

# COUNCIL

Minutes of a meeting of North Norfolk District Council held on 21 November 2018 at the Council Offices, Holt Road, Cromer at 6.00 pm.

## Members Present:

Mrs S Arnold	Mr B Hannah	Ms M Prior
Mr D Baker	Mr S Hester	Mr J Punchard
Dr P Butikofer	Mr M Knowles	Mr J Rest
Mrs S Butikofer	Mr J Lee	Mr R Reynolds
Mrs A Claussen-Reynolds	Mr N Lloyd	Mr P Rice
Mr N Coppack	Mrs B McGoun	Mr E Seward
Mrs H Cox	Mrs M Millership	Mr S Shaw
Mr N Dixon	Mrs A Moore	Mr R Shepherd
Ms J English	Mrs P W Moore	Mr B Smith
Mrs A Fitch-Tillett	Mrs J Oliver	Mr D Smith
Mr T FitzPatrick	Ms B Palmer	Mr N Smith
Mr V FitzPatrick	Mr N Pearce	Mr R Stevens
Ms V R Gay	Mr S Penfold	Mrs V Uprichard
Mrs A Green	Mrs G Perry-Warnes	Mrs L Walker
Mrs P Grove-Jones	Mr R Price	Mr A Yiasimi
		Mr D Young

**Officers in Attendance:** The Corporate Directors, the Monitoring Officer, the Head of Finance & Assets, the Communications and Marketing Manager and the Democratic Services Manager

**Press:** Present

## 64. PRAYERS

The Chairman invited Reverend Stephen Graham, Assistant Curate, Holt Benefice, to lead prayers

## 65. CHAIRMAN'S COMMUNICATIONS

The Chairman began by saying that there would be no summary of his recent engagements this time. Instead, he would like to give Members the opportunity to pay tribute to Cllr Northam who had sadly passed away recently. He also wanted to pass on condolences to the family of Dan Corbett, a former member of the Council and to Cllr Norman Smith, whose partner, Christine, had recently passed away.

The Chairman opened the tributes to Cllr Northam by saying that he had met him in a village hall car park as they both attended a parish council meeting. He said that he reminded him of his own grandfather – always a gentleman and very caring and considerate. He would be sadly missed by everyone who knew him. He then invited the Group Leaders to pay their respects.

The Leader, Cllr J Lee, said that he had already had the privilege of paying tribute to Cllr Northam at the recent Cabinet meeting. He was a true gentleman and he had been very proud to serve on the Council alongside him. He was renowned for his dedication and loyalty and would be missed greatly. Cllr Lee concluded by saying that he had been proud to call him a friend.

The Leader of the Opposition, Cllr S Bütikofer, said that she had only known Cllr Northam for a brief period. He was a true gentleman, much loved with a deep love of all things Welsh. He was always quick to praise officers for their hard work and support and everyone who knew him respected him greatly.

Cllr J Rest, Leader of the Independent Group, said that he had known Cllr Northam for four years. During that time he had come to learn about all of the things that were important to him, including his naval service in Korea and his love of rugby. He was a true gentleman, a dear friend and always generous in his praise of officers.

The Chairman then opened the floor to Members:

- a. Cllr V Gay said that Cllr Northam was unfailingly kind and courteous. She had been very fond of him and would miss him greatly every time she came into the Council offices.
- b. Cllr P W Moore said that he had known Cllr Northam for many years and they had met at the Little Theatre in Sheringham when he had played in an orchestra and Cllr Northam had been in the audience. He went on to say that Cllr Northam had always been very supportive to him when he had held the Finance Portfolio before him and he was always a gentleman.
- c. Cllr A Claussen-Reynolds commented that Cllr Northam was a true gentleman, he was a friend, loyal, unique, gracious, charming, wondrous, majestic, amazing, courteous, distinguished, dapper, dedicated, committed, a role model and a mentor – highly respected by all. A true conservative dedicated to NNDC and very supportive of the staff.
- d. Cllr B Smith, fellow ward councillor for Mundesley, spoke warmly of Cllr Northam. He said that he had been asked to nominate Cllr Northam to stand as a district councillor in 2007 and was quickly persuaded to stand for election too. He said that Cllr Northam was an absolute gentleman and a true and loyal friend, who put his heart and soul into the role of councillor. He was a very proud Welshman and a huge rugby fan. He also spoke regularly of his time in the Navy – with many stories to tell. There had never been a cross word and he would miss him very much.
- e. Cllr T FitzPatrick said that he had hoped this day would never come and he would much rather pay tribute with Cllr Northam present. When he had been elected in 2011, Cllr Northam had shown him the ropes and had been a rock during very difficult and challenging times. He was a true public servant, dedicated to the people of North Norfolk. He concluded by sending his best regards to Cllr Northam's wife, Sylvia, and his son, James.
- f. Cllr B Hannah said that as the longest serving member on the Council he wanted to pay his respects to Cllr Northam who was always a true gentleman.

The Chairman then invited the Head of Paid Service (NB) to speak on behalf of the staff. He began by saying that many officers had taken the opportunity to share their memories of Cllr Northam, who was fondly remembered. He said that Cllr Northam always wanted the best for his constituents and the organisation. He was always respectful and always on top of his brief. He took the time to ask people about their family and genuinely cared for those that he knew. He also had a wonderful sense of humour and told many funny stories and his love of rugby had led to many light hearted disagreements.

## **66. TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS**

Cllr B Palmer declared an interest in Agenda item 15 – as a tennis coach who was employed in the District.

**67. APOLOGIES FOR ABSENCE**

Ms K Ward

**68. MINUTES**

The minutes of the meeting held on 25<sup>th</sup> July 2018 were approved as a correct record and signed by the Chairman

**69. ITEMS OF URGENT BUSINESS**

None

**70. PUBLIC QUESTIONS OR STATEMENTS**

None

**71. PORTFOLIO UPDATES**

The Chairman invited each Portfolio Holder to introduce their reports:

1. Cllr S Arnold, Portfolio Holder for Planning, Planning Policy and Housing said that once again the targets set by Government had been achieved and exceeded. With regards to housing, she reminded Members that planning permission had been approved for the Laundry Loke site in North Walsham and that grant funding was now in place for the Fakenham Extra Care Scheme. Cllr S Penfold referred to his request at the March Council meeting for the current number of homeless people in the District. He said that this should not just be rough sleepers. Cllr Arnold agreed to provide the figures as soon as possible.
2. Cllr H Cox said that the Coastal team had been extremely busy recently with a lot of projects underway. Regarding her Environment Portfolio, she referred Members to the recent introduction of tablet devices to carry out food inspections. She concluded by welcoming the new Resilience Manager who had recently started at the Council.
3. Cllr N Dixon said that he had nothing further to add to his report.
4. Cllr J Lee began by congratulating the Head of Legal on her recent Layers in Local Government award as Governance Lawyer of the Year. He also congratulated her team who had also been nominated. This was particularly impressive as it was only one team in the Council. Cllr Lee then went onto say that he had made an offer to the Opposition Groups of putting in place a review of the Egmere business case which would run concurrent to the ongoing negotiations with prospective tenants.
5. Cllr D Baker said that it was an exciting time for the Finance Department. Confirmation as to whether the Council had been successful with the countywide business rates pilot application would be announced in early December. He then thanked the Finance Team for the recent training that they had supported. He concluded by referring to the Budget Monitoring report which showed that the Council was in a good financial position.
6. Cllr R Price informed Members that the lease to Fleur Development at Grove Lane, Holt had now been completed. He then referred to the Egmere site. He outlined the different prospective tenants that had expressed an interest in the site and said that references to a low return on the investment were misleading as it was closer to 2.02%. He reminded members that the Local Enterprise Partnership (LEP) was contributing a considerable sum of money into the scheme. Cllr Price added that the site was not marketed yet. He concluded by informing members that the works to the Highfield Road car park would be completed by the end of November and that the initial works to the pier substructure had

commenced. Overstrand would now be included in the coastal public conveniences with winter opening hours.

**72. RECOMMENDATIONS FROM LICENSING & APPEALS COMMITTEE 10 SEPTEMBER 2018**

The Chairman of the Licensing & Appeals Committee, Cllr S Hester introduced this item. He explained that the Committee had unanimously supported the recommendations. The fees and charges for Animal licensing activities were changing due to a change in legislation. They had not been set by statute but were based on an hourly rate for the work involved in the application and grant of a licence. Since the meeting of the Licensing & Appeals Committee, additional guidance had been issued by Defra and it will be necessary to allow for an hourly officer fee to be added to the list of charges. This would allow for additional officer visits during the period of a licence and to incorporate a change to the way franchise dog boarders were licenced.

Cllr Hester also informed Members that he had recently attended a Licensing Conference with Cllr Uprichard. It had been extremely useful and he would provide an update via the Members' Bulletin.

It was proposed by Cllr S Hester, seconded by Cllr J Rest and

**RESOLVED**

To agree the proposed fee structure in line with the Authority's fee setting structure.

**73. RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE 14 NOVEMBER 2018**

There were no recommendations to Council from the Overview & Scrutiny Committee.

**74. RECOMMENDATIONS FROM CONSTITUTION WORKING PARTY – 13 NOVEMBER 2018**

Cllr V Gay, Chairman of the Constitution Working Party, introduced this item. She outlined the recommendations and suggested that they were considered in turn;

1. Appointment of substitutes to Working Parties and Groups. Cllr Gay explained that allowing the appointment of substitutes to working parties and groups would prevent the cancellation or postponement of meetings due to a lack of numbers. This would ensure that business could run more smoothly.

It was proposed by Cllr V Gay, seconded by Cllr A Moore and

**RESOLVED to**

**Amend the Constitution as follows to permit the appointment of substitutes to working parties and groups (amendments in bold);**

*"23.11 A substitute member may attend a particular meeting of the Committee (**including Working Parties or Groups**) to which he/she has been appointed as a substitute member, in substitution for a full member of that Committee from the same political group and with the full powers of a full member where:  
(a) the full member for whom the substitute member will substitute will be absent throughout the whole of the particular meeting; and*

*(b) the substitute member has notified the Democratic Services Manager before the start of the meeting that he/she will be acting as substitute for that meeting, and of the name of the full member for whom he/she will substitute.*

*23.12 In the case of the Development Committee, a substitute member may attend a particular meeting of that Committee in accordance with Rule 23.9 except the substitute member need not be from the same political group.*

*23.13 When acting as a substitute, such a member is free to make their own decisions is under no obligation to vote in accordance with the intentions or wishes of the member for whom he/she will substitute.”*

2. Property and Asset Management. Cllr Gay explained that the key decision limit was £100,000 and anything above that must be approved by Cabinet and was subject to call-in by the Overview and Scrutiny Committee. It was therefore suggested that the delegation limits were redrafted to levels where Members would feel more comfortable and explained that all of the value levels, including virement limits would be changed to £100k – in line with the key decision level.

It was proposed by Cllr V Gay, seconded by Cllr A Moore and

**RESOLVED to**

**To amend the Constitution as outlined in Minutes Appendix 1 to reflect the revised Asset Management Policy**

3. Chairman of the Council. Cllr Gay explained that some councils had formal arrangements in place for the sharing of the position of Chairman. Council was therefore being asked to consider the rotation of the position on a yearly basis to allow the Chairman to be drawn from a cross-section of the Council.

Cllr S Bütikofer said that it was a good proposal and that it was important to recognise that Members from across the Council worked very hard and deserved the opportunity to serve as the first citizen of the District.

It was proposed by Ms V Gay, seconded by Mr J Lee and

**RESOLVED to**

**To amend the Constitution to require the Chairmanship of the Council to be shared on a rotational basis between the Administration and the Main Opposition Group (amendments in bold);**

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**“4.1 The Chairman is elected at annual Council in May and a candidate is selected on a yearly rotating basis between the Administration and the Main Opposition Group. The Chairman has the following functions at Council meetings:**

- To chair the meeting
- To interpret and apply the Council Procedure Rules [Chapter 2, Part 2]
- To enable all Councillors to contribute to debates and hold the Cabinet to account”

## **75. BUSINESS RATES PILOT 2019/20**

Cllr D Baker, Portfolio Holder for Finance, introduced this item. He explained that the Council had put in a countywide bid to take part in the 2018/19 business rates pilot which was unsuccessful. A county wide approach had been agreed again and the pilot application was submitted on 25<sup>th</sup> September. A decision was expected in early December.

Cllr E Seward said that he hoped the submission would be successful.

It was proposed by Cllr D Baker, seconded by Cllr E Seward and

**RESOLVED to**

Note the submission of the application for the Norfolk Business Rates Pilot scheme 2019/20

**76. MEDIUM TERM FINANCIAL STRATEGY 2019/20 TO 2022/23**

Cllr D Baker, Portfolio Holder for Finance, introduced this item. He said that most of the work had been undertaken before he became Portfolio Holder. It set out how both the external financial changes and internal budget pressures would impact on the overall financial position of the Council for the next four years. It also updated the Council's financial projections for the medium term.

Cllr Baker drew Members' attention to the section of the report outlining how the Council could close the budget gap now that there was a shift towards utilising local resources. With a projected deficit of £2.1m in 2022/23 there would need to be more focus on frontline growth, including property investment and asset commercialisation, digital transformation and business rates growth. He concluded by saying that the Council was in a good financial position and healthy reserves provided resilience.

It was proposed by Cllr D Baker, seconded by Cllr J Lee and

**RESOLVED to note**

- a) The current financial forecast for the period 2019/20 to 2022/23;
- b) The current capital funding forecasts;

**77. COUNCIL OFFICES CROMER – PV PANELS**

The Leader, Cllr J Lee introduced this item. He explained that there was an opportunity for the provision of a photovoltaic panel array on the roof of the council offices and the potential for a revenue saving.

It was proposed by Cllr J Lee, seconded by Cllr R Price and

**RESOLVED to approve**

1. A capital budget for the scheme of £225,000 to be funded from capital receipts;
2. That, due to the tight timescales for installation and to maximise the potential income, Contract Standing Orders are waived to enable the procurement processes to be completed in time (either through direct award or framework contracts);

**78. COMMUNITY SPORTS HUB AND SATELLITE TENNIS FACILITIES**

Cllr R Price introduced this item. He explained the report provided an update on the project to deliver the Community Sports Hub and associated Satellite Tennis facilities. He said that since the original budget was approved, the cost of the construction contract had risen and the Lawn

Tennis Association (LTA) grant funding had reduced. Therefore, in order for the project to go ahead, the Council would need to increase its capital expenditure.

Cllr B Hannah, referred to section 8 of the report 'crime and disorder considerations' and said that the projects links to local schools was key as provided leisure opportunities for youngsters.

Cllr B McGoun asked about the provision of a satellite hub at Stalham. The Head of Paid Service (NB) replied that there were two good quality courts there already which were floodlit and it was felt that further support was not required. However, there would be work undertaken to increase participation.

Cllr S Hester said that it was a good report and he was pleased to see the proposals to provide floodlit tennis facilities at Wells.

It was proposed by Cllr R Price, seconded by Cllr B Hannah and

### **RESOLVED**

1. That Council provisionally awards the construction contract for the Community Sports Hub to Bidder X as per the attached confidential Tender Evaluation Report; with final award being subject to the LTA Grant Funding expected on December 6<sup>th</sup>.
2. That Council agrees to an additional capital budget of £118,000 to fund additional, unforeseen works as described in the report.
3. That, subject to the Community Sports Hub going ahead, delegation is given to the s151 officer to adjust the financing by £228,000 in respect of the funding for improving the satellite community tennis facilities at Fakenham, Wells and North Walsham as described in the report. These amendments to be funded from capital receipts.
4. That delegated authority is given to the Head of Finance and Assets to adjust the financing as outlined within the report if required to maximise the value for the tax payer.

## **79. REVIEW OF POLITICAL BALANCE AND ALLOCATION OF SEATS TO COMMITTEES, SUB-COMMITTEES, WORKING PARTIES AND PANELS**

The Leader, Cllr J Lee introduced this item. He explained that following further changes to the membership of the political groups at the Council, there was a requirement to review the allocation of seats on committees, sub committees and working parties to reflect the political balance of the Council, in accordance with section 15 of the Local Government and Housing Act 1989 and regulations made thereunder.

It was proposed by Cllr J Lee, seconded by Cllr S Bütikofer and

### **RESOLVED**

1. That Council approves the revised political balance calculation as per section 2.4 of this report
2. That Council approves the allocation of seats to political groups as shown at Appendix A
3. That delegation is given to the Group Leaders to make any appointments to committees, sub-committees, working parties and panels (in line with the political balance).

## **80. NOTICE OF MOTION**

The following Notice of Motion had been proposed by Cllr S Bütikofer, seconded by Cllr E Seward:

'This Council no longer has confidence in the Leader of the Council and this administration'.

The Chairman invited Cllr Bütikofer to introduce the Motion:

She began by saying that the motion was not in relation to Egmore but was about process and democracy. She reminded members that at the Council meeting on 26 September there had been cross-party support by 27 votes to 15 for a review of the business case for the Egmore scheme. The issue which was raised under opposition business was not about trying to stop the Egmore Business Zone but ensuring that jobs and businesses were created. Members had expressed their concerns and requested Cabinet to consider appointing an independent auditor to review the business case. However, at Cabinet on 1<sup>st</sup> October, 5 members had voted to proceed without a review of the business case. Cllr Bütikofer said that she believed that the vote at Council should be respected and acted upon. A Council that was in no overall control should be run democratically and there should be a cross-party Cabinet in place.

Cllr Seward reserved his right to speak.

The Chairman invited Members to speak:

1. Cllr T FitzPatrick said that this was a shameful motion which flew in the face of real democracy – which took place at the ballot box. He said that the current Leader, Cllr Lee had led the Council well and delivered well during the last 9 months and he had delivered well.
2. Cllr J Rest said that 3 Liberal Democrats had joined the Conservative Group in recent years but there had been no call for a by-election on those occasions. Cllr FitzPatrick disputed that the figures were correct.
3. Cllr R Price said that he had already referred to Egmore in his Portfolio Holder report. He said that when the Asset Management Working Party had looked at the matter they had asked a lot of questions and assessed the risks. If it were not to proceed then there was a serious risk of losing £450m of money from the Local Enterprise Partnership (LEP) as well as the first tenant and that was why Cabinet had taken the decision to proceed without a review of the business case. He went on to say that the Conservatives had been elected on a manifesto to serve the people of North Norfolk. Houses needed infrastructure and employment and Egmore offered this. He reminded Members that North Norfolk had a hugely successful tourist industry but it was limited to a season. He concluded by saying that Egmore would create employment opportunities and he believed that the risk was low and acceptable. The right decision had been taken for the people of North Norfolk.
4. Cllr N Dixon said that Members were already aware of his position regarding Egmore. The request for an independent review of the business case had led to accusations regarding a denial of democracy. He said that Cabinet had ignored the expressions of concern raised by the Overview & Scrutiny Committee and the majority vote at Council had been a powerful democratic mandate to respond to. Unfortunately it was dismissed and this had led to the motion. He concluded by saying he could not understand why the issue of Egmore had not been resolved before now.
5. Cllr S Penfold said that he supported Cllr Dixon's comments.
6. Cllr V FitzPatrick said that Cabinet was not bound by recommendations made by Overview & Scrutiny Committee and that it had not been a unanimous vote at Council.
7. Cllr J Lee, Leader of the Council, said that he took on the role with his eyes wide open. He had tried to lead in a light-hearted manner and to be fair and equal. He had supported all of the changes to the Council's Scrutiny function and he had reduced his Cabinet to seven members, causing some upset within his own group. He had also worked with the opposition on an agreed budget which was a first for the Council. Cllr Lee went on to say that during the last 9 months he had effectively had one hand tied behind his back, being



pushed every which way. However, he had never been bullied – despite claims that he had been over Egmere. When he took the decision over Egmere he had realised that it might be seen as a democratic deficit but he felt that a decision should be taken, so he listened to officer advice and acted accordingly. He went onto say that he did not feel a further report would make any difference – this problems were due to personalities not policy. Cllr Lee then said that when he became a member for Suffield Park, Cromer was top of his priorities, North Norfolk second and the reputation of the Council third. Now the Council would be labelled by the Press and it did not deserve that. He concluded by saying that he had stuck to his promises and that he felt he had to make a decision regarding Egmere. Ultimately there was a need to provide infrastructure and support businesses and he stood by his decision.

Cllr Seward said that he had nothing further to add to the debate.

Cllr T FitzPatrick requested a recorded vote.

The motion was put to the vote and passed by 26 votes in favour, 17 against and 3 abstentions.

The Monitoring Officer advised members that under Standing Order 14e, Council could now elect a new leader. It was proposed by Cllr E Seward, seconded by Cllr B McGoun and

**RESOLVED** by 22 votes in favour, 17 against and 7 abstentions that Cllr S Bütikofer be elected as Leader of the Council.

**81. EXCLUSION OF PRESS AND PUBLIC**

**82. PRIVATE BUSINESS**

**None**

The meeting concluded at 7.24pm

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Chairman