

Scrutiny Committee

Supplementary Agenda

Date: **Monday 25 September 2023**

Time: **2 pm**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich NR1 2DH**

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Scrutiny Committee

Item No: A1

Report Title: Call in: Governance of the Transport for Norwich Programme – supplementary correspondence.

Date of Meeting: 25 September 2023

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

Responsible Director: Grahame Bygrave – Interim Executive Director, Community and Environmental Services

1. Background and Purpose

- 1.1 The appended emails and letters have been received regarding item 7 on the agenda: Call-in – Governance of the Transport for Norwich Programme. At the request of the Chair, these have been distributed to committee members as a supplementary agenda.
- 1.2 The Cabinet Member for Highways, Infrastructure and Transport has acknowledged receipt of the appended communications, and will respond verbally in the meeting.

2. Appendices

- 2.1 Appendix A: Letter from Cllr Mike Stonard, Leader of Norwich City Council
- 2.2 Appendix B: Letter from Phil Courtier, Director of Place at Broadland District Council
- 2.3 Appendix C: Text of an email from Graham Nelson, Executive Director for Development and City Services, Norwich City Council
- 2.4 Appendix D: Text of an email from Cllr Judith Lubbock, Norwich City Council

Officer Contact

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

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21 September 2023

Councillor Stephen Morpew
Chair, Norfolk County Council Scrutiny
Committee

Dear Stephen,

Transport for Norwich Committee

Thank you for the opportunity to submit evidence for consideration by the Norfolk County Council Scrutiny Committee in relation to the decision of Councillor Graham Plant to amend the governance of the Transport for Norwich Programme.

Members of the Scrutiny Committee may be aware that the Transport for Norwich Committee was originally established in 2019 following the successful Transforming Cities Bid. At that time, as the City Council Portfolio Holder for Growth, I truly valued the opportunity for us to work together to take forward an ambitious programme of sustainable transport improvement alongside our Greater Norwich partners. The importance of this Committee grew following the ending of the Agency Agreement in 2020, as it ensured a voice for local representatives in decision making processes.

Of course, since that time, it has transpired that Norfolk County Council established governance arrangements that were, at best, confusing; the Committee understood that they had the authority to make decisions as was clearly the stated intention of the County Council when it was established, but instead such decision making was vested in the portfolio holder. When the discrepancy between your constitution and the committee's operation became apparent we made representations advocating that Norfolk County Council resolve this anomaly by giving decision making authority to the Transport for Norwich Committee but this was not agreed. We have respected that decision – after all, as stated in the minutes of the Committee of 21 July 2022, it was “Her [the Monitoring Officer's] 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”. Why has the Cabinet Member now sought to move away from the position advocated by the Monitoring Officer at the time?

The Cabinet member's decision suggests that the governance arrangements were at fault for delays in decision making, which appears to be the sole reason given for making this change. This is a shame, and seemingly somewhat at odds with the County Council's own Transport for Norwich Strategy, published in 2021 that states [my emphasis added]: “Transport for Norwich has a successful track record of delivering interventions across the area. *This has primarily been taken forward through established governance arrangements with a joint committee*”. The implication that removing the Committee altogether and replacing it with a closed-door, behind the scenes advisory group will resolve the issue seems somewhat ill-advised in that context.

After all, this proposal increases the risk that those interested in schemes and local representatives can have less say in the decision-making process, potentially causing alienation and dissatisfaction – as well as a potential increase of call-in of decisions to allow for that scrutiny to occur in public, as we note has occurred with other items on this agenda. Conversely, an open, public debate on key issues allows the public to understand the thorough consideration given to issues and encourages greater transparency and accountability on the part of all partners to decisions made.

If the intention of the County Council is to create a forum for informal, early debate on potentially contentious issues, with the benefit of generating trust and building relationships between colleagues before issues emerge in the public domain, then it can do so without needing to change the Transport for Norwich Committee, which can then act as a public forum for debating and refining proposals.

It is troubling to see in the proposals that where necessary, the Deputy Cabinet member will attend meetings of the steering group in place of the Cabinet member and then brief them afterwards. Whilst we understand this may be pragmatic, how can the Cabinet member be properly advised by a steering group they do not attend and are only briefed on? Surely, it must be a requirement of the group that the Cabinet member's attendance is necessary for a quorum to exist?

The loss of a public forum would be felt particularly strongly in relation to the following items listed as two of the objectives and remit of the Steering Group:

- Provide feedback, support and guidance to the representative authorities on substantive projects of joint interest relating to highways and transport matters, including public transport, walking, wheeling and cycling, roll-out of electric vehicle charging provision, on and off-street parking, traffic management and major transportation projects
- Monitor and receive updates on programmes and projects, including the outcome of public consultation and stakeholder engagement and likely delivery timescales

I feel it particularly important to highlight to the Scrutiny Committee matters that have a significant bearing on the legitimacy of the decision of the Cabinet member:

- a) Norwich City Council, and we understand Broadland and South Norfolk Councils, were given the opportunity to input to the proposed changes before a decision was made. However, our feedback (opposed to the changes and attached for information) was not reflected in the decision made. What feedback was received by the Cabinet member and how was that taken into account in reaching a decision? Why is this not recorded in the decision notice?
- b) Did the County Council consult the Transport for Norwich Committee itself on the changes, as it did on the changes made in 2022? If not, why not?
- c) The original intention of the Committee was to oversee the Transforming Cities programme. Has the Cabinet member ensured that the proposed changes remain aligned to the governance structure agreed for Transforming Cities, and in particular accords with any funding agreements entered into with the government?
- d) How does the Cabinet member consider that this decision accords with the stated aim in the Transport for Norwich Strategy that "We will ensure the governance of transport activity in Norwich is improved to take forward the challenges and ambition of the Transport of Norwich strategy in partnership with the delivery agencies"? Does the Cabinet member see this as an improvement, if so, why?

Finally, I am conscious that in Norwich, alongside our partners in South Norfolk and Broadland, we are in a privileged position of being able to have a voice in transport matters in our area at present. The Norfolk Devolution Deal, agreed in principle between Norfolk County Council and the government highlights that in future, the elected leader will have responsibility for a devolved and integrated transport budget which includes a multi-year transport settlement. It concerns me that at this time the County Council is seeking to increase its power and influence through a Devolution Deal, on the other hand it is seeking to reduce the influence partners have in planning and decision making for transport matters. I would advocate that other partners in Norfolk, who each have their own transport challenges, may wish to look at this proposal with caution and careful consideration as to how they may be able to influence important transport decisions in their own area in future.

Yours sincerely

Councillor Mike Stonard
Leader, Norwich City Council



Appendix B

Cllr Graham Plant
Cabinet Member for Highways,
Infrastructure and Transport
and Cllr Steve Morphew
Chair, Scrutiny Committee
Norfolk County Council
County Hall, Martineau Lane,
Norwich, NR1 2DH

Broadland District Council
The Horizon Centre
Broadland Business Park
Peachman Way
Norwich, NR7 0WF

19 September 2023

By email: committees@norfolk.gov.uk

Dear Councillors Plant and Morphew

Governance of the Transport for Norwich Programme

Following discussions with relevant elected Members of Broadland District Council, I am writing to note this Council's concern with the proposed reworking of the governance arrangements for the Transport for Norwich Programme.

As you know, Broadland District Council and Norfolk County Council have a long and successful history of partnership working. This partnership working is operated through structures such as the Greater Norwich Development Partnership (GNDP) and Growth Board (GNGB) and is underpinned by a commitment to work in good faith and in an open, co-operative and collaborative manner.

It is hard to overstate the importance of this partnership working, and Broadland District Council remains fully committed to achieve its ongoing success. It is therefore with great regret that we write to you to express our concerns about the proposed changes to the Transport for Norwich Advisory Committee.

Whilst there is much that is worthy of support in the stated objectives and remit of the proposed group, as set out within the draft terms of reference, the Council has significant concerns about the following key issues:

1. the absence of open and transparent consultation with elected members of partner authorities, including those appointed to the Advisory Committee itself;
2. the decision to seek to impose these new working arrangements by way of a Cabinet Member decision as opposed to, for example, seeking a Cabinet endorsement as was the case when the terms of reference were last updated in December 2022.



and, most critically;

3. the flawed proposal to remove all deliberations of the committee, and the elected members accountable for its operation, from the public domain. This will significantly detract from the transparency and openness of the decision making process.

In regards to points 1 and 2, Broadland District Council would draw attention to paragraph 2.1 of the County Council Cabinet report of 5 December 2022. This sets out explicitly that:

“The terms of reference for this body have been updated to reflect the current legal position. However, they do remain the Advisory Committees own terms and it was important that the Advisory Committee set out how they consider these meetings should progress. The terms of reference were agreed by the committee on 29th September 2022.”

The Cabinet report of 5 December 2022 was taken in the name of the County Council's then Assistant Director Governance, and Broadland District Council agrees with the sentiment set out in paragraph 2.1.

It is unfortunately the case that these principles have not been adhered to in preparing the current revisions to the terms of reference. Indeed, Broadland District Council regrets to say that it considers the process undertaken by Norfolk County Council so far has fallen far short of the open, co-operative and collaborative approach that would reasonably have been expected by partner authorities and, more importantly, the residents that they represent.

To begin to rectify this situation, Broadland District Council urges Norfolk County Council to take the following actions:

- a. The proposed changes to the terms of reference of the Transport for Norwich Advisory Committee should be discussed and debated at a public meeting of that group, with the terms of reference being agreed by that committee;
- b. Norfolk County Council should make a formal and binding commitment that meetings of the Advisory Committee (or any successor) will be held in public. This will ensure that there is openness and transparency in the delivery of the Transport for Norwich programme.

and,



- c. Norfolk County Council should ensure that endorsement for any changes to the terms of reference (now or in the future) is sought through Norfolk County Council's Cabinet. Any endorsement should include a commitment in accordance with point b. This will ensure that this principle is not easily relinquished.

Whilst Broadland District Council is disappointed that the Advisory Committee does not have decision making powers, it recognises that Norfolk County Council has formally resolved that the proper operation of the committee is to advise decision made by the Cabinet member and that this resolution was made some time ago.

In this context, the Council does not seek to challenge this position. However, to ensure the ongoing strength and success of partnership arrangements it is imperative that the County Council reconsiders its position, takes action in line with point a-c and demonstrates its good faith in taking into account the views of district partners in all future Cabinet member decisions related to the operation of the group.

Thank you for your consideration of these concerns.

Yours sincerely,

Phil Courtier
Director of Place
Broadland District Council

Text of e-mail sent by Graham Nelson, Executive Director for Development and City Services, on 11 August 2023 relating to proposed changes to governance arrangements for Transport for Norwich.

Dear Jeremy

Thank you for developing these terms of reference following our meeting last month at which we explored possible ways of overcoming the existing deficiencies of Transport for Norwich political governance. Our comments are as follows and are informed by conversations with Cllr Stonard.

We identified a need for a forum where senior politicians from the Cabinets of the four councils that comprise Transport for Norwich could meet in private with officers to be briefed and discuss controversial transport initiatives without the temptation for political grandstanding that is inherent in a public meeting. This could help to develop mutual understanding and test the political acceptability of initiatives before they are taken through a formal decision-making process. It was suggested by yourselves that this might emulate the arrangements in Great Yarmouth and Kings Lynn.

In devising any new arrangements we need to acknowledge that Norwich has for many years enjoyed a broader political involvement in transport decision-making and exposure of those decisions to the public than Great Yarmouth and Kings Lynn. The replacement of NHAC by the TCF Joint Committee and then by the TfN Joint Advisory Committee has diminished this. We would like to see the Joint Committee given voting powers but understand that County do not want to do this.

If a Steering Group was established and the TfN Joint Advisory Committee was abolished this would remove the existing public forum for decision-making. It would deprive councillors representing opposition parties at County from an opportunity to contribute to the decision making process, with a risk that this could alienate them, generate more criticism and lead to more regular call ins. It would also lessen the public scrutiny of our own member input into the process. Politically it will be very difficult for us to support moving the decision-making process behind closed doors through the substitution of a private steering group for more public arrangements.

The loss of a public forum would be felt particularly strongly in relation to the following items listed as two of the objectives and remit of the Steering Group:

- Provide feedback, support and guidance to the representative authorities on substantive projects of joint interest relating to highways and transport matters, including public transport, walking, wheeling and cycling, roll-out of electric vehicle charging provision, on and off-street parking, traffic management and major transportation projects
- Monitor and receive updates on programmes and projects, including the outcome of public consultation and stakeholder engagement and likely delivery timescales

If the Joint Committee is retained as a public forum for decision-making the Steering Group could be treated as a less formal and administratively onerous entity than the ToR imply and focus on building trust, awareness and understanding amongst senior politicians without the need for extensive report writing.

The Steering Group would be most effective when focussing on policy formulation with informal discussion between elected members about where we may go next on big topics

such as regulatory and fiscal measures and future funding bids. There are good grounds to meet in a private forum to shape future bids and policy initiatives that will become public in due course and may be commercially sensitive or competitive. It could also be valuable to discuss engineering projects that raise important matters of principle, such as the extensive removal of on street car parking to allow the reallocation of road space to sustainable modes or significant traffic restriction measures in the city centre.

The information under the Membership heading within the ToR seems sound.

It would be good for consistency and administrative simplicity if the County Council were to organise, host and minute meetings, given that you are the highway and transport authority and would be providing most of the briefing material. We tend to the view that a rotating chair could actually create confusion and inconsistency here and would be content with County Council chairing discussions. Two month intervals between meetings would work and could perhaps follow the TfN Board meetings at which the agenda for the Steering Group could be agreed.

I look forward to discussing this with you further once you have received feedback from Broadland and South Norfolk.

Thanks,

Graham

**Text of an email from Cllr Judith Lubbock sent 20 September 2023 to
Committee Officer Jonathan Hall**

Dear Jonathan

I hope my brief individual thoughts on the 'call in' will contribute in some way to the County Council Scrutiny Committee on 25th September.

I am a Liberal Democrat city councillor and have been for 27 years and know well the previous arrangements for taking decisions on transport issues affecting Norwich.

I feel that the delegated Norwich Joint Highways Committee worked most effectively when all parties co-operated with one another, When members felt included and voices of the public were heard when they came and spoke directly to those making the decisions. Since that time it seems that not only the public but members are being kept further and further away from the decision making process which is very, very undemocratic.

I was horrified to read that the new arrangements for the steering committee include not holding the meetings in public. Why is this thought to be beneficial? What is the reasoning behind the decision? This is public money being spent and the public should have scrutiny by witnessing the decision making process.

Essentially I support the call in and would like to ask why it was necessary to change the current arrangements for the Transport for Norwich Advisory Committee? Why it was necessary to do so without involving the current members of the advisory committee in that decision?

Why it is necessary to hold the new 'steering group' in private away from public scrutiny? I am passionate about transport in Norwich – the move to alternatives to the car, improvements to bus services and facilities and the slowing down of motor vehicles to Keep everyone safer, healthier and improve the environment.

Why should I not know what is going on, how decisions are taken and how public money is spent?

I hope these brief thoughts the night before the deadline are taken into account.

With thanks Cllr. Judith Lubbock City Councillor for Eaton