

# Council

## Agenda

### Members of the Council

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

### Group meetings:

Conservative Group	Trafford Room (6.00pm)
Liberal Democrat Group	John Mack Room (6.00pm)
Labour Group	Members Room (6.00pm)

### Date

Thursday 7 November 2019

### Time

7.00pm

### Place

#### Council Chamber

Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

### Contact

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@BCCDemServices

30 October 2019

### 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**

**Page No**

**1 Minute's Silence**

To hold a minute's silence for John Lee who passed away recently. Mr Lee was a member for Thorpe St Andrew North West Ward from 1973 to 1987 and for Thorpe St Andrew South Ward until his retirement in 1994. He was Deputy Leader of the Council in 1990/91 and Leader in 1991/92 and part of 1992/93.

**2 Norfolk Constabulary – Presentation / Question /Answer session**

**3 [To receive declarations of interest under Procedural Rule no 8 – guidance and flow chart attached](#)** **7 – 8**

**4 Apologies for absence**

**5 [Minutes](#)** **9 – 16**

To consider the Minutes of the meeting held on 17 September 2019

**6 Matters Arising (if any)**

**7 Announcements**

To receive announcements from

**(1) [The Chairman – list of Civic engagements attached](#)** **17**

(2) The Vice Chairman

(3) The Leader

(4) Members of the Cabinet

(5) Head of Paid Service

**8 Questions from the public**

To consider any questions received from members of the public in accordance with Procedural Rule 10.

**9 Public Speaking**

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

In accordance with the Constitution a total period of 15 minutes is allowed (each speaker may speak for 3 minutes only)

## **10 Overview and Scrutiny Committee**

To receive the Minutes of meetings held on

- |                                       |         |
|---------------------------------------|---------|
| (1) <a href="#">24 September 2019</a> | 18 – 21 |
| (2) <a href="#">8 October 2019</a>    | 22 – 30 |
| (3) <a href="#">22 October 2019</a>   | 31 – 38 |

## **11 Cabinet**

To receive the [Decisions of the meeting held on 28 October 2019](#) 39

([Minutes](#) now attached on [Final Papers Agenda](#)) 58 – 63

*The following items will need consideration by Council:*

Item no: 10 – Environmental Action Plan and Policy Statement

to consider the adoption of the proposed Environmental Policy Statement and Action Plan and for the review of the Action Plan at six monthly joint informal meetings

Item no: 12 – Council Tax Good Practice Protocol

To consider adoption of the Protocol and delegate authority to the Assistant Director for Finance, in consultation with the Portfolio Holder for Finance, to amend the Protocol as necessary in the future

Item no: 13 - Draft Commercialisation Strategy

To consider adoption of the Joint Commercialisation Strategy

## **12 Planning Committee**

To receive the Decisions of the meetings held on

- |                                     |    |
|-------------------------------------|----|
| (1) <a href="#">2 October 2019</a>  | 40 |
| (2) <a href="#">30 October 2019</a> | 41 |

## **13 [Audit Committee](#) 42 – 47**

To receive the Minutes of the meeting held on 10 October 2019

## **14 [Norfolk Business Rates Pool](#) 83 – 92**

To gain the approval of Council for ongoing arrangements for Norfolk Business Rates Pooling

- 15 Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism** **48 – 49**
- [To consider a request from the Ministry of Housing Communities and Local Government \(letter attached\) to adopt the following non-legally binding working definition of antisemitism:](#)
- “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*
- 16 [Monitoring Officer Report](#) 50 – 51**
- To receive the report of the Monitoring Officer
- 17 [Outside Organisations – Feedback from Representatives](#) 52 – 56**
- To note the reports from Members appointed to represent the Council on outside bodies:
- 18 Questions from Members**
- To consider the following question received in accordance with Procedural Rule 12.4.
- Question from Cllr. D Roper to the Portfolio Holder for Environmental Excellence:
- “One of the welcome outcomes of the building of the Broadland Northway has been opening up of additional routes for walking and cycling. Many residents exercise their dogs along these routes but to date there is no provision of dog waste or general litter bins. Will the Portfolio Holder please commit to reviewing whether there is a case for dog waste or litter bins on any of these routes and work with parishes to secure their installation if there is a perceived need or demand?.”*
- 19 Motions**
- To consider the following Motion received under Procedural Rule 13:
- Proposed by Cllr. K Lawrence, Seconded by Cllr. S Riley
- “Broadland District Council recognises last October’s report by the Intergovernmental Panel on Climate Change (IPCC) calling for “rapid, far-reaching, and unprecedented changes in all aspects of society.” It is now clear that the world has less than 12 years to switch away from fossil fuels to avoid the worst impacts of climate change. Councils can have a direct impact on carbon emissions in a variety of ways and 62% of cross party councils have committed to aim to do this by 2030 with a total 254 cross party local government organisations in the UK declaring a climate emergency. As such 37 of these are conservative councils, 65 labour councils, 20 Lib Dems*

and 60 are councils that have no overall control and the rest are either Parish or Town councils. This includes councils such as Bristol and Birmingham cities, Kent, Liverpool, Surrey, Suffolk, and Herefordshire and many others that have set targets for 2030. The time is right for Broadland District Council to declare a climate emergency and take a leadership position for the district. It is acknowledged that Broadland District Council has already taken steps and reduced its emissions from 2012 to 2016 by 14.06% (National Atmospheric Emissions Inventory). However, in order to meet the government's ambitious new legal target of net zero carbon emissions by 2050, Broadland's contribution in terms of annual net emissions, must be reduced by 20% per year to be on target for zero net emissions or carbon neutrality by 2050. Therefore this motion seeks to build upon and strengthen the environmental policy motion submitted on the 25 April 2019.

Taking action now we can help to achieve long term sustainable economic growth from innovative, low carbon, green industries across the District. This council therefore agrees:

1. That in declaring a climate emergency, Broadland District Council acknowledges its leadership position for the future, and therefore resolves to support the following:
2. To provide leadership, seek additional powers and use resources to help deliver on National Targets limiting global warming to 1.5 degrees and national targets of net zero emissions by 2050 by reducing net carbon emissions for Broadland by at least 20% per year.
3. Instruct the cabinet to adopt a policy whereby all future key decisions are considered and a statement made for their environmental impact, embedding an "environmental net gain for development" (including housing and infrastructure) thus ensuring their alignment to the 25 Year Environment Plan and IPCC guidance and report.
4. The Cabinet member responsible for the implementation of future environmental policy of the council will ensure that the Cabinet takes steps to identify work streams and budgets with the aim of making Broadland Council carbon neutral by 2044, across all functions, as our contribution to implementing the 25 Year Environment Plan, fighting climate change and taking a leadership role;
5. To demonstrate its commitment by making the current Environment Excellence Panel, a Committee and update the Broadland Environmental Strategy by setting ambitious targets and aspirations for future environmental policy. By doing so it will be aligned with the recent IPCC report and the government's own 25 Year Environmental Plan; as well as an action plan and 'route map' to a sustainable, low carbon future for our community;
6. For the Environment Excellence Committee to report and provide minutes to the Cabinet and full council on the cycle of business.

- 7. Launch real two-way engagement with the public to:*
- a. Improve “carbon literacy” of all citizens;*
  - b. Encourage and support leadership on this issue in all sectors of society;*
  - c. Obtain meaningful public input into the Broadland Environmental Strategy*
  - d. Facilitate wide community engagement and behavioural change.*
- 8. Instruct Cabinet to work with other Councils and partners to produce an ambitious delivery plan for the Tri-LEP area local energy strategy, the draft National Energy and Climate Plan (NECP) and the New Anglia LEP to use as a key tools for seeking government funding, support offshore ring main and help us deliver the government’s 2050 target.*
- 9. Broadland District Council will seek to influence the Norfolk Pension Fund investment policies to encourage fossil fuel divestment.*

Trevor Holden  
Managing Director

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

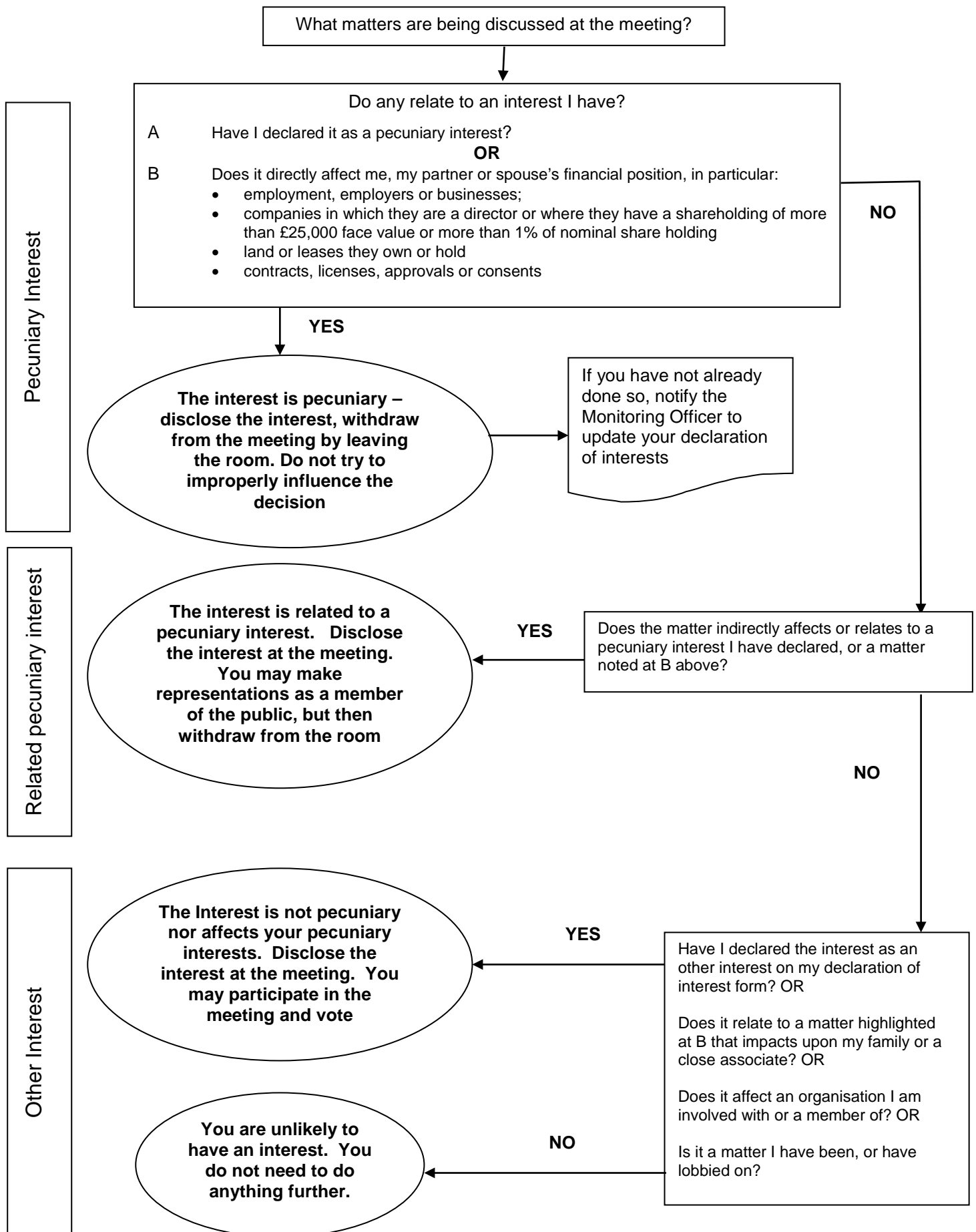
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





Minutes of a meeting of the **Council** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 17 September 2019** at **7.00pm** when there were present:

Mrs K A Vincent – Chairman

Mr N J Brennan	Mrs N C Karimi-Ghovanlou	Mr S Riley
Mr P E Bulman	Mr K S Kelly	Mr D Roper
Mrs B Cook	Mr D King	Ms C E Ryman-Tubb
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 R R Foulger	Mrs T M Mancini-Boyle	Miss J L Thomas
Ms R M Grattan	Mr M L Murrell	Mr S A Vincent
Mrs S C Gurney	Ms J A Neesam	Mr S C Walker
Ms N J Harpley	Mr G K Nurden	Mr J M Ward
Mrs L H Hemsall	Mr G Peck	Mr F Whymark
Ms S I Holland	Mrs S M Prutton	

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

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

<b>Member</b>	<b>Minute No &amp; Heading</b>	<b>Nature of Interest</b>
Mr F Whymark	57 Cabinet – (Minute no: 38 – Options for Council Owned Land)	Other interest – Norfolk County Councillor for Aylsham
Mr S Riley		Other interest – District Councillor for Aylsham

## **51 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr A D Adams, Ms S J Catchpole, Mr S M Clancy, Miss S Lawn, Dr K E Lawrence, Mr I N Moncur and Mr N C Shaw.

## **52 MINUTES**

The Minutes of the meeting held on 18 July 2019 were confirmed as a correct record and signed by the Chairman.

**53 ANNOUNCEMENTS**

Members noted the civic engagements undertaken by the Chairman and Vice-Chairman of the Council since the last meeting.

The Portfolio Holder for Environmental Excellence (Mrs Leggett) reported that Members had received a very interesting and enlightening presentation from Dr Pinto at the recent Environmental Excellence Panel meeting, on climate change and its impact on health.

In response to a question, the Portfolio Holder for Transformation and Organisational Development (Mr J Emsell) confirmed that recent meetings of the Service Improvement and Efficiency Committee had been cancelled as it was not the right time for the Committee to be reviewing improvements and efficiencies whilst the Council was undertaking the consultation on the staffing review arising from collaboration with South Norfolk. There would be work to be done by the Committee in the near future, particularly having regard to the 2017 State of the Nation report.

**54 QUESTIONS FROM THE PUBLIC**

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

**55 PUBLIC SPEAKING**

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

**56 OVERVIEW AND SCRUTINY COMMITTEE**

The Minutes of the Overview and Scrutiny Committee meetings held on 30 July 2019, 13 August 2019 and 27 August 2019 were received.

**57 CABINET**

The Minutes of the Cabinet meetings held on 6 August 2019 and 3 September 2019 were received.

*6 August 2019*

Minute no: 27 – Household Wheeled Bin Charging for New Properties

The Portfolio Holder for Environmental Excellence invited Members to support the proposal to charge for household waste bins for new developments with

the charge falling to the developer. Most other Norfolk local authorities had already adopted a scheme of charging in accordance with the legislation permitting such charges. The proposal was in accordance with the aims of the Council's business plan to effectively manage its finances and increase financial resilience and capacity and to improve services and deliver savings and efficiencies. The cost of providing two bins to each new household was increasing with the growing number of new houses and would only continue to increase. The cost of bins for social housing would fall to the registered provider. Food waste caddies would continue to be provided free of charge. In response to questions, the Portfolio Holder commented that there was no real increase in costs to administer the charging scheme and, whilst the additional income was relatively modest in terms of the Council's overall budget, the costs would only increase over time and the proposal would avoid the increased costs and generate income. Reference was made to concerns expressed at the Overview and Scrutiny Committee about the impact of the proposals.

## **RESOLVED**

to charge for the provision of waste bins to new properties at cost plus an additional 10 percent surcharge to build resilience into the price, by agreeing to the use of the enforcement powers available under the EPA 1990 to require householders to use the specified types of wheeled bin or be refused a waste collection.

*3 September 2019*

Minute no: 37 – Joint Inclusive Growth Strategy

The Portfolio Holder for Housing and Wellbeing (Mr F Whymark) invited Council to adopt the Inclusive Growth Framework as a Council Strategy. The Framework set out the evidence base around inclusive growth and social mobility with the aim of improving the health, wellbeing and social mobility of residents. The 2017 State of the Nation report showed Broadland and South Norfolk to be the best performing local authorities in Norfolk for social mobility but the two Councils were aspiring to improve their National standing. By working jointly, and with other Norfolk partners, there was an opportunity to build on the current position and improve social mobility across the county.

Reference was made to the ongoing issues with cuts to some rural bus services and the question raised as to what actions the Council would be taking in relation to public transport and what level of discussions had taken place with public transport providers to protect rural transport services. It was suggested that representations should be made to the County Council that there should be no further cuts in subsidies to bus services but that they should indeed be increased. There was also a need for partnership working across the whole county and not just with South Norfolk.

The Portfolio Holder for Planning (Mrs L Hempsall) responded that she was a representative on the Transforming Cities Panel which was currently looking at public transport issues in and around the city following the announcement that funding would be available from the Transforming Cities Fund to promote intra city connectivity and make it easier for people to access jobs, training and retail. Whilst this work would not directly cover the hinterlands of Norwich, she hoped it might free up funding to help support public transport provision in outlying villages. She undertook to raise the issues mentioned with the County Council at the next opportunity.

Members noted that improvements in rail services on both the Wherry and Bittern Lines were imminent, following the recent launch of new trains by Network Rail, together with the signalling improvements which were now due for completion in February 2010 following delays.

Members were reassured that the Strategy identified a set of aims and ambitions for the two councils to feed into a Norfolk-wide project to improve social mobility for the whole area and to focus how resources could be directed to achieving a bigger and better outcome for Norfolk.

In response to a comment that there was a need to ensure these high level ambitions were translated into reality and to track progress, the Portfolio Holder for Housing and Wellbeing undertook to ensure Members were updated on progress with the Strategy.

**RESOLVED:**

to adopt the Inclusive Growth Framework as a Council Strategy to allow officers to direct resources and continue to develop action plans, in consultation with respective Portfolio Holders.

Minute no: 38 – Options for Council Owned Land

The Portfolio Holder for Economic Development (Mrs J Copplestone) invited Council to support the recommendations of Cabinet to retain the freehold asset of the Bure Valley Railway and Path. The railway and the path formed part of the green infrastructure plan. Following recent events and the fact that £1.2m of funding had been secured by the County Council for investment into the project, it was considered that the asset should be retained. Members supported the proposal and it was

**RESOLVED:**

to

- (1) retain the freehold asset of the Bure Valley Railway and Path;

- (2) enter into negotiations to establish a partnership agreement with BVR Ltd and Norfolk County Council, having regard to the aspirations and common goals of all three organisations.

Minute no: 39 – Norfolk Strategic Planning Framework – June 2019 Update

The Portfolio Holder for Planning invited Members to support the recommendation to sign up to the updated Norfolk Strategic Planning Framework (June 2019). The Framework enabled the Council to demonstrate its Duty to Cooperate under the Localism Act 2011 and meet the National Planning Policy Framework requirement to have a Statement of Common Ground. In response to a question regarding where information would be sought to provide evidence on older people's accommodation and support needs, the Portfolio Holder confirmed that the Central Norfolk Strategic Housing Assessment would provide the latest source of information and she undertook to share this with the Member.

**RESOLVED**

to

- (1) agree to be a signatory to the updated Norfolk Strategic Planning Framework (June 2019);
- (2) support the continued work of Members and officers to ensure that the NSPF remained up to date.

**58 PLANNING COMMITTEE**

The decisions of the Planning Committee meetings held on 10 July, 7 August and 4 September 2019 were received.

**59 LICENSING AND REGULATORY COMMITTEE**

The non-exempt Minutes of the Licensing and Regulatory Committee meetings held on 31 July 2019 and 28 August 2019 were received.

**60 AUDIT COMMITTEE**

The Minutes of the Audit Committee meeting held on 25 July 2019 were received. The Chairman of the Audit Committee thanked the staff concerned for the tremendous amount of work undertaken to complete the Statement of Accounts in time and in challenging circumstances. The Council was one of the only councils in the consortium of local authorities audited by Ernst Young who had

been able to complete their statement of accounts in time and with no issues.

In answer to a question regarding the amount of surplus in the accounts, the Director of Resources advised that these related to S31 monies reimbursed by the Government mainly for grants given out for business rates. In addition, a sum of money had been allocated for the Better Broadband for Norfolk project which would be drawn down soon. Work was being undertaken to better estimate the provision for business rate grants in the future.

**61 POLLING DISTRICT AND PLACES REVIEW 2019**

Members considered the report setting out the process and decisions required for the 2019 Polling District and Places review. The Leader reported that there had been no recorded issues or complaints regarding the Polling District and Places arising from recent elections. There had, however, been a number of suggestions made arising from the consultation undertaken as part of the current review and some alternative arrangements proposed which needed to be considered. It was felt that this could best be undertaken by a small Committee of Members rather than the Council. He therefore proposed that Council endorse recommendations (1), (2), (5) and (6) set out in the report and that the Electoral Arrangements Committee proposed at recommendation (5) determine the matters recommended at (3) and (4). Members supported this approach and it was thereupon

**RESOLVED**

to

- (1) note the outcome of the consultation of the review of polling district and places;
- (2) note the representations received for alternative proposals and the responses made by the Acting Returning Officer (ARO);
- (3) give delegated powers to the Acting Returning Officer to designate alternative polling places where polling places become unavailable between compulsory reviews;
- (4) delegate Council's responsibility for polling district and community governance reviews, by appointing an Electoral Arrangements Committee to deal with such matters (terms of reference attached at Appendix 1 to the signed copy of these Minutes) and membership to comprise 8 Members (6 Conservatives, 2 Liberal Democrats) with names being supplied to the Monitoring Officer;

- (5) agree that recommendations (3) and (4) in the report be considered by the Electoral Arrangements Committee – namely to decide on the most appropriate polling districts and polling places and to consider keeping existing arrangements in place except for the following areas, where it is suggested further investigations and possible further consultation are necessary:

HE3 (Sprowston West) – investigate whether there are any alternative polling places within the polling district.

HF1 (Sprowston Central) – if a new polling place can be found for HE3, investigate further whether this polling district could be split so that the Cricket Pavilion be used as a second polling place in the polling district.

HG2 (Sprowston East) – to see whether it is practicable to split the polling district by investigating if there are any alternative buildings in the polling district that are available and suitable to be used as a polling station.

HK1 (Thorpe St Andrew NW) – investigate whether there are any alternative polling places within the polling district.

HL1 (Thorpe St Andrew SE) – make a small change to the southern boundary of the polling district so that it includes the Dussindale centre and the small row of houses before the railway line. This would mean that electors could vote at the Dussindale centre rather than Roxley Hall.

## **62 MONITORING OFFICER'S REPORT**

Members considered the report of the Monitoring Officer.

### **RESOLVED:**

to

- (1) note the Labour appointments to the Council's Panels

Economic Success Panel – Ms N Harpley (sub Mrs B Cook)  
Environmental Excellence Panel – Mrs B Cook (sub Ms N Harpley)  
Member Development Panel – Mrs B Cook (sub Ms N Harpley)  
Place Shaping Panel – Ms N Harpley (sub Mrs B Cook)  
Wellbeing Panel – Ms N Harpley (sub Mrs B Cook)

- (2) note the updated position on the national scene with regards to Standards in Public Life.

**63 QUESTIONS FROM MEMBERS**

It was noted that there had been no questions received from Members.

**64 FEEDBACK FROM MEMBERS ON OUTSIDE BODIES**

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

**65 MOTIONS**

It was noted that there had been no motions received from Members.

**66 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

to exclude the Press and public from the meeting for the following item of 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, would be disclosed to them.

**67 EXEMPT MINUTES**

The exempt Minutes of the meeting held on 18 July 2019 were confirmed as a correct record and signed by the Chairman.

*The meeting closed at 7:52pm*



## CIVIC ENGAGEMENTS – 2019/20

List of engagements carried out by the Chairman and Vice-Chairman of the Council since the last meeting of Council.

<b>September 2019</b>		
10 <sup>th</sup>	Norfolk County Scout Council AGM hosted by the incoming President, The Lady Dannatt MBE, HM Lord-Lieutenant, at Northgate High School in Dereham	Vice-Chairman
13 <sup>th</sup>	Battle of Britain Commemorative Event hosted by the Chairman of Norfolk County Council at County Hall	Chairman
13 <sup>th</sup>	Thorpe St Andrew School and Sixth Form Awards Evening	Vice-Chairman
15 <sup>th</sup>	Service to commemorate the closing of Battle of Britain Week hosted by the Royal Air Forces Association at Norwich Cathedral	Chairman
15 <sup>th</sup>	Battle of Britain Commemoration Service hosted by the Mayor of Thetford at St Cuthbert's Church in Thetford	Vice-Chairman
15 <sup>th</sup>	Indian Summer Food Fair hosted by the Vedic Cultural Society of East Anglia at The Hindu Temple in Halvergate	Chairman
16 <sup>th</sup>	Official opening of Royal Norwich Golf Club in Lenwade	Chairman
18 <sup>th</sup>	President's Reception hosted by Sir William Cubitt KCVO DBE DL, County Chairman of the Royal British Legion, at The Great Hospital in Norwich	Chairman
27 <sup>th</sup>	Reception hosted by the Chairman of North Norfolk District Council at NWT Cley Marshes	Chairman
28 <sup>th</sup>	Official opening of the new pavilion at Green Lane West in Rackheath hosted by Rackheath Parish Council	Chairman
<b>October 2019</b>		
6 <sup>th</sup>	Marriott's Way 10k – starting off the race at Aylsham and awarding the trophies to runners at Reepham	Chairman
6 <sup>th</sup>	Harvest Festival & Civic Service hosted by Thorpe St Andrew Town Council at the Parish Church in Thorpe St Andrew	Vice-Chairman
7 <sup>th</sup>	Evensong at Norwich Cathedral to welcome the new Lord-Lieutenant of Norfolk, The Lady Dannatt MBE, hosted by the Dean and Chapter	Chairman
13 <sup>th</sup>	Justice Service hosted by the High Sheriff of Norfolk at Norwich Cathedral	Chairman and Vice-Chairman
18 <sup>th</sup>	Grand Opening of White House Farm Primary School in Sprowston	Chairman

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 24 September 2019** at **10.00 am** when there were present:

Mr S Riley – Chairman

Mr S C Beadle  
Mr N J Brennan  
Ms S J Catchpole  
Mr A Crotch

Mr R Grattan  
Ms N J Harpley  
Ms S I Holland  
Mr K S Kelly

Mr D King  
Mr M L Murrell  
Mr G K Nurden  
Mrs S M Prutton

Also in attendance were the Managing Director, Director of Resources, Chief of Staff, Assistant Director Governance & Business Support (Monitoring Officer) and the Committee Officer (JO).

### **54 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Adams, Mr Bulman and Mr Shaw.

### **55 MINUTES**

The Minutes of the meeting held on 27 August 2019 were confirmed and signed by the Chairman as a correct record.

### **56 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised Members that following the meeting on 8 October 2019 the Committee would hold an informal session to identify their budget questions for the joint meeting with Cabinet in December.

Members were also informed that a training session for Members was being held on 3 October 2019 for the budget drafting process, which might also help identify financial issues that they might like to raise with Cabinet. This would be discussed further with the Chairman following today's meeting.

### **57 COLLABORATION**

The Managing Director provided the Committee with an update on progress with the delivery of the collaboration project and in particular the establishment of the single officer team.

The timetable for delivery of the single paid service was slightly behind the schedule set out in the Feasibility Study, which had envisaged that the senior

management team would be in place by the end of June. It would now be the end of November before the final Assistant Directors were in place, as they had been required to give three months' notice to their current employers.

Similarly, the Joint Staff Structure and Terms and Conditions consultation, which would conclude on 14 October 2019, was slightly behind schedule. However, it was still on target to have the whole restructure process in place before Christmas, with initial modelling showing that 92 percent of staff would be the same or better off as a result of the restructure in terms of salary, although this was indicative and could change following the consultation. The consultation period was being used to ensure that job descriptions best matched the new posts, and the new ways of working, and most staff were engaging with this process. Members were asked to note that staff at Broadland had a three year salary protection scheme.

The Managing Director acknowledged that such significant change could be unsettling for staff, but one to one meetings, team briefings and drop in sessions to go through concerns were being held to help reassure officers. Moreover, formal consultation with UNISON and non-union staff representatives over the structure and terms and conditions had been constructive to date.

One example of the innovative and flexible approach being taken to the restructure was demonstrated through a phase one team review, by employing a senior role, (the Strategic Communications and Marketing Manager) as a job share.

Officers were also being encouraged to apply for posts in the Internal Consultancy Team, which will lead programmes and projects to drive change across the two Councils. This Team offered excellent career development opportunities, as it would help both Councils grow, evolve and meet challenges and might even provide income through selling its expertise to other local authorities longer term.

More challenging and resource intensive work would commence in the New Year, with such projects as joint procurement, shared IT and waste collection. It would also be proposed to move to a two year delivery planning cycle. Performance reports would also separate transactional performance from strategic ambition to get a better view of how the Council was delivering services.

A single domain name for Broadland and South Norfolk had also been consulted upon and would be put to Members for a final decision shortly.

A review would also take place of policies and procedures, so they could be aligned to drive efficiencies, whilst respecting the autonomy of each local authority. Consideration would also be given to areas such as the environment to mitigate the impacts of a single service working from two

sites, and this was a reason that a flexible approach to home working was being considered. Relevant reports on proposals for key / policy changes as a result of the transformation work would be brought to member groups through the usual process committee process. Member Workshops to look at work streams could be a further way of engaging Members in this process.

In response to a query, the Managing Director confirmed that the collaboration project was proceeding in accordance with the decision agreed by both Councils last year to deliver on their ambitions. He emphasised that a key driver of this had been uncertainty over local government finances, as well as a duty to make efficiencies to protect the public purse whilst maintaining services.

He added that the collaboration project had a presumption against redundancy and there were enough posts for people within the new structures, with savings being made from deleting vacant funded posts that were no longer required through good housekeeping and working more effectively. The Council also had robust equalities policies in place to ensure that no vulnerable staff were disadvantaged.

Data from other authorities suggested that one in four of posts that became vacant through natural turnover each year could become a saving, as through collaborative working the Councils would not have to fill as many vacancies that arose. However, the longer-term aim was to grow the service to meet the challenges that would need to be faced in the future, rather than to shrink it.

It was confirmed that three senior managers at Broadland had received redundancy payments this year.

A Member suggested that data from exit interviews could be scrutinised to assess if a member of staff's departure was a 'regrettable loss' for either the individual or the organisation. She also said that the Managing Director should be allowed to manage the budget and that it was for Members to have an overview of the budget and how staff delivered outcomes, rather than getting involved in operational staff matters. She also asked how a balance was being struck between allocating posts for all staff and the need to get the right people in the right posts.

In response, the Managing Director confirmed that exit interviews took place and this data would be assessed to understand trends. He also advised the meeting that a financial tracker was being developed that would monitor the implications and options of what the Council was delivering via the single paid service, as well as the savings being made. In respect of appointing staff to the new structure he emphasised that as the organisations was on an ongoing transformation journey roles were likely to evolve and develop as needs arose.

In response to a query, the Managing Director confirmed that there was no plans to dispose of Thorpe Lodge or South Norfolk House, but it was intended to look into the value of the sites at some time in the future, so that an informed decision about them could be made.

The Chairman thanked the Managing Director for providing an update to the Committee.

Members requested that the Managing Director considered the support that the Committee needed, as had been provided in the past through a scrutiny research officer, as part of the team reviews.

### **58 COMMITTEE RECOMMENDATION RECORD UPDATE**

The Committee was asked to note the content of the recommendation record and highlight any outstanding recommendations they wish to have followed up or reported back to a future Committee meeting.

The Committee was also asked to adopt a more frequent and regular approach to review of recommendations made through the inclusion of a tracker as a standing Agenda item for each meeting. This would ensure that the Committee was kept up to date with progress being made by officers with their recommendations and would remove the need for a regular six monthly report to be provided.

A Member requested that the Committee's recommendation that the NEWS Board of Directors review the accuracy of the Joint Venture Company's papers, specifically payments to Directors' fees, which were contrary to the Articles of Association and to identify who authorised those payments, be raised with the Board.

The Assistant Director of Governance and Business Support (Monitoring Officer) confirmed that she would follow up on this recommendation and report back to a future meeting.

### **RESOLVED**

- (1) note the contents of the Recommendation Record, and
- (2) place a standing item on future Committee Agendas, to provide a regular update on progress with recommendations through a tracker record.

*The meeting closed at 11.37 am.*

Minutes of a meeting of the **Overview & Scrutiny Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 8 October 2019** at **10.00 am** when there were present:

	Mr S Riley – Chairman	
Mr A D Adams	Ms S J Catchpole	Mr G K Nurden
Mr S C Beadle	Ms N J Harpley	Mrs S M Prutton
Mr N J Brennan	Ms S I Holland	Mr N C Shaw
Mr P E Bulman		

Also in attendance were the Director of Place, Assistant Director of Governance and Business Support (Monitoring Officer), Emergency Planning Manager, Internal Audit Manager, Tourism Officer and the Committee Officer (JO).

Mr Pete Waters, Executive Director of Visit East of England was in attendance for Minute nos: 61 (Tourism in Broadland) and 62 (Tourism Statistics).

### **59 APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr King.

### **60 MINUTES**

The Minutes of the meeting held on 24 September 2019 were confirmed as a correct record and signed by the Chairman.

*Minute no. 57 – Collaboration*

The Chairman requested that the last two paragraphs of the Minute be amended to the following:

~~Members~~ The Chairman requested that the Managing Director consider the support that the Committee needed, as set out in the Constitution, by providing a part-time Scrutiny Research Officer, as part of the team reviews being undertaken.

The Chairman thanked the Managing Director for providing an update to the Committee.

The Chairman also confirmed that he would be writing a letter in respect of Overview and Scrutiny support to the Managing Director.

The Assistant Director Governance and Business Support (Monitoring Officer) reminded Members that they had until midday on Monday 14 October 2019 to

contribute to the consultation on the staff restructure.

### **61 TOURISM IN BROADLAND**

Mr Pete Waters, the Executive Director of Visit East of England, gave the Committee a presentation on tourism in the district (attached at Appendix 1 to the signed copy of these Minutes).

Members were advised that the Council contributed £7,200 per year to Visit East of England and had a seat on its Marketing Panel, which decided how that money would be spent on promoting tourism in the district.

Visit East of England changed its name from Visit East Anglia and relaunched itself in December 2018, in order to give it a more recognisable profile internationally and to access greater funding nationally.

Norfolk had seen 15 percent cumulative growth in tourism since 2012, which had seen the visitor economy grow to a record £3.38bn. This was significantly more than the visitor economy in Cornwall, despite the much lower tourism profile of the east of England.

Visit East of England represented the Tourism Sector Group at the New Anglia Local Enterprise Partnership and was a private sector led not-for-profit organisation. It had recently launched a new website offering businesses free listings and a low commission rate for bookings of 10 percent compared to around 30 percent charged by online travel agents. The Broads were the top searched destination on the website.

Visit East of England had recently been awarded access to the Government Tourism Sector Deal. Exact details of the Sector Deal were unclear at present, but it would involve the creation of new Tourism Data Hub, which would show the latest trends and spends, to allow businesses to better target overseas visitors. The deal would also support the creation of an additional 10,000 apprenticeships for people building their careers in the tourism and hospitality sectors.

One of the main focuses for Visit East of England was in developing a year-round tourist economy and encouraging day visitors to become stay visitors. Weatherproofing attractions was a major factor in achieving this and providing support and giving businesses the confidence to make such significant financial commitments was part of the challenge facing Visit East of England.

In answer to a query, it was confirmed that although Visit East of England was privately led body it operated in a not-for-profit basis and none of the participating shareholders received preferential treatment.

Members were also advised that non-commercial tourist activities, such as cycling and walking were some of the most popular pages on the website.

The Chairman also noted the growth in green infrastructure in the district that was supporting tourist activities such as the Bure Valley Railway.

### **62 TOURISM STATISTICS**

The Tourism Officer gave a presentation on the latest available tourism statistics for the district (attached at Appendix 2 to the signed copy of these Minutes).

The total number of visitors in 2018 was 2,982,500; an 8.7 percent increase from 2017. The total nights stayed was 850,000; a 7 percent decrease from 2017.

However, the total visitor spend was £146,611,640 a 2.6 percent increase from 2017 and total tourism value was £177,563,640 a 2.5 percent increase from 2017.

### **63 RESILIENCE UPDATE**

The Emergency Planning Manager advised the meeting that there had been no major incidents since he had last given the Committee an update in March 2019. However, since the heavy rain on Sunday he had been working with the Environment Agency to monitor flooded areas and signpost residents to the Lead Local Flood Authority (Norfolk County Council).

Members were advised that the Council no longer gave out sandbags, as they were hard to get to affected areas in time to be effective and were of limited value in preventing water ingress over the longer term.

The Norfolk Resilience Forum had undertaken a risk review of Brexit in September and had categorised it as a medium risk. A flexible approach would be taken, as the exact impact of Brexit was unknown.

Over the winter preparation would continue to be made for responses to emergencies such as tidal surges, severe weather and pandemic flu.

The Emergency Planning Manager advised the meeting that a key part of his role was promoting community resilience and helping parishes to draw up plans to respond to emergencies. He encouraged Members to contact him if they wanted him to assist any communities in their Wards with the preparation of Community Resilience Plans, or if they had examples of good practice that could help create social bonds in communities.



In response to a query, the Emergency Planning Manager informed Members that flooding should be reported Norfolk County Council, but if the situation was severe the emergency services should be contacted by calling 999.

### **64 ECOCUBE TIME AND TASK PANEL RECOMMENDATION REPORT**

The Chairman of the Time and Task Panel informed Members that the Panel was established in August 2018 to investigate the history and disposal of the Rackheath EcoCube.

A recommendation report was prepared in March 2019, but was rejected as he did not consider that it covered the full the breadth of the issues around the disposal.

A second report was drafted by the Internal Audit Manager at the request of the Managing Director and the Assistant Director of Governance and Business Support (Monitoring Officer) following a report in the Eastern Daily Press, which was critical of the Council in respect of the disposal of the EcoCube.

The Chairman of the Time and Task Panel advised the meeting that there were two key aspects to the Portfolio Holder's decision:

- (1) The information was accurate with respect to the lease, in that the Council was giving up the lease, at a residual value of £170,000 being the unexpired lease, therefore on this point he was within his authority.
- (2) However, the information regarding the revaluation of the asset was not contained with the decision notice. Had the information been included it should have referred to the accounting treatment of the asset, which the Council did not own, resulting in an accounting loss of £637,000, due to the need to write off the asset in line with the advice provided at the time.

The consequential effect of giving up the lease was a write off for this amount, which put the decision over the delegated authority limit.

Another aspect of the disposal was that the Council's solicitors, NPLaw were asked to provide advice on whether the surrender agreement produced by the landowner's solicitors was appropriate. A 'Put Option' in the lease, which could have enabled the Council to sell the leasehold property to the landowner for the amount paid minus a deduction of five-years market rent was not highlighted.

The Panel also found that key documentation for how the EcoCube project was established and managed had not been retained by the Council for their

own records. These included: the business case, the structural engineer's report, completion statement, build inspection records and details of any procurement exercises.

Based on these findings the following recommendations were proposed by the Panel:

- (1) Electronic files should be held and managed for existing and future capital projects carried out by the Council for which grant funding has been awarded. Electronic files shall include copies of the original bid, relevant correspondence from the grant body, confirmation of the amounts received, any agreements/stipulations for the management of the project, and details of grant certification work carried out.
- (2) Where professional advice is being sought on applying accounting standards, full disclosure of the relevant facts must be made, and all correspondence should be retained to fully demonstrate the decision made for the accounting treatment applied.
- (3) Reports presented to the Portfolio Holder for approval should include all relevant information to enable a decision to be made. This should include details such as options available to the Council and considered, ownership following investment, projected long term income, accounting treatment and conditions for disposal which would help assess the full range of risks and costs associated with the decision.
- (4) Electronic files are to be retained and centrally managed by teams rather than individuals for all capital projects regardless of the size or nature in a structured format which includes all relevant documentation and correspondence. A control documentation file should include all necessary information such as business case, drawings, plans, planning approval, project plans with budget information, progress reporting, defect information along with all correspondence from the contractor even if the project is managed by a third party.
- (5) A procedure for the disposal of assets should be developed. This procedure must ensure that all relevant departments are consulted to include consideration about potential future value, actual costs, risks, specialist advice, financial impact, negotiations and other options before the decision for disposal is made. The outcome of the assessment must be formally documented and included within the report to support the decision.
- (6) The relevant sections of the Constitution must be outlined in full on PH1 forms to ensure that the approval route is clear and decision makers will know that they are acting within their delegated powers.

- (7) Where legal advice is sought officers are to ensure that the request is sufficiently detailed to allow the solicitors to discharge their duties, and that the process introduced at the Council in April 2019 continues to be followed.
- (8) Where items are transferred from one Council department to another the inventories of both are fully documented and immediately updated and reconciled to reflect unique identifier/serial number and value of each item.

It was proposed and **AGREED** that recommendation 1 be amended to include all capital funded projects, as below.

- (1) Electronic files should be held and managed for existing and future capital projects carried out by the Council for *all capital funded projects*. ~~which grant funding has been awarded.~~ Electronic files shall include copies of the original bid, relevant correspondence from the grant body, confirmation of the amounts received, any agreements/stipulations for the management of the project, and details of grant certification work carried out.

The Internal Audit Manager advised the meeting that her findings had confirmed that the accounting treatment of the EcoCube has been applied in line with the Code for Local Authority Accounting.

A Member expressed surprised that the recommendations needed to be made, as they were self-evident prudent procedures for project management. He added that the report should also have identified who was responsible for these decisions and whether action could be taken against them.

Members were advised that the Portfolio Holder who had taken the decision had declined to speak to the Panel.

A Member suggested that the recommendations should be implemented as a matter of urgency to ensure that similar errors were not repeated with any current disposals of assets, such as the sale of land in Thorpe St Andrew. In response the Director of Place reassured Members that the sale of the land was at a very early stage and was subject to different procedures from the disposal of the lease.

The Assistant Director Governance and Business Support (Monitoring Officer) advised the meeting that she shared Members' concerns and recognised that mechanisms should have been in place to prevent this occurring. However, the decision had now timed out and had not been called in and therefore would stand.

She confirmed that she would be presenting a report at the next meeting of Council which would clarify the Council's contract and financial governance and procedure rules. Procedures had also been put in place since April to ensure that legal instructions were requested through the Governance Team to ensure that they were well thought-out. The Council had a Service Level Agreement with NPLaw that had about five years to run, but she was looking at all options in respect of legal advice for Broadland and South Norfolk going forward.

Members were also advised that any decision made in respect of action taken against individuals or organisations arising from the investigation would be a matter for the Managing Director.

Concerns were expressed by Members about key documentation being lost and who had lost them. However, the Assistant Director Governance and Business Support (Monitoring Officer) confirmed that the loss of the documents could not be substantiated.

The Chairman suggested mistakes were made from the start of the project to the finish. The Council should not have paid for the ten year lease up front and the surrender agreement should have been drafted by the Council's solicitors rather than the landowners.

It was confirmed that the loss to the Council from the lease disposal was £170,000 (the unexpended portion of the lease). The figure of £637,000 was arrived at due to treating the land and building, which the Council did not own, as an asset.

The Chairman suggested that the Committee should approve the recommendations, as amended but it should also consider if a further investigation to establish how this happened and who was responsible for the decisions taken.

The Assistant Director Governance and Business Support (Monitoring Officer) advised the meeting that it was unlikely that any information beyond that which was included in the Internal Audit Manager report would be available for a Time and Task Limited Panel to consider. She added that Members should also be very clear about the Terms of Reference for the new Time and Task Panel.

It was noted that the Panel would be allowed to call in expert witnesses to assist with their investigation.

### **RECOMMENDED TO CABINET:**

to agree the amended recommendations, as set out above.

### **RESOLVED:**

to reconvene the EcoCube Time and Task Limited Panel to further investigate events leading up to the disposal of the EcoCube. The Panel would comprise the following Members: Mr Bulman Ms Catchpole, Mr Nurden, Mr Riley and Mr Shaw.

*Mr Riley left the meeting, Mr Adams in the Chair (from 1pm)*

### **65 NORFOLK HEALTH OVERVIEW AND SCRUTINY COMMITTEE UPDATE**

Members were provided with an update on the meeting of the Norfolk Health Overview and Scrutiny Committee meeting held on 5 September 2019.

The Committee considered access to palliative and end of life care and discussed protection for paramedics when providing end of life care. The speed of providing certification of death was also considered.

Physical health checks for adults with learning disabilities was also discussed and it was concluded that the service varied in quality across Norfolk.

The Committee was informed that overall ambulance response times were improving.

Members received a briefing on the Norfolk Swift Service, which provided help and support for elderly people who required assistance home, but did not need the emergency services. This service had generated a reduction of 6,000 calls that would have previously required an ambulance.

The next meeting would look at figures for the number of people waiting over six hours in Accident and Emergency departments.

### **66 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME**

It was requested that a mobile phone provider be requested to attend the meeting on 28 January 2020 for the Broadband and mobile phone coverage update.

Members were advised that the Apprenticeships Time and Task Panel would be convened following the conclusion of the further investigation by the EcoCube Time and Task Panel.

### 67 OVERVIEW AND SCRUTINY RECOMMENDATION TRACKER

It was confirmed that the EcoCube Time and Task Panel's recommendations would be placed on the Recommendation Tracker and monitored.

*The meeting closed at 1.12 pm*

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 **22 October 2019** 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 N J Harpley  
Ms S I Holland  
Mr K S Kelly  
Mr D King  
Mr M L Murrell

Mr G K Nurden  
Mrs S M Prutton  
Mrs C E Ryman-Tubb  
Mr N C Shaw

Mr Emsell and Mrs Hempsall attended the meeting for its duration. Dr Lawrence and Mrs Leggett attended the meeting for item 70 – Environmental Action Plan and Policy Statement.

Also in attendance were the Director of Place, Director of Resources, Elections Manager (Deputy Monitoring Officer), Environmental Management Officer (AO), Revenues and Benefits Manager, Environmental Protection Manager, Operations Manager, Senior Committee Officer and the Committee Officer (JO).

### 68 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Ms Catchpole	72 – Council Tax Good Practice Protocol	Local Choice non pecuniary – volunteer at Citizens Advice

### 69 MINUTES

The Minutes of the meeting held on 8 October 2019 were confirmed as a correct record and signed by the Chairman, save for the following amendments:

Mr Murrell was added to the list of apologies.

*Minute No. 64 – EcoCube Time and Task Panel Recommendation Report*

The following paragraphs were added to the Minute:

The Chairman of the Time and Task Panel advised the meeting that there were two key aspects to the ~~Portfolio Holder's decision~~ mistakes made:

### 1. The accounting treatment:

*Rather than treat the purchase of a finance lease in accordance with IAS 17, it was treated as the purchase of a building.*

*The Council paid an amount of £340,000 to the landowner to build the EcoCube. The Council would then lease the building from the landowner for a period of 25 years, but would not pay rent for the first ten years. The remaining 15 years would be at a rent to be determined. So, for the five years that the Council held the lease, the de facto rent was £34,000 per annum.*

*By treating the lease as a building purchased – but not owned, the Council recorded an asset in its accounts, which it later revalued as Land and Buildings of £685,000. The building was being depreciated in our accounts over a period of 49 years, which was regarded as its useful life. At the time of surrender, the book value of the land and building was £637,000 which is the amount written off in the 2017/18 accounts as a loss on disposal of an asset (which we did not own).*

*The paradox in the way it was treated is that 'what would the situation be in year 11 when we would be paying a market related rent to a landlord while reflecting an annual depreciation charge in the accounts against an asset we did not own'.*

*Had the lease been treated differently in the accounts, the actual loss to the Council would have been £170,000 which is the unexpended rent-free portion of the lease.*

### 2. Options in the lease agreement:

*The lease agreement with the owner of the land and building made provision for some options should the Council decide to surrender the lease before the end of the 10-year rent free period. Referred to as the 'Put Option', the Council had the option to negotiate a selling price with the landlord for the unexpended rent-free portion of the lease. If the landlord was not prepared to negotiate, then the Council could make suitable modifications to the building and sub-let it.*

*What happened was that the decision makers, aware that there was an option to surrender the lease during the 10-year rent free period, made the decision to surrender without reference to the 'Put Option'. The landlord was advised of the decision to surrender and instructed their solicitors to prepare the necessary document which the Council passed across to its legal advisors to review. The legal advisors did not make the decision makers aware of the 'Put Option', which could have resulted in a far more favourable outcome for the Council.*



The following amendments were made to the Minute:

“Members were advised that the Portfolio Holder who had taken the decision had declined *an invitation to attend a Panel meeting*.

The Assistant Director Governance and Business Support (Monitoring Officer) advised the meeting that she shared Members’ concerns and recognised that mechanisms should have been in place to prevent this occurring. However, the *Portfolio Holder* decision had now timed out and had not been called in and therefore would stand.

Concerns were expressed by Members about key documentation being lost and who had lost them. However, the Assistant Director Governance and Business Support (Monitoring Officer) confirmed that the loss of the documents *or who had lost them* could not be substantiated.

It was confirmed that the loss to the Council from the lease disposal was £170,000 (the unexpended portion of the lease). The figure of £637,000 was arrived at due to treating the land and building, which the Council did not own, as an asset *in the Council’s financial accounts*.”

A Member commented that the resource should be available for more than one Time and Task Panel to be able to carry out different investigations at the same time. He also requested a written response to his query about non-elected Members sitting on Time and Task Limited Panels.

The Deputy Monitoring Officer confirmed that Time and Task Panels could call on the advice of expert witnesses, but should be clear about the level of their expertise.

A Member asked that her comment regarding the acceptability of the Portfolio Holder declining an invitation to the Panel be recorded.

The Chairman advised the meeting that he had written to the Assistant Director of Governance and Business Support (Monitoring Officer) about the Portfolio Holder who had declined an invitation to attend a Panel meeting, as he and other Members of the Committee felt that this could be a breach of the principles of accountability and openness in the Members’ Code of Conduct.

It was noted that the invitation had been a verbal one and that the Member would be formally invited to a meeting of the Time and Task Panel in due course.

## CABINET REPORTS

### 70 ENVIRONMENTAL ACTION PLAN AND POLICY STATEMENT

The report proposed the adoption of a joint Environmental Action Plan and Policy Statement with South Norfolk Council, which would set out both Councils' commitment to safeguarding the environment and maximise opportunities for ambitious and impactful initiatives and efficiencies.

It was proposed that the joint Policy Statement and Action Plan would replace both Councils' existing Environmental Policies and Strategies.

The Portfolio Holder for Environmental Excellence advised the meeting that she fully supported the Strategy which, if adopted, would commence with a baselining exercise to gather data that could be used to draw up targets for the Action Plan that would be monitored on a six-monthly basis by a joint informal Panel.

A Member advised the meeting that the Statement failed to meet the ambitions of the Motion put to the 25 April 2019 meeting of Council. The commitments made in the Motion had been reduce from four to three and the language used in the Statement was also less forceful. She suggested that the Action Plan did not address the 11 year window to prevent the global temperature rising by 1.5 Celsius or use the targets in the Government's 25 year plan and as such was not fit for purpose. She stated that Broadland should have its own Statement and Action Plan if South Norfolk felt that it could not meet these commitments.

In response, the Environment Management Officer advised the meeting that the content of the Policy Statement had been driven by Broadland, rather than South Norfolk and that the four commitments in the Council Motion could replace those in the Statement, if Members felt it necessary.

A Member questioned if the Council had the expertise to draft the Action Plan and suggested that external advice might be necessary to draft a comprehensive document.

Members confirmed that they would wish to see the original commitments in the Council Motion replace the three commitments in the Statement. They would also like to see timescales for the Actions in the Action Plan and to see them more closely aligned with the Government's 25 year Environment Plan.

It was also noted that at South Norfolk the Policy Statement and Action Plan had been considered by the Growth, Infrastructure and Environment Policy Committee, but only by a Panel at Broadland. It was, therefore, recommended that in order to demonstrate that the Council was taking the environment sufficiently seriously that the Environmental Excellence Panel should be made a Committee.

### RECOMMENDED TO CABINET

Options (1 and 2, as amended and 3)

- (1) To adopt the Environmental Policy Statement with the four commitments from the Council motion of 25 April 2019 replacing the three in the Statement.
- (2) To adopt the Environmental Action Plan with the addition of timescales and closer alignment to the Government's 25 year Environment Plan.
- (3) That the Environmental Action Plan is reviewed at six monthly joint informal meetings.
- (4) That the Environmental Excellence Panel be made a Committee.

### 71 NORFOLK AND SUFFOLK LOCAL INDUSTRIAL STRATEGY

The report proposed that Cabinet endorse the draft Norfolk and Suffolk Local Industrial Strategy (NSLIS). The NSLIS had been developed by New Anglia Local Enterprise Partnership, to reflect the opportunities and needs of Norfolk and Suffolk's growing economy and set out how the area would respond to the challenges that it faced.

The Strategy demonstrated how Norfolk and Suffolk would collaborate to provide new Clean Growth solutions and the specific infrastructure that communities and businesses needed.

A key priority area in Broadland was the Food Innovation Centre based at the Food Enterprise Zone.

Government would be working in partnership with Norfolk and Suffolk to deliver these initiatives.

### RECOMMENDED TO CABINET

Option (1)

That Cabinet endorse the draft Norfolk and Suffolk Local Industrial Strategy.

### 72 COUNCIL TAX GOOD PRACTICE PROTOCOL

The report recommended the adoption of the Citizens Advice Council Tax Good Practice Protocol, which covered the collection and recovery of Council Tax arrears.

The aim of the Protocol was to help Councils establish good practice with Citizens Advice in dealing with Council Tax debt. So far, 61 authorities across the country had adopted the Protocol.

Adoption of the Protocol was considered by the Overview and Scrutiny Committee on 13 August 2019 and Members had voted unanimously to recommend that the Protocol be adopted.

South Norfolk Council was also in a position to adopt the Protocol and would be asking their Members to consider the matter in due course.

A Member requested that changes be tracked when papers were updated and presented to the Committee in future.

#### **RECOMMENDED TO CABINET**

Options (1 and 2)

- (1) To propose to Council that the Council Tax Good Practice Protocol is adopted, and
- (2) That authority is delegated to the Assistant Director for Finance, in consultation with the Portfolio Holder for Finance, to amend the Protocol as necessary in the future.

### 73 DRAFT COMMERCIALISATION STRATEGY

The report was considered and endorsed by the Audit Committee on 10 October 2019. Cabinet were requested to recommend the Strategy for adoption by Council.

One of the drivers for collaboration expressed in the Feasibility Study adopted by Broadland and South Norfolk in July 2018 was the wish to address the funding gaps in both Councils' Medium Term Financial Plans and achieve greater financial stability.

The Feasibility Study had outlined a number of proposals for commercial opportunities, which collaboration would assist in facilitating. The Commercialisation Strategy outlined how these opportunities would be taken

forward. The aim of the Strategy was to maximise returns, both financial and social, for both Councils, whilst maintaining a public service ethos of equality and fairness.

It was emphasised that a robust business case would be made for projects and initiatives and they would require Cabinet approval; so the Overview and Scrutiny Committee would have the opportunity to comment on them.

Members were also informed that although it was intended to invest reserves in developing commercial opportunities, the Council would continue to maintain a minimum level of reserves that it would never go below. This was currently £2m.

The Chairman requested that a briefing paper on commercialisation at other Councils be presented to the Committee, so it could assess how successful such initiatives had been. It was confirmed that the item would be placed on the Committee's Work Programme.

Members were advised that there was a need to develop officers so that they had the skills to take forward commercial opportunities, but expert external advice would also be brought in if thought necessary.

Members were also informed that the list of possible ventures in the Strategy was not exhaustive and others could be added as the opportunity arose.

### **RECOMMENDED TO CABINET**

Option (1)

To endorse the Joint Commercialisation Strategy for approval.

## **74 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.

**75 EXTENSION OF WASTE COLLECTION AND STREET CLEANSING CONTRACTS**

The report set out the reasons for extending the waste collection and street cleansing service for five months to 31 March 2022.

It explained that in order for a review of both Councils' waste collection services to be completed and then allow time for implementation, it had been identified that an extension of the current waste contract and street cleansing contract both with an end date of 2 November 2021 would be necessary.

**RECOMMENDED TO CABINET**

Option (1)

To delegate to the Director of People and Communities the authority to agree on behalf of Broadland District Council the extension of the waste collection and street cleansing contracts with Veolia Environmental Services until 31 March 2022.

*The meeting closed at 12.05 pm*

## **CABINET MEETING – 28 October 2019**

### **Decision List**

Resolutions are subject to a five working day call-in, recommendations to Council cannot be called-in.

<b>ITEM &amp; HEADING</b>	<b>DECISION</b>
<b>10 Environmental Action Plan and Policy Statement</b>  Director of Place	<b>RECOMMENDED TO COUNCIL</b>  1. to adopt the proposed Environmental Policy Statement, as amended; and  2. to adopt the proposed Environmental Action Plan, as amended; and  3. that the Environmental Action Plan is reviewed by Cabinet in three months' time.
<b>11 Norfolk and Suffolk Local Industrial Strategy</b>  Director of Place	<b>RESOLVED</b>  to endorse the draft Norfolk and Suffolk Local Industrial Strategy.
<b>12 Council Tax Good Practice Protocol</b>  Assistant Director of Finance	<b>RECOMMENDED TO COUNCIL</b>  1. that the Council Tax Good Practice Protocol be adopted; and  2. that authority is delegated to the Assistant Director of Finance, in consultation with the Portfolio Holder for Finance, to amend the Protocol as necessary in the future.
<b>13 Draft Commercialisation Strategy</b>  Director of Resources	<b>RECOMMENDED TO COUNCIL</b>  to adopt the Joint Commercialisation Strategy, as amended.
<b>15 Extension of Waste Collection and Street Cleansing Contracts</b>  Director of People and Communities	<b>RESOLVED</b>  to delegate to the Director of People and Communities the authority to agree on behalf of Broadland District Council the extension of the waste collection and street cleansing contracts with Veolia Environmental Services until 31 March 2022.

## DECISIONS ON APPLICATIONS – 2 OCTOBER 2019

App'n No	Location	Description of Development	Decision
20181623	Hill House, Hall Lane, Drayton	Demolition of dwelling and erection of 56 bed nursing care home; new vehicular access; associated landscaping and erection of new, off-site public footpath	<b>REFUSED</b>
20182043	Land off Manor Road, Manor Road, Newton St Faiths	Demolition of dwelling and erection of 69 dwellings and associated infrastructure and landscaping	Delegated authority to the DoP to <b>APPROVE</b> subject to no objections from the HA and subject to conditions and completion of a Section 106 Agreement
20191142	Northgate House, 2 Links Avenue, Hellesdon	Change of use of existing care home to three flats	<b>APPROVED</b> subject to conditions
20191211	Carrowbreck House, Drayton High Road, Hellesdon	Removal of condition 2 of pp 20100607 – to allow office and workshop to be used as a separate B1 use	<b>APPROVED</b> subject to conditions
20191212	Carrowbreck House, Drayton High Road, Hellesdon	Change of use from D1 (Training Centre) to flexible D1 (Training Centre) & B1 (Business) Mixed Use	<b>APPROVED</b> subject to conditions
20191213	Stillwater Farm, Rabbit Lane, Great Witchingham	Temporary permission for residential caravan	<b>APPROVED</b> subject to conditions
20191235	Valley Farm, Holt Road, Felthorpe	Extension to residential curtilage for barns 1 & 3	<b>APPROVED</b> subject to conditions
20191193	1F Sapphire Business Park, Sapphire House, Roundtree Way, Sprowston	Change of use from office to D1 education	<b>APPROVED</b> subject to conditions

DoP = Director of Place  
HA = Highways Authority



**DECISIONS ON APPLICATIONS – 30 OCTOBER 2019**

<b>App'n No</b>	<b>Location</b>	<b>Description of Development</b>	<b>Decision</b>
20191280	24 Cromer Road, Hellesdon	Demolition of existing garage building, change of use of building to office including additional first floor office space and provision of one new first floor flat	<b>APPROVED</b> subject to conditions
20191290	24 Cromer Road, Hellesdon	Erection of four dwellings and new vehicular access off Eversley Road	<b>APPROVED</b> subject to conditions

Minutes of a meeting of the **Audit Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 10 October 2019** at 10.00 am when there were present:

Mr G K Nurden – Chairman

Mr P E Bulman

Mr A D Crotch

Ms S I Holland

Mrs K A Vincent

Officers in attendance were the Director of Resources, Internal Audit Manager and the Committee Officer (JO).

Ms S Powell (Ernst and Young) was also in attendance.

## **12 APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr Shaw.

## **13 MINUTES**

The Minutes of the meeting held on 25 July 2019 were confirmed as a correct record and signed by the Chairman.

*Minute No. 9 – Minutes (Matters Arising)*

Members were advised that the Council had been very pro-active in detecting fraudulent single person Council Tax discount claims prior to joining the Norfolk Fraud Hub, which was the reason the Council had only recovered a small amount since it had joined the scheme.

An assessment of the value of continuing to remain in the Fraud Hub, would be made at the end of the Financial Year.

Details of the costs of participating in the Fraud Hub would be forwarded to Members after the meeting.

The Director of Resources also reported back to the Committee on the status of the Purchase Orders Audit, (BRD1809 key controls and assurance work) which required Purchase Orders to be used for all purchases. She confirmed that training had taken place to rectify this issue and a number of individuals had subsequently been identified, who were failing to use Purchase Orders. Work would continue to prevent this occurring however it had been decided that the staff restructure should be completed before wider training regarding this issue was rolled out across the whole one officer team. This was due to the restructure leading to some changes in roles and responsibilities together with a requirement to raise purchase orders on the two Finance Systems going forward.

The Internal Audit Manager confirmed that evidence would be required before the audit recommendation could be signed off.

## **14 RISK MANAGEMENT ASSESSMENT**

The report provided details of the results of a Risk Maturity Assessment and made suggestions for improvements to increase the risk maturity level of the Council.

Standards developed by the Chartered Institute of Internal Auditors (CIIA) had been used to compare the risk management framework at Broadland against the following five stages of risk maturity: Risk Naive, Risk Aware, Risk Defined, Risk Managed and Risk Enabled.

The results of the Assessment suggested that Broadland's risk maturity was 'Risk Aware', which was at the lower end of risk maturity and could be characterised as 'a scattered, silo-based approach to risk management'.

The Assessment also identified that:

- No risk training had been requested or delivered for staff and there was no guidance in the Risk Strategy on the practical implementation of risk management.
- There was no defined scoring system for assessing the severity of risk in relation to delivering objectives and risk appetite had not been clearly defined and was not being considered in risk responses.
- There was no evidence that significant risks had been escalated upwards to senior management and Cabinet from operational areas at the Council.
- It was not possible to determine if risk management activity had been effective as although the Performance Report presented to Cabinet listed risks against each objective, in some cases, mitigating actions were not included, no deadlines for compliance were given and it was not clear whether the Council was choosing to reject or accept the identified risk.

As a result of the findings above it was proposed that an Enterprise Risk Management (ERM) framework be established to take a holistic approach to effectively manage risk. This would be especially relevant if the aspiration to develop a 'commercial culture' was to be established, as set out in the collaboration Feasibility Study.

The benefits of an ERM approach included:

- Greater focus on the issues that really matter;
- Risk focused culture; facilitates discussion about risk at all levels;
- Standardised risk reporting; consistent, comparable risks that are easy to interpret for effective decision making;
- Improved perspective; a complete viewpoint on risk that supports early detection, and an opportunity to exploit opportunities;
- Efficient use of resources; consistent analysis of risks allows prioritisation of the most appropriate response.

Members were advised that if it was adopted it would be essential to get all staff on board with this approach and ensure that they were aware of how to identify risk and escalate concerns to senior management.

Members confirmed that they supported the proposal, which would give the Audit Committee clear oversight of the effectiveness of the Risk Management Framework. This was especially important given the more commercially focused approach being taken by the Council going forward.

The Director of Resources advised the meeting that the Corporate Management Leadership Team had been discussing a Risk Management Strategy for both Broadland and South Norfolk and Member input into this piece of work would be welcomed as it was developed.

The Chairman expressed a concern that there could be difficulties if the risk appetites of the two Councils differed significantly. In response, the Director of Resources confirmed that both Councils had a lot of areas in common and the Risk Management Strategy would seek to align many of these and take a shared approach. In terms of risk appetite, any differences would continue to be recognised and monitored accordingly and escalated to senior management, if they were approaching the risk appetite levels set by each Council.

In response to a query, the Internal Audit Manager confirmed that the Audit Committee would have the opportunity to identify areas on the Risk Register that they would like to investigate further, even if they were not specific items identified on the Annual Audit Plan.

Members were informed that as staff were in a transitional period going towards a single paid service across two Councils, it was not thought appropriate to introduce the new the ERM immediately.

**RESOLVED**

To unanimously endorse the improvements proposed by Internal Audit and to agree to the adoption of an Enterprise Risk Management Framework.

**15 AUDIT COMMITTEE – INDEPENDENT PERSON PROPOSAL**

The report outlined a proposal for appointing an Independent Person to the Audit Committee and included a person specification that covered the Committee's requirements of ensuring that the individual appointed had the necessary skills and objectivity to carry out the role.

The Internal Audit Manager advised the meeting that Breckland Council had an Independent Member on its Audit Committee, who had proved to be a useful addition to the Committee.

Members suggested that it was premature at this stage to seek to appoint an Independent Member, as the Committee had not had the opportunity to carry out a self-assessment since the District elections in May 2019.

It was also considered that it would more effective to develop current Members' skills further before looking to make an external appointment to the Committee.

**RESOLVED**

To not proceed with the appointment of an Independent Person to the Audit Committee.

**16 DRAFT COMMERCIALISATION STRATEGY**

The report presented a draft joint Commercialisation Strategy, which proposed taking a common and collaborative approach to commercial opportunities with South Norfolk Council.

The objectives of the Strategy were to:

- Take a commercial approach to service design and management while having regard to our public service ethos promoting equity and fairness.
- Encouraging innovation while optimising assets and services.
- Exploit opportunities to generate income surplus for reinvestment by increasing income, reducing cost and maximising efficiency.

Members were advised that officer skills would need to be developed in order to deliver these objectives. However, the Councils had a large customer base and insight into that group could be utilised to up-sell and cross-sell where appropriate to deliver new services to new and existing customers.

It was emphasised that a more commercial approach would not be to the detriment of the Council's social responsibilities and public service ethos.

The Chairman emphasised that the Audit Committee should have oversight of commercial ventures such as Broadland Growth Ltd and he requested that a report on the Joint Venture Company be brought to a future meeting of the Committee.

### **RESOLVED**

to endorse and recommend the Joint Commercialisation Strategy for approval.

## **17 ANNUAL AUDIT LETTER – YEAR END 31 MARCH 2019**

The Audit Letter set out the work undertaken by External Audit during 2018/19.

An unqualified opinion had been given for the audit of the Council's financial statements for 2018/19 and it had been concluded that proper arrangements to secure value for money in its use of resources had been put in place.

The report also focused on the future and set out the impact that new accounting standards would have on the Council from 2020/21 in respect of leases which would need to be included on the balance sheet to comply with FRS 116.

The Director of Resources advised Members that due to a resource issue at EY, the certification work for the Housing Benefit subsidy claim for 2018/19

would not be completed by the 30 November 2019 deadline. The Council had asked the Department of Work and Pensions to grant it an extension to the New Year. A number of other local authorities were in a similar position.

**RESOLVED**

To note the Annual Audit Letter 2018/19.

**18 WORK PROGRAMME**

**RESOLVED**

to hold an additional meeting on 14 November 2019 to consider the following item:

- Contract Standing Orders / Contracts Procedure Rules and Rules for Financial Governance / Financial Procedure Rules

*The meeting closed at 11.51 am*



Ministry of Housing,  
Communities &  
Local Government

**Rt Hon Robert Jenrick MP**

*Secretary of State for Housing, Communities  
and Local Government*

**Ministry of Housing, Communities and Local  
Government**

4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

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[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

15 October 2019

Council Leaders in England

Dear Local Leaders,

### **Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism**

My predecessor wrote to you in early 2017 following the Government's adoption of the IHRA definition, encouraging you to formally adopt the definition as a clear message that antisemitic behaviour will not be tolerated. I am writing to you on this issue again to impress upon you the need to take urgent action, which is more important now than ever.

The Community Security Trust (CST) is the leading organisation monitoring and supporting victims of antisemitism, and I know many of you will be familiar with their work. Earlier this year, CST released their report on antisemitic incidents in the first six months of 2019. It showed the highest total on record over a six-month period, and an increase of 10% on the same period in 2018, with over 100 incidents per month for the third year running. Similarly, the annual figures for 2018 showed the highest number of antisemitic incidents on record.

This is a very worrying trend. CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.

The recent deplorable attack on a synagogue in Halle, Germany, which took the lives of two innocent people on Yom Kippur, the holiest day in the Jewish calendar, shows that antisemitic hate crime is not a thing of the past. This must give us all serious pause.

It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21<sup>st</sup> century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face.



I recognise the local authorities who have already adopted the definition and considered its practical application, and I am grateful to you for showing leadership in tackling this challenge.

The IHRA definition is already used in guidance for the Police and Crown Prosecution Service, providing examples of the kinds of behaviours which, depending on the circumstances, could constitute antisemitism. The United Nations Special Rapporteur on Freedom of Religion or Belief also recently released a report which agreed that “the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms” and encouraged its use in “education, awareness-raising and for monitoring and responding to manifestations of antisemitism”.

For our part, the Government is absolutely committed to combatting antisemitism in all its forms, from wherever it arises. Examples of this include the strong work of the Cross-Government Working Group to Tackle Antisemitism, which builds on our close relationship with Jewish communities. The Government funds projects such as Solutions Not Sides which seeks to challenge stereotypes and foster more nuanced discussion of the Israel-Palestinian conflict, and we have recently announced a further £100,000 in funding to tackle online antisemitism.

I am a strong advocate for clear standards on hate crime and a consistent approach across institutions to strengthen the support we provide to students and communities.

We recognise the incredibly valuable role local authorities have to play in tackling all forms of hate crime, in partnership with local police forces. Your intimate knowledge of local communities and their concerns provides valuable evidence to target responses. Your work to build resilience and integration locally helps to challenge some of the factors that may cause hate crime, preventing prejudice and hatred from taking root.

Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response. I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.

**RT HON ROBERT JENRICK MP**

## **MONITORING OFFICER REPORT**

**Report Author:** Emma Hodds  
Assistant Director Governance and Business Support,  
Monitoring Officer for BDC  
01508 533791  
ehodds@s-norfolk.gov.uk

**Portfolio:** Leader (Policy)

**Wards Affected:** All

### **Purpose of the Report:**

The purpose of this report is to note updated appointments to Committees.

### **Recommendations:**

1. To note the named appointments to the Electoral Arrangements Committee.
2. To note the named appointment of a substitute on the Planning Committee.

## **1 SUMMARY**

- 1.1 To note the named appointments to the Electoral Arrangements Committee and the named appointment of a substitute on the Planning Committee.

## **2 ELECTORAL ARRANGEMENTS COMMITTEE**

- 2.1 At the Council meeting on 17 September 2019 it was agreed to appoint an Electoral Arrangements Committee, membership to comprise 8 Members (6 Conservatives, 2 Liberal Democrats). The following names have now been supplied to the Monitoring Officer:

Mr S C Beadle  
Mr P E Bulman (Chairman)  
Mr J F Fisher  
Mrs S C Gurney  
Mrs C Karimi-Ghovanlou  
Mrs J Leggett  
Mr M L Murrell (Vice Chairman)  
Mrs K A Vincent

## **3 SUBSTITUTE MEMBERS ON THE PLANNING COMMITTEE**

- 3.1 The Leader of the Liberal Democrats has nominated an additional member to the pool of substitute members on the Planning Committee. David Britcher has undertaken the Planning training and will be added to the pool.

## **4 ISSUES AND RISKS**

- 4.1 **Resource Implications** – none.
- 4.2 **Legal Implications** – none.
- 4.3 **Equality Implications** – none.
- 4.4 **Environmental Impact** – none.
- 4.5 **Crime and Disorder** – none.
- 4.6 **Risks** – none.

## **5 CONCLUSION**

- 5.1 This report notes the appointments made.

## **6 RECOMMENDATIONS**

- 6.1 To note the named appointments to the Electoral Arrangements Committee.
- 6.2 To note the named appointment of a substitute on the Planning Committee.

## **OUTSIDE ORGANISATIONS - FEEDBACK FROM REPRESENTATIVES**

**Report Author:** Emma Hodds  
Assistant Director Governance and Business Support,  
Monitoring Officer for BDC  
01508 533791  
ehodds@s-norfolk.gov.uk

**Portfolio:** Leader (Policy)

**Wards Affected:** All

### **Purpose of the Report:**

The purpose of this report is to receive feedback from members on their representation on outside bodies.

### **Recommendation:**

To note the Report

### **Mrs L Hempsall - CPRE Rural Housing Conference - 6 September 2019**

This conference took place in Dereham and was opened by George Freeman MP. Refreshingly, the CPRE are taking a very positive stance on affordable housing in rural areas and are part of a national campaign to lobby government to release more funding for this purpose. On this basis I'm looking forward to CPRE positively supporting our emerging local plan in the consultation process.

### **Mrs L Hempsall - Broads Authority Planning Committee - 11 October 2019**

I attended the meeting where there was only one planning application to determine, members content with the officer recommendation and the application by the model flying club in South Norfolk was approved. (Link to full papers if you wish to read the report in more detail. [Planning Committee Agenda and Reports – 11 October 2019](#))

**Mrs L Hempsall - Transforming Cities Committee** - I attended the meeting at County Hall on 16th October and the committee resolved to accept recommendations as per the reports to be put forward to NCC Cabinet. We very much look forward to a good outcome that will help deliver on the schemes outlined in the paper. DFT will let us know by March 2020. (agenda for 16 October available at the following link:

<https://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/128/ctl/ViewMeetingPublic/mid/496/Meeting/1624/Committee/179/Default.aspx>

### **Mr G Nurden - Broads IDB – 12 August 2019**

Cllrs Copplestone, Thomas and I attended the Board's meeting at Hickling. Newly appointed members were welcomed as this was their first meeting following the May local council elections. Cllr Thomas was the only newly appointed member present at the meeting. Following approval of the minutes of the previous Board meeting, the various activity reports were presented. There was much discussion about the Board contributing an estimated additional £75k to proceed with a Strategic Outline Business Case for the Upper Thorne Integrated Drainage Improvements and the Halvergate Marshes Pump Management Scheme projects. The Board is awaiting the outcome of discussions about the cost of abstraction and water transfer licences. There is the possibility that one licence could cover the 13 sites in the Boards area. The Board also wanted to ensure that the working arrangement with the District Councils in respect of fly-tipping was harmonious.

### **Mr J Ward - Arts Forum meeting 18 September 2019 at the archive Centre**

There were representatives present from the County Council, District Council, Arts Council, Theatre Royal, Museum Service, Tourist Office and many other organisations with an interest in the Arts. We had an update on the Arts Council's work by Kathryn Boddy, Relationship Manager. The Head of Marketing of BID, Caroline Mahers spoke of the projects they are involved with. Lucy Hogg from Voluntary Norfolk gave a presentation on 'Creative People and Places'. We heard about the exciting plans for Wensum Lodge to turn it into a Creative Development Hub from the Development Officer Lucy Wheeler. Neil Groose of the Sainsbury Centre spoke of their Creative Learning programme. I promoted Broadland District Council's Tots2Teens holiday activity programme.

### **Mr R Foulger - Community Rail Norfolk**

4 September 2019. At the invitation of Greater Anglia I attended the launch of the new trains on the Wherry Lines from Norwich to Gt. Yarmouth and Lowestoft. The ceremonies involved meeting senior executives of GA at Norwich Station followed by journeys to Gt. Yarmouth and Lowestoft and return to Norwich. The new train was well received at both stations by invited guests. They are very fast and quiet and represent a great advance on current rolling stock. The new trains consist of three and four units and are a great improvement on the one and two units now in use.

19 September 2019. As a Board member of Community Rail Norfolk and Chairman of Wherry Lines CRP, I attended a Board meeting at Norwich Station. This consisted of the AGM at which Jonathan Denny of GA stood down and Peter Main Chairman of the Bittern Line was elected to succeed him. Other matters discussed included the resignalling project of the Wherry Lines being undertaken by Network Rail. The commission date was to have been 1st April this year but it is expected to be completed by February 2020. Concern was expressed over this delay and regular updates were required.

18 October 2019 - I chaired a meeting of Wherry Lines Community Rail Partnership. We had a report from Network Rail regarding the progress of the re-signalling project for the Norwich to Gt. Yarmouth and Lowestoft Lines. The original completion date was 1st April 2019 but the project is running behind schedule and the revised date is 17 February 2020. There will be a number of line blockades in January and February next year involving a limited suspension of train services. Network Rail will publicise relevant details and will also contact schools regarding the operation of new style level crossings. It was reported by Greater Anglia that at present punctuality of services has declined to 87% which is below target.

#### **Mr R Foulger - A47 Alliance - 27 September 2019.**

I attended a meeting of the A47 Alliance at Gt.Yarmouth at which Highways England delegates were heavily criticised for the delay in commencing work on the funded projects under RIS 1 which runs from 2015 to 2020. Of immediate interest to us is the dualling of the section from Blofield to Burlingham. This section is very dangerous and it is important to dual it on safety grounds together with its importance to the economy, tourism and access to Gt.Yarmouth.

#### **Mr N Shaw - Local Government Association Strategic Aviation Special Interest Group (SASIG) Update**

The past year has seen many things happening at SASIG (Strategic Aviation Special Interest Group). I was voted in for the third time as SASIG Vice Chairman. More recently we celebrated the 20th Anniversary of SASIG with an invitation by our host Kemi Badenoch MP to the Houses of Parliament together with many other MP's. the DfT (Department for Transport) stakeholders, partners and business leaders from the aviation industry for the SASIG birthday party. Introducing the guests, Kemi reinforced how aviation matters to all of us. How everyone is affected one way or another by it in their daily lives, whether it be for travel, jobs, supply chains, freight, the economic benefits or indeed conversely, the planning, noise and environmental impacts it generates. Evaluating and presenting a balanced view is why SASIG is so important. It was a great event that allowed us to do a lot of important networking.



SASIG's prominence has been greatly enhanced with the work done over the last few years. The DfT and Government listen to us and take our views and consultations into account far more now than ever before. SASIG has added much to the decisions made in the forthcoming Aviation Green Paper, focusing not only on the major airports but also the regions. Aviation noise levels, infrastructure around airports, transport to and from airports, all come under our scrutiny. As the sounding board for the regions we bring more influence towards any changes the Government and DfT makes or wishes to make.

SASIG's objectives are:

To promote the need for long-term, sustainable aviation policies that lead to a reduction in the environmental impact of aviation whilst securing appropriate social and economic benefits.

To increase understanding of the local and global impacts of aviation on the environment and communities.

To identify and promote the changes needed to move towards sustainable aviation practices within the industry and Government.

To work with other organisations and the Government on the formulation of policy advice.

To lead on sustainable aviation policy and help influence both the direction of travel and engagement in local issues through our representative presence.

To work with local authorities to promote policies on environmental, economic, social and community sustainability.

SASIG provides a repository of relevant research, policy and best practice guidance information to inform committee reports and policy positions relating to individual or geographical clusters of authorities.

Creating the opportunity for members and officers to hear from, hold meetings with, or attend networking events with key policy makers (up to and including Ministers), regulators and industry representatives.

Being a source of sustainable aviation development policies, application conditions or reasons for refusal reasons, and CIF, S106 and environmental monitoring scheme that are tried and tested and replicable.

Creating opportunities for networking with fellow specialist practitioners and for continuing professional development. The future for SASIG is looking very strong indeed.

## **Mrs J Leggett - Norfolk Waste Partnership (NWP) 15 October 2019**

### Major topics discussed

[www.norfolkrecycles.com](http://www.norfolkrecycles.com) a site with lots of information about recycling/ reuse and also resources for schools

The contract for the disposal of 200,000 tons of residual waste will be procured by NCC this could impact Districts if the locations of the tipping sites are changed.

A project to improve recycling and reduce contamination has been carried out in parts of Norwich and improvements have been seen. A sticker was put on the bin with one key message eg No bags

The NWP previous communication officer's last day was in the middle of August and the Partnership discussed the recruitment of a communications officer for 2 years. Hopefully recruitment will start soon.

GPs and pharmacies currently provide waste collection and disposal for Clinical Sharps but this is a District responsibility. A new collection service will commence on 1st December and should appear very much as business as usual for patients.

There are proposed savings in the NCC budget for waste which could impact Districts.

The Chair of the Partnership is to meet District member representatives to discuss their priorities.



## COUNCIL

**Thursday 7 November 2019**

### Final Papers

Item	Details	Page No
<b>10</b>	<b>Cabinet</b>	
	To receive the <a href="#">Minutes of the meeting held on 28 October 2019</a>	<b>58 – 63</b>
	<a href="#">Minute no: 45 – Environmental Action Plan and Policy Statement</a>	<b>59 – 60</b>
	To consider the <a href="#">adoption of the proposed Environmental Policy Statement</a> and <a href="#">Action Plan</a> (as amended) and for the review of the Action Plan by Cabinet in three months' time	<b>64 – 68</b>
	<a href="#">Minute no: 47 – Council Tax Good Practice Protocol</a>	<b>61</b>
	To consider <a href="#">adoption of the Protocol</a> and delegate authority to the Assistant Director for Finance, in consultation with the Portfolio Holder for Finance, to amend the Protocol as necessary in the future	<b>69 – 76</b>
	<a href="#">Minute no: 48 – Draft Commercialisation Strategy</a>	<b>62</b>
	To consider <a href="#">adoption of the Joint Commercialisation Strategy</a>	<b>77 – 82</b>
<b>14</b>	<b><a href="#">Norfolk Business Rates Pool</a></b>	<b>83 – 92</b>
	To gain the approval of Council for ongoing arrangements for Norfolk Business Rates Pooling	

#### DEMOCRATIC SERVICES

##### Broadland District Council

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: 01603 430428

Email: [cst@broadland.gov.uk](mailto:cst@broadland.gov.uk)

Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 28 October 2019** at **6.00pm** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J J Emsell	Transformation and Organisational Development
Mrs L H Hempsall	Planning
Mrs J Leggett	Environmental Excellence
Mrs T M Mancini-Boyle	Finance
Mr F Whymark	Housing and Wellbeing

Mr Adams, Ms Catchpole, Dr Lawrence, Mr Nurden and Mr Riley also attended the meeting.

Officers in attendance were the Managing Director, Director Place, Director Resources, Director People and Communities, Assistant Director Regulatory, Assistant Director Governance and Business Support (Monitoring Officer) Environmental Management Officer (AO), Environmental Management Officer (DBM), Revenues and Benefits Manager and the Committee Officer (JO).

The Leader welcomed Nick Howard the new Assistant Director of Regulatory to the meeting.

#### **40 MINUTES**

The Minutes of the meeting held on 3 September 2019 were confirmed as a correct record and signed by the Chairman.

#### **41 REPRESENTATIONS FROM NON CABINET MEMBERS**

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

#### **42 OVERVIEW AND SCRUTINY COMMITTEE**

Cabinet received the Minutes of the meeting of the Overview and Scrutiny Committee held on 8 October 2019.

The Chairman of the Overview and Scrutiny Committee advised Members on the views expressed by the Committee when it reviewed the Cabinet Agenda on 22 October 2019, as each item was considered.

**43 ENVIRONMENTAL EXCELLENCE PANEL**

Cabinet received the Minutes of the meeting of the Environmental Excellence Panel held on 12 September 2019.

**44 WELLBEING PANEL**

Cabinet received the Minutes of the meeting of the Wellbeing Panel held on 7 October 2019

The Chairman of the Panel advised Cabinet that Members had received a joint safeguarding presentation with Members from South Norfolk Council prior to the meeting.

The Panel had also considered and endorsed a draft version of the Health and Wellbeing Strategy. The Strategy would be brought to the 26 November 2019 Cabinet for consideration.

**45 ENVIRONMENTAL ACTION PLAN AND POLICY STATEMENT**

The report proposed the adoption of a joint Environmental Action Plan and Policy Statement with South Norfolk Council, which would replace both Councils' existing Environmental Policies and Strategies. The Action Plan reflected input from the Environmental Excellence Panel and South Norfolk's Growth, Infrastructure and Environment Policy Committee.

The Portfolio Holder for Environmental Excellence advised the meeting that she fully supported the Strategy. However, she acknowledged that the Overview and Scrutiny Committee had concerns about it not having strong enough links to the targets in the Government's 25 year plan and to address these she proposed to change commitment 2 in the Environmental Policy Statement to:

*To adopt a policy whereby all future key decisions were considered and a statement made for their environmental impact and for their alignment to the IPCC guidance.*

She also suggested that the Action Plan should include timelines and be review by Cabinet in three months' time.

The Chairman of the Overview and Scrutiny Committee added that the Committee had recommended that the Environmental Excellence Panel be made a Committee, to reflect the Council's commitment to its environmental responsibilities.

In response, the Chairman advised the meeting that the Panels set policy and gave a steer to Cabinet and were chaired by Portfolio Holders, so he considered that they already had sufficient influence.

The Portfolio Holder for Economic Development advised the meeting that she had been appointed to the Water Management Alliance by the Broads Internal Drainage Board and would be reporting back regularly to the Environmental Excellence Panel.

The Portfolio Holder for Planning advised the meeting that the Overview and Scrutiny Committee could consider the Minutes of the Panels when it reviewed the Cabinet Agenda, if it wished.

Members were advised that a baseline exercise to gather data that would be used to draw up targets for the Action Plan, would now commence.

#### **RECOMMENDED TO COUNCIL**

- (1) to adopt the proposed Environmental Policy Statement, as amended;
- (2) to adopt the proposed Environmental Action Plan, as amended; and
- (3) that the Environmental Action Plan is reviewed by Cabinet in three months' time.

#### **Reasons for decision**

To adopt a joint Environmental Strategy.

#### **46 NORFOLK AND SUFFOLK LOCAL INDUSTRIAL STRATEGY**

The report proposed that Cabinet endorse the draft Norfolk and Suffolk Local Industrial Strategy, which had been developed by New Anglia Local Enterprise Partnership to show how Norfolk and Suffolk would collaborate to provide new clean growth solutions and infrastructure for communities and businesses.

A key priority area in Broadland was the Food Innovation Centre based at the Food Enterprise Zone.

The Portfolio Holder for Housing and Wellbeing commended the Strategy, which fitted well with the Inclusive Growth Strategy that was currently being drafted.

## **RESOLVED**

to endorse the draft Norfolk and Suffolk Local Industrial Strategy.

## **Reasons for decision**

To drive growth and productivity across the District in a clean and sustainable way.

## **47 COUNCIL TAX GOOD PRACTICE PROTOCOL**

The report recommended the adoption of the Citizens Advice Council Tax Good Practice Protocol, which covered the collection and recovery of Council Tax arrears.

The aim of the Protocol was to help Councils establish good practice with Citizens Advice in dealing with Council Tax debt. So far, 61 authorities across the country had adopted the Protocol.

The Overview and Scrutiny Committee had voted unanimously to recommend that the Protocol be adopted at its meeting on 13 August 2019.

South Norfolk Council was also in a position to adopt the Protocol and would be asking their Members to consider the matter in due course.

The Portfolio Holder for Finance advised the meeting that adopting the Protocol would only require minimal changes to the Council's current procedures.

There remained some points that the Council wished to clarify with Citizens Advice, but they had not yet responded, which was the reason for the delegation to amend the Protocol if necessary had being added to the resolution. Any major changes to the Protocol, however, would be brought to Cabinet for determination.

## **RECOMMENDED TO COUNCIL**

- (1) to adopt the Council Tax Good Practice Protocol be adopted; and

- (2) delegate authority to the Assistant Director of Finance, in consultation with the Portfolio Holder for Finance, to amend the Protocol as necessary in the future.

### **Reasons for decision**

To provide a stronger local partnership with Citizens Advice in respect of Council Tax debt.

## **48 DRAFT COMMERCIALISATION STRATEGY**

The report proposed the adoption of a Commercialisation Strategy, which set out an approach to how the commercial opportunities outlined in the Feasibility Study could be taken forward.

The report was considered and endorsed by the Audit Committee on 10 October 2019. Cabinet were requested to recommend the Strategy for adoption by Council.

The aim of the Strategy was to maximise returns, both financial and social, for both Councils, whilst maintaining a public service ethos of equality and fairness. The Strategy could also be adapted to each Councils' ambitions and appetite for risk.

Following a meeting of the Joint Lead Members Group this morning that had also considered the Strategy, the following bullet point had been added to paragraph 7 – Strategic Objectives:

- Ensure that decisions are taken with regards to the Councils' Environmental policies.

The Portfolio Holder for Finance welcomed the Strategy and especially developing officer skills in order to take forward commercial opportunities.

The Chairman of the Overview and Scrutiny advised the meeting that the Director of Resources was to bring a briefing paper to the Committee on commercialisation at other local authorities.

The Chairman noted that the EcoCube Time and Task Limited Panel were being reconvened and suggested that they needed to be very clear about the Panel's Terms of Reference, if they were to be effective.

Members were also advised that Rodney Fincham, the new Assistant Director of Finance had taken up his post today.

**RECOMMENDED TO COUNCIL**

to adopt the Joint Commercialisation Strategy, as amended.

**Reasons for decision**

To deliver commercial opportunities and support the Council in addressing the financial challenges it faced.

**49 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.

**50 EXTENSION OF WASTE COLLECTION AND STREET CLEANSING CONTRACTS**

The report set out the reasons for extending the waste collection and street cleansing service for five months to 31 March 2022.

It explained that in order for a review of both Councils' waste collection services to be completed and then allow time for implementation, it had been identified that an extension of the current waste contract and street cleansing contract both with an end date of 2 November 2021 would be necessary.

**RESOLVED**

to delegate to the Director of People and Communities the authority to agree on behalf of Broadland District Council the extension of the waste collection and street cleansing contracts with Veolia Environmental Services until 31 March 2022.

**Reasons for decision**

To allow sufficient time for a review of the service to be undertaken.

*The meeting closed at 6.50pm*

## Environmental Policy Statement

The UK Government has made a commitment to be the first generation to leave the environment in a better state than when it inherited it.

Through the Environment (Principles & Governance) Bill, the Government has pledged to embed an 'environmental net gain' principle, and introduce higher environmental standards for new build homes and commercial premises, to green our towns & cities creating green infrastructure and planting one million urban trees, to make sure resources are used more efficiently, minimise waste, tackle air pollution, and to provide international leadership, leading by example to tackle climate change.

Broadland and South Norfolk Councils are working together to support the delivery of the Government's 'A Green Future: Our 25 Year Plan to improve the Environment' with local targets and priorities for safeguarding our districts for future generations.

<https://www.gov.uk/government/publications/25-year-environment-plan>

Broadland and South Norfolk Councils will cut down unnecessary resource use and waste, reduce their impact on the Environment and shape a more efficient, sustainable and competitive local economy. The Councils will lead by example and demonstrate to the next generation our actions and responsibilities in tackling climate change.

By acting now, both Councils aim to achieve long term sustainable economic growth from low carbon and green industries across the Districts.

Through our community leadership role, we will demonstrate our commitment to this vision through our activities, the services we provide, and partnership working to showcase good practice and encourage residents, businesses and organisations to also act to reduce environmental impacts.

The Councils will focus on the following key areas:

- Delivering high quality sustainable communities which are prepared for the impact of climate change.
- Protecting and improving where possible the air, water and land quality across the districts.
- Reducing carbon emissions and the consumption of energy and water.
- Waste minimisation
- Sustainable transport
- Sustainable procurement

Over the next five years, we are committed to:

1. Work with Government to provide additional powers and resources to help deliver on national targets limiting global warming to 1.5 degrees.
2. To adopt a policy whereby all future key decisions are considered, and a statement made for their environmental impact and for their alignment to the Intergovernmental Panel on Climate Change's Guidance.
3. Regularly review our Environmental Action Plan with an aim of continuous improvement.

Signed:

Trevor Holden  
Managing Director

Cllr John Fuller  
Leader SNC

Cllr Shaun Vincent  
Leader BDC



Theme	Desired Outcome	Activities	Indicators of Success
<b>Sustainable Communities</b>	Growth used as a means of enhancing the quality of life of existing residents.	Enhance existing and establish new local green spaces.  Use the best environmental management practices for land use to protect and enhance biodiversity.	Number and scope of green infrastructure projects implemented including increasing the provision of allotments.  Delivery of sustainable communities and high-quality developments.
	Delivery of high quality, sustainable communities to assist in meeting national carbon targets.	Consider environmental impact as part of planning applications and include principles of green infrastructure where possible.  Improve energy efficiency and increase the uptake of green energy solutions.	Number/percentage of properties taking up green energy solutions e.g. renewable technologies.  Number/hectarage of sites managed as Wildflower meadows.
	Increased biodiversity across the district.	Where appropriate and where we have community buy in, turn some short mown grass sites to wildflower meadows.  Engage local communities and businesses to support volunteers and expand links with local schools.	Working Environmental Matters into next round of local planning.  Production of guidance documentation.  Use of rainwater saving solutions increased.
	Climate change adaption plan implemented.	Local Plan adopted, including policies on heat management, Sustainable Urban Drainage Systems (SuDS) and water efficiency in new buildings and developments.  Support local plan policies which seek to improve the energy efficiency of new build homes and commercial premises.  Consider the use of supplementary planning guidance locally to consider environmental issues.  Contribute to improvements in surface water management by working with partners to minimise flood risk and safeguard water resources.  Rainwater conservation and reuse promoted through planning process.  SuDS to be installed on any new council led developments.  Look at options to increase tree canopy cover across the district.	% of developments incorporating Sustainable Urban Drainage Systems.  Tree planting encouraged and undertaken.
<b>Environmental Management</b>	Health and wellbeing of communities protected whilst improving the environmental quality of the district ensuring that statutory requirements are met.	Raise awareness of drought and water security with Private Water Supply users.  Provide advice, guidance and raise environmental awareness via social media and our websites.	Education campaign to encourage pre-planning.  Increased number of people reached through environmental campaigns.  Regular link in with other agencies.

		<p>Increase joint working with other agencies to tackle Environmental Crime including fly tipping, littering, dog fouling etc.</p> <p>Commitment to making sure out streets stay clean. Supporting community litter picks etc.</p>	<p>Continued improvement in local air quality across the district, evidence through annual report.</p> <p>Number of enforcement activities e.g. fixed penalty notices.</p>
	Enhanced local environment through reduction in local pollution in terms of air, water and soil quality.	Monitoring local air quality in line with national focus and statutory responsibilities.	Number of litter picks etc. supported
Energy Efficiency	Impact of energy price rises minimised.	<p>Promotion of Big Switch &amp; Save.</p> <p>Home Improvement Agency interventions.</p> <p>Investigate implementation of accredited Environmental Management System.</p> <p>Supporting residents unable to access the mains gas network to affordably heat their homes.</p>	<p>Number of homes switching using Big Switch &amp; Save and average realised saving.</p> <p>Number of homes receiving benefits checks.</p> <p>Number of homes improved.</p> <p>Number of homes in fuel poverty.</p> <p>Number of HMOs to legislative standards.</p>
	A reduction in the number of households in or at risk of fuel poverty.	<p>Utilising grant funding made available through the Better Care Fund from the MHCLG to provide first time or replacement heating systems.</p> <p>Continue to seek investment on behalf of Norfolk (Warm Homes Fund).</p>	<p>Improvements in Energy Performance Certificates and Display Energy Certificate ratings of Council owned buildings.</p> <p>Reduction in in-house energy consumption.</p>
	A reduction in carbon emissions.	<p>Private Rented Sector Enforcement.</p> <p>Utilising grant funding made available through the Better Care Fund from the MHCLG to reduce carbon emissions</p> <p>Capitalise on external funding opportunities.</p> <p>Investigate opportunities to reduce in house emissions. On-site renewables etc.</p>	
Waste Minimisation	Value for money sustainable kerbside collection scheme.	<p>Consider new waste collection models and arrangements to deliver efficiencies whilst maintaining customer service.</p> <p>Minimise in house waste.</p>	<p>Waste audit carried out and improvements identified. Tonnage of waste collected per capita and percentage recycled.</p> <p>Single use plastic free in all buildings.</p>
	Reduction in the amount of waste generated per household.	<p>Community initiatives and partnership working which influence residents' positive waste habits including waste reduction and reuse.</p> <p>Working with suppliers and producers in the district to minimise packaging.</p> <p>Seek solutions to recycling contamination issues.</p> <p>Investigate possibility of extra reuse events.</p> <p>Promote recycling for commercial waste customers.</p>	All in-house events are single use plastic free.

	Reducing single use plastic.	<p>Work towards zero provision of single use plastics in all council buildings.</p> <p>Raise awareness and support the extension of Refill scheme.</p> <p>Run our own and encourage plastic free events e.g. South Norfolk on Show.</p> <p>Encourage community lead low plastic zones in market towns.</p>	
	Minimising food in residual waste.	<p>Encourage residents to minimise food in residual waste through education campaigns.</p> <p>Support local composting schemes and community fridges</p> <p>Explore options for extending food waste collection service.</p> <p>Sign up to the Courtauld Commitment 2025.</p>	
Sustainable Transport	Improve health & wellbeing and enhance the local environment.	<p>Work with Norfolk County Council to support more sustainable and healthier transport systems, enabling and encouraging active travel.</p> <p>Investigate/implement a staff travel plan – encouraging remote working, car sharing etc.</p> <p>Look at external service providers – lift share, Eco-stars etc.</p> <p>Consider the use of electric pool cars and lease vehicles.</p> <p>Investigate the use of technologies to enable agile working and minimise the environmental impact of meetings and events.</p> <p>Investigating the potential around increasing the number of electric vehicle charging points across the districts.</p>	<p>In house travel plan produced; to minimise staff travel.</p> <p>Impact of our own fleet of vehicles assessed and action plan produced.</p> <p>Number of public electric vehicle charging points available.</p>
Sustainable Procurement	Support local businesses.	Encourage the use of local contractors through procurement methods.	Updated joint procurement strategy.
	Value for money procurement on a “whole life basis”.	<p>Seek to minimise the Council's impact on the environment when procuring, by ensuring the optimum levels of sustainability are achieved.</p> <p>Look to minimise the environmental impact of Council canteens. Considering locally sourced, animal welfare, low carbon, seasonal, fair trade, reduction in waste etc.</p> <p>Rewrite joint procurement strategy which will incorporate environmental consideration.</p>	

		<p>Produce a sustainable/ethical procurement policy to ensure purchases are free from child labour, low animal welfare standards or harmful, environmentally damaging chemicals.</p> <p>Conduct a review of existing product areas procured and the associated environmental impacts.</p>	
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# Council Tax Protocol

Revised Collection of Council Tax Arrears Good Practice Protocol



**Agreed by:**

Citizens Advice, June 2017

Local Government Association, June 2017

Norfolk Citizens Advice & Broadland District Council



# Council Tax Protocol

We agree to adopt this protocol in .....  
as our public commitment to its principles of fairness, partnership  
working and transparency in local authority debt collection:

Signature

.....  
Local authority representative

Signature

.....  
Local Citizens Advice / advice  
agency representative

Signature

.....  
Enforcement agency  
representative  
(where relevant)<sup>1</sup>

Signature

.....  
External contractor  
representative  
(where relevant)<sup>1</sup>

Date:

---

<sup>1</sup> Enforcement agents and external contactors may sign this protocol if they and the authority agree that it is appropriate.

# Council Tax Protocol

## Revised collection of council tax arrears good practice protocol

Council tax payers receive a better level of service when local authorities<sup>2</sup>, enforcement agencies and debt advice agencies work closely together. Early intervention and proactive contact with people struggling with bill payments can help prevent them incurring further charges and help alleviate stress. It can also potentially help reduce both collection costs and calls on local public services, particularly mental health services.

This good practice protocol makes a number of suggestions on how local partnerships can be strengthened and residents better supported. Developed through partnership work between the national bodies representing advice agencies, local government and enforcement agencies throughout England and Wales, it builds upon the previous protocol, which government recommended local authorities adopt in their 2013 guidance. The protocol reflects best practice at local level and is intended to facilitate regular liaison on practices and policy concerning council tax debt collection. In setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with appropriately whilst complaints are handled efficiently.

By signing the protocol and adopting the practices set out below, local authorities, enforcement agencies and advice agencies can help taxpayers pay their council tax bills while accessing debt advice when needed.

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<sup>2</sup>Where we use the term 'local authorities', this should also be read to cover a local authority's external contractors, where the local authority has contracted out the administration of some or all of its council tax collection process.

# Partnership

To foster more effective partnership working:

1. Local authorities, enforcement agencies and advice agencies should meet as required to discuss practical and policy issues
2. All parties should have dedicated contacts accessible on direct lines and electronically so that issues can be taken up quickly.
3. All parties should promote mutual understanding by providing training workshops, undertaking exchange visits and sharing good practice where applicable.
4. As local authorities are responsible for the overall collections process, they should ensure all their staff, external contractors and enforcement agencies receive the appropriate training, particularly on vulnerability and hardship.
5. Contractual arrangements with enforcement agents should specify procedures for the local authority to take back cases involving vulnerable people. Whilst it is not possible to produce an exhaustive list of types of vulnerability, the contract between the Council and the enforcement agencies should specify the main categories of vulnerability and the process for dealing with them.
6. Local authorities should consider informal complaints as debtors may be afraid to complain formally where enforcement agent activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation both locally by the local authority and by referral to national bodies.



# Information

To improve the information supplied to council tax payers about the billing process, how to get support and debt advice and to promote engagement:

1. All parties should work together to produce letters that clearly and consistently explain how council tax bills have been calculated (including any Council Tax Support award). Council tax bills [reminders] should make clear council tax is a priority debt and explain the consequences of not making payment by the date specified. As far as possible within the constraints of systems, where a taxpayer has council tax arrears, the letters should explain how the debt has been accumulated and over which time period, the layout and language of bills and letters should be easy to understand, with any letters including a contact phone number and email address. All information should also be made available online in a clear format.
2. Local authorities should consider reviewing payment arrangements and offer more flexible options, including, subject to practicality, different payment dates within the month, spreading payments over 12 months and, potentially, different payment amounts to assist those on fluctuating incomes. This can allow people to budget more effectively.
3. Local authorities and enforcement agents should publicise local and national debt advice contact details on literature and notices. Advice agencies can help by promoting the need for debtors to contact their local authority promptly in order to agree payment plans. Parties can work together to ensure the tone of letters is not intimidating but encouraging of engagement.
4. Local authorities should ensure that enforcement agencies have appropriate information about the council tax debts they are recovering, so they can put this in letters they send to debtors and answer any questions.
5. Local authorities should consider providing literature online about concerns council tax debtors may have about enforcement agents and enforcement. Information could cover charges enforcement agencies are allowed to make by law, how to complain about enforcement agent behaviour or check enforcement agent certification and further help available from the local authority or advice agencies.
6. All parties should work together to review and promote better engagement by council taxpayers. This should include information on how bills can be reduced through reliefs, exemptions and council tax support schemes, advising taxpayers that they should contact the local authority if they experience financial hardship and the consequences of allowing priority debts to accumulate. Information and budgeting tools should be made available on local authority and advice agency websites, via social media and at offices of relevant agencies. This is an opportunity for joint campaign work.

# Recovery

If a council tax bill is not paid, then the local authority's recovery process comes into play. While local authorities strive to make early contact with a debtor, the first point of engagement by a debtor often only occurs when an enforcement agent visits the premises. Greater effort should be made at or before the Tribunal Courts and Enforcement Act's compliance stage, including debt and money advice referrals and to assess whether vulnerability or hardship applies, so as to avoid escalating a debt. Therefore:

1. Local authorities and enforcement agencies should work in partnership with advice agencies on the content, language and layout of all documents, produced by the local authority and agents acting on its behalf which are part of the enforcement process. This should aim to ensure that the rights and responsibilities of all parties, particularly those of the debtor, are clearly set out.
2. The initial enforcement letter/statutory notice should provide the debtor with a contact number and email address should they wish to speak to the local authority.
3. Local authorities should keep all charges associated with recovery under annual review to ensure they are reasonable and as clear and transparent as possible and reflect actual costs incurred. Enforcement agents should only make charges in accordance with council tax collection and enforcement regulations, particularly the Tribunal Courts and Enforcement Act.
4. Local authorities should periodically review their corporate policy on debt and recovery, particularly what level of debt (inclusive of liability order fees) should have accrued before enforcement agent action, as enforcement will add additional costs to a debt.
5. As part of their corporate policy on debt and recovery, local authorities should have a process for dealing with cases that are identified as vulnerable, bearing in mind that different local authorities may have different definitions of a vulnerable person or household. Any local definition of vulnerability should be developed in consultation with advice agencies and enforcement agencies and, wherever possible, the local authority should aim to publish clear guidelines on what constitutes vulnerability locally. Where a local authority's vulnerability criteria apply, In these cases, debts should be considered carefully before being passed to enforcement agencies. Where enforcement agents or other parties identify a vulnerable household, recovery action will be referred to the local authority.
6. Local authorities should regularly review and publish their policies which cover hardship, including how these relate to council tax arrears.

7. Where a household is in receipt of Council Tax Support, the local authority should consider matters carefully and determine whether to pass such cases to enforcement agents, based on the individual circumstances of the case.
8. The debtor may have outstanding claims for Universal Credit, Council Tax Support or other benefit(s) which are contributing to their arrears. Local authorities can suspend recovery once it is established that a legitimate and relevant claim is pending.
9. Local authorities and their enforcement agents should consider ~~each case carefully on its own merits~~ with a view to offering a 28 days hold or “breathing space” on enforcement action if debtors are seeking debt advice from an accredited advice provider.
10. Procedures should exist for debt advisers to negotiate payments on behalf of the taxpayer at any point in the process, including when the debt has been passed to the enforcement agent. In some cases, the debtor may only contact an advice agency following a visit from the enforcement agent.
11. Local authorities and enforcement agents should consider accepting and using the Standard Financial Statement (SFS) or Common Financial Statement as the guiding principles in assessing ability to pay as long as this is consistent with securing value for money for all council tax payers.
12. Each case should be examined on its merits and repayment arrangements need to be affordable and sustainable, while ensuring that the debt is paid off within a reasonable period. Where appropriate, local authorities should provide the flexibility to spread repayments over more than a year, including beyond the end of a financial year.
13. Local authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using enforcement agents. This avoids extra debts being incurred by people who may already have substantial liabilities.
14. Clarity should be provided to the debtor and enforcement agency as to which debts are being paid off, in what amounts and when, especially where a debtor has multiple liability orders. Where appropriate, debts should be consolidated before being sent to enforcement agents.
15. Local authorities should publish a clear procedure for people to report complaints about all stages of recovery action. Local authorities will regularly monitor and, subject to requirements of commercial confidentiality and the Data Protection Act, publish the performance (including complaints) of those recovering debts on their behalf and ensure that contractual and legal arrangements are met.

# Free, confidential advice. Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment.

We're here for everyone.



[citizensadvice.org.uk](https://citizensadvice.org.uk)

Published June 2017

Citizens Advice is an operating name of The National Association of Citizens Advice Bureaux.

Registered charity number 279057.

## Joint Commercialisation Strategy

### 1. Introduction

- 1.1. The Feasibility Study adopted by both Broadland and South Norfolk Councils in July 2018 expressed a number of drivers for the collaboration including the wish to address the funding gaps in both Councils' medium-term financial plans offering greater financial stability.
- 1.2. While there are a number of ways the funding gaps can be addressed including increased Business Rates from enhanced economic growth, increased Council Tax base due to faster delivery of planned housing, increased grant income from more successful bids and access to new funding opportunities currently unavailable to each Council separately, the Feasibility Study included proposals around Commercial Opportunities which the collaboration would assist in facilitating. This Commercialisation Strategy outlines how these will be taken forward.

### 2. Background

- 2.1. Broadland and South Norfolk Council, like many local authorities, continue to operate in a climate of financial uncertainty with increasing demands on services alongside unpredictable future changes to Government funding, from the rollout of the 75% Business Rates Retention Scheme and the Fair Funding Review, as well as a lack of clarity around the New Homes Bonus funding.
- 2.2. It is against this background that both Councils have made efficiencies and savings over the years, as the Revenue Support Grants have disappeared, in order to deliver balanced budgets but the Medium Term Financial Plans for both Councils' have funding gaps. Developing the Councils' commercial approaches, alongside reimagining how we provide services, will assist in closing these gaps while ensuring the Councils continue to deliver services to at the same level to those that need them.

### 3. Definition of Commercialisation

- 3.1. For the purposes of this Strategy, Commercialisation is defined as:  
"Commercialisation means the delivery of services by the Councils' or their Companies, in a manner which results in at least one of the following: income generation, greater efficiency or cost reduction, although this may not be the primary or only aim of the provision of the services."

### 4. Scope

4.1. The following outlines what is included and excluded from the scope of this Strategy.

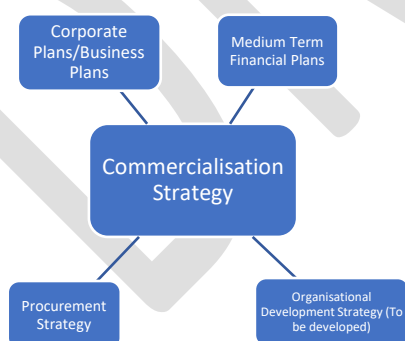
Inclusions:

- Income generated from fees and charges to the public, businesses and other organisations for statutory and discretionary services where charging is permissible
- Council delivered services, internally and externally traded services and services provide on behalf of the Council by a third party
- Commercial companies owned by the Councils
- Council Assets
- Utilising cash reserves and balances to generate income or efficiencies through non-treasury managements investments e.g. loans to subsidiaries, investment properties

Exclusions:

- Council Tax and Business Rates
- Investment Income from Treasury Management Investments - this is managed through the Councils' Treasury Management Strategies
- Income from statutory and discretionary services where charging is not permissible, or fees are set nationally
- Any grant income

### 5. Links to other Council Strategies and Policies



### 6. Aim

- 6.1. To maximise returns, (financial and social) from both Councils, taking a commercial approach consistent with their individual risk approach, to protect and enhance front line services by becoming financially self-sustainable.

### 7. Strategic Objectives

- Take a commercial approach to service design and management while having regard to our public service ethos promoting equity and fairness
- Encouraging innovation while optimising assets and services
- Exploit opportunities to generate income surplus for reinvestment by increasing income, reducing cost and maximising efficiency
- Ensure that decisions are taken with regards to the Councils' Environmental policies.

### 8. How we will deliver the Strategic Objectives:

The delivery of the Strategic Objectives applies to those areas defined in section 4 above as within scope.

#### 8.1. Income Generation

- Provide a consistent approach within each Council in setting and reviewing fees and charges with an aim to achieving full cost recovery where appropriate to do so and a standard approach to concession pricing.
- Ensure that fees and charges reflect market rates and are benchmarked against other service providers and reviewed annually to ensure they are competitive and viable.
- Be cognisant that in certain circumstance reducing fees and charges can increase the customer base and overall income levels.
- Use Customer Insight to up-sell and cross-sell where feasible and appropriate to ensure the services delivered are the services the customer wants.
- Use Marketing Strategies and approaches to deploy our brand most effectively within the marketplace, building our reputation and making use of our unique selling points and our local authority ethos to generate maximum returns.

#### 8.2. Service Costs and Delivery

- Use Customer Insight to understand behaviours and how they drive demand. Re-engineer processes to manage demands.
- Re-engineer processes to ensure they are efficient, effective and responsive.



- Compare the cost of service and income recovery against peers having adjusted for activity levels.
- Evaluate delivery models, reviewing alternatives and potential funding streams to deliver the most effective approach.
- Attract alternative investment models such as social investment.
- Use technology to increase access for customers, allowing them to self-serve where appropriate so that staff can concentrate on those customers who need transformative services.
- Develop and shape supplier markets.
- Maximise the use of Council land and buildings or consider realising their value through disposal.

### 8.3. Commercial Opportunities

- Ensure resources are focused in taking forward genuine opportunities rather than every commercial opportunity that may exist through developing robust business cases to support new initiatives and ideas to demonstrate their viability before deployment.
- Understand existing markets and customer base to explore whether this can be expanded upon.
- Use business intelligence to analyse current service demands and trends and gain competitive advantages.
- Use the Councils' reserves to invest in developing commercial opportunities balancing risk and reward.
- Investigate innovative financing to fund income generation proposals.

### 8.4. Creating the Right Environment

- Engage with staff at all levels to ensure they have the skills necessary to work commercially and confidence to develop new ideas and be innovative.
- Embed a commercial approach throughout the one team.

### 8.5. Approach to Risk

- In applying a commercial approach or identifying opportunities, the associated risks will need to be identified and analysed prior to decisions being taken.
- The level of acceptable risk will differ for each Council and will be dependent on the individual activity and overall risk exposure.
- Risks to be considered will include:
  - Financial
  - Reputation
  - Environmental
  - Legal



- Social
- Economic

#### 8.6. Governance

- Ensure robust scrutiny of business case models.

#### 8.7. Measuring our success

- Set clear financial and non-financial performance targets for service delivery to clearly understand how we are achieving which will be reported quarterly to each Council's Cabinet.

DRAFT

### High Level Action Plan:

Opportunities to explore which were outlined in the Feasibility Study included:

**Existing Commercial ventures** – investigate where there could be potential for further commercial opportunities and income streams. These included:

- Assets Management Company
- Property rental and investments income
- Affordable Housing one-stop shop
- Temporary Accommodation
- HR Services to Parishes

**Existing income from services** – operating in a business-like and commercial way there are a number of differences in income-generation and/or service delivery approaches that each Council could benefit by sharing experiences, as listed below. The redesign of services under the new one team approach; aligning policies, procedures and processes will assist in driving further efficiencies.

- Bin Charging – now approved at Council
- Pre-application planning advice fees
- Street naming and numbering charges
- Commercial Trade Waste

**Commercial activities in other councils** – investigate potential initiatives which other councils have delivered which the Councils could adopt, areas identified within the Feasibility Study included:

- Commercial Web Advertising
- Energy Provider Partnership
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## **NORFOLK BUSINESS RATES POOL**

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**Portfolio:** Finance

**Ward(s) Affected:** All

### **Purpose of the Report:**

Due to timescales the Leader of the Council has agreed in principle that Broadland Council will participate in the 2020/21 Norfolk Business Rates Pool subject to ratification by Council. This report is to inform Members of the Norfolk Business Rates Pooling arrangements for 2020/21, and the potential financial risks and reward involved for participating councils, in order that Council can make an informed decision on whether to ratify the decision in principle and the consequences for the Pool in 2020/21 should a decision be made not to participate.

### **Recommendations:**

1. That Council ratify the decision in principle to participate in the Norfolk Business Rates Pool for 2020/21.

## **1 SUMMARY**

- 1.1 Due to timescales the Leader of the Council has agreed in principle that Broadland Council will participate in the 2020/21 Norfolk Business Rates Pool subject to ratification by Council. This summary report is to inform Members of the Norfolk Business Rates Pooling arrangements for 2020/21, and the potential financial risks and reward involved for participating councils, in order that Council can make an informed decision on whether to ratify the decision in principle and the consequences for the Pool in 2020/21 should a decision be made not to participate. Further technical information is available in the background papers.

## **2 BACKGROUND**

- 2.1 The intention of the Business Rates Retention scheme is to provide incentives for local authorities to increase economic growth, through retention of a share of revenue generated from locally collected business rates. The scheme includes an arrangement for councils to pool business rate resources where it makes local economic sense to do so. Providing a county council is part of a pooling arrangement, the creation of a pool within a two-tier area such as Norfolk, can reduce or remove the levy on business rates growth paid to the Government by billing authorities who experience business rate growth. This enables more business rates growth to be retained locally and used as agreed by authorities within the pool.
- 2.2 Broadland District Council has been a member of the Norfolk Business Rates Pool since 2013/14 when it agreed to pool with Norfolk County Council. Since then other Districts have joined the pool in the following years and by 2018/19 the pool included all seven districts in Norfolk as well as the County Council.
- 2.3 Under the scheme all local authorities are set individual baseline funding levels. In two tier areas such as Norfolk the upper tier authority, in this case NCC, will normally receive top up funding from government to reach their baseline funding level and the district authorities will normally pay a tariff (levy) to government for growth above their baseline funding levels. The effect of pooling is that the levy paid to Government is reduced or eliminated completely.
- 2.4 However, there are also financial risks associated with pooling. If a local authority is not in a pool and its business rates income falls by more than 7 ½% below the baseline funding level, then it qualifies for a safety net payment from the Government up to the level of 92 ½% of the baseline funding. In a pooling arrangement the local authorities are treated as a single entity in calculating safety net thresholds, and therefore where a single authority might have received safety net funding outside of a pool, in a pool this may not be a case as the combined safety net threshold may not have been reached.
- 2.5 On 25 September 2018 Norfolk councils submitted a bid to become a 75% Business Rates Pilot, which was confirmed by Government on 13 December 2018. As part of the pilot the Government agreed that the safety net level would be set at 95% of the baseline funding rather than the usual 92 ½%.

- 2.6 Operation of the pilot is managed via a Governance Agreement signed by all councils 10 January 2019. A Memorandum of Understanding is also in place with the Ministry of Housing, Communities and Local Government (MHCLG). The pilot commenced 1 April 2019 and Norfolk County Council acts as the lead authority.
- 2.7 MHCLG confirmed in September that the 2019/20 pilots will operate for one year only and set out details of pooling arrangements for 2020/21.

### **3 CURRENT POSITION**

#### **NHS Trust Business Rates Challenge**

- 3.1 Since the start of the pilot, a court date has been confirmed for the NHS Trust business rates challenge, which was previously identified as a key risk by the Norfolk Pool.
- 3.2 NHS Trusts have made a claim that they should benefit from charitable status for the purposes of business rates. If successful, this would result in a substantial backdated cost for all local authorities nationally as the claims go back to 2010 in some instances. The NHS Trust business rates challenge is now set to be heard by the High Court on 4 November 2019. It remains unclear at this point what the timescale is for the NHS Trust Business Rates Challenge to be resolved, but it has potential to impact on both the 2019/20 pilot and the decision to pool for 2020/21.
- 3.3 Under the business rates retention system, the costs in the event of a successful challenge would be shared between central and local government. Due to the operation of the 75% pilot, the share would differ between 2019/20 and 2020/21. The value is also increasing as each year's business rates bills are added. In September 2019, for Norfolk, the impact of a successful challenge by the NHS Trusts has been estimated to be in the region of:
- £35m if settled in 2019/20, of which **£27m** would be borne locally (75%).
  - £40m if settled in 2020/21, of which **£20m** would be borne locally (50%).
- 3.4 There would also be an ongoing impact in future years of a successful challenge, permanently reducing the rates take in Norfolk by about £4-5m.
- 3.5 It is unclear what action Government would take in the event of a successful NHS Trust Business Rates Challenge. Clearly this would have the potential to be highly destabilising for a large number of councils on a national scale and it may well be that Government would seek to mitigate the impact.
- 3.6 In the event that Government does not step in, it is possible that individual authorities' retained growth would have to be clawed back by the lead authority (Norfolk County Council) to bring other members of the pilot up to their Safety net funding level.
- 3.7 Regardless of the outcome of the challenge to be heard in November, it is assumed that the potential would remain for either party to appeal. However, it is also assumed that a ruling in favour of the NHS Trusts would have an immediate

impact even if appealed by local authorities, because of the need for Districts to make a provision at that point in their Annual Financial Accounts for. Currently Districts have not made any provisions to date within their Annual Financial Accounts in respect of the NHS Trust Business Rates Challenge but have recognised the risk as a contingent liability.

### **Norfolk Business Rates Pool Governance Arrangements**

- 3.8 The Business Rates Pool Governance Agreement sets out how volatility in business rates income is managed. The Pool will be operated on the basis of a Safety Net Guarantee, guaranteeing each Pool member as a minimum 92.5% (Pilot – 95%) of its MHCLG determined Baseline Funding.

The Parties agree to share volatility in business rates revenues across billing authorities and accordingly accept the risk of funding losses equivalent to the 92.5% Safety Net (Pilot – 95%). If one or more Parties experiences a shortfall in business rates income in the Pool and, consequently, retains funding at less than the MHCLG determined 92.5% (Pilot – 95%) Safety Net, a payment shall be made by the Pool to bring those Parties up to the Safety Net level.

- 3.9 Under the agreement, funds to make the equivalent Safety Net payments will be obtained in the following order:
- Use of the Local Volatility Fund - £1m was set aside within the Norfolk pool to cover any fluctuation locally.
  - For the Pilot only - Any pilot gain over the existing 50% Scheme
  - Use of any available Joint Investment Fund – remaining funding available in the Pool
  - Use of remaining growth retained by other Parties in proportion to growth experienced under the scheme.
  - Use of baseline funding down to 92.5% (Pilot – 95%) for all Parties in proportion to growth experienced under the scheme.
- 3.10 A report on the proposed allocation of the 2018/19 Joint Investment Fund pool income is due to be presented to Leaders in November 2019. In view of the significant risk associated with the NHS Trust Business Rates Challenge, this will recommend that allocations of 2018/19 funding are provisional only, pending the outcome of the NHS Trust Business Rates Challenge. The available Joint Investment Fund would include unallocated 2018/19 pool funds due to be allocated November 2019 which total £5.643m. In a worst-case scenario, further consideration could also be given to the scope to claw back previous year pool funds which have been allocated to projects, but which remain unspent and are not contractually committed.

### **Impact of the NHS Trust Business Rates Challenge on the 2019/20 Pool**

- 3.11 Leaders were advised at their meeting on the 17 October that updated forecasts for the 2019/20 pilot were not be available until the end of October, but the latest available information indicated no material changes and the benefit of piloting remains forecast to be approximately £7m for Norfolk. However, as set out above,

the NHS Trust business rates challenge has the potential to significantly reduce business rates income in Norfolk. Dependent on the timing of any decision, this could potentially impact on the 2019/20 pilot, however it is too late to make any amendments to the membership of the pool for this current year. The table below illustrates the impact on the 2019/20 of the outcome of the NHS Trust Business Rates Challenge.

<b>Council</b>	<b>Scenario 1</b>	<b>Scenario 2</b>
	Resolved in 2019/20 in favour of Local Authorities	Resolved in 2019/20 in favour of NHS Trusts
	<b>£m</b>	<b>£m</b>
Breckland	0.815	0.793
Broadland	0.704	0.638
Great Yarmouth	0.533	0.434
King's Lynn and West Norfolk	1.718	1.577
North Norfolk	0.812	0.770
Norwich	0.365	0.260
South Norfolk	1.834	1.424
<b>Pool</b>	<b>6.781</b>	<b>5.895</b>

- 3.12 If the challenge is resolved in 2019/20 in favour of NHS Trusts, the impact of the challenge will have been absorbed within the 2019/20 pilot.

### **Impact on the 2020/21 Pool**

- 3.13 On 17 September, MHCLG confirmed that 2019/20 pilots will operate for one year only and issued an invitation to form business rate pools in 2020/21 with a deadline for pooling proposals of 25 October 2019. MHCLG assume that the current pilot pool (of all Norfolk councils) will continue (in the 50% scheme) unless explicitly requested to change or revoke the pool by the deadline.
- 3.14 Due to the timescales set a decision has to be made prior to the outcome of the NHS Trust Business Rates Challenge being known. Officers collated the most up to date information with regards to the impact of a decision being made in 2020/21 in favour of the NHS Trusts, and Norfolk Finance Officers met to discuss this.
- 3.15 The biggest impact, should the NHS Trusts be successful, is with South Norfolk due to the NNUH. For South Norfolk the impact of a favourable NHS challenge, would be to trigger the safety net arrangements if the District was excluded from the Pool, subsequently this would also be the case for both Great Yarmouth Borough Council and The Borough Council of Kings Lynn and West Norfolk.
- 3.16 A report was presented to Leaders on 17 October recommending that the pool for 2020/21 should exclude South Norfolk Council. This recommendation was based

on the financial risk of having South Norfolk Council in the pool should the case be resolved in favour of the NHS Trusts. However, excluding South Norfolk would have the detrimental impact of losing approximately £1.834m in retained levy if the NHS Trust case is resolved in favour of the Councils. See table below:

(Table 2 Revised from the version within the Leaders report): 2020/21 pooling decision scenarios	Challenge is not resolved and there is continuing uncertainty about 2020/21	
	<i>Remains unresolved or resolved in favour of Local Authorities</i>	<i>Resolved in favour of NHS Trusts in 2020/21</i>
	<b>£m</b>	<b>£m</b>
Breckland	0.815	0.679
Broadland	0.704	0.369
Great Yarmouth	0.533	-0.658
King's Lynn and West Norfolk	1.718	0.579
North Norfolk	0.812	0.520
Norwich	0.365	-1.031
<b>Pool excluding South Norfolk</b>	<b>4.947</b>	<b>0.458</b>
South Norfolk	1.834	-4.883
<b>Pool including South Norfolk</b>	<b>6.781</b>	<b>-4.425</b>

Please note: The figures in the above table differ slightly to those contained in the Leaders report as further claims were received by both Norwich and South Norfolk Council after the Leaders meeting. The figures above now include potential claims as well as those received by districts.

- 3.17 Norfolk Leaders considered the report and the recommendations of the S151 Officers at their meeting on 17 October, however all the Leaders present decided to continue to pool including South Norfolk for 2020/21. They considered the likelihood of both the NHS winning the legal challenge and the Government not



stepping into to mitigate the impact and based this decision on the following despite their reluctance to overrule their S151 officers:

- The risks had not materially changed except the announcement of a court date
- Norfolk Councils stand united
- The risks of central government allowing the case to undermine local government funding nationwide were deemed to be small
- Changing pooling arrangements will not affect the majority of the potential liabilities but only those going forward

3.18 Should the NHS Trusts Business Rate Challenge be resolved in favour of the NHS and the Government does not act to mitigate the impact then in this worst-case scenario the trigger for the safety net would come into effect as described in paras. 3.8 to 3.10 above to recover the loss of £4.425m (table in 3.16 above).

3.19 The Local Volatility Fund stands at £1m which would leave £3.425m (£4.425m – £1m) of safety-net payment to be funded. The pool could also consider holding back payment to economic development projects from the 2018/19 pool levy / 2019/20 pilot pot to fund the safety-net payments above the £1m. In the worst-case scenario if all of the available funding is allocated to economic development projects the remaining £3.425m would need to be funded from the other authority revenue budgets as follows:

<b>Table 3: Forecast funding of £3.425m Safety-Net</b>	
	<b>£m</b>
Breckland	-0.728
Broadland	-0.405
King's Lynn and West Norfolk	-0.646
North Norfolk	-0.559
Norfolk County Council	-1.087
	<b>-3.425</b>

For Broadland Council the worst-case scenario is that it would have to fund £405K of safety net payments to fund South Norfolk, Great Yarmouth and Norwich Councils. The Council has a Business Rates Reserve which currently has a balance of £2.7m in it which could be used to cover a payment if required.

### **Benefits of Pooling for Norfolk**

3.20 As stated above in 3.11 the benefits of pooling in 2019/20, subject to the outcome of the NHS Legal Challenge, is approximately £7m is retained within Norfolk to promote future economic growth.

- 3.21 Provided the NHS case is resolved in favour of the Councils or the Government takes mitigating action to negate the impact on Councils if the NHS win then the benefits of pooling with all Districts within the pool for 202/21 is £6.8m (3.16 above).

#### **4 PROPOSED ACTION**

- 4.1 Due to the timescales, as stated in 3.17 above the Leaders agreed to continue to pool with all districts. For Broadland the Leader has agreed in principle subject to ratification by Council to keep the option open for Broadland Council to participate in the Pool.
- 4.2 Notwithstanding the deadline of 25 October, the Local Government Finance Act 1988 confirms that members of a pool have a period of 28 days from the date of publication of the provisional local government finance settlement to make a request to revoke a pool – in this case the only option would be to dissolve the pool entirely, not alter membership. For clarity, changes to the makeup of the pool must be submitted by 25 October, but a decision to pool could still be revoked entirely within 28 days of the provisional settlement.
- 4.3 The County Council as the lead authority has communicated this to MHCLG on the 25 October with the caveat that both South Norfolk and Broadland Council need to ratify the decision at their respective Council meetings. In addition, the response to MHCLG also made the following points in response to the invitation to pool:

##### **Norfolk Local Authorities:**

- Consider that the timing of the deadline for decisions about the 2020/21 pool is unhelpful in light of the timing of the NHS Trust challenge due to be heard by the High Court in November 2019.
- Are very supportive of the principle of pooling business rates and have used the additional funds retained locally to date to fund a Joint Investment Fund to support economic development projects delivering economic growth in Norfolk.
- Wish to highlight to MHCLG that there are significant concerns about the risk posed by the NHS Trust challenge estimated to total £42m in Norfolk in 2020/21 (including backdated element) to both 75% pilots in 2019/20 and 2020/21 pools. The NHS Trust challenge could result in a significant reduction in Norfolk rates income which would eliminate growth achieved in the pool area.
- Consider that they have no influence on the outcome of the NHS Trust challenge, which could fundamentally undermine the reasons for pooling and is highly destabilising for the system as a whole. The challenge has the potential to effectively eliminate seven years of business rates growth achieved in Norfolk.
- Intend in principle to continue pooling in 2020/21, but wish to highlight to MHCLG that in light of the uncertainty around the NHS Trust challenge, they will regretfully need to reserve the right to revoke the pool subject to the outcome of (or any latest information about) the NHS Trust challenge which

may be available at the time of the Provisional Settlement in December 2019, as provided for in Part 9 of Schedule 7B to the Local Government Act 1988.

- Recognise that withdrawing from a 2020/21 pool late in the process in December 2019/January 2020 would be problematic for MHCLG but consider that if Government cannot offer assurances that the NHS Trust challenge will not impact on pools, local authorities may have no choice but to revoke the decision to pool.
- Urge MHCLG to therefore consider providing some form of guarantee or no detriment clause for pools in respect of 2020/21, so that the NHS Trust challenge is not allowed to impact on the Business Rates Retention System and 2020/21 pooling decisions.

## **5 OTHER OPTIONS**

- 5.1 The other option is for Council not to agree to pool in 2020/21, this would cause the Pool to be revoked in its entirety as under the current arrangements changes to the membership of the pool can no longer be made after the 25 October and will result in all levy income being retained by central government in 2020/21.

## **6 ISSUES AND RISKS**

- 6.1 **Resource Implications** – The report above covers the financial implications.
- 6.2 **Legal Implications** – Legal implications of the decision are covered above.
- 6.3 **Equality Implications** – There are no equality implications resulting from the proposal.
- 6.4 **Environmental Impact** – There are no environmental impact arising from the proposal.
- 6.5 **Crime and Disorder** – The proposal will have no impact upon crime and disorder.
- 6.6 **Risks** – There are two major risks for Members to take into consideration:
- 6.6.1 **Financial** – As detailed above there is the risk that some of the Members of the Pool may have to contribute to reimburse other Members of the Pool up to their individual Safety Net limit. The report outlines that should this scenario occur the Government could act to reimburse the Local Authorities who have been affected by the NHS Trust legal case to mitigate this situation.
- 6.6.2 Although the Norfolk Councils alerted MHCLG that the decision for the current pool membership to continue was subject to ratification by some Councils, any change in membership of the pool would now lead to the whole pool collapsing with the potential of retaining significant sums within Norfolk for Economic Development lost for 2020/21.

## **7 CONCLUSION**

- 7.1 The decision whether to participate in the pool has significant consequences for both the Council and the other Norfolk Councils. If a decision is made not to ratify the agreement in principle, then the Norfolk Business rates Pool will collapse as the regulations do not permit changes to the membership. This would mean a potential loss of funding for Norfolk wide Economic Development projects.

However, as S151 Officers have highlighted there is a financial risk in remaining in the pool should the legal case be won by the NHS Trusts although this could be mitigated by the Government, which the Leaders consider highly likely given the national implications which would be created. Therefore, the risk of having to fund other members of the pool's safety net is considered low and the potential benefits are significant. For these reasons, Members are asked to agree the Council participates in the pool in the next financial year.

## **8 RECOMMENDATIONS**

- 8.1 Council to agree that Broadland District Council participates in the Norfolk Business rates Pool for 2020/21.

### **Background Papers**

Norfolk Leader Group 17 October 2019 – 2019/20 Business Rates Pilot update and Business Rates Pooling decision for 2020/21