

Minutes of a meeting of the **Council** held remotely on **Thursday 21 May 2020** at **7.00pm**.

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

Mrs K A Vincent – Chairman

Mr A D Adams	Mrs L H Hemsall	Mr G Peck
Mr N J Brennan	Ms S I Holland	Mrs S M Prutton
Mr D J Britcher	Mrs N C Karimi-Ghovanlou	Mr S Riley
Mr P E Bulman	Mr K S Kelly	Mr D Roper
Ms S J Catchpole	Miss S Lawn	Ms C E Ryman-Tubb
Mrs B Cook	Dr K E Lawrence	Mr N C Shaw
Mrs J K Copplestone	Mrs J Leggett	Mr M D Snowling
Mr A D Crotch	Mr K G Leggett	Mrs L A Starling
Mr J J Emsell	Mr I J Mackie	Mr D M Thomas
Mr J F Fisher	Mrs T M Mancini-Boyle	Miss J L Thomas
Mr R R Foulger	Mr I N Moncur	Mr S A Vincent
Ms R M Grattan	Mr M L Murrell	Mr J M Ward
Mrs S C Gurney	Ms J A Neesam	Mr F Whymark
Ms N J Harpley	Mr G K Nurden	

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

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

<b>Member/Officer</b>	<b>Minute No &amp; Heading</b>	<b>Nature of Interest</b>
Ms Catchpole Dr Lawrence Mr Riley Mr Wymark	133 – Cabinet (Minute no: 94 – Bure Valley Railway and Path)	Local Member for one of the areas through which the railway passed – non disclosable local choice interest
Mrs Copplestone Ms Grattan Mr Moncur Ms Ryman Tubb Miss Thomas Dr Lawrence *	138 – Financial Implications of COVID-19	Recipient of Government business support grant arising from the COVID-19 crisis.

\* declared during the meeting (via the Zoom chat facility).

## 127 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr S C Beadle, Mr S M Clancy and Mr D King.

## 128 MINUTES

The minutes of the meetings held on 20 February and 1 April 2020 were, by way of a roll call, confirmed as a correct record and signed by the Chairman, subject to an amendment to add the words in bold italics below to minute 108 Review of the Broadland Scheme of Members Allowances – paragraph (17):

### (17) Parish Council meetings – travel expenses

In recognition of the distances travelled by some Members in attending parish council meetings and to ensure inclusivity, it was proposed that travel to/from parish council meetings should be added to the list of approved duties for Members, giving them the option to claim these allowances if they wished. Following a request for further clarity, it was noted that eligible meetings of parish councils related to the main, regular, formally constituted parish council meetings and not to any adhoc meetings or working groups and that the travel rates would be the HMRC rates. Following a suggestion, a small amendment to the proposal was accepted that claims could not be made where the Member was ***a member of the parish or town council nor where a member was*** also able to claim an allowance by virtue of them being a member of another authority (ie Parish / County Council). The effective date for the new approved duty was suggested as 21 February 2020. It was proposed, duly seconded and, on being put to the vote,

**RESOLVED** that travel to formally constituted parish council meetings be added to the list of approved duties for the payment of travel allowance at HMRC rates effective from 21 February 2020. Claims could not be made where the Member was ***a member of the parish or town council nor where the member was*** also able to claim an allowance by virtue of their being a member of another authority (ie Parish / County Council).

## 129 ANNOUNCEMENTS

Members noted the civic engagements undertaken by the Chairman and Vice-Chairman of the Council since the last meeting. The Chairman thanked officers for all the work undertaken to enable virtual meetings to take place and to all staff for continuing to provide essential services in very difficult times. She thanked Members for all the work ongoing in their local communities and made reference to the Broadland Community Heroes

campaign which sought to recognise people whose efforts had been invaluable at this time. She invited Members to continue to share stories of their community heroes. The Vice Chairman of the Council echoed these comments.

The Leader of the Council (Mr Vincent) added his appreciation to all staff for working in unprecedented times and to the whole Council for stepping up with its response to the crisis. He also thanked town and parish councils and local community groups for all their efforts including collecting/delivering food parcels and prescriptions etc. It was a phenomenal collective effort and he thanked all concerned on behalf of the Council.

The Portfolio Holder for Environmental Excellence (Mrs Leggett) made reference to the motion at the Council meeting on 20 February regarding concerns about the impact of fireworks on vulnerable people and animals, and commented that a communications programme was being developed in line with Government regulations published in April this year.

The Portfolio Holder for Planning (Mrs Hempsall) congratulated all staff and Members involved in the Council's first remote Planning Committee held the previous day. She was very proud of all involved who had stepped up to deliver an excellent service in these unprecedented times.

The Managing Director echoed the previous sentiments, and thanked staff, members and volunteers for their efforts in supporting the community in these challenging times. Over 4,500 people identified by the Government as needing to shield had been contacted, over 4,000 food parcels delivered and £50m of government funding to support businesses had been distributed. He urged Members to view the Chairman's promotion on the Council's twitter page of the Community Heroes campaign and to help to acknowledge our heroes.

### **130 QUESTIONS FROM THE PUBLIC**

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

### **131 PUBLIC SPEAKING**

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

### **132 OVERVIEW AND SCRUTINY COMMITTEE**

The minutes of the Overview and Scrutiny Committee meetings held on 3 March and 17 March 2020 were (by a show of hands) received.

**133 CABINET**

The minutes of the Cabinet meeting held on 10 March 2020 were received.

**Minute no: 92 – Development Management – Charging for Pre Application Advice**

The Portfolio Holder for Planning advised Members that the concept of charging for pre-application advice had been under discussion since 2011 in line with a changing landscape in relation to funding local government and a move to identifying commercial opportunities to cover the cost of some services. Officers had been invited to develop a robust business case for charging and this had first been considered by a meeting of the Place Shaping Panel in 2019 to which all Members had been invited. A number of suggestions had been put forward and after consideration had been incorporated into the scheme. The revised scheme as now submitted had been considered by Overview and Scrutiny Committee and by Cabinet. She invited Council to support the recommendation, however in the light of the current unprecedented times of COVID-19 and the ongoing impact of the crisis on individuals and the economy, she was suggesting that the start date be delayed until April 2021 instead of April 2020 as originally proposed.

The Leader of the Opposition stated that, in the light of the uncertainty of the future with COVID-19, he understood the proposal to delay the introduction of the proposed scheme until April 2021. In principle, he also understood the logic behind the proposal to charge businesses for pre application advice to help offset officer costs but he did not feel this was the case for other categories of users such as parish councils, voluntary groups and charities who should be exempt from charges. The small amount they would have to pay would not make a significant difference to the projected income and he therefore put forward an amendment to introduce charges for pre-application advice as outlined in the schedule with the exemption of parish and town councils, voluntary groups and charities which were to be exempt from all pre application charges. The amendment was seconded by Mr Thomas.

The Leader commented that the scheme had originally been developed before COVID-19 and was setting out the plan for the way forward. With regard to the issue of charging parish councils and voluntary groups, he drew attention to the discounts which would apply and added that seeking advice was an option not a requirement. Parish councils/voluntary groups would only likely pay for advice when embarking on commercial development or large scale development as smaller schemes would be exempt from charges.

Some Members supported the view that charging parishes was adding an unnecessary transaction of public funds, and that charities and voluntary groups were suffering financially as a result of COVID-19 and should be exempt. In view of the relatively small sums of money involved it would be an

appropriate gesture at this time to exempt parish/town councils/voluntary groups and charities from the charges. A comment was made that pre-application advice was almost a prerequisite to ensure a sound route through the planning process.

The Portfolio Holder commented that the charges proposed for this group were likely to be less than the charges made by commercial planning agents. She was very cognisant of the difficult times currently being experienced, hence the delay in the start date.

In seconding the proposal, the Mr Kelly drew attention to the proposal to review the scheme on a yearly basis to assess its impact and effectiveness.

Members then voted on the amendment and, by way of a roll call, with 12 Members voting for the amendment, 29 against and 1 vote not cast, the amendment was lost.

***[At this point, 8:00pm, the meeting was adjourned to enable Members to take part in the “clap for carers”. The meeting was reconvened at 8:02pm when a roll call was taken to confirm all members were attendance.]***

Members then voted on the recommendation from Cabinet as amended to allow for the scheme to be introduced as from April 2021. It was then, by way of a roll call, with 30 Members voting for, and 12 against

### **RESOLVED**

to

- (1) introduce charging for pre-application advice as outlined in the proposed charging schedule, from 1 April 2021; (copy of the schedule attached at Appendix 1 to the signed copy of these minutes)
- (2) review the charging schedule after 12 months.

### **Minute no: 94 – Bure Valley Railway and Path**

The Portfolio Holder for Economic Success (Mrs Copplestone) invited Members to support the proposals to approve the annual overspend for Bure Valley Railway and Path arising from the accumulation of dilapidations along the path resulting in a spending increase in the year 2019-2020 well in excess of the current maintenance budget. To date the spend this year against the current budget of £12,000 was £30,005, which equated to an overspend of £18,005.

There was general agreement that the Bure Valley Railway and Path was an important asset, particularly in the current situation, and should receive the necessary investment. It was then, by way of a roll call, with 41 Members voting for, and 1 abstention,

**RESOLVED**

to approve the annual overspend, as outlined above, incurred in the period 2019-2020 on the combined BVR/BVP and Marriott's Way budget.

**134 PLANNING COMMITTEE**

The decisions of the Planning Committee meeting held on 4 March 2020 were (by a show of hands) received.

**135 LICENSING AND REGULATORY COMMITTEE**

The minutes of the Licensing and Regulatory Committee meeting held on 18 March 2020 were (by a show of hands) received.

**136 AUDIT COMMITTEE**

The minutes of the Audit Committee meeting held on 12 March 2020 were (by a show of hands) received. The Chairman of the Committee drew attention to the outstanding matter relating to the raising of purchase orders which was still being resolved. He added that the recommendation regarding consideration of the Annual report would be submitted to the Council's AGM.

**POINT OF ORDER**

At this point in the meeting Mr Nurden raised a Point of Order relating to the next item of business. He drew attention to the unprecedented times currently being experienced and the need to take unprecedented measures to continue to allow decisions to be made. Members had been notified by email on 5 May 2020 that the standing orders relating to meetings (Part 4) had been updated following S78 of the Coronavirus Act 2020 and the Constitution updated accordingly. The amendments provided the new rules by which the Council could make lawful decisions. However, the updated Constitution was dated 21 May 2020 the date of this meeting. He therefore posed two questions:

- How could the updated Constitution be published when the amendments had not been approved by full Council in accordance with article 15.3 of Part 2 of the Constitution;

- with regard to the lawful procedure to be followed for review and amendment of the Constitution in accordance with article 15.3 which required that changes to the Constitution could only be approved by the full Council after consideration of the proposal by the Cabinet advised by the Monitoring Officer, where was the duly recorded evidence giving due consideration by Cabinet or the Emergency Committee and how would this oversight be overcome to give effect to the proposals under the next agenda item.

The Chairman invited the Monitoring Officer to respond to the Point of Order. The Monitoring Officer advised Council that, in the light of the Country wide unprecedented situation and in accordance with the regulations and best practice and the advice of lawyers in local government, changes had been made to the Constitution, and Members advised of these on 5 May 2020. The standing orders were needed to enable virtual meetings to take place including this Council meeting which was being invited, at the earliest opportunity, to endorse the standing orders relating to remote meetings. She was not aware the updated Constitution was dated 21 May 2020 and would ensure the date was amended to 5 May 2020. With regard to Article 15.3 of Part 2 of the Constitution, which she read out, the Monitoring Officer confirmed that as was the case with all constitutional changes, the changes were presented to full Council and the proposals discussed with the Leader and the relevant Portfolio Holders. The report before Council was in the name of the Leader and due process had taken place.

Mr Nurden confirmed he was satisfied with the response and satisfied that the Council was acting within the Constitution.

### **137 GOVERNANCE ARRANGEMENTS – COVID-19**

Miss J Thomas drew attention to an amendment needed to section 25.2 of Part 4 of the Constitution to include reference to the new provisions contained at section 27 dealt with as part of this report.. To assist with understanding of the paragraph she suggested an amendment to delete the second reference to “apply” and insert a comma. The Monitoring Officer undertook to make the necessary amendments to this section.

The Leader invited Members to support the proposals for governance arrangements outlined in the report and the updated standing orders required to enable decision making to continue in the unprecedented current situation regarding COVID-19 by way of holding virtual meetings and setting out how these should be held. This would enable the Council to progress in an effective and legal manner. The proposal was seconded by Mrs Mancini-Boyle.

In response to a question about its meaning, the Leader explained that the opening paragraph of the statutory instrument enabled greater flexibility in

managing the schedule of meetings and to convene, cancel or reschedule meetings as necessary in the current unpredictable crisis.

Mr Nurden raised a concern that the introductory paragraph to the proposed new article 27 was confusing as it was not clear what was intended by the statement that the new standing orders be read in conjunction with the existing standing orders and he felt this needed clarity. It was also stated that, if there was a conflict, the virtual meeting standing orders would take precedence in relation to any remote meeting and this again led to confusion as it was not clear if article 27 was part of the current standing orders or if they stood alone as separate virtual meeting standing orders.

He also made reference to the arrangements to be followed at committee meetings in terms of holding meetings and the absence of reference to article 27 in article 25.2, in the existing standing orders and if this affected the validity of the virtual Planning Committee held the previous day, acknowledging that the Monitoring Officer had now confirmed that this omission was an oversight.

Mr Nurden commented that the virtual Planning Committee had been conducted in a very efficient and professional manner by the Chairman, Members and Officers involved but he sought confirmation from the Monitoring Officer that this meeting had been held in accordance with updated constitution on 5 May 2020 (which appeared to exclude committees meetings from being held remotely) or if it had been held in accordance with the section 78 of the Coronavirus Act 2020.

The Monitoring Officer confirmed that the wording in the introductory paragraph could be amended to clarify the situation but effectively it sought to confirm that the new standing orders relating to virtual meetings would take precedence over other standing orders to enable the Council to hold meetings virtually but these also stood alongside the existing standing orders. She was satisfied the virtual Planning Committee held the previous day was a legal meeting.

The Monitoring Officer reiterated that she would make appropriate amendments as put forward to the standing orders in relation to

- section 25.2 of Part 4 of the Constitution to include reference to the new provisions contained at section 27 and, to assist with understanding of the paragraph, amendments would be made to delete the second reference to “apply” and insert a comma;
- The introductory paragraph of article 27 to enable easier understanding of the meaning of the paragraph.

She undertook to share these with Mr Nurden and Miss Thomas and to bring



these back to Council at the next meeting for approval.

In response to a question, Council was assured that there was still a programme of meetings in place. Meetings in April had been cancelled due to the emerging COVID-19 crisis and the need to respond to the crisis and put measures in place to hold meetings in a different way but scheduled meetings would now resume subject to there being business to be transacted.

In seconding the proposal, Mrs Mancini-Boyle congratulated the Monitoring Officer and her team for enabling full Council meetings to be held remotely. Many councils were still not doing this and had instead evoked emergency committees. These efforts had ensured that meetings could still go ahead had provided the opportunity for democracy to continue in full. The Chairman echoed these sentiments and congratulated officers on this achievement.

In summing up, the Leader welcomed the debate on this item and the scrutiny of the standing orders as the Constitution was important and needed to be correct. Meetings would now continue subject to business needing to be considered. The Council had been proactive in seeking to remain democratic and open in conducting its business involving as many members as possible to be part of the process. Using the developing technology available and the new regulations would allow the Council to demonstrate how well it could perform and move its meetings onto a virtual platform. A significant amount of work had been undertaken by officers to enable this to happen and he thanked them for this.

It was then, by way of a roll call, with 41 Members voting for, and 1 Member not casting a vote

### **RESOLVED**

to approve the additional Standing Orders relating to virtual meetings during the COVID-19 pandemic as amended (copy attached at Appendix 2 to the signed copy of these minutes).

***[The chairman adjourned the meeting for a 5 minute comfort break. The meeting was reconvened at 9pm when a roll call was taken to confirm all members were in attendance.]***

## **138 FINANCIAL IMPLICATIONS OF COVID-19**

Members considered the report of the Assistant Director – Finance setting out details of the financial implications of COVID-19 on Broadland District Council.

The Portfolio Holder for Finance (Mrs Mancini-Boyle) drew attention to

various payments received from Central Government to support the Council in responding to the COVID-19 crisis and enabling financial support to be given to businesses and in relation to council tax hardship. Details regarding a new discretionary fund for business grants were still awaited. The Medium Term Financial Plan was being updated and the latest situation would be considered by Cabinet, via the Overview and Scrutiny Committee in June.

She invited Council to ratify the decision to incur any additional expenditure up to a max of £100,000 per month, with this being reported to the Portfolio Holder for Finance on a monthly basis. Should there be an urgent requirement for additional spending over the £100,000 limit this would be dealt with via Emergency provisions within the budget, thereby enabling officers to react quickly in this emergency.

Reassurance was sought that the measures in place to authorise expenditure over the approved amount would not hinder the Council's ability to respond to any urgent needs arising in a timely manner and clarification sought of the mechanisms in place for this.

Mrs Mancini-Boyle confirmed that the Council would continue to respond positively to support its residents and explained that Cabinet, a committee of the Cabinet, Portfolio Holders or officers or joint arrangements discharging executive functions may take a decision which was contrary to the Council's policy framework or contrary to or not wholly in accordance with budget approved by full council if the decision was a matter of urgency in consultation with the Chairman of Overview and Scrutiny.

In response to a question about whether the Council was lobbying Government about the need for proper funding for local authorities at the present time, Members were advised that meetings were held regularly with the local MPs for Broadland, and the Leader of South Norfolk Council in his roles on the Local Government Association and the District Councils Network was able to make representations on behalf of both councils. This was particularly important as the Councils moved into the recovery phase of the crisis.

With regard to the challenges experienced by the system suppliers in administering the £150 reduction to working age claimants in relation to council tax, it was hoped these would be resolved shortly and direct debit payments from those affected had been suspended in the interim.

It was then, by way of a roll call, with 42 Members voting for, unanimously

### **RESOLVED**

to note the report and to ratify the decision to incur any additional expenditure necessary (up to £100,000 a month) to deal with the COVID-19 pandemic -

details of this expenditure to be reported to the Finance Portfolio Holder monthly.

### **139 WATER DAMAGE AT THORPE LODGE**

Members considered the report of the Assistant Director – Finance on the issues arising from the recent water damage at Thorpe Lodge.

The Portfolio Holder for Finance updated Members with the revised cost of dealing with the water damage which was £10,446. It was anticipated that these costs would be fully covered the Council's insurance.

The Leader of the Council commended officers in their response to the incident which saw a large number of staff relocated to alternative working places in a very short space of time.

The Leader of the opposition also commended the response and the provisions in place to deal with an urgent decision.

It was then, by way of a roll call, with 42 Members voting for, unanimously

### **RESOLVED**

to note and endorse the effective response to the water leak at Thorpe Lodge, and the decision, taken under the urgency provisions, to incur expenditure to deal with the water damage.

### **140 PAY POLICY STATEMENT**

Members considered the report of the Senior HR Lead inviting Council to approve and make public the annual Pay Policy Statement in accordance with the requirements of Section 38 of the Localism Act introduced in 2012. Once approved, the 2020/21 Pay Policy Statement would be made available on Council's website.

The Portfolio Holder for Transformation and Organisational Development (Mr Emsell) invited Council to approve the Policy for 2020/21. In response to a concern about the potential to put downward pressure on pay bands having regard to market pressure and the impact of the COVID-19 crisis, the Portfolio Holder confirmed that the current Pay Policy sought to ensure the Council could continue to attract experienced and qualified people to ensure a capable and high performing workforce; there was no intention to look for savings. A comprehensive piece of work had been undertaken to realign pay bands and terms and conditions across the two Councils as part of collaborative working and these would be reviewed annually.

It was then, by way of a roll call, with 42 Members voting for, unanimously

**RESOLVED**

to approve the content of Broadland District Council's 2020/21 Pay Policy statement (attached at Appendix 3 to the signed copy of these minutes) and its publication on the Council's website.

**141 NORFOLK POLICE AND CRIME PANEL**

The Leader explained that, because of the current exceptional circumstances of the Coronavirus Pandemic, Norfolk Leaders had considered a report from the Chairman of the Norfolk Police and Crime Panel (PCP) requesting a change to the Panel arrangements. The change would allow the Panel to re-appoint a co-opted independent member without open recruitment thereby allowing Air Commodore Kevin Pellatt to continue in the role of co-opted independent member beyond the appointed term of office should the Panel be unable to meet before the end of June 2020. In principle, this request was agreed by all Norfolk Leaders subject to them each seeking their Council's agreement to the proposal.

It was (by way of a show of hands)

**RESOLVED**

to approve

- (1) an amendment to the Norfolk Police and Crime Panel Arrangements, which would allow the Panel to re-appoint a co-opted independent member without open recruitment;
- (2) Air Commodore Kevin Pellatt continuing in the role of co-opted independent member, beyond his appointed term of office, should the Panel be unable to meet (and consider his re-appointment) before the end of June 2020.

**142 OUTSIDE ORGANISATIONS – FEEDBACK FROM REPRESENTATIVES**

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

**143 QUESTIONS FROM MEMBERS**

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

**144 MOTIONS**

It was noted that there had been no motions received in accordance with Procedural Rule 13:

*The meeting closed at 9:50pm*