

Scrutiny Committee

Date: **Thursday 25 January 2024**

Time: **10 am**

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

Supplementary Agenda

2. Minutes

To confirm the minutes of the meetings held on:

- **13 December 2023**
- **20 December 2023**

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Date Supplementary Agenda published: 22 January 2024



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Norfolk County Council

Scrutiny Committee

**Minutes of the Meeting Held on 13 December 2023
at 10am at County Hall Norwich**

Present:

Cllr Steve Morphew (Chair)
Cllr Daniel Elmer (Vice-Chair)
Cllr Carl Annison
Cllr Lesley Bambridge
Cllr Phillip Duigan
Cllr John Fisher
Cllr Keith Kiddie
Cllr Mark Kiddle-Morris
Cllr Brian Long
Cllr Jamie Osborn
Cllr Brian Watkins

Substitute Members Present:

Cllr Robert Savage for Cllr Tom FitzPatrick

Also Present:

Geoff Connell	Director of Digital Services
Paul Cracknell	Executive Director of Strategy and Transformation
Lauren Downes	Head of Youth Justice and Targeting Youth Support
Kat Hulatt	Director of Legal Services and Monitoring Officer
Cllr Jane James	Cabinet Member for Corporate Services and Innovation
Peter Randall	Democratic Support and Scrutiny Manager
Laine Tisdall	Committee Officer
Cllr Karen Vincent	Deputy Cabinet Member for Children's Services
Phil Watson	Director of Family Help and High Needs

1 Apologies for Absence

1.1 Apologies were received from Cllr Tom FitzPatrick (Cllr Robert Savage substituting), Cllr Ed Maxfield and Paul Dunning.

2 Minutes

2.1 The minutes of the previous meeting held on 22 November 2023 were confirmed as an accurate record and signed by the Chair.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Public Question Time

4.1 No public questions were received.

5. Local Member Issues/Questions

5.1 No local member questions were received.

6 Call In

6.1 The Committee noted that the deadline for call-in was 4pm on Monday 11 December. One was received, which would be heard at 10am on Wednesday 20 December.

7. Digital Connectivity

7.1 The Committee received the annexed report (7).

7.2 The Cabinet Member for Corporate Services and Innovation introduced the report, which gave an overview of the Council's ambitions and objectives to make Norfolk the best-connected rural county in the UK.

7.3 The Cabinet Member commented that the Council faced huge challenges to achieve these ambitions. There were rural areas in Norfolk which suffered from poor broadband networks and mobile coverage "notspots." The 3G mobile network was due to be switched off within the next few years. In addition, the impending withdrawal of the Public Switched Telephone Network (PSTN) in December 2025 would bring further challenges to be worked through. The Cabinet Member stressed that the Council needed to do more for its residents and to ensure rural communities were not disproportionately affected by these upcoming changes.

7.4 Officers acknowledged that due to the rural and sparsely populated nature of Norfolk, it was difficult to build a business case towards investment in digital connectivity. However, there had been significant success stories, such as the Better Broadband for Norfolk campaign, which had seen superfast broadband coverage increase from 42% to 97%, bringing the county almost in line with the national average. Gigabit broadband availability was now over 50%, with £114m in funding secured from the government's Building Digital UK program to continue installation of this network. Connecting the remaining small percentage of properties with superfast broadband would require innovative solutions. Local Enterprise Partnership (LEP) funding had been secured towards the usage of low earth orbit satellites to help provide rural village halls with digital connectivity. Other wireless technologies would also be utilised where necessary.

7.5 Officers stated that mobile notspots were being tackled across the county. Refuse vehicles were being fitted with mapping technology enabling them to identify properties affected by notspots every two weeks. Such areas were then shared with mobile suppliers to raise

awareness of the issue. Officers remarked that OFCOM was not considered to be an effective regulator in Norfolk, due to their data often providing a more positive picture when compared to the data collected by the Council.

- 7.6 Officers acknowledged that the PSTN switch off would be challenging. This was an industry-led initiative and the onus was on local authorities to raise awareness of the withdrawal and intervene to fund changes to equipment where necessary. The copper-based telephone network was resilient and was able to function for emergency calls during power outages due to it having its own power backup. The digital replacement would increase the risk level as it did not have such a backup. The cost of the new digital equipment was estimated to be around two and a half times more expensive than the existing analogue system. There was a pressing need for the Council to lead by example and co-ordinate awareness of the risks to its residents. The PSTN switch-off was scheduled for the 31 December 2025, however in some areas the copper-based infrastructure was already being removed. In addition, the 3G mobile network switch off would also expose elderly and vulnerable residents to increased levels of risk, as their devices may not work after the switch off. Digital inclusion awareness was therefore a priority for the Council.
- 7.7 Officers gave a brief overview of the LoRaWAN based Norfolk Innovation Network. This was a low-power radio network available to residents in both Norfolk and Suffolk, which was free to use for both residents and businesses. The team would continue to do everything in their power to make digital connectivity available and cost-effective to residents in the county.
- 7.8 The following points were discussed and noted.
- A Committee Member requested clarification about digital inclusion work regarding older people receiving the service they required and if it also covered poverty and accessibility issues. The Committee Member explained there were constituents in his division who had an internet connection but for various reasons only had access to older devices. An officer stated that people could go between included and excluded due to personal circumstances. The cost of living crisis was affecting the affordability of up-to-date equipment and training. There was a digital inclusion programme being developed, part funded by the Council alongside significant outside investment, which sought to address such issues by utilising the network of libraries in Norfolk. A pilot scheme was in operation in West Norfolk, which involved suitably trained people working in the community to advise such groups how they could get connected. The officer explained the Council had linked up with the Good Things Foundations and local charities to spread the benefits of digital technology. 1,000 to 1,500 laptops from the Council were refurbished each year and given to residents in Norfolk as part of the scheme, with advice and support readily available. The West Norfolk scheme had a target to help 1,000 people per year, however the latest figures stated that approximately 2,500 people had already received assistance. It was planned to promote the business case of the scheme at any appropriate forum in the future to hopefully expand it to more residents.

- A Committee Member asked what the scale of digital exclusion was in Norfolk, as it was imperative not only to ensure excluded groups had an internet connection but also had the knowledge to operate devices. The Committee Member queried as to how far the inclusion programme would break down such barriers. The Cabinet Member for Corporate Services and Innovation stated the pilot scheme in West Norfolk had a number of charities working alongside the Council to break down barriers to inclusion. One broadband provider had recently announced a social tariff for all broadband customers in the UK, which would improve accessibility. Broadband contracts often lasted for a period of 18 months, which did not consider changes of circumstances. The Cabinet Member stated providers were starting to show a degree of flexibility in this region. The Council's position was to hold broadband providers accountable and continue to request further assistance for residents in Norfolk. The Chair commented it would be interesting to see the business case for the pilot scheme, to identify gaps in the market and the impact of Council intervention.
- The Vice-Chair asked what the upper level of ambitions for digital connectivity was and the realistic length the Council could go to achieve targets, given technical barriers identified by officers. The report provided figures regarding the percentage of properties in Norfolk with access to either gigabit capable broadband or ultrafast broadband. Officers explained the Council aspired to ensure 100% of properties in Norfolk had access to good levels of digital connectivity. The Better Broadband for Norfolk programme had achieved a target to equip 97% of properties in the county with broadband speeds of 24 megabits per second. There was now a new target to upgrade this speed to 30Mbps. Provision of ultrafast broadband and gigabit broadband was to ensure futureproofing for businesses and residents with larger requirement levels. Officers stated it was realistic to achieve up to 98% of the target through physical connectivity using fibre cables. The remaining percentage would require the use of low earth satellites and other wireless solutions, which involved initial set-up costs and running costs of approximately £75 per month. The cost of low earth satellites was trending downwards, which would make it viable for rural communities to benefit from superfast broadband. The government had set a gigabit broadband target of 80% coverage by the late 2020s, which officers believed was realistic. £114m in funding had been secured from the government's Building Digital UK program to work towards this target. The Council had recently won awards for its work to connect rural communities with superfast broadband. Officers stated future funding could be available to increase provision and reach targets.
- The Vice-Chair asked what barriers to digital access were present in small market towns within Norfolk, explaining there was an opportunity to attract high skilled workers from London and the South East to relocate into Norfolk, given good transport links, cheap living costs and the county being a desirable place to live. Officers stated that North and West Norfolk provided the biggest challenges given the rural nature of these districts. The market towns were considered to be in decent shape with regard to digital connectivity, with incoming commercial investment from network providers. This would provide a balance of working from home and office working in Norfolk, which would have a desirable effect on productivity in the county.

Officers commented that improvements to digital access would fit in with the objective to reach Net Zero by 2030.

- The Vice-Chair asked if any future sources of funding had been identified once the current ones were exhausted. Officers stated £114m of funding was currently in place, which was believed to be secure for the next five years. Further funding was required for North Norfolk and West Norfolk and any new external funding sources would be pursued. The third phase of Better Broadband for Norfolk was fully funded through commercial arrangements.
- The Vice-Chair requested clarification regarding low-earth satellites. Officers confirmed there were two such systems which could be utilised, firstly Starlink from American company SpaceX, which was being trialled in village halls at present. Alternatively the government had invested into OneWeb, which had higher start-up costs but provided higher bandwidth levels. Plans were in place to experiment with both technologies in Norfolk.
- A Committee Member requested clarification regarding the PSTN switch off in December 2025, as it was unclear how it would affect elderly residents and non-English speakers. The Committee Member asked officers if there was a report on the West Norfolk pilot scheme and which charities were involved. Officers stated a formal report on the pilot had yet to be commissioned as the scheme was still in its infancy. The Norfolk library network was responsible for providing the service, with team members attending a variety of events across the county to publicise it, including some advertising on local radio stations. Officers acknowledged the withdrawal of the traditional copper-based telephone network would pose issues to vulnerable groups, particularly those who relied on technology enabled care in their homes. There were increasingly accessible information sources available to people regarding the switch off, with the team looking at tie-ups with local magazines and promotions to continue this progression. The onus was to reduce the threat of scams and cyber threats aimed at vulnerable groups. There was an increasing need to intervene in the market to ensure network providers were doing everything in their power to communicate effectively with their customers, while identifying those at risk and those living in areas with poor mobile coverage.
- A Committee Member praised the broadband coverage targets in the report, remarking that in 2010 the target was for 5mbps countywide. The Committee Member expressed concern regarding mobile phone coverage in Norfolk, as it appeared many initiatives to improve coverage were being paused by OFCOM. Officers agreed that OFCOM needed to do more as a regulator to monitor mobile network providers, as they were using figures provided by these companies in their reports rather than real coverage data gathered by districts. If OFCOM were to use data from districts in their modelling, this would provide a more accurate picture of mobile phone coverage. The Committee Member stated that poor mobile coverage was affecting the tourism industry in Norfolk, as holidaymakers were unable to use their mobiles in many holiday camps. It was suggested that the Committee write a letter to OFCOM and the relevant government industry regarding the shortcoming of the regulator. The Chair asked the Cabinet Member for Corporate Services and Innovation to investigate this and potentially draft a letter.

- Committee Members expressed concern regarding contractors engaged in the fibre roll out installing cables on certain roads in rural villages but not others, which appeared to be done on a purely commercial basis. This meant the broadband coverage in rural areas in Norfolk was still patchy. Concern was also expressed regarding the phase out of copper phone lines in Norfolk and the potential effect this would have on elderly residents. Further input was required from phone network providers to ensure the switchover to digital was smoothly implemented, with information readily available for residents. The Chair agreed with this assessment and asked officers if there was an action plan to raise awareness for elderly and vulnerable groups, helping them fix issues that might arise, especially if they were living in areas with poor mobile signal. Officers stated that network providers were beginning to contact residents to advise them of the changeover. It was planned to consult with providers to share data relating to vulnerable residents to target intervention effectively, and to ensure that appropriate mobile coverage is in place before the switchover occurs. Equipment was also being supplied to vulnerable residents which was compatible with both analogue and digital systems, with guidance being developed. Battery backups were a consideration to ensure equipment remained available for use in times of emergency. The Chair asked if there was a Council policy to ensure tech services provided battery backups for vulnerable people. Officers stated a formal policy had not been developed as this was not an issue previously as the analogue telephone system traditionally provided this power, however it would be required in the future. It was planned to liaise with the assistive technology team to take this forward.
- A Committee Member stated he was very satisfied regarding the broadband rollout in rural areas of Norfolk but expressed concern about the installation of masts in conservation areas, explaining that planning permission was refused for one such mast in his division around a decade ago which meant that the mobile phone signal was non-existent. The Committee Member queried as to whether pressure could be applied to companies and contractors to rectify the situation. The Cabinet Member for Corporate Services and Innovation explained mast installation came under the remit of the planning authorities.
- Committee Members agreed with concerns being raised regarding the analogue switch off, stating that elderly and vulnerable people had to receive as much support as possible during the transition. Clarification was requested regarding the differences between gigabit broadband and superfast broadband. Officers stated that gigabit broadband involved fibre cables being installed directly into a premises as opposed to being fed into a cabinet with copper tipped cables at the end. The copper connection was the part of the installation which slowed down internet speeds. Gigabit broadband was much faster and would enable a degree of futureproofing, which would be beneficial for businesses.
- A Committee Member queried as to why the Gigabit Broadband voucher scheme had been closed off in Norfolk and whether there was any opportunity to reopen it for rural areas. Officers stated the voucher system enabled small businesses and resident groups to make an application to network providers in order to build a business case for gigabit broadband installation in rural villages which may not have

been commercially viable in the past. The scheme was currently on hold while analysis into commercial investment was taking place. Officers hoped the scheme would reopen within the next three to six months. The Council would continue to lobby the government and agencies regarding this. There was a possibility the voucher scheme could be topped up with contributions from the Council in the future to push commercially unviable schemes into viability.

- A Committee Member stated he was a beneficiary of Better Broadband for Norfolk and lived close to a 4G mast. The broadband and mobile signal were run off separate power supplies. However, a village in his division suffered a severe power outage on the 20 October 2023 due to flooding. In this village, the mobile coverage was run off the same power supply as everything else, which meant nobody was able to use mobile phones to contact emergency services. The Committee Member queried as to whether mobile phone masts should be fitted with backup generators in case of emergency, as many residents in Norfolk no longer had landlines. Officers clarified that some masts were fitted with backup generators, while others had backup batteries. This was due to commercial decisions taken at the point of investment, which may require OFCOM being lobbied in the future to provide better backup solutions in case of emergency.

7.9 The Scrutiny Committee **RESOLVED** to **AGREE** that Norfolk County Council should:

1. Continue work to increase the high speed broadband coverage through the Better Broadband for Norfolk Programme and Project Gigabit.
2. Support commercial investment in improving coverage by working with all network providers active across the County & lobbying.
3. Continue to innovate, conduct trials, and seek additional funding to connect extremely hard to reach properties.
4. Continue to stimulate business growth and innovation through the free to use LoRaWAN based Norfolk Innovation Network.
5. Lobby Mobile Network Operators to increase investment in the County and address “not-spots” using all appropriate means at the Council’s disposal. In addition, the Council would lobby relevant industry providers to ensure maximum support was given to Norfolk residents impacted by PSTN and 3G withdrawal.
6. Continue raising awareness of residents about the impact of the withdrawal of PSTN and 3G infrastructure, including targeted provision of advice and guidance for those that need it.
7. Continue Digital Inclusion activities to help residents benefit from digital connectivity and seek additional funding / capacity to do more.

8. Norfolk Youth Justice Plan

8.1 The Scrutiny Committee received the annexed report (8).

8.2 Officers introduced the report, which provided members with a copy of the revised Norfolk

Youth Justice Plan and associated Cabinet papers. The plan formed part of the Norfolk County Council Policy Framework, which required a scrutiny process to take place in accordance with part 11B of the Council's constitution. This was an annual statutory duty for local authorities.

8.3 Officers confirmed that 2024 was a critical year for the Youth Justice Service, as an inspection from the government was almost certain to take place before the end of the current financial year. Norfolk was the last district in the Eastern Region to require a full inspection. In addition, a multi-agency Joint Targeted Area Inspection into Serious Youth Violence and partner response to it was expected early in 2024. There was a lot at stake in the coming months, and although a partnership service, the Council's reputation would be tested and the team were avoiding complacency by preparing thoroughly. The plan demonstrated the Service's strategic priorities and focus and was overseen by the local Youth Justice Board.

8.4 Officers stated the priorities for the Youth Justice Service in 2024 included reducing reoffending rates and a review of data processing.

8.3 The following points were discussed and noted:

- A Committee Member commented that the main underlying factor beneath youth offending and reoffending was mental health problems and acknowledged that tackling this was complex. Community hubs had been developed in the Great Yarmouth and King's Lynn areas and the Committee Member asked if funding was available for these hubs to be rolled out countywide as they provided a vital service for young people regarding matters of advice and opportunity. Officers acknowledged that mental health concerns had to be taken seriously and that the current offer from the partnership had to be improved. Frequent conversations were taking place with partners as to how youth services could be improved, with a senior level health and social care workshop planned for later in the week. There was a need to explore different ways of engaging young people, moving away from a medicalised, clinical approach. Bespoke approaches to respond to each person's unique needs had to be considered. The Council was engaging with health partners to see how the system could cater for this. Officers agreed that community hubs played a vital role in offering services to vulnerable young people, with plans being developed to expand access across the county. A team of detached youth workers were employed in the hubs to engage and help young people. It was hoped that this team could be expanded using funding from the government's Serious Violence Duty programme. The Committee Member remarked that in addition to the community hubs, the network of libraries in Norfolk also provided an important frontline service. There were five mobile libraries covering rural areas, helping to reach out to rural youth and young people who had inadequate access to digital services. The Committee Member expressed hopes that this service would continue.
- A Committee Member stated the plan had commendable aims to keep young people out of the justice system. There was a pressing issue across Norfolk regarding

underage activities such as alcohol abuse, smoking, drugs, and illegal vaping, all of which made it easy for young people to be driven to criminal activities. The Committee Member asked officers if they had the tools in place to achieve the aim and if the Trading Standards and Licencing teams were involved, as they would be critical in achieving these targets set out in the plan. Officers stated that the service took a child first, offender second approach, which was a nationally recognised underpinning principle for youth justice services, which aimed to avoid the “adultification” of children. The Youth Justice Service had a statutory duty regarding public protection, which influenced all areas of the system. The plan for 2024 was to investigate a Victim’s Focus, using guidance from the government. With regarding to Licencing, officers clarified that the Youth Justice Service had membership of the Community Safety Partnership, where these issues were raised and discussed.

- A Committee Member stated he was pleased to see important insight from young people included in the plan, as prior experience garnered from Children’s Services proved that young people wanted to engage with the service. The Committee Member mentioned the report suggesting the police had an issue providing data and asked officers if the police service were involved with Youth Justice as much as they should be, asking if the Committee could do anything to spur them into action. Officers stated there were good relationships with the police across Norfolk, with them being on board with the decriminalisation of looked-after children. Data gaps in the report were now being filled.
- A Committee Member referred to the recent issues surrounding the Norfolk and Suffolk NHS Foundation Trust (NSFT) and asked officers if the situation was such that due to the underperformance of the trust, should it be disbanded and replaced with a new provider who would work closely with the service. Officers acknowledged that NSFT was navigating a set of unique and challenging circumstances; however a new Chief Executive had been recently appointed. The future of mental health provision in Norfolk was potentially optimistic, as there were collaborative conversations as to better ways to deliver support, but the service would continue to work alongside NSFT as partners for the foreseeable future.
- The Vice-Chair expressed concern that the delivery of substance misuse treatment in Norfolk had halved according to the report, but that there did not appear to be analysis as to why this was the case. Officers confirmed a new Operations Manager was now in place overseeing the partnerships side of the Youth Justice Service, with their remit covering substance misuse services. The data in the report related to referrals to in-house substance misuse services, as many team members delivered such interventions themselves as case managers.
- A Committee Member stated it appeared reoffending was trending downwards over time, but that the knock-on effects of COVID were still being felt. A significant number of children had disappeared from the school system in big cities, but it was unknown whether Norfolk was similarly affected. The Committee Member remarked that such children could end up being referred to Youth Justice in the future and asked officers whether any analysis was being undertaken in this area, or whether resources were being earmarked for a future increase in children outside the education system. Officers confirmed there was a dedicated team of education, training and employment

officers who liaised closely with schools and inclusion teams within Children's Services. National and local data illustrated that school attendance was a key factor in relation to risk of harm and entry into youth justice systems. One of the plans in 2023 and further development 2024 was to look at the integration of learning, inclusion, and educational services into other children's services multi-disciplinary teams, while investigating the role and potential expansion of the Virtual School to children not in school.

- A Committee Member remarked that it could be worthwhile to invite the Police and Crime Commissioner when the Youth Justice Plan was due to be revisited next year, as their team often had to make several decisions relating to criminal behaviour and exploitation of children. The Committee Member asked officers what evidence-based approach was taken for commissioning decisions. Officers stated that there were a number of evidence-based decisions taken around extrafamilial harm, forming trusted relationships with professionals and early interventions. The service would continue to work with the Office of the Police and Crime Commissioner to feed back findings and see what could be expanded. The Committee Member asked what had worked well and how the findings were fed back into the current programmes. Officers said research had been conducted before the introduction of the targeted youth support service, which was based upon evidence from youth work and trusted relationships with partners. It was planned to spread the lessons learned from youth work across the system during 2024, to create positive relationships with young people. The Committee Member queried as to whether there was a timescale for measuring the success of such interventions if it still helped individuals ten to fifteen years down the line. Officers confirmed the timescale for success was over a six to twelve month time where the person would be using targeted support services. From the data available regarding referral rates, most individuals were not being returned to the system for further support. Reoffending data was being scrutinised to see the effectiveness of the interventions.
- A Committee Member queried as to what bespoke education would entail and expressed concern about the use of virtual classrooms as young people could refuse to attend these. Officers stated the previous provision for children in the service was 25 hours of education per week, which was recognised nationally as setting children up to fail. The new focus was to provide a bespoke package for each person based on their needs and circumstances, such as one-to-one tutors. The Committee Member commented that she was involved with the Open Road charity in King's Lynn, which offered training based around construction work and motor vehicles, and asked officers if this sort of service was offered to young people in the system. Officers confirmed that the team would continue to look at offers of employment for those over the age of sixteen. Further work was required to create such opportunities, particularly for individuals who had not gained qualifications in Maths and English. This would involve liaising with colleagues and educational facilities to help individuals move forward with their lives.
- Committee Members queried the data relating to reoffenders in the report, as to whether how many times one individual would reoffend. Officers stated the data was binary and examined on a case-by-case basis. There was a successful diversion

initiative which aimed to steer young people away from a first entry into the youth justice system. However, there was a small cohort where offending was entrenched behaviour, which was challenging to manage. There were often complex circumstances exacerbated by the COVID-19 pandemic.

- A Committee Member mentioned there was an overrepresentation of girls in the diversion scheme and requested clarification on this data point. Officers stated that girls in the diversion scheme tended to have lower level offenses, which was why they would be referred to the programme rather than court. A significant amount of analysis was taking place alongside partners and organisations to understand the data and address reasons why girls were offending.

8.4 Having considered the proposed annual revision to the Norfolk Youth Justice Plan, the Scrutiny Committee **RESOLVED** to agree the following:

1. To **ASK** officers to produce a report to the Leader and Cabinet Member on behalf of the committee in accordance with section 11B of the Norfolk County Council Constitution (Budget and Policy Framework Procedure Rules), reflecting the feedback that had been provided.

9. Quarterly Update on Performance Review Panels

9.1 The Scrutiny Committee received the annexed report (9).

9.2 The Deputy Cabinet Member for Children's Services introduced the report from the Children's Services Performance Review Panel. The panel had met four times since the previous update to the Committee, considering the 17 Vital Signs performance indicators and taking deep dives into subjects of interest such as elective home education, Key Stage 2 (KS2) outcomes, and data relating to exclusions and alternative provision. The 2024 work plan was being populated with further areas to review.

9.3 The following points were discussed and noted:

- A Committee Member queried the data related to KS2 outcomes and asked what the Council could do to compel schools and academies to improve their results. Concern was expressed that Norfolk was ranked 147 out of 151 districts. The Deputy Cabinet Member shared the concerns regarding KS2 results. Children's Services were collaborating with schools, but any such partnerships had to consider the size of each school and their circumstances. A further deep dive into this subject was planned for the March 2024 meeting of the Performance Review Panel.
- The Vice-Chair queried the exclusion data from Norfolk schools and asked whether consideration had been given to naming and shaming academies who used exclusion as a tool to improve their own results. The numbers of exclusions in Norfolk were significantly above the national average. The Deputy Cabinet Member advised that naming and shaming had not been considered; rather the panel had examined the drivers towards exclusions and the possible interventions.

- A Committee Member stated the era of the Council providing educational advisors to schools appeared to be a thing of the past and asked what form of support could be made available to schools. There was a growing problem with leadership and governance in the education sector, particularly with smaller rural schools. The Deputy Cabinet Member explained Children's Services were looking at pathways to provide support to schools depending on circumstances, such as issues relating to disruptive behaviour or exclusions. Further work in this area was planned for 2024, with a dedicated team of people working alongside schools.
- A Committee Member explained he was also a member of the Performance Review Panel and praised the deep dive format into subjects. It was suggested that, as the performance review panels were closed sessions between Members and officers, the scrutiny aspect of Children's Services should be picked up by select committees which would allow it to be brought to a wider public audience. The Deputy Cabinet Member agreed Members would benefit from the analysis from deep dives. The Chair agreed that a review into the performance review panels was required and could form part of a change to the governance of the Council.
- The Chair thanked the Deputy Cabinet Member and the Committee Member for all their work on the Performance Review Panel.

9.4 The Scrutiny Committee **RESOLVED** the following:

1. To **NOTE** the progress and activity from the two Performance Review Panels,
2. To **RECOMMEND** that a review of Performance Review Panels be undertaken as part of the review of governance linked to the Directly Elected Leader model.
3. To **NOTE** the forward work programmes.

10. **Update from the Chair of the Norfolk Countywide Community Safety Partnership Scrutiny Sub-Panel**

10.1 The Scrutiny Committee received the annexed report (10.)

10.2 Cllr Mark Kiddle-Morris in his capacity as Chair of the Norfolk Countywide Community Safety Partnership Scrutiny Sub-Panel (NCCSPSSP) introduced the report to the Committee. Since the last update to the Committee, the meeting scheduled for the 28 September 2023 was cancelled due to low attendance concerns and the meeting on the 7 December 2023 was declared inquorate. Therefore, the forward work plan would be considered at the February 2024 NCCSPSSP meeting.

10.3 Due to recent changes relating to political proportionality at Norfolk County Council, a Liberal Democrat Member was to be appointed to the third Council place on the sub-panel. It was agreed the appointment would be made at the January 2024 meeting of the Scrutiny Committee.

10.4 There had been meetings conducted recently between Chairs and officers regarding the possibility of holding meetings of the NCCSPSSP and Norfolk Police and Crime Panel side-

by-side with relatively similar Council memberships. The Police and Crime Panel's proportionality formula was different to that used by the sub-panel. The Chair of NCCSPSSP stated officers may need to consider a change to the Council's constitution.

10.5 The following points were discussed and noted:

- A Committee Member stated he was also a member of the Police and Crime Panel and could see the logic of the changes being proposed, while expressing disappointment at recent meetings of the NCCSPSSP not taking place due to attendance issues.

10.4 Having considered the progress being made by the Scrutiny Sub Panel, the Scrutiny Committee **RESOLVED** the following:

1. To **AGREE** that a Liberal Democrat Member should be appointed to the third County Council place on the Scrutiny Sub Panel for the rest of the civic year.
2. To **AGREE** the proposed changes to the future arrangements for scrutiny of the Norfolk Countywide Community Safety Partnership and **RECOMMEND TO COUNCIL** the suggested amendments to the Terms of Reference set out in the report, for implementation in May 2024.

11. Scrutiny Committee Forward Work Programme

11.1. The Scrutiny Committee received the report which set out the current forward work plan for the Committee.

11.2 The Scrutiny Committee **RESOLVED** to **NOTE** the current forward work programme.

The meeting concluded at 12:31

**Cllr Steve Morphew, Chair
Scrutiny Committee**



Scrutiny Committee

Minutes of the Meeting Held on 20 December 2023
at 10am at County Hall Norwich

Present:

Cllr Steve Morphew (Chair)
Cllr Daniel Elmer (Vice-Chair)
Cllr Carl Annison
Cllr Lesley Bambridge
Cllr Phillip Duigan
Cllr John Fisher
Cllr Tom FitzPatrick
Cllr Keith Kiddie
Cllr Mark Kiddle-Morris
Cllr Brian Long
Cllr Jamie Osborn
Cllr Brian Watkins

Also Present:

David Allfrey	Interim Director for Highways, Infrastructure and Waste
Harvey Bullen	Director of Strategic Finance
Grahame Bygrave	Interim Executive Director for Community and Environmental Services
Paul Cracknell	Executive Director for Strategy and Transformation
Kat Hulatt	Director of Legal Services and Monitoring Officer
Mark Kemp	Interim Assistant Director – Infrastructure Delivery
Cllr Kay Mason Billig	Leader of the Council
Cllr Paul Neale	Local Member for Nelson
Cllr Greg Peck	Deputy Cabinet Member for Finance
Cllr Graham Plant	Cabinet Member for Highways, Infrastructure and Transport
Peter Randall	Democratic Support and Scrutiny Manager
Cllr Catherine Rowett	Local Member for West Depwade
Laine Tisdall	Committee Officer

1. Apologies for Absence

1.1 Apologies were received from Helen Bates. Cllr Ed Maxfield was also absent.

2. Declarations of Interest

2.1 Cllr Brian Long declared an interest, as he was the Chair of the Planning (Regulatory) Committee.

2.2 Cllr Lesley Bambridge declared an interest, as she was a named substitute for the Planning (Regulatory Committee)

- 2.3 Cllr Mark Kiddle-Morris declared an interest, as he was a member of the Planning (Regulatory) Committee.
- 2.4 Cllr Paul Neale declared an interest, as he was a member of the Planning (Regulatory) Committee.
- 2.5 The Monitoring Officer commented that advice regarding bias and predetermination had been circulated to all members of the Scrutiny Committee prior to the meeting, due to potential conflicts of interest as several Committee Members were also members of the Planning (Regulatory) Committee.

3. Public Question Time

- 3.1 No public questions were received.

4. Local Member Issues/Questions

- 4.1 No local member questions were received.

5. Call In: Norwich Western Link Update

- 5.1 The Committee received the annexed report (5), setting out reasons for the call-in of the Norwich Western Link Update and the original delegated decision.
- 5.1.1 The Chair explained the way in which he would manage 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.
- 5.1.2 The Chair welcomed Cllr Jamie Osborn in his capacity as Local Member for Mancroft, Cllr Paul Neale and Cllr Catherine Rowett and asked them to outline their reasons for the call-in to Committee.
- 5.2 The Councillors who had called in the item asked the Committee to consider their concerns, which centred around financial and environmental risks that the Norwich Western Link (NWL) posed to the Council.
- Cllr Osborn stated the decision undermined several Council objectives, relating to the need to maintain a prudent budget for the delivery of essential services in Norfolk and the reduction of transport emissions to meet Net Zero targets. The NWL project ran contrary to the commitment made by the Council in 2019 to protect and enhance Norfolk's natural environment, as laid out in the Environmental Policy.
 - Cllr Osborn commented that there had only been a limited consideration of the risks surrounding the project. The Cabinet decision was unclear about the results achieved by proceeding with the NWL. Further assurances relating to

environmental, financial, and legal aspects of the NWL were necessary before the project could continue.

- Cllr Osborn stated that since the publication of the outline business case in 2019, costs had increased by 80% over the previous four years due to inflation. There was a risk that the Council would be declared bankrupt due to the depletion of its reserves. Further cuts to essential Council services would occur in such a scenario to balance the budget.
- Cllr Osborn mentioned that the project faced serious risks such as a legal challenge, rejection of the planning application or further unaffordable cost increases. If the project was cancelled, there was a possibility any funding already received from the Department for Transport (DfT) would have to be repaid in full.
- Cllr Osborn expressed concern that the risk register was not fit for purpose. Outside risks to the project had not been fully considered. The report contained 82 individual risks which may contribute to cost increases, some of which had already occurred such as changes to the engineering design and the actual route of the road. Due to the current level of inflation, risks would continue to rise considerably. There had already been a £120m increase in the cost of the project since 2019, and the report was unclear as to where the Council would find the money to shoulder further cost increases.
- Cllr Rowett stated that the Council had a laudable aim to achieve Net Zero from 2030 onwards, but the NWL would undermine this target. The construction process would emit extra tons of carbon which would need to be offset on top of the current carbon target.
- Cllr Rowett remarked that the NWL would encourage more car journeys and commuter housing in rural areas with inadequate public transport. It would cause local services to fail and close as people would travel into Norwich city centre instead.
- Cllr Rowett stated the calculations presented in the report assumed the adoption of electric vehicles would reduce carbon emissions but was unclear on whether lifetime carbon emissions were considered. Decarbonisation of the bus network in Norwich was a good step forwards but not as important as converting a current car journey into a bus journey. The NWL would encourage the opposite. Electric buses in Norwich could not mitigate the scheme as it was necessary to cut current carbon emissions and not simply offset additional emissions.
- Cllr Rowett commented that the NWL would average 5,475 extra tons of carbon over the 60 year appraisal period of the project. However, the figures hid a huge increase in carbon emissions during the construction stage and made assumptions based on the uptake of electric vehicles in later years. The increase in carbon ran contrary against targets set by the Council.
- Cllr Rowett remarked that the NWL would have a detrimental effect on wildlife within the area.

5.3 The Chair invited the Cabinet Member for Highways, Infrastructure and Transport to respond.

- The Cabinet Member stated the update report on the NWL was considered by Cabinet on the 4 December 2023 following approval of the outline business case by the DfT in October. The government had committed more than £200m of national funding towards delivery of the project, which could be seen as an endorsement of Norfolk as a whole.
- The Cabinet Member acknowledged the cost of the project had increased recently. Discussions were due to take place with the DfT in the next couple of weeks as the government had indicated they were open to increase funding to cover 100% of the costs in the outline business case. If this funding level was secured, the Council's local contribution would decrease from the figure reported to Cabinet in July 2022.
- The Cabinet Member stressed that if the NWL did not proceed, the funding would be reallocated to other projects in the country. The Chair made a point of order to clarify that the capital side of the project was being considered at a meeting of Full Council in January 2024.
- The Cabinet Member stated that traffic congestion to the west of Norwich was a pressing issue which affected residents and businesses. The NWL would provide a solution, benefiting the economy in Norfolk and making significant improvements to transport infrastructure. In this sense the project was a worthwhile investment to make.
- The Cabinet Member stressed that the Council was taking its environmental responsibilities seriously and its Local Transport Plan contained a Net Zero target. Guidance was awaited from the DfT to help inform decision making about reaching carbon reduction targets.
- The Cabinet Member confirmed he was satisfied the project team were taking specialised expert advice to produce high-quality documents towards the planning application. It was important to show how the Council's environmental proposals met the high standards required. All planning documentation was to be published in full once submitted and validated by the planning authority. The documents would be available to view publicly as part of the statutory consultation process.
- The Cabinet Member remarked that even with the budget increase, the NWL still represented a benefit to cost ratio of 1.5 to 2. For every £1 spent it was expected there would be benefits of between £1.50 and £2.
- The Cabinet Member stated risks to the project were managed via the risk register, which was regularly reported to the project board and member board. All risks were considered when the report was submitted to Cabinet. Any changes to the project would be reported to Cabinet and Full Council.

5.4 The Councillors calling-in the decision questioned the Cabinet Member and officers.

- Cllr Rowett asked if Natural England had been approached about issuing a bat derogation notice. An officer confirmed this had happened. An extended period of consultation with Natural England was taking place and a draft bat licence was

submitted earlier in 2023. Further dialogue was expected towards the submission of another draft bat licence application. The formal licence application would be submitted once the planning process was complete. Cllr Rowett asked for clarification as to what advice was given by Natural England and whether documentation could be shared publicly. The officer stated that as discussions were still ongoing on an informal basis that it would be inappropriate to share information publicly at this stage. Natural England would not give any reassurances until the planning process was complete.

- Cllr Neale stated the costs of the project had increased by 80% since the strategic business case was agreed by the Council in 2019, along with a 50% increase since the outline business case was agreed. There had been a £90m increase over the past two years. Cllr Neale asked officers for guarantees that costs would not rise significantly between the present day and 2029, given that surveying had not been completed nor had construction work started. The Cabinet Member for Highways, Infrastructure and Transport stated the costs recorded in the report were up to date. A risk element of £70m was built into the project, which was felt adequate to cover most eventualities. The Cabinet Member acknowledged that the previous two years had been exceptional regarding economic matters in the country. The future could not be predicted; however any significant changes in the costings of the NWL project would be taken to Cabinet and Full Council for consideration. An officer clarified that the budget costs within the report were the ones projected forwards, with a considerable risk allowance built into the project.
- Cllr Osborn remarked that inflation in 2019 was much lower than the current rate. Previous reports to Cabinet had not pinned cost increases on inflation; rather it had been based on route changes for environmental issues. The report stated the risk contingency had been reduced to £11m but with limited reasoning for this. Officers clarified that risk registers were developed at the initial concept of projects. During the lifetime of the project the register was utilised and risks worked through, which tended to reduce the amount of risk applicable as more knowledge was available. Cllr Osborn asked if cumulative risk had been considered. An officer clarified that the risk register used by the NWL was the same one used to manage all of the Council's capital projects. Each individual risk was allocated a cost which fed into the risk allowance. Project boards and member groups were able to comment on the development of the risk register and its utilisation.
- Cllr Osborn suggested that the decision be referred back to Cabinet so a cumulative risk score could be considered and developed for the NWL. The Chair asked for clarification on this point, as it did not appear to link in with the reasons for the call-in. Cllr Osborn clarified that an argument for the call-in was that the risk level had not been adequately considered as it was based on individual risks and not a cumulative risk. An officer clarified that the NWL was included on the corporate risk register and had been given an overall score, which was considered by Cabinet on a quarterly basis.
- Cllr Neale asked what was the maximum increase in project costs the Council could afford. Officers stated this depended on a variety of factors which could change over time. It was not possible to quote a figure for the maximum affordable cost

increase and it would be within the remit of Full Council to consider if the NWL was still a priority scheme in such a case. The Cabinet Member for Highways, Infrastructure and Transport stated a letter had recently been received from the DfT raising the possibility of the project being funded up to 100% of the outline business case limit of £252m, meaning the Council would only have to contribute £23m towards the NWL. £26m had been allocated by the government to the Council to continue with the project, the first tranche being received last week and a further tranche due in January 2024. An officer clarified that the decision-making process resulted in a business case being submitted to the DfT with cost/benefit ratios included. The ratio informed decisions taken regarding affordability and deliverability of the scheme. At present the NWL project was forecasting up to a £2 return for every £1 spent, representing good value for money.

- Cllr Rowett queried officers regarding the carbon profile of the NWL in its first 10 to 20 years of operation up to 2050, as the Council was legally bound to reach Net Zero that year. The Cabinet decision to approve delivery of the project would result in additional emissions in Norfolk and it appeared unclear as to what mitigation had been built in. An officer stated the report contained a variety of scenarios between 1,500 and 5,000 extra tons of carbon and it depended on what scenario was being looked at. Additional guidance on Local Transport Plan carbon emissions was awaited from the government. It was confirmed that, based on the 5,000 extra tons scenario, the carbon impact would be likely be greater than 5,000 extra tons during the initial stages of the project but would then reduce to around 4,500 extra tons during the 60 year lifetime.

5.5 Committee Members questioned the Cabinet Member and officers. The Chair clarified that Cllr Osborn was also able to ask questions during this section of the meeting in his capacity as a Committee Member.

- A Committee Member commented that the Norwich Western Link had been considered and agreed several times previously by Full Council over the past decade, originally as part of the Northern Distributor Road (NDR) project. The risk register was a corporate function and was updated constantly when issues arose, such as increased costs. Cabinet was kept up to date regarding any changes to the risk register.
- A Committee Member asked officers if they believed the £70m risk reserve was sufficient if the DfT did not agree to increase funding beyond the £213m already pledged and whether the risk reserve could be increased to cover escalating costs. An officer stated the budget position for the project was set out in the report to Cabinet. The risk reserve reflected increased knowledge of the project. Revised guidance was expected from the government on the 100% funding imminently but there was no set timescale for this.
- Committee Members stated that four different routes for the road were considered in 2019 and asked if those options would be reappraised as an effective Plan B should the scheme not proceed in its current form. Officers mentioned that there had been an extensive consideration process regarding the routing of the NWL

throughout the lifetime of the project. A Plan B was not under consideration as it was believed the current option for the NWL was the right solution for the issues identified during consultation.

- A Committee Member remarked that the beginning of NWL works had been delayed to 2026 at the earliest and asked if the project was dependent on the dualling of the A47 between Easton and Tuddenham. An officer stated that preparatory works on the NWL would commence in 2025 prior to the main construction beginning in 2026. The Highways Department was working closely with National Highways to coordinate work. The officer acknowledged there was a degree of uncertainty regarding the timing of the A47 project due to a current legal challenge being heard in the courts.
- A Committee Member asked officers if they were satisfied that all of the information contained in the forthcoming planning application was valid and whether any areas in the application remained incomplete. An officer confirmed the planning application was being finalised, with final checks due to be conducted to ensure the Council was meeting all local and national legal requirements.
- A Committee Member queried the methodology used to calculate carbon emissions caused by the construction of a new road, as it appeared unclear if the calculations were based on the NWL increasing the number of cars on the road in Norfolk or whether it considered current car journeys being rerouted. The efficiency of vehicle engines was also a factor, as engines in stop-start city traffic were found to be less efficient than those driving at speed on a main road. The Committee Member asked if journeys to the north-east of Norwich from the A47 were considered, as it was possible that many such journeys were currently being routed through the city centre on existing congested roads. Officers clarified that traffic within the area was analysed as part of the traffic model. The model was an advanced system as it could understand different times and traffic conditions to produce optimum routes. Findings from the model were being fed into a transport assessment document which would form part of the planning application. Officers commented that the model could also consider future developments and issues which could arise on the transport network.
- A Committee Member queried as to when his question relating to carbon emissions, which was raised at the Full Council meeting on the 12 December, would be answered by officers, stating that the assessment work completed on the scenarios was up to the 2050 Net Zero cut-off and did not consider what might happen in the second half of the 60 year lifespan. The Committee Member asked if the modelling only went up to 2050. The officer clarified the model covered the 60 years up to 2090, but due to the available guidance from the government it presented emissions as stable beyond 2050. The Committee Member asked if the decision to proceed with the NWL should be delayed until the guidance was up to date. Officers disagreed with this statement, as the Cabinet Member had already put forward the reasonings as to why the NWL needed to proceed. It was clarified that the Council had to work to national guidance set by the DfT, which could not be deviated from. The 5,000 extra tons of carbon figure was calculated using this guidance and was considered a worst-case scenario for the NWL. Emissions in countywide transport

were on a downward trend since 2017. The Cabinet Member for Highways, Infrastructure and Transport stated the carbon footprint figure was constantly being adapted due to guidance from the government. The Council was working on its Local Transport Plan, which had reduction of carbon emissions at its heart.

- A Committee Member asked if legal risks had been fully considered, as the Norfolk Wildlife Trust had recently commented in the media that the NWL broke wildlife law. An officer stated the Cabinet report included an appendix which was the draft statement of reasons. This contained all of the consents, licences, and permits which were required for the project to comply with legislation around wildlife protections. The Committee Member queried if legal advice had been sought regarding the Norfolk Wildlife Trust's comments on the project violating wildlife laws. The officer mentioned the decision on whether the NWL went forward would be taken by the Planning (Regulatory) Committee. The consents, licences and permits set out in the appendix to the Cabinet report would ensure the project did not break wildlife laws. Discussions had taken place with representatives from the Norfolk Wildlife Trust, who had provided officers with high level assessments. Officers had pressed the Trust to provide evidence to back up their assessments; however this had not yet been forthcoming. The project team had conducted environmental impact surveys which informed the direction the NWL scheme was taking, which also included mitigation procedures.

5.6 Cllr Osborn summed up the reasons for the call-in.

- Cllr Osborn stated the decision should be referred back to Cabinet for further consideration of the carbon profile of the NWL with regard to the 2050 Net Zero target.
- A cumulative risk assessment was essential for the project.
- Details of the conversations between officers and Natural England were required to see if they were prepared to issue a bat derogation notice. There was a rare colony of barbastelles bats within the area and further assurances that the project would not damage the population were necessary.
- Cllr Osborn remarked that important key questions about the project had not been answered. The NWL would involve millions of pounds worth of taxpayers' money being spent on a possibly illegal project, which contributed to increased carbon emissions and potentially risked the Council having to declare bankruptcy,
- Cllr Osborn acknowledged that Norfolk had a need for improved transport infrastructure, but the NWL project could not proceed as it would seriously undermine Council objectives relating to Net Zero, environmental protections and financial prudence.

- 5.7** The Chair asked Committee Members to consider the call-in.
- 5.7.1 The Scrutiny Committee took a vote on Cllr Osborn's proposal to refer the decision back to the Cabinet Member. With 1 vote in favour, 8 votes against and 3 abstentions the proposal was **LOST**.
- 5.7.2 With 8 votes in favour, 1 vote against and 3 abstentions, the Scrutiny Committee **RESOLVED** to **NOTE** the call-in but take no further action.

The meeting concluded at 11:16am

**Cllr Steve Morphew, Chair
Scrutiny Committee**