



Scrutiny Committee

Minutes of the Meeting Held on 25 September 2023
at 2pm at County Hall Norwich

Present:

Cllr Steve Morpew (Chair)
Cllr Daniel Elmer (Vice Chair)

Cllr Carl Annison
Cllr Lesly Bambridge
Cllr Phillip Duigan
Cllr John Fisher

Cllr Tom FitzPatrick
Cllr Keith Kiddie
Cllr Brian Long

Substitute Members Present:

Cllr Paul Neale for Cllr Jamie Osborn

Also, present (who took a part in the meeting):

David Allfrey	Interim Director of Highways, Transport and Waste
Grahame Bygrave	Interim Executive Director of Community and Environmental Services
Cllr Emma Corlett	Local Member for Town Close
Joanne Deverick	Transforming Cities Manager
Kat Hulatt	Director of Legal Services and Monitoring Officer
Cllr Graham Plant	Cabinet Member for Highways, Infrastructure and Transport
Peter Randall	Democratic Support and Scrutiny Manager
Cllr Mike Sands	Local Member for Bowthorpe
Cllr Colleen Walker	Local Member for Magdalen
Jeremy Wiggin	Head of Sustainable Transport

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Ed Maxfield, Cllr Jamie Osborn (Cllr Paul Neale substituting) and Cllr Brian Watkins. Cllr Mark Kiddle-Morris was also absent.

3. Declarations of Interest

- 3.1 There were no declarations of interest.

4. Public Question Time

- 4.1 There were public questions.

5. Local Member Issues/Questions

6 **Call In**

- 6.1 The delegated decisions “Norwich - Dereham Road - Derestriction and 20mph Speed Limit Order and Bus and Cycle Lane Order” and “Norwich – Governance of the Transport for Norwich Programme” had been called in and were due to be considered during this meeting.

7 **Call in: Norwich - Dereham Road - Derestriction and 20mph Speed Limit Order and Bus and Cycle Lane Order**

- 7.1.1 Scrutiny Committee received the annexed report (7) setting out the reasons for call-in of Norwich - Dereham Road - Derestriction and 20mph Speed Limit Order and Bus and Cycle Lane Order and the original delegated decision.
- 7.1.2 The Chair explained the way in which he would handle this item to best ensure a fair and balanced scrutiny process and to decide what (if any) issues the Committee would refer to the Cabinet. The options that were available to the Committee were set out in the report.
- 7.1.3 The Chair welcomed Cllr Mike Sands, and Cllr Colleen Walker as two of the Councillors who had called in the decision. They outlined their reasons for having done so and asked questions of Cllr Graham Plant, the Cabinet Member for Highways, Infrastructure and Transport and of the officers that were present for the consideration of this item.
- 7.2 The Councillors who had called in the item asked the Committee to consider their concerns which centred around the size of the consultation, location of the works, and likely impact of the works:
- Cllr Sands felt the Dereham Road project had some good aspects such as construction of a cycle lane through Mayfly Way and Dereham Road, however that some parts were not well consulted on.
 - The public consultation was well attended but Cllr Sands felt officers in attendance seemed to read from a script instead of listening to objections.
 - Cllr Sands felt the scheme would not achieve a better flow of traffic; there was an aim to increase the number of bus routes however no proposal on how additional buses would be supplied or evidence that there was demand for more buses in this area.
 - Traffic flow data had not been presented showing what the impact would be.
 - No reference to the equalities impact assessment was shown in the report apart from reference to specific protected characteristics.
 - Cllr Sands felt it was unclear why the scheme was needed and what it was trying to achieve; he stated that people in Costessey and Bowthorpe believed that it would add to congestion by extending the length of the bus lane and cars encountering two sets of traffic lights.
 - Cllr Sands suggested this funding could be used for a different project, and that instead Wendene Roundabout should be used as an alternative site for the project.
 - Bus drivers had fed-back to Cllr Sands that there was not demand in this area and a shortage of bus drivers.
 - Cllr Sands felt that the cabinet member should have visited the area and talked to local people before moving ahead with the decision.

- Cllr Sands felt the consultation did not extend far enough outside of the Dereham Road area.

7.3

The Cabinet Member of Highways, Infrastructure and Transport responded to the Councillor's comments:

- Funding was granted as part of the vision to invest in clean transport and increased access to employment and learning and this project related to a section between Longwater Lane and Greys Fair.
- Overall, the level of response to the consultation had been good.
- Use of Wendene Roundabout was not a viable alternative as this was a source of delays. First Bus agreed that this was not a viable option for the scheme.
- Consultation had been above and beyond what was required; it had been open through November 2022 and available online and as paper. A consultation letter had been sent to 3675 properties in the area, promoted on social media, in the press and on the radio and in three face to face exhibitions.
- There was no evidence that officers were using a script at the face to face events; repetition of answers reflected the high attendance and importance of giving clear and concise answers. Officers took notes and explained the plans to residents.
- The purpose of the project was to improve bus journey times and conditions for walking, wheeling and cycling in line with Transport for Norwich funding, and the government's Bus Back Better and the Gear Change Policies.
- There was no contractual obligation for First Bus to increase buses in the area but Transport for Norwich had a commitment from them of £18m for new and refurbished electric buses. The bus lane would also benefit taxis and blue light services.
- Other Transport for Norwich schemes had improved sustainable transport options with no other impact on traffic and in many cases, outcomes had been more positive than expected. If schemes were not delivered, the funding would need to be returned to the Department for Transport.
- There was an equality impact statement in place; this was regularly updated which was why it was not included in the report or published as it became out of date quickly but was available on request.

7.4

Councillors calling-in the decision questioned the Cabinet Member and officers:

- Cllr Sands asked about how the proposals would improve access time for buses and questioned the surveys that had been carried out. Officers replied that several surveys had been carried out. In other bus lane schemes the modelling had either confirmed what was predicted or there had been less of an effect.
- Cllr Sands disputed that Wendene Roundabout was a source of congestion, stating that this was temporary due to work in the area. Officers confirmed that proposals were developed in partnership with bus operators who knew the area well and had feedback from passengers. Buses were fitted with tracking equipment which showed where the delays were experienced.
- Cllr Sands stated that many buses did not arrive on this route or were unreliable due to a lack of bus drivers; the frequency and reliability of existing buses should be improved to encourage people to use buses more. The Cabinet Member for Highways, Infrastructure and Transport replied that there was an aim to create a system which worked across the city with regular services.
- Cllr Sands queried whether this investment would result in more buses given that it relied on a commercial commitment by bus operators. The Cabinet

Member for Highways, Infrastructure and Transport replied that money had been awarded to the council by Government based on its commitment and reputation for implementing sustainable transport options in the city. The Interim Executive Director of Community and Environmental Services clarified that the original Transforming Cities bid was put in place with Norwich City Council, Broadland District Council and bus operators; First Bus had already invested heavily in a new vehicle fleet to support this bid.

- Cllr Walker asked for reassurance that full consultations had been carried out with residents who would be impacted by the decisions taking place across Norfolk.

7.5 Members and substitute Members of the Committee questioned the Cabinet Member and officers:

- A Committee Member asked if the proposed bus lane would prevent residents from parking outside their properties. Officers replied that limited parking was affected, and discussions were being held with affected householders. Where required, vehicle crossover were being provided so that off street parking could be provided where possible.
- Officers were asked what would happen if the scheme did not work. The Transforming Cities Manager replied that post project monitoring was in place for all schemes; if it was not seen to be working it would be revisited.
- It was confirmed that Cllr Sands raised his concerns during the consultation process.
- A Committee member felt that the 20mph as part of this scheme would be safer for residents and noted that the Cabinet Member had made the decision under his delegated powers.
- The Vice Chair asked how it was decided who to consult on in the case of arterial routes; the Head of Sustainable Transport clarified that a lot of people could be affected in this case so letters would be sent to people directly affected by the works and it would also be advertised in the local area, social media and in the press for those who may be affected as a user of the route. In the case of this scheme, Cllr Sands had asked for the area of direct consultation to be widened but this was felt to be disproportional in this case.
- A Committee Member noted that the changes in this scheme would impact both the residents of Dereham Road and further afield. The Cabinet Member for Highways, Infrastructure and Transport replied that by putting in a walking, wheeling and cycling route, a disability discrimination act compliant crossing and retaining the crossing that was already in place would be beneficial; he was happy that a sufficient consultation had been carried out to make the decision.
- The Chair queried the lack of an equality and impact assessment. Officers replied that this was a living document which was updated on a regular basis but was available on request. The Chair asked if people with protected characteristics were involved in developing the equality and impact assessment; officers confirmed that it reflected feedback from discussions held with disability groups.

7.6 Cllr Sands summed up his reasons for calling in the decision:

- It was generally accepted that residential areas would have 20mph limits however Cllr Sands felt that the bus crossover proposed in this scheme would increase congestion and not ensure an increased availability of buses.
- Cllr Sands felt that bus lanes were not necessary in this area and buses could access routes via the Wendene Road roundabout. He felt this was an

expenditure of £4m with no benefit.

7.7.1

The Scrutiny Committee took a vote on the proposal to refer this item back to the Cabinet Member. With 0 votes for and 9 against, this proposal was lost.

7.7.2

Scrutiny Committee took a vote on the proposal to note the call in but take no further action.

7.8

The Scrutiny Committee unanimously **agreed** to note the call in but take no further action

8 Call in: Norwich – Governance of the Transport for Norwich Programme

8.1.1 The annexed report (8) setting out the reasons for call-in of “Norwich – Governance of the Transport for Norwich Programme” and the original delegated decision report was received.

8.1.2 The Chair explained the way in which he would handle this item to best ensure a fair and balanced scrutiny process and to decide what (if any) issues the Committee would refer to the Cabinet. The options that were available to the Committee were set out in the report.

8.1.3 The Chair welcomed Cllr Emma Corlett as one of the Councillors who had called in the decision. She outlined her reasons for having done so and asked questions of Cllr Graham Plant, the Cabinet Member for Highways, Infrastructure and Transport and of the officers that were present for the consideration of this item.

8.2 Additional correspondence had been received from Phil Courtier of Broadland District Council, Graham Nelson of Norwich City Council, Cllr Mike Stonard of Norwich City Council and Cllr Judith Lubbock of Norwich City Council. This correspondence was published in a supplementary agenda online and circulated to Committee Members on Friday 22 September. The Cabinet Member for Highways, Infrastructure and Transport responded to the comments in this correspondence:

- The change in governance of this Committee would allow County and District officers to work together in a steering group, to allow strategies to be developed with agendas which were agreed jointly. This would not be a decision-making group but would transparently inform the Cabinet Member’s decisions.
- Consultation on schemes would continue in the same way as before and information shared with district and County Councillors.
- The steering group would bring consistency with the arrangements in place across the County and would provide the opportunity to discuss wider issues around transport.
- The Cabinet Member was concerned there would be further disruption to Transport for Norwich Advisory Group meetings if this change was not made which could result in funding being withdrawn.

8.3 The Councillor who had called in the item asked the Committee to consider their concerns which centred around lack of consultation with the advisory committee, lack of consultation with Norwich City Council and Broadland District Council, and lack of transparency around decision making:

- There had been no discussion with existing members of Transport for Norwich

Advisory Committee; when the terms of reference of this Committee were recently changed, the Monitoring Officer had said that changes to the terms of reference would need to be discussed in a meeting of the Advisory Committee.

- Norwich City Council and Broadland District Council had stated they did not feel consulted with and had concerns in the change in governance.
- Cllr Corlett felt the decision-making process about schemes should be open and transparent with meetings held in public. Meetings being held in public should not hinder discussion.
- Cllr Corlett was concerned that the changes would result in no participation of Norwich based county councillors apart from feeding into consultations.
- Cllr Corlett felt that the changes raised the risk of call-ins.
- The governance arrangements were different to the arrangements set out in the bid to the Transforming Cities scheme to Government.

8.4 The Cabinet Member of Highways, Infrastructure and Transport responded to the Councillor's comments:

- This change in governance was not a change in terms of reference but a removal of the Transport for Norwich Advisory Committee. This meant the Advisory Committee did not require consultation on the changes.
- Transparency would be evident in the decisions, as Members would be invited to Steering Group meetings either as the Local or District Member.
- There would be a clear forward plan of items being brought to the Steering Group. This model had been successfully followed in King's Lynn and Great Yarmouth for some years.
- Cllr Plant felt that the existing Transport for Norwich Advisory Committee was not serving its purpose and he needed to ensure a method to gain feedback from Councillors to inform his decision on schemes.

8.5 Councillors calling-in the decision questioned the Cabinet Member and officers:

- Cllr Corlett asked if there had been a requirement to consider any items confidentially at the Transport for Norwich Advisory Committee. It was confirmed there had not.
- Cllr Corlett clarified that the Transport for Norwich Advisory Committee meeting which did not proceed did so because a group of councillors left the meeting as it was being carried out outside of the terms of reference.
- Cllr Corlett asked the Cabinet Member for Highways, Infrastructure and Transport for his opinion on the concerns raised by Norwich City Council and Broadland District Council. The Cabinet Member for Highways, Infrastructure and Transport replied that the advisory committee gave him advice to inform his decision and the Steering Group would do the same. This model was working well in Great Yarmouth and King's Lynn. He did not think there was any damage to public perception by this change as he had only received three emails about this matter which he had responded to. He believed this was a good way forward.
- Cllr Corlett asked if the Department of Transport had been notified about the change in Governance. Officers replied that there were regular discussions with the Department for Transport, and this had been raised with them. In those discussions it was highlighted that governance was a matter for the Council.

8.6 Members and substitute Members of the Committee questioned the Cabinet Member and officers:

- A Committee Member felt this would take away the perception that one part of the County was favoured over others. They asked if it would help the Cabinet Member make his decisions on schemes. The Cabinet Member for Highways, Infrastructure and Transport replied that it was important he had the advice needed to make decisions and that this was consistent across the County.
- A Committee Member noted that the existing terms of reference of the advisory committee stated that the advisory committee had to make changes to the advisory committee's governance.
- The Vice-Chair noted that the decision to replace the Transport for Norwich advisory had been made without consulting with the Committee and queried if this failed to take the recommendations of the monitoring officer. The Director of Legal Services and Monitoring Officer confirmed that the Cabinet Member for Highways, Infrastructure and Transport was acting in his powers and was following the advice she had given.
- The Vice-Chair asked if there were benefits of having meetings in private when there were groups of different political groups. The Cabinet Member for Highways, Infrastructure and Transport replied that the steering group was a way to make timely decisions.
- The Chair pointed out that the outline business case set out the existing Governance, with the Advisory Committee model, and read from the business case stating that the Transforming Cities committee would make decisions for schemes over £5m. The Interim Executive Director for Community and Environmental Services confirmed that this governance model was set out in the original bid document however the terms of reference were then updated to cover the council's governance arrangements.
- A Committee Member pointed out that when Kings Lynn and West Norfolk District Council asked for a committee to be set up to deal with highways issues, a model mirroring the Steering Group in Great Yarmouth was chosen, rather than the Transport for Norwich Advisory Committee.
- A Committee Member asked if the Steering Group Model would affect bidding activity in Norwich. Officers confirmed that bidding took place in Great Yarmouth and King's Lynn so there was no indication that there would be an impact on this in Norwich.
- The Chair noted the media response to this change and the concerns about discussions being held "behind closed doors". The Cabinet Member for Highways, Infrastructure and Transport did not see this model as a barrier to decision making as local members and officers would be present at meetings.
- The Chair asked if making decisions behind closed doors would be more transparent. The Cabinet Member for Highways, Infrastructure and Transport replied that it would allow the decisions to be made in a more timely manner.
- The Chair noted that the Scrutiny committee had suggested he review the Transport for Norwich Advisory Committee terms of reference and asked how much weight he gave to this. The Cabinet Member for Highways, Infrastructure and Transport replied that the work of the Transport for Norwich Advisory Committee had been positive, however, it had not been serving its purpose recently so the purpose had to be reset. The Cabinet Member for Highways, Infrastructure and Transport had not re-arranged the inquorate meeting as the timely decisions had already been taken to meet the challenging government led timescales on programme delivery.
- The Chair was concerned that all of the decisions of this type would be called-in.

8.7 Cllr Emma Corlett summed up the reasons why she had called in the decision:

- The July 2023 Advisory Committee had been cancelled without notice for Committee Members, so she therefore felt it was disproportionate to take the decision to change the Governance of the Committee based on one meeting not taking place due to members of the Committee.
- It had been helpful to share a video of meetings when discussions of controversial schemes had taken place, and so this change would be a barrier for transparency and openness.
- Cllr Corlett stated that the terms of reference of the King's Lynn Steering Group was made up of three district councillors and three county councillors; she therefore felt it should be considered if this was consistent.

8.8.1 Scrutiny Committee took a vote on the proposal to refer the decision back to the Cabinet Member. With one vote for and 8 against, the proposal was lost.

8.8.2 Scrutiny Committee took a vote on the proposal to note the call-in and take no further action.

8.9 Scrutiny Committee unanimously agreed to note the call-in and take no further action

The meeting concluded at 15:45 pm

Chair