by Council and not by Cabinet. The debate needed to focus on the decision making process and not on the waste services contract. The Monitoring Officer also reminded Members that Council could draw power to itself, however Cabinet could, if so minded, refer its power to Council.

A number of Members made reference to the process by which work on the waste contract review had progressed, which had included consideration at meetings of the Environmental Excellence Panel which all Members had been able to attend and had all received the reports on this matter. The Constitution clearly provided for this matter to be dealt with by the Executive. Reassurance was given that, as with all matters coming before the Cabinet, a responsible and carefully considered decision would be taken based on all the information available and in accordance with the Constitution. It was also noted that the matter would receive consideration by the Overview and Scrutiny Committee prior to being considered by Cabinet.

In supporting the motion, some Members felt that as waste services affected every premise in the district and the contract was of significant magnitude, there was a strong case for the decision being taken by all Members, thereby demonstrating ownership of the decision by the whole council. Whilst the matter had been considered at the Panel meeting and would be discussed at Overview and Scrutiny, these were not decision making forums. Attention was drawn to the fact that provision was contained in the Constitution for some issues to be referred to Council for decision and also to allow for Cabinet to refer matters to Council for decision. Mindful of this, it was felt this was a very relevant matter which warranted referral by Cabinet to Council.

On being put to the vote, by way of a roll call, the motion was lost.

### **163 TEMPORARY PAVEMENT LICENSING**

*Following the receipt of a late amendment to the legislation and the need to implement the legislation before the next Council meeting, the Chairman had*

*agreed that this item be considered as a matter of urgency.*

Council considered the report explaining that a late amendment during the passage of the legislation through Parliament saw the insertion at Section 8(2) of a requirement that Sections 1 to 7 of the Business and Planning Act 2020 are not to be the responsibility of a local authority's executive. For this reason, and following legal advice, the decisions made by Cabinet on 21 July 2020 needed to be made by full Council. (Copies of the Cabinet report were included with the Council agenda for Members' consideration.)

Council noted that Cabinet had agreed to support the recommendation in the report to enable temporary pavement licensing to be administered in support of local businesses with the insertion of an additional word "temporary" before "pavement licences" in recommendation 2(a).

The Portfolio Holder for Environmental Excellence invited Council to support the amended recommendation stating that this matter needed approval before the next meeting of Council to allow businesses to apply for licenses for use during the remaining summer period, thereby supporting their recovery efforts following the Covid-19 crisis.

Some Members felt the Council should waive the licence fee as this would help small businesses who were already struggling to recover from the pandemic and had a limited time over the remaining summer months to utilise this facility. An amendment was proposed, duly seconded, that no fee be charged for the licence. A view was expressed that a code of conduct would be preferable to a licensed regime on this matter.

Other Members were of the view that the £75 licence fee was already lower than the maximum fee of £100 and was an appropriate fee for the licence which would involve officer time to administer. Attention was drawn to the support being offered to small businesses by way of government grants which could be used to offset fees such as this and aid recovery.

On being put to the vote, by way of a roll call, the amendment was lost.

As a volunteer coordinator for the Norwich Guide Dog Forum and being visually impaired, Cllr Hemsall made reference to the longstanding lobbying campaign to Government and local authorities to help reduce street furniture and minimise hazards for wheelchair users and blind people. She supported the efforts to encourage business recovery from Covid-19, but sought confirmation that mitigation measures were in place to ensure vulnerable people were not disadvantaged. Mitigation measures were included in the equalities Impact assessment to deal with potential antisocial behavior and she sought assurance that mitigation measures were in place to deal with the issues raised in the Impact assessment regarding vulnerable people.

The Portfolio Holder and the Director of Place confirmed that such mechanisms were in place. National guidance on pavement licensing required applicants to submit design and access statements with their applications to demonstrate what measures would be put in place to accommodate people with physical and sensory disabilities. If granted it was a condition of a licence that no such obstructions occur and licences were subject to review and revocation in the event of any issues arising. A request was made that suitable publicity, by way of a press release, be given to the mechanism by which users could refer complaints of non-compliance to the Council, including telephone contact numbers for complainants.

Assurance was sought and confirmed that there would be an appropriate disclaimer in the application form for applicants to confirm they had the appropriate consent to set up street furniture on the land applied for. With regard to the carrying out of routine inspections, assurances were given that sufficient resources were available to facilitate such inspections.

On being put to the vote, by way of a roll call, it was

**RESOLVED**

- (1) to set the temporary pavement licensing application fee at £75.
- (2) to delegate authority to the following officers for the purposes provided at subparagraphs (a) and (b) below:
  - Licensing & Enforcement Officers
  - Senior Environmental Health Officer (Licensing)
  - Food, Safety and Licensing Team Manager
  - Assistant Director Regulatory
  - Director for Place
  - (a) to decide whether to approve, refuse, or revoke temporary pavement licences, also to set their durations.
  - (b) to decide which licence conditions are attached to each licence (selecting from local standard conditions as established, and nonstandard conditions as appropriate to individual circumstances).
- (3) to delegate authority to the following officers the power to enforce licence conditions and to vary or revoke individual licences:
  - Senior Environmental Health Officer (Licensing)
  - Food, Safety and Licensing Team Manager
  - Assistant Director Regulatory
  - Director for Place

**164 EXCLUSION OF 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.

**165 OVERVIEW AND SCRUTINY COMMITTEE**

The exempt minutes of the Overview and Scrutiny Committee meeting held on 14 July 2020 were (by a show of hands) received.

**166 CABINET**

The exempt minutes of the Cabinet meeting held on 21 July 2020 were (by a show of hands) received.

*The meeting closed at 10:14pm*