

14 December 2020

MONITORING OFFICER REPORT

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Portfolio: Leader, and Economy and External Affairs

Ward(s) Affected: All

Purpose of the Report: The purpose of this report is to update and seek agreement from Council on proposals to amend sections of the Constitution as referred to in the body of the report, to reinstate the six month rule and to consider an appointment to an outside body.

Recommendations:

That Council agree:

1. To amend the Constitution in respect of attesting the official Seal of the Council as outlined in paragraph 2.3 of this report
2. To amend the Constitution in respect of the Terms of Reference for Joint Informal Cabinet
3. To disband Joint Lead Members Group
4. To amend the Constitution in respect of voting at remote Committee meetings

5. To confirm the amendments to the appointment to Committees as noted in section 3 of the report
6. To reinstate the six-month rule
7. To consider the request to appoint a member of Cabinet (and substitute) to the Broadland Futures Initiative Elected Members Forum and agree the relevant appointments if supported.

1. SUMMARY

- 1.1 The purpose of this report is to update and seek agreement from Council on proposals to amend sections of the Constitution as referred to in the body of the report, to reinstate the six month rule and to consider an appointment to an outside body.

2. UPDATES TO THE CONSTITUTION

Attesting the Seal of the Council

- 2.1 Currently, official documents that must be agreed under the Common Seal of the Council must be attested by the Managing Director, Monitoring Officer, Deputy Monitoring Officer or a Director, together with an Officer of the Relevant Service.
- 2.2 In light of increased home working and the change in primary location of many council teams in order to bring teams together at one site (either The House or Thorpe Lodge), it is considered that continuing to require an Officer of the Relevant Service to countersign the Seal would unnecessarily delay the process and prove difficult. Legal advice has confirmed that the Council can lawfully attest the Seal with only one signature.
- 2.3 It is therefore proposed that the requirement for the Common Seal to be countersigned by an Officer of the Relevant Service is removed from the Constitution, allowing a Seal to be authorised by only one signatory - being one of the following: the Managing Director, Monitoring Officer, Deputy Monitoring Officer or a Director.

Amendments to Committee Terms of Reference

- 2.4 The Monitoring Officer has taken the opportunity to review the Terms of reference for Joint Informal Cabinet, now that we are fully operating as One Team.
- 2.5 As the collaboration has progressed, joint policies, strategies and ways of working are being established. In order for the Councils to effectively and efficiently review and develop these together, we require the committee structure to support this.
- 2.6 To work towards achieving this, Joint Informal Cabinet's Terms of Reference have been reviewed and were considered to be fit for purpose in the main. A few minor changes were made, as outlined in **Appendix 1**. In addition, recognising the fact that this is not a decision-making body, Council are asked to consider removing the section on voting. Voting rests with the sovereign Councils as part of their own decision-making governance process.
- 2.7 The next steps in the governance arrangements for the collaboration journey will be to review the Joint Scrutiny Committee Terms of Reference. These

currently focus on the Feasibility Study linking to the key stages of collaborative working between South Norfolk Council and Broadland District Council, as reports are progressed through for Member decision at each authority. It is clear that the Council has moved on and these Terms of Reference require a review. It is proposed that the Monitoring Officer will review these with the Chairman of Scrutiny, alongside the Chairman of Broadland District Council's Overview and Scrutiny Committee to provide complementary and robust overview and scrutiny of the Council's collaboration journey.

Disbanding Joint Lead Members Group

- 2.8 Due to the above, it is considered that the Joint Lead Members Group is no longer required and should be disbanded. The Group proved useful and helped steer the work required during the earlier stages of the collaboration, however it is considered that Joint Informal Cabinet should take this work forward.

Voting at Remote Meetings

- 2.9 Currently the Council's Standing Orders in the Constitution has a section on conducting remote meetings. This includes voting in remote meetings which enables roll call voting in line with the legislation. There are two further options within the legislation that enable voting to be by means of general assent or electronic voting.
- 2.10 Where a vote is required, this needs to be open and transparent and visible to those watching the meetings on our You Tube channel. Decisions by general assent are possible in meetings whereby there is general agreement and no dissent and whereby attendance of the Committee Members is visible on one screen, which is largely achievable in most meetings but not Council.
- 2.11 The legislation does allow for electronic voting, however this needs to be open and transparent, as detailed above. Currently the platform the Council uses to host meetings does not enable this, however it is proposed to add this option to the Constitution so this can be utilised when technology permits.
- 2.12 Standing Order I6 in the Constitution currently states:

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman,] the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

It is proposed that this section is amended as follows :

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman,] the Chairman will take the vote:

(a) by use of the electronic voting system[s], where enabled, for Remote Voting; or

- (b) by the affirmation of the meeting if there is no dissent [by assent]; or
- (c) by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

3. CHANGES TO APPOINTMENTS TO COMMITTEES

- 3.1 The Leader of the Liberal Democrat Group has indicated that he wishes to make the following change to membership of a Committee:

Commercial, Trading and Customer Focus Committee

Cllr Julian Halls to replace Cllr Sharon Blundell

4. EMERGENCY POWERS : COVID-19

- 4.1 At its meeting on 1 April 2020, the Emergency Committee agreed to suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972. This was to be reviewed by the Monitoring Officer on a monthly basis.
- 4.2 Since then, virtual meetings have become the norm and provided members with a stable platform to enable attendance throughout the coronavirus pandemic. It is therefore deemed that this suspension is no longer required in its current form, however any future applications resulting from a member who foresees future attendance to be an issue will be considered on an individual basis.

5. BROADLAND FUTURES INITIATIVE ELECTED MEMBERS FORUM

- 5.1 The Council has been invited to appoint a member of Cabinet (and substitute member) to represent the authority on the *Broadland Futures Initiative* Elected Members Forum. The BFI is a partnership for future flood risk management in the Broadland area. The Initiative anticipates that the role of the Elected Members Forum will be to provide a strategic steer, receive advice and recommendations, review Initiative progress and reach agreements based on financial, environmental and technical evidence presented by the Initiative Project Team. Further details regarding the work of the initiative and Forum have been provided in Appendix 2.
- 5.2 Full Council is recommended to consider the request to appoint a member of Cabinet (and substitute) to the *Broadland Futures Initiative Elected Members Forum* and make the relevant appointments if supported.

6. ISSUES AND RISKS

- 6.1 **Resource Implications** – not applicable to this report.
- 6.2 **Legal Implications** – the recommendations contained within this report ensure that the Council remains compliant with legislation.
- 6.3 **Equality Implications** – not applicable to this report.
- 6.4 **Environmental Impact** – not applicable to this report.
- 6.5 **Crime and Disorder**- not applicable to this report.
- 6.6 **Risks** – not applicable to this report.

7. CONCLUSION

- 7.1 This report seeks to update and seek agreement from Council on proposals to amend sections of the Constitution as referred to in the body of the report, to reinstate the six month rule and to consider an appointment to an outside body.

8 RECOMMENDATIONS

That Council agree:

- 8.1 To amend the Constitution in respect of attesting the official Seal of the Council as outlined in paragraph 2.3 of this report
- 8.2 To amend the Constitution in respect of the Terms of Reference for Joint Informal Cabinet
- 8.3 To disband Joint Lead Members Group
- 8.4 To amend the Constitution in respect of voting at Committee meetings
- 8.5 To confirm the amendments to the appointment to Committees as noted in section 3 of the report
- 8.6 To reinstate the six-month rule
- 8.7 To consider the request to appoint a member of Cabinet (and substitute) to the Broadland Futures Initiative Elected Members Forum and agree the relevant appointments if supported.

JOINT INFORMAL CABINET TERMS OF REFERENCE

Meetings

The Joint Informal Cabinet will meet regularly and according to business need, linked to the strategy and policy development and as part of the collaborative working between Broadland District Council and South Norfolk Council.

Membership

Broadland District Council and South Norfolk Council shall appoint all Cabinet members to the ~~meeting~~ Group.

Two joint Chairmen of the Group shall be the Leaders of each Council. The role of Chairman will alternate between Broadland District Council and South Norfolk Council on a meeting by meeting basis, ~~dependent on which Council is hosting the meeting.~~

In the absence of the host authority Chairman, the meeting will be chaired by the non-host Chairman. In the absence of both Chairmen the Group will be chaired by the Deputy Leader of the host authority.

No substitute members will be permitted.

Quorum

The minimum number of members from each council required to transact any business of the Group shall be two thirds, rounded up to the nearest whole number.

Voting

The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.

If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

~~Venue and Time~~

~~Meetings will be held at both Broadland District Council and South Norfolk Council offices, as appropriate to conduct business and at venues which are accessible to the public.~~

~~Meetings will commence at a date and time to be agreed by both of the Chairmen.~~

Protocol and Openness

The Chairman of the meeting will be responsible for maintaining order and the

effective conduct of business at meetings.

Members of either Council are welcome to attend the meetings, subject to the agreement of the Chairman and may speak but not vote.

Members of the public will not be permitted to attend meetings of the Group.

Members will ensure that they abide by their respective Council's code of conduct at all meetings.

Terms of Reference

Provide political leadership to ensure integration and transformation of services across the two Council's.

Aligning activities at member level where this is appropriate and necessary to facilitate collaborative working.

Provide a steer on the policy framework of the Councils, review strategy documents and review the Council's business plans.

Elected Members Forum – Briefing Pack

Introduction

This document is intended to act as a briefing note for the Broadland Futures Initiative Elected Members Forum. Elected members can use this document to gain an understanding of the purpose of the Initiative, their role as a part of the Elected Members Forum and how they can contribute to key decisions around flood risk management.

The Broadland Futures Initiative

The BFI is a partnership for future flood risk management in the Broadland area. Our main goal is to agree a framework for future flood risk management that better copes with our changing climate and rising sea level. The focus will be on what happens from the mid-2020s onwards, however we need to start planning now to secure support and make well-informed decisions.

Flooding can affect many aspects of community life in our area; tourism, recreation, the natural environment, agriculture and where we live and work can all suffer adverse impacts as a result of flooding. The Initiative will make sure that these interlinked interests are all considered, with the full involvement of local communities and other stakeholders. We want to create a better place that doesn't just survive climate change, we want to thrive within a changing climate.

Our Governance

The Initiative Project Team has been set up by organisations responsible for managing coastal and inland flood risk. The Environment Agency have the lead responsibility and will be working with Natural England, County and District Councils, Internal Drainage Boards, Broads Authority, National Farmers Union and voluntary bodies. The Broads Authority will support the Initiative Project Team and governance arrangements.

The Initiative is working in partnership with local communities, our business sector and other stakeholders to identify the way forward. This will be a democratic process, with local politicians forming our Elected Members Forum, agreeing our core strategy and approaches in order to secure a framework for future flood risk management that better copes with our changing climate. Our governance model emulates the nationally consistent approach taken by the Shoreline Management Plan process, building on our experience and best practise as flood and coastal erosion risk managers.



Our Stakeholders

Stakeholder engagement is a fundamental part of the Initiative. A review of current flood management policy for the area was carried out in 2016. The review used existing information including projections for changes in the environment, technology and funding. It also identified areas where more evidence is needed. We have shared this information with a wide group of stakeholders and embarked on further information gathering to fill any identified evidence gaps. We have also undertaken online public surveys and awareness raising at existing community group meetings. In 2020 we had hoped to undertake face to face engagement and visit our communities in person, but due to the Coronavirus outbreak this has not been possible. In 2021 we will undertake pioneering virtual engagement with local communities and encourage involvement from a wider demographic.

An Initiative of International Importance

The Broadland landscape is of international importance, comprising a rich mosaic of wetland habitats, farmland, winding waterways, towns, villages and historic features, coastal beaches, dunes and low sandy cliffs. The landscape has been influenced and shaped over thousands of years by natural processes and by the way people have lived and worked. Rising sea levels and a changing climate make the area increasingly vulnerable to the risks of flooding and erosion, with the local environment and economy increasingly reliant on flood risk management structures.

Our decisions made must be acceptable for our local communities, for the environment, and also be technically possible and affordable. The cost of future flood risk management will require local as well as government funds, and we will also need to identify clearly where the money will come from. Our local Members of Parliament were briefed regarding the Broadland Futures Initiative prior to our opening engagement activities in May 2019. Since this time we have been undertaking further stakeholder engagement, awareness raising and collecting information to help form initial technical evidence and recommendations.

What is expected of the Elected Member Forum?

The Initiative anticipates that the role of the Elected Members Forum will be to provide a strategic steer, receive advice and recommendations, review Initiative progress and reach agreements based on financial, environmental and technical evidence presented by the Initiative Project Team. The Elected Members Forum will take back conclusions and seek formal endorsement from our Local Authorities, before final adoption by our Regional Flood and Coastal Committee (RFCC). The Elected Members Forum also ensures appropriate liaison with ultimate decision making bodies in relation to strategic priorities.

Who are the Elected Members Forum?



The Elected Members Forum comprises one representative from each Local Authority within the Initiative study area with an interest in flood and coastal risk management. The Broads Authority is also represented by one of their appointed members. It is envisaged that the Elected Members Forum will elect its own chair and will be serviced by the Broads Authority for secretariat purposes. We recommend that each member of the Elected Members Forum appoints a deputy member in case the leading member cannot attend meetings. It is expected that the Elected Members Forum will meet at least once a year and up to three times a year, dependent on progress and decisions required. We hope that elected members will also take part in a MP Briefing Group, with appropriate support. It is also anticipated that Forum meetings will be open to observer members of the public.

What can the EMF expect from the Initiative Project Team?

The Forum can expect complete support from the Initiative Project Team. Initially the Project Team will contact you to arrange meeting dates and set initial agenda items to guide your discussion. Our first step is to share our existing knowledge regarding flood and coastal risk management in order to reach a shared understanding and set our objectives. We will present the Forum with engaging material through a range of communication methods, including presentations from technical experts and easily accessible online information. We will outline the benefits associated with different flood risk management approaches, as well as utilise learning and examples from other areas. Once we have shared our baseline understanding, as well as potential options and benefits, we can start to ask you for your agreement regarding future approaches to flood risk management. We will place the views of our stakeholders at the heart of the Initiative, ensuring our community feedback is centre to this process.

Our aim is to guide this process and the agreed outcomes to form an adaptive pathway for future flood risk management projects, agile and able to adapt to change. We want to take best practise from our globally respected Shoreline Management Plans and be aspirational as well as realistic, keeping democracy at the heart of decision making.

Further Information

Latest Broadland Futures Initiative information, including contact details, meeting minutes of the Project Team and our newsletters can be found here: <https://www.broads-authority.gov.uk/looking-after/climate-change/broadland-futures-initiative>

Elected members from the following Authorities have been invited to the Forum: North Norfolk District Council, Great Yarmouth Borough Council, Broadland District Council, Norwich City Council, East Suffolk Council, South Norfolk Council, Norfolk County Council and Suffolk County Council. There will also be one member from the Broads Authority.

