

# CABINET

**Minutes of a meeting of Cabinet held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, on Tuesday 21 March 2023 at 6.00pm.**

**Cabinet Members Present:** Councillors: S Vincent (Chairman), T Mancini-Boyle (Vice-Chairman), J Copplestone, J Emsell, J Leggett and F Whymark.

**Officers in Attendance:** The Managing Director (T Holden), the Director for Resources (D Lorimer), the Director for People and Communities (J Sutterby), the Director for Place (P Courtier), the Chief of Staff (Monitoring Officer) (E Hodds), the Assistant Director for Planning (H Mellors), the Assistant Director of Finance (R Fincham), the Assistant Director for Regulatory (N Howard), the Community Safety Interventions Lead (T Munro), the Clean Growth and Sustainability Manager (A Sommazzi) and the Democratic Services Officer (J Overy).

## 89 MINUTES

The minutes of the meeting of Cabinet held on 7 February 2023 were agreed as a correct record.

## 90 COMMUNITIES, HOUSING AND PLANNING POLICY DEVELOPMENT PANEL

Cabinet received the minutes of the meeting held on 8 February 2023.

## 91 ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL

Cabinet received the Minutes of the meeting held on 9 February 2023.

## 92 PEER CHALLENGE ACTION PLAN PROGRESS

The Chief of Staff introduced the report, which provided an update on the progress made in taking forward the feedback and recommendations from the Peer Challenge Review since November 2022.

Cabinet were reminded that there were eight recommendations made as part of the peer review and that an all-member workshop was held in December 2022 where members had the opportunity to review, discuss and add items to the Action Plan proposed by officers. Appendix 1 to the report set out all eight recommendations, with their Red, Amber and Green project status, to illustrate how they were being progressed.

Following the workshop, a joint informal Working Group made up of members from the Service Improvement and Efficiency Committee and South Norfolk's Commercial Trading and Customer Focus Committee had been convened to review the recommendations in the Action Plan in more depth. Two meetings of the Working Group had now been held and another was scheduled to take place next week. When all of the recommendations had been looked at a report with the findings of the Working Group would be brought to Cabinet.

The Peer Review Team would be returning in late April to assess the progress that the Council had made.

In answer to a query from the Leader regarding progress with recommendation five (Streamline processes and procedures around governance to improve officer capacity, resilience and accountability and take the partnership forward) the Chief of Staff confirmed that the Working Group had looked at this recommendation last week and there had been considerable discussion about how to strengthen collaboration. For example, by holding joint meetings if the same report was going to a Broadland Policy Panel and the equivalent Policy Committee at South Norfolk. Aligning the Work Programmes for ordinary meetings of the Overview and Scrutiny Committee and the South Norfolk Scrutiny Committee had also been suggested. It was also recommended that members from both authorities should meet regularly to reinforce collaborative working between the two Councils. One example of this being taken forward were member training sessions, which would be undertaken jointly following the district elections. It was, therefore, intended that from an early-stage new members would have the chance to meet their counterparts at South Norfolk.

It was confirmed that the Working Group could look at these matters in more depth and also consider how the constitutions could be developed and aligned as part of this process.

In answer to a question about the delivery of the Business Intelligence Programme, the funding of which had been approved by Broadland, but not by South Norfolk, it was confirmed that South Norfolk remained keen to progress the scheme but had requested more clarity about the benefits of the Programme before agreeing to it.

The Director for Resources also informed the meeting that £750,000 had been received from central Government to allow the Council to become a pilot, which would allow some of the work on the Digital Strategy to be taken forward quicker and more extensively. This funding would not be at risk if South Norfolk did not approve funding for the Business Intelligence Programme.

The Managing Director also reassured Cabinet, that if the agreed work on the Business Intelligence Programme was to proceed, the funding arrangements already put in place by Broadland, would be matched by South Norfolk.

Members were advised that the Action Plan would be updated before the Peer Review Team returned to reflect the points made above and in the light of the additional funding received.

The Portfolio Holder for Transformation and Organisational Development informed the meeting that there had been no delay in progressing the project at this stage, although the funding from South Norfolk would be needed to rollout the programme fully.

The Leader noted that they would await a decision on this matter from South Norfolk.

In answer to a query from the Portfolio Holder for Communities, Housing and Planning, the Chief of Staff informed the meeting that the remit of Broadland Policy Panels and South Norfolk's Policy Committees were broadly similar, and the Cabinets at both Councils had oversight of them, albeit in slightly different ways. This would not, however, prevent them from undertaking joint working.

The Portfolio Holder for Economic Development welcomed more interaction with South Norfolk members and noted the very successful joint Business Awards evening that had recently been held.

Following a show of hands, it was unanimously

### **RESOLVED**

To endorse the progress that has been made since the Peer Challenge in 2022.

### **Reasons for Decision**

To progress the recommendations made by the Peer Review Team.

## **93 GREATER NORWICH FIVE YEAR INFRASTRUCTURE INVESTMENT PLAN AND ANNUAL GROWTH PROGRAMME**

The Assistant Director for Planning introduced the report, which presented the 2023/24 Annual Growth Programme and an updated Greater Norwich Joint Five-Year Infrastructure Investment Plan 2023 to 2028.

Included in the 2023/24 Annual Growth Programme was a 3G pitch in Aylsham, with £250,000 being awarded from Community Infrastructure Levy (CIL) receipts going towards the project.

The report also proposed the introduction of two new categories to the Infrastructure Investment Fund: Match Funding and Major Infrastructure Projects.

The introduction of Major Infrastructure Projects would allow projects that could have a longer lead-in time to be eligible for Infrastructure Investment Funding at an earlier stage than had previously been possible. The report also proposed an increase from £2m to £2.5m in the CIL contribution for education, which could be used to repay County Council education borrowing. Members were also asked to agree the drawdown of the full £10m originally agreed to fund the Long Stratton bypass.

It was clarified that the £4m that was proposed to be allocated to the Infrastructure Investment Fund reserves as Match Funding, was for major projects that required match funding to lever in additional, more substantial amounts of funding from central Government

The Leader noted the number of projects in the District being brought forward in the Five-Year Infrastructure Investment Plan, which showed how well the three Greater Norwich local authorities were working together.

The Leader proposed amending recommendation B to replace the reference to the Portfolio Holder for Communities, Housing and Planning with the Leader, as strategic planning fell under his Portfolio.

In answer to a query from the Portfolio Holder for Environmental Excellence about any risk that major infrastructure projects might be detrimental to smaller projects, the Assistant Director for Planning confirmed that this would allow greater flexibility for major projects to be brought forward in a staged approach. All three authorities determined those projects for inclusion in the Infrastructure Plan, which would ensure that the projects seen as priorities were taken forward.

The Director for Place added that the infrastructure elements of the East Norwich development was an example of a major project that could seek CIL funding at an earlier stage in order to facilitate longer term planning.

The Portfolio Holder for Transformation and Organisational Development noted that the Infrastructure Investment Plan demonstrated that both small projects, such as Harrison's Wood and large projects like Broadland Northway could be brought forward through joint working across Greater Norwich.

Following a show of hands, it was unanimously

## **RECOMMENDED TO COUNCIL**

That it

- a) approves of the Draft Five Year Infrastructure Investment Plan 2023-28 and the proposed 2023/24 Annual Growth Programme, including:
  - i. the introduction of two new categories to the Infrastructure Investment Fund, Match Funding and Major Infrastructure Projects; and,

- ii. that Education funding allocations from the Infrastructure Investment Fund can be used in whole or in part to repay Norfolk County Council's borrowing, on condition that it is used to support the delivery of a Schools Capital Programme that is ringfenced to the Greater Norwich area, and that annual programme delivery and budget updates are reported to the GNGB; and,
- b) agrees to the signing of a deed of variation to the agreement entitled, Partner Drawdown and Borrowing Authorisations, that was originally signed by all partners on 21st October 2015 and to delegate authority to the Director for Place in consultation with the Leader to finalise and sign any such variation.

### **Reasons for Decision**

To agree to infrastructure projects identified as priorities for delivery across Greater Norwich.

## **94 NORFOLK RECREATIONAL IMPACT AVOIDANCE AND MITIGATION PROGRAMME GOVERNANCE**

The Assistant Director for Planning introduced the report, which sought agreement for the governance structure for the Norfolk Recreational Impact Avoidance and Mitigation Strategy (RAMS).

The RAMS programme would be funded from a contribution from every new dwelling in the county and it was intended that it would deliver the mitigation necessary to avoid adverse impacts from increased recreational pressure on internationally important designated habitat sites that would result from residential development forecast to be delivered in Norfolk until 2038.

The report proposed the establishment of a Joint Member Board to oversee the implementation and delivery of the Norfolk RAMS, the appointment of a Delivery Officer to be hosted by Norfolk County Council and the authorisation for Norfolk County Council to act as the accountable body for the delivery of the RAMS programme.

The Leader proposed amending recommendation two to ensure that Council had the opportunity to ratify the delivery of the RAMS programme. He also proposed amending recommendation three to replace the reference to the Portfolio Holder for Communities, Housing and Planning with the Leader, as strategic planning fell under his Portfolio.

In answer to a question from the Portfolio Holder for Economic Development the Assistant Director for Planning informed members that the original cost per dwelling had been £185.65, but this figure was index linked and was approximately £210 per dwelling. The contribution was the same for all new dwellings in Norfolk.

It was confirmed that the recruitment of the Delivery Officer would be undertaken by Norfolk County Council and the post would be funded from the RAMS programme receipts. The contributions were collected by each planning authority and

transferred to Norfolk County Council, as the accountable body for the RAMS programme.

Following a show of hands, it was unanimously

## **RESOLVED**

To

1. Agree for Norfolk County Council to act as the Accountable Body for the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS), to include agreement for RAMS tariff contributions received by Broadland District Council to be transferred to and held by Norfolk County Council in accordance with this responsibility;
2. Agree to establish a Norfolk RAMS Board comprising representative from each of the Norfolk Authorities to set and oversee the delivery of the RAMS programme, subject to ratification by the Council;

and,

3. Delegate authority to the Assistant Director for Planning in consultation with the Leader to finalise any partnership legal agreement and Terms of Reference related to recommendations 1 and 2.

## **Reasons for decision**

To agree an organisational structure to enable the effective and efficient implementation and delivery of the Norfolk Recreational Impact Avoidance and Mitigation Strategy.

## **95 COUNCIL TAX (2<sup>nd</sup> HOMES) PREMIUM**

The Portfolio Holder for Finance proposed that this item be deferred, as the legislation for the 2<sup>nd</sup> Homes Premium had not yet passed through parliament and a detailed policy that had yet to be drafted would be required for its implementation.

## **RESOLVED**

That the item be deferred.

## **96 ADOPTION OF UPDATED REGULATION OF INVESTIGATORY POWERS POLICY**

The Assistant Director for Regulatory introduced the report, which sought approval of an updated Regulation of Investigatory Powers Act (RIPA) Policy to ensure that

the Council remained compliant with all legislation and statutory guidance and that any of its activities were undertaken lawfully.

For the purposes of RIPA the Assistant Director for Regulatory was the Senior Responsible Officer and the Community Safety Interventions Lead was the RIPA Coordinator, who would train officers in surveillance and appropriate procedures and ensure that the Council's actions were not at variance with the Human Rights Act.

Members were reminded of the Council's responsibility for protecting the public and community safety and that this might require investigation, surveillance and enforcement. This could involve covert non-intrusive surveillance, such as officer observations, use of social media, camera technology and communications data.

Surveillance would be pre-approved by authorising officers at the Council, who were at senior manager level, to ensure that it was appropriate on a case-by-case basis. Members would be updated on any usage of the relevant powers, via the Strategic Performance Report on a six-monthly basis.

The Assistant Director for Regulatory drew members' attention to paragraph 27.2 of the Policy, which required amendment to replace 'expiry' with 'cancellation' as the Council would not allow authorisations approved by Magistrates to expire.

It was also confirmed that third party contractors acting on the Council's behalf, would be required to abide by the Council's RIPA Policy.

In answer to a query from the Portfolio Holder for Environmental Excellence, the meeting was advised that the RIPA Working Group was an operational officer group, that would report to the Assistant Director for Regulatory for decisions on matters such as training and optimising the delivery of the Policy.

The Portfolio Holder for Environmental Excellence also proposed an additional recommendation to delegate authority to make minor amendments to the Policy to the Assistant Director for Regulatory in consultation with the Portfolio Holder for Environmental Excellence.

It was confirmed that the Council would not use minors for covert surveillance (such as test purchasing of items not for sale to under 18-year-olds). This sort of activity was undertaken by Trading Standards at the County Council, which had its own arrangements and safeguards in place for the safety of young people. However, to give further assurance to Cabinet the Assistant Director for Regulatory confirmed that the section in the Policy (Vulnerable and juvenile Covert Human Intelligence Source) would be amended to either delete the section in its entirety, or to make sure that appropriate safeguards were in place.

Following a show of hands, it was unanimously

**RECOMMENDED TO COUNCIL**

1. To approve, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance as set out in Appendix 1 and agrees to adopt the Policy; and
2. To delegate authority to make minor amendments to the Policy to the Assistant Director for Regulatory in consultation with the Portfolio Holder for Environmental Excellence.

### **Reasons for decision**

To recommend adoption of an updated RIPA Policy to reflect changes in legislation and guidance.

## **97 FORWARD PLAN**

The Chief of Staff advised the meeting that the Strategic Performance Report for Quarter Three would be brought to the 18 April 2023 meeting of Cabinet.

Cabinet noted the Forward Plan.

## **98 EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

That the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 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.

## **99 STREET LIGHTING BUSINESS CASE**

The Clean Growth and Sustainability Manager introduced the exempt report, which set out a business case for upgrading the remaining Council-owned street and footway lighting to LEDs.

Members were advised that the installation of LEDs would minimise rising energy costs and reduce carbon emissions. The significant savings would result in an estimated payback period of 3.4 years.

The Chairman of the Overview and Scrutiny Committee advised the meeting that the Committee had requested that it be ensured that timers be in place to allow lights to be turned off when not required, but that he had since been advised by the Programme Manager – Economic Growth that a Central Management System would be included in the cost of the project that would allow a range of switching and dimming operations that would future-proof the system.



It was proposed that the recommendation be amended to allow any final details to be agreed by the Assistant Director for Economic Growth in consultation with the Portfolio Holder for Finance.

Following a show of hands it was

**RESOLVED**

To approve the use of the street lighting capital reserves for the purpose of upgrading all remaining street/footway lighting owned and maintained by Broadland District Council to LEDs, subject to final sign off by the Assistant Director for Economic Growth in consultation with the Portfolio Holder for Finance.

**Reasons for decision**

To minimise ongoing costs and reduce carbon emissions.

(The meeting concluded at 7.12pm)

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Chairman