

# COUNCIL

Monday 17 September 2018

7.30 pm

Council Chamber

*South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE*

Mr J Overton – Chairman of the Council

Mr G Minshull – Vice-Chairman of the Council

**If you have any special requirements in order to attend this meeting, please let us know in advance**

**Large print version can be made available**



This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

## **Group Meetings**

Conservatives	: Cavell & Colman Rooms 6.15 pm
Liberal Democrats	: Blomefield Room 6.30 pm

Contact: Claire White on 01508 533669 or [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)

## The Council's Prayer

# Agenda

### 1. Apologies for Absence

### 2. Urgent Items:

**Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972;** [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

### 3. To Receive Declarations of Interest from Members

(please see guidance – page 5)

### 4. To confirm the minutes of the meeting of the Council held on Thursday 12 July 2018

(attached – page 6)

### 5. Chairman's Announcements

(engagements attached – page 15)

6. To consider any petitions received under Section I of the “Rights of the Public at Meetings”

7. Monitoring Officer Report

(report attached – page 16)

8. Recommendations from the Cabinet for the meeting held on 23 July 2018

**Guidelines for Recreation Provision in New Residential Developments Supplementary Planning Document (SPD)**  
**Revised Draft for Adoption**

(page 69 of the Cabinet agenda)

<b>RESOLVED:</b>	<b>TO RECOMMEND THAT COUNCIL</b> adopts the SPD, attached at Appendix A of the report, subject to minor amendment.
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9. Proposed Delegation of Responsibilities for Commons Management for Brockdish Common to Brockdish Parish Council

(report attached – page 19)

10. Annual Report on Standards Activity

(report attached – page 26)

11. Questions to Chairmen and Portfolio Holders

**To take questions from Councillors and the Public**

Note: Time allocated to be at the discretion of the Chairman. No notice is required of questions; however, it may be necessary for written answers to be provided where an immediate response cannot be supplied. If members choose to submit questions in writing in advance, they will be circulated before the meeting.

a. **Cabinet**

Please [click here](#) to view the most recent Cabinet minutes available

**Questions to the Leader and other Cabinet members**

b. **Scrutiny Committee - Questions to the Chairman**

Please [click here](#) to view the most recent Scrutiny Committee minutes

c. **Licensing Appeals and Complaints Committee / Licensing and Gambling Acts Committee – Questions to the Chairman;**

Please [click here](#) to view the most recent Licensing Committee minutes

d. **Development Management Committee – Questions to the Chairman**

Please [click here](#) to view the most recent Development Management Committee minutes

e. **Electoral Arrangements Review Committee – Questions to the Chairman**

Please [click here](#) to view the most recent Electoral Arrangements Review Committee minutes

12. **Outside Bodies – Feedback from Representatives:**

(report from Cllr C Kemp regarding the Norfolk Police and Crime Panel attached – page 30)

## Agenda Item: 3

### DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. 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 on the matter.
- 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.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.



## COUNCIL

**Minutes of a meeting of South Norfolk District Council held in the Edwards Room at County Hall, Martineau Lane, Norwich on Thursday 12 July 2018 at 8.15 pm**

**Members Present:** Councillors; Overton (Chairman), Amis, Bell, Bendle, Bernard, Bills, Blundell, Broome, Dewsbury, Duffin, Easton, Edney, Ellis, Foulger, Fulcher, Fuller, Goldson, Gould, Gray, J Hornby, C Kemp, W Kemp, Kiddie, Lewis, Mason Billig, Minshull, Mooney, Neal, Palmer, R Savage, Stone, Thomas, Thomson, J Wilby, and M Wilby

**Apologies:** Councillors; Dale, Hardy, L Hornby, Hudson, Larner, Legg, Pond, Riches, J Savage, Wheatley and Worsley

**Officers in Attendance:** The Chief Executive (S Dinneen), the Director of Growth and Business Development (D Lorimer), the Assistant Director of Resources (P Catchpole) the the Head of Business Transformation (H Ralph) and the Head of Governance and Monitoring Officer (E Hodds)

**Also in Attendance:** P Grant and J Jackson (on behalf of SNC UNISON)  
N Tullock (on behalf of SNC Staff Forum)

### 3445 DECLARATIONS OF INTEREST

The following members declared other interests as detailed below:

Member	Item and Minute Number	Declaration
Cllr C Kemp	Appointment of Joint Managing Director (minute 3449)	Member of the Employers Panel of the East of England Local Government Association
Cllr J Fuller		SNC Representative on the East of England Local Government Association

The Committee Clerk also declared an interest on behalf of all staff present, with regard to item 7 (minute 3448), the Broadland and South Norfolk Feasibility Report, as the decision would affect all employees of the Council.

**3446 MINUTES**

The minutes of the meeting held on Monday 14 May 2018, were agreed as a correct record, and signed by the Chairman.

**3447 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman proposed and it was then agreed by Council, that due to the nature of the venue, standing order D 4.2 (the requirement to stand when addressing the Chairman), be suspended for the duration of the meeting.

The Chairman then referred members to the list of civic engagements attended during the period 14 May to 12 July 2018.

**3448 BROADLAND AND SOUTH NORFOLK FEASIBILITY REPORT**

Members considered the report of the Chief Executive, which presented members with the Feasibility Study, and recommendations from the Cabinet, regarding the opportunities and benefits of South Norfolk and Broadland Councils working closer together through shared services and one joint officer team.

Cllr K Mason Billig hoped that the briefing session held earlier that evening, had addressed any queries or concerns. Commending the recommendations to Council, she encouraged members to support the proposals, so that both councils, and all staff, could move forward together.

Mr P Grant, UNISON Branch Secretary, was then invited to address the meeting. Mr Grant referred members to an email he had forwarded to all members on 5 July, which outlined a number of concerns. He drew attention in particular to staff buy-in, reminding members that the success or otherwise, of this new venture, was reliant on the cooperation of employees. He stressed that staff were worried about their jobs, changes to terms and conditions, and the impact on service delivery. The employees were the Council's most important asset, and he urged members to provide firm reassurances regarding redundancies and terms and conditions, suggested that a joint leaders' statement might be the way forward.

Regarding culture change, Mr Grant hoped that members would recognise that this would require time, and that changes could not be imposed overnight. He was pleased that the services of the East of England Local Government Association (EELGA) would be sought, to oversee the development of new joint values, and he hoped very much that UNISON and staff from all levels, would be involved in the process. With regard to terms and conditions, he referred to the need for UNISON to be involved in negotiations, adding that it would be representing all staff, including those those in senior roles. He stressed that this was a radical step for both councils, and he hoped that members had taken note of UNISON's concerns.

Mrs N Tullock, then addressed the Council, on behalf of the Staff Forum. Mrs Tullock explained that the Forum represented all staff at the Council, including those that were members of UNISON. She advised that Forum representatives had tried to encourage more staff to complete the staff survey, and she acknowledged that the return rate had been disappointing. With regard to the results of the survey, she felt that it had been quite a positive response from South Norfolk Council, as the staff in the organisation were used to change and viewed it very much as “part of the day job”. The Forum was of course concerned about redundancies, but did not view a “non-redundancy policy” as a realistic way forward, adding that broken promises would only damage any trust between staff, management and members. The Forum did however, seek further reassurances regarding the shorter than average length of service at South Norfolk Council, not wishing these to be viewed as “easy pickings”, should redundancies be sought. Summing up, Mrs Tullock explained that the Forum looked forward to representing all staff, being involved in future negotiations, and helping to shape the Council’s future.

In response, Cllr Mason Billig thanked both Mr Grant and Mrs Tullock for their frank representations. She explained that a no redundancy policy was not viable, and would tie the hands of any future Managing Director, and new Council, following the elections in May 2019, but stressed that redundancies would only be sought as a very last resort. She agreed that culture change was an organic process, that required careful planning, and she stressed that both UNISON and the Staff Forum would be very much involved in the process, including any negotiations concerning terms and conditions.

Cllr J Fuller stressed that staff had nothing to fear, and he agreed that although a no-redundancy policy was not a viable option, a joint statement from both leaders providing reassurances to staff, would be a way forward. Redundancies would be avoided wherever possible, and changes to terms and conditions would be fair to both organisations and employees, enabling both councils to move forward, whilst responding to the needs and aspirations of residents. He added that the proposals would offer employees the opportunity to work on a bigger canvass, which in turn would create more opportunities to each organisation and their employees. Referring to the higher turnover of staff at South Norfolk Council, he explained that he was proud of the fact that the Council had developed staff who had then gone to gain promotion outside of the Council.

Referring to recommendation 2, concerning the ceasing of employment of the Chief Executive and exit arrangements, Cllr Gray proposed an amendment in that the arrangements should be cross party inclusive, and shared with the Leader of the Opposition Group, in addition to the South Norfolk Leader, and Deputy Leader. He suggested that South Norfolk was an “open Council” and he could see no reason why such information should be exclusive to the Leader and Deputy Leader only. This amendment was seconded by Cllr V Bell.

In response, Cllr Fuller explained that whilst he sympathised with Cllr Gray’s view, independent legal advice had been sought regarding these particular arrangements, in addition to advice received from the Section 151 Officer and the Monitoring Officer. He therefore could not support the amendment. In response to a query, he explained that the Leader of the Opposition would have the opportunity to be involved in the recruitment of the new joint Managing Director.



Cllr C Kemp, whilst also sympathetic to Cllr Gray's point, explained that there were reasons for the legal advice given, and suggested that to amend the proposals might invalidate the process. He therefore could not support the amendment.

With 6 votes for, 28 against and 1 abstention, the amendment was then lost.

In response to a query, Cllr Fuller explained that the proposed new Joint Managing Director would need to be officially employed by only one of the two Councils, and that a decision would be made regarding which council this would be, by members of the Joint Appointments Panel. He added that the appointment of a management company to take on this role, was not an option.

During discussion, Cllr T Lewis drew attention to the fact that any severance costs relating to the exit arrangements of the Chief Executive had not been included in the savings figures presented to Council. Cllr Fuller agreed and explained that costs and savings had been apportioned on a 55:45 split, due to the fact that South Norfolk carried out more functions than Broadland. He added that costs or savings generated solely from one Council, would not be shared with the other.

It was then unanimously

<b>RESOLVED:</b>	<p>To</p> <ol style="list-style-type: none"> <li>1. Agree the proposals set out in the feasibility report for collaborative working, forming One Joint Officer Team across the two autonomous Councils. The required interdependent elements to deliver this are set out below: <ol style="list-style-type: none"> <li>(a) the routemap for delivery of the collaborative working. (Sections 9 to 19)</li> <li>(b) the deletion of both councils' current Chief Executive roles and that a new post of Joint Managing Director (Head of Paid Service) be created. Details of the proposed appointment to this post will be provided to the Councils in line with the timeline outlined in this report. (Sections 10.4 to 10.8)</li> <li>(c) subsequent to the appointment of a Joint Managing Director, the establishment of a joint senior management team and one joint officer team across the two autonomous councils. (Sections 10.10 to 10.12)</li> <li>(d) that the current joint management arrangements in planning continue in line with the existing 12 months interim arrangements until January 2019 and that work commences on the development of a joint planning team in accordance with the timeline as set out in the report. (Section 10.13)</li> <li>(e) the establishment of a growth delivery team to accelerate and promote quality development in the delivery of the districts' strategic sites as set out in Appendix 4, and that a report be brought to the September meeting of the Cabinet, detailing the most appropriate operational approach and resource to establish the growth delivery team within an agreed budget.</li> <li>(f) the budget for the one joint officer team transition costs, and the other identified implementation costs.</li> </ol> </li> </ol>
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	<p>(Sections 20.33 to 20.37)</p> <p>(g) the provisional costs/savings split as set out in section 20 of this report and its accompanying principles and that responsibility to refine this cost/savings split be delegated to the S151 officers of both Councils, in consultation with the Leaders of each Council, as part of the development of budgets for 2019/20. The final decision by Members on the cost/saving split between the two councils will be made as part of the budget setting process for 2019/20. (Sections 20.16 to 20.25);</p> <p>2. Approve the ceasing of employment of the Chief Executive with the delegation of the exit arrangements, including the effective date and terms, to the South Norfolk Section 151 Officer and the lead HR Business Partner, the details of which will be shared with the South Norfolk Leader and the Deputy Leader. This is in line with South Norfolk Council's Constitution and the Local Authorities (Standing Orders) (England) Regulations 2001. This decision is subject to a five-day objection period. (Sections 10.4 to 10.9)</p>
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### 3449 APPOINTMENT OF JOINT MANAGING DIRECTOR

Members considered the report of the Monitoring Officer regarding the recruitment of a joint Managing Director and the establishment of a Joint Appointments Panel.

Cllr Fuller commended the report to members, explaining that the formation of a Joint Appointment Panel was required to take ownership of the recruitment process for the proposed Joint Managing Director, and would provide members with the opportunity to meet with candidates. The Panel would be made up of a 3:1 political split for both Broadland and South Norfolk councils, and he announced that the South Norfolk Conservative membership would consist of: Cllrs Fuller, C Kemp and Mason Billig. Members noted that to keep the process entirely independent, the East of England Local Government Association (EELGA) had been asked to support the recruitment process.

Members welcomed the support of the EELGA and recognised that the process would be demanding. In response to a query, Cllr Fuller confirmed that no "half-hearted" appointments would be made.

Cllr Fuller then paid tribute to the service of the current Chief Executive, explaining that he was very sad that she would not be joining the Council on its future journey. He referred to the Council's fantastic successes under her leadership, and thanked her for all that she had achieved. Cllr T Lewis agreed that the Chief Executive had been a great leader and he referred to her proactive, open and friendly style of management.

It was unanimously

<b>RESOLVED:</b>	To: <ol style="list-style-type: none"> <li>1) agree the setting up of the Joint Appointments Panel for the recruitment of the Joint Managing Director post as set out in paragraph 2 with the membership of the Panel delegated to the respective Group Leaders of Broadland District Council and South Norfolk Council and</li> <li>2) agree to the appointment of EELGA as recruitment advisor for the process.</li> </ol>
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### 3450 MONITORING OFFICER REPORT

Cllr Fuller presented the report of the Monitoring Officer, which sought Council approval to make amendments to the Cabinet portfolios and then subsequent changes to the constitution.

It was unanimously

<b>RESOLVED:</b>	To approve the changes to the Council's Constitution, outlined in paragraph 2.1 of the report.
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### 3451 RECOMMENDATIONS FROM THE CABINET

#### i) Performance, Risks, Revenue and Capital Budget Position Report for the Financial Year 2017/18

Cllr B Stone presented members with the recommendations of the Cabinet, arising from the meeting held 11 June 2018.

It was unanimously

<b>RESOLVED:</b>	To approve <ol style="list-style-type: none"> <li>(a) the budget virements which exceed £100,000 in accordance with the rules of financial governance (detail contained in Appendix 6).</li> <li>(b) the movements in reserves as outlined in Section 2.3.5.</li> <li>(c) the slippage requests of £333,447 on revenue and £22,318,465 on capital</li> <li>(d) the amended Capital programme and its financing for the next four financial years as set out in Appendices 7 and 8.</li> </ol>
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**ii) Treasury Management Annual Report 2017/18**

Cllr B Stone presented members with the recommendations of the Cabinet, arising from the meeting held 11 June 2018.

It was unanimously

**RESOLVED: To:**

- a) note the treasury activity for the second half of the year and that it complies with the agreed strategy;
- b) approve the 2017/18 prudential indicators for the latter six months of the year.

**3452 QUESTIONS TO THE CHAIRMEN AND PORTFOLIO HOLDERS****a) Cabinet**

Cllr Mason Billig reminded members that a question was put to her at the last meeting of the Council regarding the use of recyclable cups in the canteen.

She explained that officers had looked in to the matter and all cups used by the canteen were recyclable, if washed after use. A number of steps had recently been taken to increase staff awareness with regard to the opportunities for recycling a number of different materials in the office, including paper and plastic cups, paper, card and batteries, and a number of new blue bins had been placed in the meeting rooms, council chamber and ancillary area, to ensure all cups, from both the canteen and water dispensers, were recycled.

Cllr M Edney referred to the South Norfolk On Show, held 1 July 2018. The day had been a great success and he thanked all those staff who had been involved in the event. Cllr Edney also reminded members that the Pub of the Year Awards for 2018 had been launched and he urged members to encourage residents to vote, adding that it would be good to see some different pubs coming forward in the nominations.

Cllr J Fuller informed members that there had been a road accident involving a South Norfolk Street Cleaning vehicle and a car earlier that day. The Chief Executive advised that the driver of the Council's vehicle had been discharged from hospital, however the loader had been kept in hospital over night, although had no significant injuries. Members noted that there was no information relating to the condition of the driver of the other vehicle involved, however it was understood that they had not sustained any serious injuries.

**b) Scrutiny Committee**

There were no questions to the Chairman of the Scrutiny Committee.

**c) Licensing Appeals and Complaints Committee / Licensing and Gambling Acts Committee**

There were no questions to the Chairman of the Licensing Committee.

**d) Development Management Committee**

There were no questions to the Chairman of the Development Management Committee.

**e) Electoral Arrangements Review Committee**

In response to query, Cllr C Kemp explained that following the Council's consideration of the Community Governance Review, back in February, the relevant Orders had been made and had been agreed by the Local Government Boundary Commission.

A meeting of the Electoral Arrangements Review Committee was scheduled to take place in August and the Committee would be considering a review of Polling Districts and Polling Places, and also the potential for the Council to take part in a Voter ID Pilot Scheme during the May 2019 election.

**3453 OUTSIDE BODIES – FEEDBACK FROM REPRESENTATIVES**

Cllr C Kemp presented his report to members, regarding the Police and Crime Panel for Norfolk. He informed members that a consultation on the proposal to transfer the functions of the Fire and Rescue Authority to the Commissioner had commenced, and the Council's views would be sought as part of this consultation process. He explained that it had been decided that a Special Meeting of the Cabinet, to be held in August, would be the appropriate place to debate the matter, and not at a meeting of the Scrutiny Committee, as had been previously suggested in his report.

(The meeting concluded at 9.18 pm)

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Chairman

CIVIC ENGAGEMENTS FOR THE CHAIRMAN and VICE CHAIRMAN FOR THE PERIOD: 13 July to 16 September 2018	
Date	Event
13 July	<b>Reception</b> The Chairman of Norfolk County Council's annual Summer Reception held at Norwich Castle.
16 July	<b>Change of Command Ceremony</b> Ceremony held at the Royal air base at Lakenheath, where Colonel William Marshall assumed command from Colonel Evan Pettus.
18 July	<b>Civic Tour</b> A tour of our county, with a stop-off at each district's chosen tourist attraction, as part of Norfolk Day. South Norfolk's chosen attraction was Bressingham Steam and Museum.
23 July	<b>Welcome Reception</b> A reception for the European Youth Orchestra, Triorca, to welcome young musicians from Serbia, Germany and Norfolk.
26 July	<b>Open Afternoon</b> An event to understand the future vision and showcase the projects for Ditchingham Farms..
27 July	<b>World Record Attempt!</b> An SNC event held at Whitlingham Country Park in an attempt to break the record for the largest group of people dressed as hares.
11 August	<b>Opening Ceremony</b> Reception ahead of the opening of the 15 <sup>th</sup> Norfolk International Jamboree of Norfolk Scouts and Girl Guiding Norfolk.
15 August	<b>Luncheon</b> A lunch for the 15 <sup>th</sup> Norfolk International Jamboree of Norfolk Scouts and Girl Guiding Norfolk.
16 August	<b>Turf-cutting</b> Traditional turf-cutting ceremony of the artificial grass pitch at Kett's Park.
7 September	<b>10<sup>th</sup> Birthday Celebration</b> The 10 <sup>th</sup> anniversary of Queen's Hill Primary School.
10 September	<b>Opening of Battle of Britain Week</b> The official opening hosted by the Lord Mayor and Sheriff, held at City Hall.
14 September	<b>Battle of Britain Commemorative Event</b> A Service and wreath-laying ceremony hosted by the Chairman of Norfolk County Council
16 September	<b>Civic Service</b> A service to commemorate the anniversary of the Battle of Britain, hosted by the Lord Mayor and Sheriff.

**Council**  
**17 September 2018**

**Agenda Item No. 7**

## Monitoring Officer Report

**Report of the Monitoring Officer**  
**Cabinet Member: John Fuller, Leader of the Council**

**CONTACT**  
**Emma Hodds, 01508 533791**  
**[ehodds@s-norfolk.gov.uk](mailto:ehodds@s-norfolk.gov.uk)**



## 1. Introduction

- 1.1 This report seeks to notify Council of amendments to the Cabinet Portfolio Holders and amendments to the Constitution.

## 2. Appointments

- 2.1 The Leader of the Council has indicated that he has made two changes to the membership of the Cabinet, as follows:

- **Finance and Resources Portfolio Holder:** Cllr Michael Edney (formerly Portfolio Holder for Stronger Communities)
- **Stronger Communities Portfolio Holder:** Cllr Keith Kiddie

- 2.2 The Leader of the Council has indicated that he intends to change the name of a Portfolio as follows:

- Finance and Resources Portfolio **to** Growth and Resources Portfolio.

- 2.3 The Leader of the Council has also indicated that he intends to modify three of the Cabinet Portfolios slightly, there will be no changes to the remit of the Policy Committees. The revisions are as follows:

Economic Development is moving from the Stronger Communities Portfolio to the Growth and Resources Portfolio. Those activities moving are:

- Regeneration
- Visitor Economy Initiative
- Tourism
- Commercial Property

Information Technology, ICT Strategy and Telephony is moving from the Shared Services, Waste and Recycling Portfolio to the Growth and Resources Portfolio.

Street Lighting & Street Nameplate and Public Conveniences is moving from Shared Services, Waste and Recycling Portfolio to the Stronger Communities Portfolio.

### **3. Amendments to the Constitution**

- 3.1 Currently the approval of the Council's charging schedule in relation to Building (Local Authority Charges) Regulations 2010 is reserved to Full Council, who are also required to give due consideration to the views of the CNC Building Control Board. This is not in line with other fees and charges, which are agreed by Cabinet. Therefore, to align this with other practices regarding approving charges, it is proposed that the Constitution is amended accordingly to allow Cabinet to approve these charges, rather than Council.

### **4. Recommendations**

Council is requested to:

- 4.1 Note the appointments to the Cabinet outlined at paragraph 2.1 of this report.
- 4.2 Approve the changes to the Council's Constitution as outlined in paragraph 2.2 and 2.3 of this report.
- 4.3 Approve the changes outlined in Section 3 of this report to allow Cabinet to approve the charging schedule in relation to Building (Local Authority Charges) Regulations 2010.

**Council  
17 September 2018**

**Agenda Item No. 9**

**Proposed delegation of responsibilities for commons management for Brockdish  
Common to Brockdish Parish Council**

**Report of the Community Asset Delivery Officer/Head of Environmental Services  
Cabinet Member: Councillor K Mason Billig, Shared Services, Waste and Recycling Portfolio**

**CONTACT  
Helen Sibley 01508 533913  
[hsibley@s-norfolk.gov.uk](mailto:hsibley@s-norfolk.gov.uk)**

## **1. Introduction**

- 1.1** This report seeks approval to formally delegate commons management responsibilities for Brockdish Common to Brockdish Parish Council.
- 1.2** Brockdish common is a comparatively small registered common located in the parish of Brockdish. It is primarily used as a local amenity area.

## **2. Background**

- 2.1** South Norfolk Council has responsibilities, laid down by Parliament in the Commons Act 1899, for overseeing and, where there is a Scheme of Regulation in place, managing them according to any such Scheme. Schemes of Regulation allow local byelaws to be made and commons therefore be legally regulated. Some commons have registered owners and generally where there are we would expect them to be involved in their local management. In the case of Brockdish Common it is a registered common but there is no owner nor is there a Scheme of Regulation. South Norfolk Council have not actively managed this common historically. A map of showing the location of the common is attached at appendix1.
- 2.2** Given the above, Brockdish Parish Council (BPC) have decided they would like to take formal legal responsibility for the common and to form a Scheme of Regulation. This means, if agreed, that Brockdish Parish Council would become legally responsible for commons management during the time of the proposed Scheme (appendix 2) which initially is 3 years. At the end of the Scheme, it will be reviewed with BPC and either be renewed or the power will revert back to South Norfolk Council. The parish wishes to manage the common to improve the access and habitats for the benefit of the local community. The common provides a space for informal recreation and community activities which will build community cohesion. However, the proposed Scheme will not revoke any powers or rights that local people have over the Common.
- 2.3** Advice has been sought from the Council's legal advisors and under this Council's Constitution, (part 2, 10.4) this decision needs to be made by full Council. The proposed Scheme of Regulation is attached at appendix 1. The delegation to the Parish Council of Council functions is by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- 2.4** Given this scheme BPC can, if they wish, in the future create their own byelaws.
- 2.3** The proposed delegation of this common is in line with the Council's Community Assets Strategy.

### **3. Current Position**

- 3.1** The present situation is that this Council has not historically actively managed this common. Any issues would have been dealt with as they arose and in accordance with our general powers. There is no Scheme of Regulation in place.
- 3.2** Under the Commons Act, 1899 and Commons (Schemes) Regulations 1982, local authorities can choose to manage common land that has no registered owner by passing Schemes of Regulation which may, in turn, include enforceable byelaws. Again, in turn, local authorities can delegate management to a local council, such as a parish council. Any common that is managed under the 1899 act must allow free access and other rights and activities eg. playing certain sports. Overall any management or improvement a local authority carries out must be:
- In the public's interest
  - To conserve nature, the landscape or archaeology
  - To protect access rights.

### **4. Proposal**

- 4.1** Given the above, it is proposed that South Norfolk Council formally delegates responsibilities to Brockdish Parish Council as an appropriate body to manage and protect the common. This will include encroachment and other matters within the proposed Scheme of Regulation and any byelaws that they may wish to make. If they wish to make any byelaws they will have to follow guidance given by DEFRA.
- 4.2** Before the authority makes a byelaw they will have to have regard and fully comply with, The Byelaws (Alternative Procedure) (England) Regulations 2016 which detail the arrangements for making a byelaw. Before proposing a byelaw, the authority will have

to consult such persons as it considers may be affected by the proposed byelaw as well as taking account of the requirements under the Equality Act 2010. The byelaw will then have to be submitted to the Secretary of State for approval.

- 4.3** Both South Norfolk Council and Brockdish Parish Council will enter a Deed of Delegation which will outline each parties responsibilities. The agreement will be for an initial period of 3 years and will then be reviewed. If there is an emergency situation, it is proposed that South Norfolk Council will be able to act in relation to the common.

## **5. Risks and implications arising**

- 5.1** There are no direct risks to the Council identified. If, at any point, BPC considered that they could no longer manage the common we would need to take a view on what was best to safeguard the common- the proposed 3-year review would allow this. The Parish Council will be requested to obtain public liability insurance and will obviously have to fund any activity or works they wish to take place on the common.
- 5.2** There are no equalities or financial implications directly arising to the Council with this proposal.

## **6. Other options**

- 6.1** The option remains not to delegate commons management responsibility to Brockdish Parish Council.

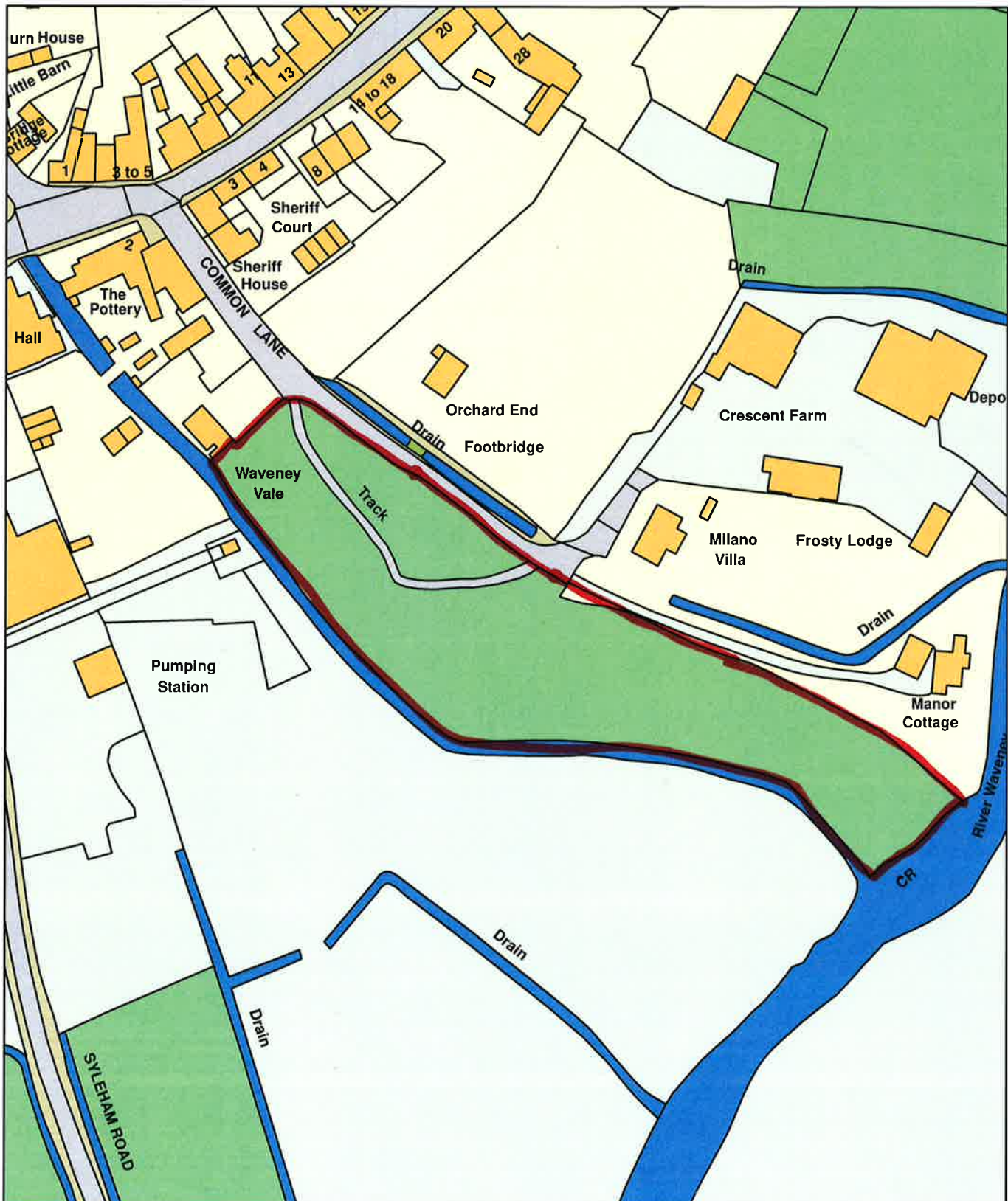
## **7. Recommendation**

- 7.1** It is recommended that Full Council agree to delegate the responsibilities for managing Brockdish Common to Brockdish Parish Council.

## Appendix 1 Brockdish Common

Print Date: 07/09/2018

## Legal Boundary in Red



Scale 1:1,225

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Ordnance Survey License no 100019483



South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

## **Appendix 2 – proposed Scheme of Regulation for Brockdish Common**

### Brockdish Common Scheme 2018

This Scheme is made the                      day of                      2018 by the Brockdish Parish Council in accordance with the Commons Act, 1899 and the Commons (Schemes) Regulations 1982.

### **The Scheme**

1. The piece of land with paths thereon, commonly known as Brockdish Common (that part of CL125 off Common Lane, Brockdish) situate in the Parish of Brockdish (including Thorpe Abbots) in the County of Norfolk and hereinafter referred to as “the Common” as shown on a plan sealed by, and deposited at the offices of the South Norfolk District Council, hereinafter called “the Council” and thereon coloured green, being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in Brockdish Parish Council.
2. Under powers contained in the 1899 Commons Act, the management of this Scheme is hereby delegated to the Brockdish Parish Council (including Thorpe Abbots) hereinafter called the Parish Council which may act as if it were the Council.
3. The Parish Council may execute any necessary works for the protection and improvement of the Common and shall preserve the turf, shrubs, trees, plants and grass thereon and may plant trees and shrubs for shelter or ornament and may place seats upon and otherwise improve the Common as a place for exercise and recreation. Save as hereinafter provided, the Parish Council shall do nothing that may otherwise vary or alter the natural features or aspects of the Common or interfere with free access to any part thereof, and shall not erect upon the Common any shelter, pavillion, drinking fountain or other building without the consent of the Secretary of State (DEFRA).
4. The Parish Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.
5. The inhabitants of the parish and neighborhood shall have a right of free access to every part of the Common and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Parish Council under this scheme.
6. The Parish Council may, for the prevention of nuisance and the preservation of order on the Common, and subject to the provisions of section 10 of the Commons Act 1899, make, revoke or alter bylaws for any of the following purposes, namely:
  - (a) prohibiting any person without lawful authority from digging or taking turf, sods, clay or other substance on or from the Common, and from cutting, felling or injuring any timber, or other tree, shrub, brushwood or other plant growing on the Common.



- (b) prohibiting any person without lawful authority from killing, molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or the setting of traps or nets or the laying of snares.
  - (c) prohibiting the driving, drawing or placing upon the Common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle or any aircraft (except in the case of accident or other sufficient cause).
  - (d) prohibiting the flying of any model aircraft or drone driven by any means.
  - (e) prohibiting or regulating the placing on the Common of any show, exhibition, swing, roundabout or other like thing.
  - (f) regulating games to be played on the Common.
  - (g) regulating assemblies of persons on the Common.
  - (h) prohibiting or regulating the riding, driving, exercising or breaking-in of horses without lawful authority on the Common.
  - (i) prohibiting any person without lawful authority from turning out or permitting to remain on the Common any cattle, sheep or other animals.
  - (j) Prohibiting the lighting of any fire or barbecue on the commons.
  - (m) prohibiting any person on the Common from selling or offering for letting or hire any commodity or article or commodities unless agreed in writing by the Parish Council.
  - (n) prohibiting the hindrance or obstruction of an officer of the Parish Council in the exercise of his powers.
6. Copies of all byelaws made under this Scheme shall be displayed on notice boards placed on the Common.
7. Nothing in this Scheme or byelaws made under it shall prejudice or affect any right of the commoners in or over the Common.
8. Printed copies of this Scheme shall be available for sale at the offices of the District Council for such reasonable price as the Parish Council may determine.

**Council  
17 September 2018**

**Agenda Item No. 10**

## **Annual Report on Standards Activity**

**Report of the Monitoring Officer  
Chairman of the Standards Committee, Kay Mason Billig**

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## 1. Foreword from the Chairman of Standards Committee

- 1.1. The operation of our Standards regime continues to work well and the Monitoring Officer, their Deputy and Independent Person have worked successfully to ensure that complaints are dealt with effectively and any resulting action provides a long lasting resolution for all parties, for which I am grateful. They put in a great deal of time and effort in often challenging circumstances and their expertise and skill in handling these sensitive situations is appreciated.

## 2. Introduction

- 2.1 The report outlines how the Standards regime has operated during 2017/18 at South Norfolk Council, and how the Council fulfils its duty to promote and maintain high standards of conduct by members and co-opted members across the District.

## 3. Standards Allegations and Investigations

- 3.1 The last annual report outlined a concerning picture in South Norfolk in relation to the increasing number of complaints received, however it is pleasing to report that the number of complaints reduced in 2017/18, in line with previous years. This can be seen in the table below:

Year	Number of complaints			Outcomes			
	TOTAL	Parish	District	No Further Action	Other Action	Investigation: no breach	Investigation: breach / other action
2014/15	9	9	0	8	1	0	0
2015/16	7	7	0	6	0	0	1
2016/17	20	19	1	10	9	0	1
<b>2017/18</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 3.2 In 2016/17 there was an increase in complaints originating from fellow councillors and clerks, however this year has only seen two such cases. This is a positive trend as complaints of this kind can reveal a concerning situation at Councils where formal

complaints are favoured over informal discussion or resolution. In 2017/18 there was an increase in complaints raised against District Councillors, however the four complaints related to two councillors.

- 3.3 The majority of issues raised with us related to councillors' conduct, with only one complaint referencing interests. This is in contrast to last year, which saw an even distribution between conduct and interests. This indicates that members are aware of their obligations to declare and register relevant interests. In relation to conduct issues raised, this reflects the high standards that individuals expect councillors to maintain. Issues raised were either not deemed to have reached a level that would constitute a breach of the Code of Conduct or lacked evidence to warrant further investigation.
- 3.4 As the table at paragraph 3.1 outlines, none of the complaints resulted in further action and the Standards Committee was not required to consider the complaints. In contrast to 2016/17, four complainants appealed the decision of the Monitoring Officer in 2017/18. In these cases, the Chairman of the Standards Committee reviewed the decision of the Monitoring Officer, and dismissed the appeal in all instances.

#### **4. Upholding High Standards of Conduct**

- 4.1 District Councillors have undertaken a number of training sessions during their term of office, including extensive training, an induction programme and refresher training in February 2017, therefore it was not deemed necessary to conduct further training in 2017/18. The Monitoring Officer, or their Deputy, continue to attend the Members' Question Time before meetings of the Development Management Committee. This assists members to raise queries regarding interests in relation to planning applications being considered at the meeting. Councillors are aware that they can raise any queries with the Monitoring Officer or Deputy Monitoring Officer at any time regarding standards issues and do so when in need of advice.
- 4.2 The Monitoring Officer was required to write to one Parish Council twice in 2017/18 in response to a high number of complaints being received. The initial letter in July 2017, from the previous Monitoring Officer, highlighted the level of complaints received about councillors of this Parish Council and encouraging them to review their standing orders to ensure they are clear and sufficient to address major issues. It was also recommended that they consider getting all officers / councillors to work together on a more prescriptive member / officer protocol. Further to this, complaints did reduce, however the current Monitoring Officer reviewed the position in early 2018 following correspondence and telephone calls from Councillors, the Clerk and members of the public regarding the operation of the Parish Council and conduct of Councillors. A further letter was sent in March 2018 requesting

that the Parish Council establish an Action Plan to address a number of issues. These included reviewing its governance procedures, providing training and guidance on standards issues to councillors, providing training for the Clerk and also providing conflict resolution to assist the council deal with issues. The Parish Council established a Working Group to work through the recommendations and it is hoped that this will provide a lasting solution. The position is due to be reviewed in October 2018.

## **5. Looking Ahead**

- 5.1 The District and Parish elections in May 2019 will result in a number of new Councillors, who we will ensure are adequately advised of their obligations in relation to standards matters. We will devise a suitable training plan for District Councillors to give members the tools they require to operate effectively within the standards regime.
- 5.2 On a national scale, the Committee for Standards in Public Life, is continuing its review of ethical standards in Local Government Standards, which we are maintaining a watching brief on. The review is considering the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, investigatory processes, the roles of Monitoring Officers, Clerks, and Independent Persons. The Committee aims to publish their report by December 2018

## **6. Recommendation**

- 6.1 Council is requested to endorse the Annual Report of the Standards Committee

## POLICE AND CRIME PANEL FOR NORFOLK

*... the limits of justice are not fixed, they may be altered by an alteration of circumstances; what at one time appears to be the duty of an honest and good man, at another is altered and becomes quite the contrary*  
Marcus Tullius Cicero, *De Officiis* ("On the Duties of Life"), Everyman edition (1955), X, p.15

1. Shortly before this report was written, the Consultation on the Business Case prepared by the OPCCN on the possibility that application should be made by the Commissioner to the Home Office for the transfer to his office of the functions of the Fire and Rescue Authority for the Norfolk Fire and Rescue Service ended.
2. I am given to understand that it will take several weeks for OPCCN to analyse fully the responses to the Consultation and to correct and develop the Business Case. An independent panel will be involved in this process. At the end of this analysis, the Commissioner will be in a position to make a final decision on whether to make a formal application to the Home Office. This position will probably not be reached until the end of October.
3. I am told that the work that OPCCN will carry out on the responses will include adjustments for the impact of orchestrated attempts to distort the responses to the Consultation that were detected by monitoring measures built into the survey platform. Nevertheless, the updated

Business case will, I understand, schedule all responses where a comment was received and each such comment will receive a specific answer.

4. Given that consistency is to be cherished in politics, I feel bound to observe that the £10 million savings put forward in the Business Case was calculated by the same CIPFA-approved (and Home Office-endorsed) methodology as was used to calculate the £8.4 million savings that was part of the case accepted by this Council in going forward with its increased collaboration with Broadland District Council.  
*What's sauce for the goose is source for the gander.*
5. Between the writing of this report and the meeting of the Council at which it will be considered there is a meeting of the Norfolk Police and Crime Panel. I will update members on any relevant points arising from that meeting.

(Dr) C J Kemp,  
06/09//2018