

Joint Committee for Transport for Norwich

Date: **29th September 2022**

Time: **2pm**

Venue: Council Chamber

Membership :

Cllr Martin Wilby (Chair)
Cllr Barry Stone (Vice Chair)
Cllr Fran Whymark
Peter Joyner
Cllr Kay Mason-Billig
Cllr Emma Corlett
Cllr Mike Stonard
Cllr Ian Stutely
Cllr Brian Watkins

Norfolk County Council
Norfolk County Council
Broadland District Council
New Anglia Local Enterprise Partnership (LEP)
South Norfolk District Council
Norfolk County Council
Norwich City Council
Norwich City Council
Norfolk County Council

This meeting will be live streamed on YouTube. You can view the meeting by clicking on the following link: https://www.youtube.com/channel/UCdyUrFjYNPfPq5psa-LFIJA/videos?view=2&live_view=502which

**For further details and general enquiries about this Agenda
please contact the Committee Officer:**

Jonathan Hall on 01603 679437
or email committees@norfolk.gov.uk

A g e n d a

1 To receive apologies and details of any substitute members attending

2 Minutes

(Page 4)

To confirm the minutes of the meetings held on 21 July 2022.

3 Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

District Council representatives will be bound by their own District Council Code of Conduct.

4 To receive any items of business which the Chairman decides should be considered as a matter of urgency

5 Terms of Reference of Committee Report by the Director of Governance

(Page 9)

Tom McCabe
Head of Paid Services
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 21 September 2022



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**Joint Committee for Transport for Norwich
Minutes of the Meeting Held on 21 July 2022 at 2pm
on Microsoft Teams (virtual meeting)**

Present:

Cllr Martin Wilby (Chair)
Cllr Barry Stone (Vice-Chair)
Cllr Steve Morpew
Cllr Brian Watkins
Cllr Fran Whymark
Cllr Mike Stonard
Cllr Ian Stutely
Cllr Lisa Neal

Representing:

Norfolk County Council
Norfolk County Council
Norfolk County Council
Norfolk County Council
Broadland District Council
Norwich City Council
Norwich City Council
South Norfolk District Council

Officers Present:

David Allfrey

Graham Bygrave
Caroline Clarke

Alex Cliff
Kat Hulatt
Jo Martin
Jeremy Wiggin

Title:

Assistant Director Infrastructure Delivery, Norfolk County Council (NCC)
Director of Highways, Transport and Waste, NCC
Assistant Director of Governance (Democratic and Regulatory Services), NCC
Highway Network and Digital Innovation Manager, NCC
Assistant Director of Governance (Legal Services), NCC
Democratic Support and Scrutiny Manager, NCC
Transport for Norwich Manager, NCC

1. Apologies for Absence

- 1.1 Apologies were received from: Peter Joyner (New Anglia Local Enterprise Partnership), Cllr Emma Corlett (Cllr Steve Morpew substituted), Cllr Kay Mason-Billig (Cllr Lisa Neal substituted), Cllr Ian Moncur (Cllr Fran Whymark substituted).

2. Minutes

- 2.1 The Committee agreed the minutes of the meeting held on 13 January 2022 as an accurate record.
- 2.2 The Committee agreed the minutes of the meeting held on 24 March 2022 as an accurate record.

3. Declarations of Interest

- 3.1 No interests were declared.

4. Items received as urgent business

- 4.1 There were no items of urgent business.

5. Progress with delivering Transforming Cities Fund Schemes

5.1 The Committee received the report, which set out a summary of progress on delivering schemes funded through the Transforming Cities Fund (TCF).

5.2 Following an introduction from the Transport for Norwich Manager, the following points were discussed and noted:

- Members thanked officers for the update report and commended them on the progress that had been made in delivering the programme, despite the significant challenges presented by the COVID-19 pandemic and more recently the situation in Ukraine.
- Several Members commented on the high level of positive feedback they had received as Local Members on the schemes that had already been delivered. The Committee acknowledged, however, that Local Members had also received correspondence expressing frustration, from residents who felt they had been inconvenienced by disruption to their journeys and businesses who felt their trade had been adversely impacted.
- The Transport for Norwich Manager clarified that all 31 of the separate schemes funded through the TCF were being worked on. The Department for Transport (DfT) had a process in place through which councils were able to seek permission to amend their TCF programmes to take account of changes such as timescales for delivery. Officers were currently liaising with DfT through this process on eight to ten of the schemes which were likely to extend beyond the delivery deadline of March 2023.
- All schemes had been subject to cost increases as a result of inflationary pressure, but officers were keeping them under review and adjusting the design and materials used to make sure that the best value was achieved at all times. Some schemes had been slightly more expensive than projected while others had come in under the forecast costs. However, the programme as a whole remained within the budget that had been set. It was a challenge and officers needed to keep a close eye on those schemes which had yet to be delivered on the ground to ensure they remained within budget.
- The Transport for Norwich Manager was confident that all TCF funded works would be delivered by March 2024, which was the most likely extension window that the Government would allocate.
- The use of sustainable modes of transport was being kept under review and would be picked up as part of external monitoring and evaluation of the programme. There had already been a modal shift in transport types with 30% of car journeys being replaced with a sustainable alternative and e-scooters were proving popular. The metrics were showing that planned sustainability outcomes were either in line with or exceeding what had originally been envisaged. For example, it was clear that more people were cycling where new infrastructure had been provided.
- Adapted bicycles were available through the Beryl Bikes scheme. Officers were exploring the options for bringing adapted bikes onto the Beryl network and there was an opportunity to look further at what was available through the current contract. The Transport for Norwich Manager **agreed** to circulate more details.
- The specific review of the new bus lanes on Cromer Road and Aylsham Road was welcomed, and the committee noted that Local Members had raised concerns about their width. The Transport for Norwich Manager

confirmed that all aspects of the scheme's performance was being reviewed, including the impact on all users. No incidents had been reported and bus operators were positive about the outcomes of the scheme. The Committee noted that, to support the review, a meeting had been scheduled to discuss the scheme with Local Members in two to three weeks' time and at which they could air any concerns.

- While the Grapes Hill scheme was proving successful for vehicle movements, the effects on pedestrians and cyclists was not clear.
- It was reported that taxi drivers were experiencing problems arising from their being unable to access the city centre. They were having to take longer routes and together with higher fuel costs this was having an adverse impact on them.
- Clarification on the final date of the St Stephens Road scheme was requested. The Transport for Norwich Manager assured the Committee that the scheme was on schedule and **agreed** to provide a written response to confirm the projected completion date. He acknowledged there had been some frustration with the perceived length of time taken to complete the scheme and businesses had raised concerns about the impact of road closure on their trade. However, he highlighted that officers worked closely in partnership with all transport operators from the outset of any scheme. Bus operators had themselves suggested road closure for the St Stephens Road scheme to enable it to be completed as quickly as possible and they were supportive of the way that the scheme had progressed.
- Members reported that from their personal experience footfall in the city appeared to have increased over the previous six months and there was some evidence from the last edition of the Retail Sales Monitor to show that activity had returned to near pre-COVID levels. A lot of investment was being made in the city and new ways were being found to ensure it remained vibrant and viable.
- The Transport for Norwich Manager assured the Committee that officers engaged with businesses wherever possible and where concerns were raised they discussed access arrangements and how those businesses could be supported. Every scheme was designed to be completed as quickly as possible, to minimise impact on all parties, and schemes were carefully timed to ensure that one did not directly impact on another and compound any difficulties. Officers sought to achieve the right balance between getting works done in safe way and as quickly as possible.

5.3 The Joint Committee **noted** the progress on delivering schemes funded through the Transforming Cities Fund (TFC).

6. Amended Terms of Reference

6.1 The Assistant Director of Governance (Legal Services) briefly introduced the report and explained that in order to resolve governance challenges surrounding the status of the committee, the amended Terms of Reference sought to clarify and properly reflect the way the Committee was currently functioning.

6.2 During discussion, the following points were discussed and noted:

- The Assistant Director of Governance (Legal Services) had circulated the amended Terms of Reference to members of committee and Monitoring

- Officers in advance for comment. She had incorporated as much as possible from the feedback received.
- At the time that the Norwich Highways Agency Committee (NHAC) was disbanded and the new committee had been created, the City Council had been concerned about a loss of influence. It had been understood that Council Leaders had discussed and suggested a decision-making Joint Committee, which had been explicitly referred to within the TFC bid. However, the revised Terms of Reference set out in the report described the committee as being an advisory committee which would have decisions ratified by NCC's Cabinet Member. The Assistant Director for Governance (Legal Services) was asked what prevented the committee from currently being set up as a decision-making Joint Committee. In reply, she explained that the relevant decision-making authority had not been delegated to the committee by Norfolk County Council.
 - The 2020 TCF business case had explicitly stated the importance and good track record of council partnership working to attracting future funding. Officers were asked whether the new arrangements had been presented to and signed off by DfT and whether this posed a risk to future funding bids. The Director of Highways, Transport and Waste explained that the original bid had included reference to a Joint Committee to confirm there would be a discussion forum for schemes, but it had not included the detail of the arrangements. He also confirmed that the new arrangements had not been raised during weekly update meetings with DfT but that officers could do so if requested by the committee.
 - The Local Government Act 1972 (section 101, paragraph 5) had a very specific meaning in law for a Joint Committee in relation to the discharging of local authority functions. If bids had been submitted to Government that specified delivery by a Joint Committee, there was no reason to believe that the Government would expect those arrangements to be different to a Joint Committee with decision-making powers. Legally, NCC could delegate the relevant powers to the committee. Instead, the amended Terms of Reference suggested those powers had been delegated to the Cabinet Member. In terms of squaring the arrangement with DfT, it was suggested that the Joint Committee arrangement which Members had thought was already in place should be regularised.
 - There was a view that the amended Terms of Reference effectively dissolved the arrangement that Members thought had existed and had been driving their partnership working.
 - It was suggested that there were two options to consider; the revised Terms of Reference presented in the report and the option of a Joint Committee with delegated decision-making powers.
 - Referring to the revised Terms of Reference set out in the report, clarification was sought on the circumstances in which NCC's Cabinet or Cabinet Member might decide not to ratify a decision of the committee. The Assistant Director of Governance (Legal Services) explained that the view of the committee would be judged as valid consultation and as such, the decision-maker (NCC's Cabinet or Cabinet Member) would have to take that view into account as a relevant consideration. Where there was overwhelming public opinion, the decision-maker would be required to justify why they had not followed that 'relevant consideration' otherwise the decision could be vulnerable to challenge. It was likely that other 'relevant

considerations', such as technical or financial details, would be the justification given.

6.3 The Chair asked the Assistant Director of Governance (Legal Services) to advise on next steps for the Committee and whether it would be possible to bring a report to a future meeting with the two options described during the discussion. The Assistant Director of Governance (Legal Services) explained that, if requested, it would be possible to bring a report to a future meeting on options for governance around the sharing of executive powers through a Joint Committee. However, she would first need to present those options to NCC's Cabinet to explain the implications. She would then look further at options for the committee to consider and incorporate the views of NCC's Cabinet in that report. She emphasised that the committee was not currently a 1972 Act committee and the Terms of Reference set out a compact for how the local authorities worked together to advise on schemes. Her strong advice was that it would be preferable to reach a position where everyone could sign up to the amended Terms of Reference and continue the smooth working arrangement that currently existed.

6.4 The Committee **agreed** to:

- 1) **defer** the decision on the amended Terms of Reference set out in the report; and
- 2) **request** a further report for consideration at the next meeting, which should include the amended Terms of Reference and options for sharing executive powers through a Joint Committee.

The Meeting ended at 3pm

Next meeting: 22 September 2022 at 2pm

**Cllr Martin Wilby, Chair,
Joint Committee for Transport for Norwich**



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Transport for Norwich Joint Committee

Item No:5

Report Title: Terms of Reference of Committee

Date of Meeting: 29 September 2022

Responsible Cabinet Member: Cllr Wilby (Cabinet Member for Highways, Infrastructure & Transport)

Responsible Director: Katrina Hulatt Assistant Director Governance

Is this a Key Decision? No

If this is a Key Decision, date added to the Forward Plan of Key Decisions: n/a

Executive Summary

After some discussion regarding governance, and a linked governance report being issued, it has been discussed that the purpose of this body should be clarified.

Recommendations:

- 1. That the amended Terms of Reference be adopted by the Committee and recommended to Cabinet for endorsement**

1. Background and Purpose

- 1.1** At the last meeting of the Transport for Norwich there was a conversation regarding whether the Committee should become a formal joint executive Committee with functions delegated to it by the Executive of the County Council. If this was agreed, this report was to be rewritten as an options paper.
- 1.2** The current position, as explained at the last occasion is that no functions are delegated to the joint body, hence why its status was explained as that of a Cabinet Advisory Committee, where essentially the members act as consultees and provide views to the Cabinet member who then makes a

decision. On request of this body an initial approach was made to the Leader of the Council, in whom all executive powers vest, to ask whether the Executive would consider such a delegation. As nothing has changed in terms of the current arrangements, the Executive was not minded to consider delegation at this juncture. As a result, the option for the Committee remains the same as at the last meeting – to consider the terms of reference attached on the basis that they remain an advisory body.

- 1.3 As an update for Members this governance position was discussed with the Department for Transport and they have confirmed that it is for the County Council as Highways Authority to consider views as they see fit are not tied to any particular form of governance.

2. Proposal

- 2.1 The terms of reference for this body have been updated to reflect the current legal position. However, they do remain the Committees own terms and it is important that the Committee input on how the consider these meetings should progress.

3. Impact of the Proposal

- 3.1 Once agreed the terms of reference should be endorsed by the Cabinet

4. Evidence and Reasons for Decision

- 4.1 Confusion over the legal status of this Committee has lead to governance issues previously, therefore it is necessary to update the Terms of Reference and ensure that they are understood by all members.

5. Alternative Options

- 5.1 Do nothing which may result in confusion and further governance issues
- 5.2

6. Financial Implications

- 6.1 None

6.2

7. Resource Implications

7.1 Staff: The meetings will continue to be clerked by Norfolk County Council

7.2 Property: If meetings are in person then they will require a venue

7.3 IT: None

8. Other Implications

8.1 Legal Implications: included in the Terms of reference

8.2 Human Rights Implications: None

8.3 Equality Impact Assessment (EqIA) (this must be included):none

8.4 Data Protection Impact Assessments (DPIA): none

8.5 Health and Safety implications (where appropriate): n/a

8.6 Sustainability implications (where appropriate): n/a

8.7 Any Other Implications: n/a

9. Risk Implications / Assessment

9.1 None

9.2

10. Select Committee Comments

10.1 None

10.2

11. Recommendations

- 1. That the amended Terms of Reference be adopted by the Committee and recommended to Cabinet for endorsement**

12. Background Papers

12.1

12.2

Officer Contact:

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Katrina Hulatt

Email: Katrina.Hulatt@norfolk.gov.uk



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Terms of Reference

Transport for Norwich Advisory Committee

Membership

Norfolk County Council

Norwich City Council

Broadland District Council

South Norfolk District Council

New Anglia LEP (private sector representative from the LEP Board with a Greater Norwich connection)

The County Council appoints 4 members (one of whom will be the Cabinet Member with responsibility for transport), Norwich City Council 2 members and the remaining bodies 1 member each.

Members will be able to nominate a substitute member from their local authority to attend meetings on their behalf

The Transport for Norwich Advisory Committee will be Chaired by the Cabinet Member present

All members of the Committee will have one, indicative vote each, to indicate support for proposals.

A quorum for the meeting will be 6 members to ensure a good level of debate and consideration

Terms of reference

The **Transport for Norwich Advisory Committee** is responsible for advising the Cabinet Member (usually the Cabinet member with responsibility for Highways, Infrastructure and Transport) on:-

- Developing business cases for funding, including development of individual Transforming Cities Fund schemes
- Overseeing the development and delivery of Transforming Cities Fund schemes, including carrying out and considering the results of public consultation and setting the timetable for delivery of schemes
- The development of the Transport for Norwich Strategy and its Action Plan.
- Overseeing development and delivery of significant work identified in TfN Strategy Action plans and providing guidance on longer term interventions.

The Transport for Norwich Advisory Committee shall:

- Make recommendations to the County Council's Cabinet/Cabinet Member on the direction of TfN strategy
- Make recommendations to the relevant delivery partner on the scope of work carried out under the TfN Strategy action plan
- Make recommendations on the outcome and delivery of work undertaken through the TfN Strategy Action plans.
- Make recommendations to the County Council's Cabinet/Cabinet Member on funding bids, including business cases
- Provide guidance on schemes to be developed which deliver the objectives agreed as part of any business cases
- Provide guidance on schemes to be delivered within the available funding.

Governance

This body advises the relevant Norfolk County Council Cabinet or Cabinet members, who will then ratify the decision. The ratifying member will have regard to the comments from this group and will take into account all other relevant matters prior to the ratification of any scheme.

Rules relating to access to meetings

Meetings of the Transport for Norwich Advisory Committee shall be held in person unless this is impracticable and all members agree to meet virtually

Agendas and minutes will be published in accordance with the County Council's usual procedures.

Report on the role and decision-making powers of the Transport for Norwich Joint Committee

Katrina Hulatt

Assistant Director Governance (Legal Services) and Deputy Monitoring Officer

Introduction

1. I was requested to consider the role of the Transport for Norwich Joint Committee when it came to the attention of officers that an item of business was to be 'called in' after the Committee had made a decision carried by the Chairman's casting vote. I was asked to explain the position at the next meeting of the Transport for Norwich Joint Committee.
2. I attended the meeting and it was clear that there was some confusion/disappointment regarding uncertainty by Committee Members over the Committee's status.
3. It should be noted that although it is called a 'joint committee' by the County Council the body is listed by both Norwich and South Norfolk as an 'outside body' and those members have been appointed to it on an outside body basis, which would suggest that they were treating it differently to a proper joint committee

Background

4. On the 29th May 2019 a report was taken to County Council Cabinet, detailing that funding had been secured from the government's Transforming Cities Fund and the Governance arrangements for a new 'Joint Committee' [Document.ashx \(cmis.uk.com\)](http://Document.ashx(cmis.uk.com)) (page 4).
5. The wording in the report clearly outlined the benefits for the area of having a joint committee of this type, stating;

Establishing a Joint Committee enables the County and all the local authorities in Greater Norwich area and the New Anglia LEP to be actively involved in the development and delivery of schemes and provides further opportunity for the views of local stakeholders and communities to be taken into account. It reflects the spirit of partnership working on which work to date has been based and helps to demonstrate local support.....Taking a Joint Committee approach will enable a transparent decision-making process for schemes. Including the four relevant local authorities in the membership of the Joint Committee will help to ensure that the best possible schemes are progressed and that their delivery is fair and consistent, irrespective of which local authority area they are based in.

6. However, the terms of reference do not contain delegations, which immediately brings into question whether the joint committee is, in fact decision making.

(ii) Terms of reference The Joint Committee for Transforming Cities Fund projects is responsible for:-

- *Developing business cases for funding, including development of individual schemes*
- *Overseeing the development and delivery of schemes, including carrying out and considering the results of public consultation, setting the timetable for delivery of schemes*

The Joint Committee shall:

- *Make recommendations to the County Council's Cabinet on funding bids, including business cases*
- *Ensure that schemes are developed which deliver the objectives agreed as part of any business cases*
- *Ensure schemes are delivered within the available funding*

7. The highlighted line above makes it clear that decisions on bids etc are reserved to the executive. It would have been less confusing to have called this a Working Group, or Advisory Panel, instead of a Joint Committee, but despite the name its remit is clear within the Cabinet report.
8. The terms of reference were then altered in June 2021, when the name of the Committee was changed to Transport for Norwich. This was also agreed by Cabinet and the covering report contained this comment;

The County Council is the lead authority and as Local Transport Authority the new Transport for Norwich Strategy will be County Council policy, subject to Cabinet's approval to adopt. However, as partners are contributors to the work and a new Transport for Norwich Strategy will have cross boundary implications, there is a need for a governance mechanism to involve partner authorities in its development.

Legal explanation

9. Since May 2019 Norfolk County Council has used the executive form of governance. Under this model of governance all executive powers are vested in the executive leader. Highways spend decisions of this type are to be discharged by the executive leader (Local Authorities (Functions and Responsibilities) Regulations 2000).
10. The executive leader can take decisions themselves or delegate them to;
 - The executive meeting together (the Cabinet)
 - A member of the executive
 - A committee of the executive
 - An officer
11. The legislation allows for a joint committee of the executive to be formed; however, this may only comprise executive members.
12. For decisions of this type there MUST be an executive decision. But that doesn't stop there being oversight of the decision, or others sharing their views on the decision for the decision maker to consider them.
13. Therefore, it seems clear that this committee was established to allow other members valuable comments to be made on schemes, and then the decision would be taken formally by the executive.

Chronology

14. The Committee was formed as the Joint Committee for Transforming Cities Fund Projects 29th May 2019.

June 2019

15. Cabinet Report in June 2019 approved the development of a business case for the next tranche of Transforming Cities Funding. This report refers to the new Joint Committee doing the development work on the business case ready for Cabinet to approve before submission in November 2019. The Cabinet report agreed the strategic objectives for the bid for the Joint Committee to follow.

July 2019

16. The new Joint Committee started 'approving' schemes, some of which had no actual funding attached because this was to be secured by the Transforming Cities Fund (TCF) bid submission later in the year.

The first scheme approved was Bank Plain/London Street, which was an addition to the larger Prince of Wales Road (PoW) / Rose Lane scheme that was under construction having been given £2.6m by the Local Growth Fund back in June 2018. This add-on scheme had been put forward and then consulted upon at the request of the Norwich Highway Agency Committee (NHAC) in its report 21/03/2019. The NHAC report also gives some background to the larger PoW /Rose Lane scheme. The NHAC report estimates funding for the Bank Plain/London Street part of the scheme at £900k which was not actually available at the time, but the TCF bid was in and the PoW/Rose Lane scheme as a whole was hoping to secure £2.3m from Tranche 1 of TCF of the £3.33m it needed.

August 2019

17. The Joint Committee approved the Tombland proposals. These proposals were said to have synergy with the ongoing PoW Road and new Bank Plain/London St plans (although no mention is made that the funding for Bank Plain/London St was still not secured). TCF funding was being sought for £1.75m – this would be part of the Tranche 2 application in November 2019 and an announcement on funding was expected in early 2020, with the Tombland project therefore planned to be delivered during 2020/21.

The Joint Committee also approved proposals for Dereham Road/Bowthorpe Road and Heigham Street/Mile Cross Road at a total estimated cost of £500k, which was to be funded through Tranche 1 of the TCF funding.

October 2019

18. The Joint Committee recommended the bid for Transforming Cities Funds to Cabinet to be submitted by 28th November 2019. The submission was high level and did not detail any specific schemes.

February 2020

19. The Joint Committee approved the bus lane proposal on Market Avenue. This was part of the larger PoW / Rose Lane scheme and no specific funding was suggested in the report as the proposals were simply to modify and improve earlier work.

July 2020

20. The Joint Committee heard that the TCF submission needed to be more detailed and be re-submitted. It received a report about the new submission which went in on 29th May 2020 (this did not go through the Joint Committee but a Cabinet Member decision was made 28 May 2020 and published 4 June.)

The delegated decision notice showed the new bid with the proposed schemes with funding allocation attached – the submission document includes some of those already ‘approved’ like Tombland but not others such as ‘Dereham Road/Bowthorpe Road’ although it is apparent that schemes were not always named consistently in every report.

September 2020

21. The Joint Committee approved Thorpe Road scheme which was one of those in the new TCF submission made in May 2020; £750k was needed for this scheme from TCF.

October 2020

22. The Joint Committee approved the scheme for Marriott’s Way between Hellesdon Road and Gunton Lane car park with funding of £218,208 from TCF and £100k from NCC for re-surfacing the road. This was one of the schemes in the submission to TCF.

The Joint Committee heard at the October 2020 meeting that a TCF package of £32m had been allocated to deliver in excess of 30 schemes over the next two years.

December 2020

23. The Joint Committee agreed to proceed to public consultation on schemes for South Park Ave/Unthank Road, for St Stephen’s Road/Grove Road and St Stephens Street and Cromer Road/Aylsham Road all of which were named in the bid submission and were therefore funded from the allocation of £32m.

February 2021

24. The Joint Committee agreed to proceed to public consultation on schemes for Grapes Hill Roundabout and the intersection at Norwich Station/Thorpe Road/Foundry Bridge (Mobility Hub) both schemes had been included in the TCF bid as above. Grapes Hill scheme was estimated in the bid as costing £334k and the Station estimated in bid at £437k.

Cabinet Report February 2021 refers to the funding for the schemes to be funded by TCF.

March 2021

25. The Joint Committee gives approval for South Park Avenue at a spend of £467k from TCF, and for King Street at a spend of £1.04m from TCF.

March 2021 Cabinet Report approved the capital programme and Appendix C lists the programme of TCF funded projects

June 2021

26. At the Joint Committee meeting the Connecting the Norwich Lanes scheme (a combination of several in the area) was agreed to go out to consultation. The Grapes Hill Roundabout scheme was approved at a cost of £334k. Cromer Road/Aylsham Road was approved at a cost of £998k including £582 from NCC for resurfacing.

Plans for Norwich Rail Station Mobility Hub were approved with no specified funding in the report other than £2.25m from TCF for 'improvement to station area'. However, £2.5m had been allocated in the bid with £2.2m sought from TCF in the submission. St Stephens Street was also approved with £6.1m allocated from TCF which is what was named as the total needed in the bid with £5.1m required from TCF.

Report to Cabinet in June 2021 (extract) sought and received delegation to officers for all projects in the capital programme. See attached list of delegated schemes.

July 2021

27. Joint Committee put scheme for Outer Ring Road out for consultation. Approved Norwich Bus Station improvements £437k, the amount sought in total for the scheme in the bid to TCF.

Joint Committee approved St Stephens Road scheme (report appears to have been carried over from the very busy June meeting). Approved funding of £1.77m allocated in bid submission of which £1.5m was TCF but indicating an actual cost of £800k.

Joint Committee also approved progress on the Wayfinding initiative for Norwich and approved £75k of Active Travel Funding for the St Williams Way cycle scheme.

October 2021

28. Joint Committee approved elements of the Ipswich Road Active Travel fund scheme. Officers were asked to look at further options for the scheme for certain elements.

Joint Committee approved Ketts Hill Roundabout scheme for consultation.

November 2021

29. Joint Committee approved Outer Ring Road scheme (B&Q) at a cost of £438k including £98k for resurfacing and £40k for signalling upgrades. This bid was referenced no. 44 in the TCF submission with £280k requested from TCF of a £333k total.

The Dereham Road 'corridor' was approved for consultation, made of five schemes totalling £6.4m, difficult to tell if all were named in the TCF bid but at least some were.

Thickthorn P&R expansion was agreed to be submitted for planning to SNDC.

January 2022

30. Joint Committee agreed to recommend the Connecting the Norwich Lanes proposals

The Joint Committee agreed to Option B of the Active Travel Ipswich Road scheme (4 for, 4 against, casting vote by Chair). This then became a Cabinet Member decision which was published on 25 February 2022 and was subsequently called in. Scrutiny Committee considered the call in at its meeting on 23 March 2022.

Analysis

31. It is apparent that the purpose of this committee is very well intended, but in terms of decision making and governance it has been unclear to its members and officers. It would appear that,

potentially due to the changes in Council governance, there has been some confusion amongst officers and its members as to the role of this committee. This is unfortunate and will now be remedied with support and additional training.

Legal position and risk

32. A detailed review has been undertaken of all schemes to consider the risk around the decision making related to the delivery of each project and this is appended to this report.
33. In June 2021, the capital programme presented to Cabinet delegated further actions regarding the implementation of schemes to officers. As can be seen on the attached document, the vast majority of these schemes are caught by that delegation and benefit, where the value is above £1.25m of being on the forward plan.
34. This means there has been a lawful decision-making process for the schemes. The Joint Committee considered the proposals, helped officers shape the schemes and voted on their preferred options. Officers took note of the Joint Committee's views on a scheme and which options had received its approval when taking their decisions to implement. Therefore the status of the committee is not problematic regarding the legality of the decisions taken.
35. Currently, the Norfolk County Council Constitution does not demand that officer decisions below Executive Director level are published. This is currently under review and a revised scheme for officer decision making will be released shortly, with training being provided to officers.
36. There are a few decisions that are not caught by this general delegation. These are the decision on Bank Street and the earlier part of the decision on Norwich Bus Station. Both of these are lower value than key decisions, therefore there was no forward plan requirement and the decision, as it is below the key decision limit, could still be decided by officers.
37. The Governance department are undertaking a review of all committee structures to ensure that the terms of reference for all bodies clearly reflect the powers delegated and the purpose of the body. Changes will be made where necessary, and additional support and training will be provided.

Recommendations

38. Despite there being no legal risk, it is clear that this situation has caused a degree of concern from some members and generally highlighted some uncertainty regarding governance. Therefore, it is recommended that;
 - All Committee members should ensure that they are clear on the terms of reference of any group, committee or body that they sit on. If they are not clear, they should ask officers to explain.

- The terms of reference for each committee should be added to the virtual agenda sent to all and uploaded on CMIS
- If a paper agenda is produced due to needs of the recipient, then the terms of reference should be sent at the same time in the required format, but this should not be done as a matter of course, in order to reduce the paper use.
- When a committee is first established, or its terms of reference are changed, there will be an agenda item to discuss the terms of reference and ensure the committee's members are aware of and understand them.
- Training will be offered to all committees and bodies on their role
- Updated 'decision making' training will be provided to all council officers

Scheme	Funding in Appendix C Capital Programme list report to Cabinet	Report to TfN Funding amount	Included on list of schemes Delegated to Officers from Cabinet	Scheme completed
London Street/ Bank Plain	No – was funded with a combo which included some TCF but not on that list	£900k	No	August 2020
Tombland/Queen St	£600k	£1.75m	Yes	Completed Summer 21
Dereham Road/ Bowthorpe Road & Heigham St/Mile Cross Road	£60k 21/22 £343k 22/23	£500k	Yes	
Market Avenue	None (incl in PoW/Rose Lane)	None	n/a	
Thorpe Road	£945k	£750k	Yes	
Marriotts Way/Hellesdon Road/Gunton Lane	£65k & £103k	£319k	Yes	
South Park Ave/Unthank Rd	£467k	£476k	Yes	
St Stephens Road	£1.768m	£800k	Yes	No started
St Stephens Street	£2.75m 21/22 £3095 22/23	Not specified	Yes	Completion due Autumn 2022
Cromer Road/Aylsham Road	£1.044m	£800k	Yes	
Grapes Hill	£334k	£333,609	Yes	Completed Nov 21
Norwich Station Mobility Hub	£2.273m 21/22 £270k 22/23	£2.25m	Yes	Completion due July 22
King Street	£775k	£1.03m	Yes	In progress
Norwich Lanes (5 x schemes)	Consultation only	N/A	n/a	Not started
Outer Ring Road (there are several referenced to ORR)	Consultation only	N/A	n/a	Not started
Norwich Bus Station	£40k 21/22 £333k 22/23	£437k	Future project yes / previous project no	Some improvements finished in July 2020 Mobility Hub not mentioned
Wayfinding	No action yet	N/A	n/a	
St Williams Way (Active Travel)	£72k	£75k	Yes	
Ipswich Road (Active Travel)	£168k	£100k	Yes	
Dereham Road Corridor	Consultation only	N/A	n/a	

Thickthorn P&R	Planning app in £300k 21/22 £3.095m 22/23	£2.78m	Yes	Not started
Kett's Hill	£10k 21/22 £75k 22/23		Yes	Not underway