



COUNCIL

7.30 pm – 9.45 pm

22 March 2011

Present: Councillor Dylan (Lord Mayor), Derek James (Sheriff), Councillors Altman, Arthur, Banham, Blower, Bradford, Bremner, Brociek-Coulton, Collishaw, Driver, Fairbairn, Fisher, Gee, George, Gihawi, Gledhill, Grahame, Haynes, Holmes, Hooke, Jeraj, Lay, Little, Lubbock, MacDonald, Makoff, Morphey, Offord, Ramsay, Read, Sands, Stephenson, Storie, Thomas, Waters, Westmacott, Wiltshire, Wright(J) and Wright(R)

1. LORD MAYOR'S ANNOUNCEMENTS

The Lord Mayor said that he had spent considerable time living in Japan and that his thoughts and that of all council members were with the people of Japan for the suffering that they had and continued to endure following the recent earthquake and Tsunami

He said that since the last meeting he had overseen a freedom ceremony at which over thirty new freemen and freewomen were inducted and visited the Greek Orthodox church at Recorder Road. He had also attended the official opening of the revamped war memorial which was an impressive and fitting reminder of the ultimate sacrifice made by so many men and women of the city

This was the last council meeting for some councillors who had indicated they would not be standing for re-election. The Lord Mayor invited representatives from the groups to acknowledge the contributions of all the outgoing councillors namely councillors Blower; Dylan; Morphey; Ramsay; Read and Wright (R). Outgoing councillors then responded.

2. PRESENTATION OF LONG SERVICE AWARDS

The Lord Mayor presented long service awards to the following former employees :-

Elizabeth Fox
Jean Colman
Christine Connor
Peter Gallienne
Rodney Mayson
George Ishmael

3. DECLARATIONS OF INTEREST

No declarations of interest were made

4. QUESTIONS FROM THE PUBLIC

Question 1

Cecilia Bromley-Martin to the leader of the council:-

The county council is aspiring to make Norfolk and Norwich greener, and as part of this has a car-sharing scheme for anyone living in the county in order to reduce pollution and congestion. Yet the city council has written to me to say that my car-sharer, who drives from north Norwich, cannot leave her car at my house in south Norwich on the days I drive us on to Attleborough - even though we are reducing cars on the road at rush hour, halving the CO² emissions of our commute, and we only ever leave her car or mine on my road - never both. I have been told the subject is closed, and that alternative options may be available such as purchasing a season ticket for the pay and display car park - which would cost between £900 - £2,300 per year!

The city council also has policies to cut emissions, so their position on car-sharing clearly undermines what both the city and county councils are trying to achieve to help the environment. I was advised that policy would have to be changed to allow drivers to use a visitor's permit and leave their car at their car-sharer's house, and I would like to suggest that this change be made. Is it not possible for some permits to be issued which indicate that the permit may be used regularly by a specified number plate for the purpose of car-sharing? These permits could be issued when specifically requested, and where car-sharers are registered with the county council's www.carsharenorfolk.com website.

Would the council please support local sustainable transport by amending its traffic regulation order to allow for certified car-sharers the use of visitor permits?

Councillor Steve Morpew, leader of the council's reply:-

I have some sympathy with your position and I am not altogether happy that I have to give the following reply.

The permit parking schemes in Norwich have been set up to prevent commuter parking in residential areas. This is to improve residential amenity by freeing up on-street parking space during the day for local residents. It also encourages commuters to consider more sustainable alternatives such as public transport, cycling or park and ride.

As part of the permit parking scheme visitor permits are issued however they are for visitors to a householder's home only.

Visitor permits should not be used for other purposes: say to enable someone to visit the city centre to shop or work. These are clearly incompatible with the purpose of the permit parking scheme in the first place. They would result in more on-street

parking than would otherwise occur at the expense of other residents' amenity and fewer motorists being encouraged to use alternatives to the car.

In the situation described by the questioner I agree that the car-sharing taking place is helping to reduce emissions. However these benefits need to be set against some significant disbenefits. Although the car sharer's ultimate destination is Attleborough rather one in or close to the city centre, they are presumably leaving their car within the zone on a regular basis for a lengthy period at the expense of other resident's amenity.

A separate consideration is the practicality of enforcement. The suggestion made that the council offers a special type of visitor's permit for car sharers appears to be unfortunately flawed. Even if such a permit could only be issued to someone registered on the 'carsharenorfolk' web site there is no way to tell that the user of the permit is actually car sharing rather than using it for some other purpose such as to do some shopping.

The council is committed to developing a sustainable transport system for the city and both car sharing and permit parking are important elements of this. However the arrangements described in the question undermine the benefit of the permit parking scheme for local residents and secondly, were some sort of special car share visitor permit to be introduced, it would be almost impossible to enforce. Consequently I would not support an amendment to the traffic order although I will ask officers to look at other ways to support car sharers.

Cecilia Bromley-Martin asked, as a supplementary question, if the cabinet member agreed that as in the circumstances she referred to there would never be an additional vehicle on the road, this implied the council's policy was to encourage single occupancy car driving? **Councillor Morphew** said he would ask officers to investigate this further and to look at whether there were other ways the council could help car sharers.

Question 2

Mark Crutchley to the cabinet member for neighbourhoods (south and west):-

In view of the heightened concerns associated with nuclear power following the incident in Japan, if there were to be a major incident at the Sizewell nuclear plant,

- whose responsibility would it be to inform the residents of Norwich
- who would take the decision about what information was passed on to them and
- at what stage would they be informed?

Councillor Bert Bremner, cabinet member for neighbourhoods (south and west) reply:-

Thank you for this question.

Emergency plans are in place at national and local level. In the event of an incident which involves the release of radioactive material a number of central government

departments would be involved including The UK Radioactive Incident Monitoring Network (RIMNET) & the Met. Office.

In the event of an incident arising from a civil nuclear installation the Department of Business Enterprise Regulatory Reform would be the lead in the response phase however many other government departments would be involved.

There is an emergency response plan in place for the Sizewell nuclear establishment and the Suffolk multi agency Local Resilience Forum Strategic Co-ordinating Group would be established to determine the response strategy in consultation with central government(s) and the nuclear industry. Given the proximity to Norfolk and the potential threat to the county close liaison would be established between Norfolk Resilience Forum and Suffolk.

The Norfolk Resilience Forum, which is a multi agency organisation, would have a significant role in overall co-ordination of the Norfolk response. All Local Authorities in the County would be involved however the lead co-ordinating organisation in Norfolk would be the Norfolk Constabulary. A multi agency strategic co-ordinating group would determine the public information strategy which would be heavily influenced by central government and Suffolk SCG advice. The responsibility for advising Norwich people would be with the Police; however, Norwich City Council would also provide information and advice which supports the agreed public information strategy.

Timing and issue of public information will always be dependant upon professional scientific advice coming from Central Government Departments and Agencies. The transmission of information to the public will be undertaken in accordance with Norfolk Major Emergency Media Plan arrangements.

In reply to a supplementary question from **Mark Crutchley, Councillor Bremner** said that Norfolk Constabulary was the lead authority on the emergency response plan for Norfolk. Norwich City Council contributes but would have been able to be more involved if it had become a unitary authority.

5. PETITIONS

County Councillor Richard Edwards presented the following petition on behalf of residents of Mile Cross ward:-

We, the undersigned, call on Norwich City Council to pull up the uneven and dangerous paving slabs on Half Mile Road, near the junction with Mile Cross Road. The slabs should then either be replaced evenly, or the pavement should be tarmaced to ensure the problem does not occur again.

Councillor Macdonald, cabinet member for environment's response.

Thank you for bringing this petition to the council for attention. The lead on highways maintenance matters within the city is with the Norwich Highways Agency Committee. I therefore propose that the petition be referred to the joint committee for its attention. The next meeting is later this week at 10:00 on Thursday 24 March.

6. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 22 February, 2011.

7. QUESTIONS TO CABINET MEMBERS/COMMITTEE CHAIRS

The Lord Mayor advised members that 6 questions had been received from members of the council to cabinet members and committee chairs, of which notice had been given in accordance with the provisions of Appendix 1 of the council's constitution. The questions were as follows.

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| Question 1 | Councillor Fairbairn to the chair of scrutiny committee on allowing public to speak at meetings |
| Question 2 | Councillor Little to the cabinet member for resources, performance and shared services on work cancelled meetings |
| Question 3 | Councillor Jeraj to the cabinet member for resources, performance and shared services on divesting from tax evading corporations |
| Question 4 | Councillor Haynes to the cabinet member for environment on waste collections at communal facilities |
| Question 5 | Councillor Wright (J) to the cabinet member for resources, performance and shared services on responding to Freedom of Information requests |
| Question 6 | Councillor Lubbock to the cabinet member for housing on loft insulation by leaseholders |

(Details of the questions and replies together with any supplementary questions and replies are attached at Appendix A to these minutes).

8. JOINT CORE STRATEGY FOR BROADLAND, NORWICH AND SOUTH NORFOLK – INSPECTORS REPORT

Councillor Morpew moved and Councillor MacDonald seconded the recommendations in the report.

RESOLVED, with 22 voting in favour, 12 against and no abstentions, to –

- (1) note the Inspectors' report, including the required changes.
- (2) formally adopt the Joint Core Strategy as part of the development plan for Norwich, providing new strategic policies, superseding a limited number of Replacement Local Plan policies and making minor consequential amendments to the Proposals Map for Norwich.

- (3) delegate authority to the Director of Regeneration and Development to proceed with the necessary legal and administrative processes to secure adoption of the Joint Core Strategy.

9. CHANGES TO THE CONSTITUTION

Councillor Driver moved and Councillor Waters seconded the recommendations in the report.

RESOLVED, unanimously, to –

- (1) appoint Philip Hyde, Head of law and governance, as the monitoring officer, in accordance with Section 5 of the Local Government and Housing Act 1989, with David Johnson, Victoria McNeill and Chris Skinner, nominated officers at nplaw, to act as Deputy monitoring officers;
- (2) approve the changes to the scheme of delegations (appendix 8 of the constitution) for adoption.
- (3) approve the approach to refer further changes to the constitution working party as set out in the report;
- (4) ask the head of law and governance to amend the constitution accordingly.

10. TREASURY MANAGEMENT STRATEGY 2011/12

Councillor Waters moved and Councillor Arthur seconded the recommendations in the report.

RESOLVED, unanimously, to approve –

- (1) the Prudential Indicators and Limits for 2011/12 to 2013/14 contained within Appendix A of the report, including the Authorised Limit Prudential Indicator.
- (2) the Minimum Revenue Provision (MRP) Statement contained within Appendix A which sets out the Council's policy on MRP.
- (3) the Treasury Management Strategy 2011/12 to 2013/14, and the treasury Prudential Indicators contained
- (4) the Investment Strategy 2011/12 contained in the treasury management strategy (Appendix B), and the detailed criteria included in Annex B1.

Two hours having passed since the start of the meeting, the Lord Mayor asked if any of the remaining items could be taken as unopposed business. Members agreed that the two remaining agenda items, detailed below, were unopposed.

11. MOTION – SUPPORT FOR TENANTS TO SET UP BUSINESSES IN THEIR HOMES

RESOLVED, unopposed, that :-

“Of the 200,000 small businesses operating from home in the UK only 22,000 of these are in council or housing association properties. The Chartered Institute of Housing has published guidance to help more social housing tenants to take up business ventures and the Housing minister Grant Shapps MP has urged councils and housing associations to help unlock their tenants’ entrepreneurial talents and allow them to set up businesses from their homes.

Council, therefore, **RESOLVES** to ask cabinet to :-

- (1) provide support and encouragement to those Norwich tenants who wish to become small business owners,
- (2) promote the work of organisations such as Outset Norfolk who provide vital mentoring in growing these sustainable local businesses and help to realise their full potential.”

12. MOTION – NOMINATION OF LORD MAYOR AND SHERIFF DESIGNATE

RESOLVED, unopposed, to nominate:-

- (1) Councillor Jenny Lay as Lord Mayor designate for the 2011/12 civic year
- (2) Chris Higgins as Sheriff designate for the 2011/12 civic year

13. MOTION – AMNESTY

Councillor Morpew moved and Councillor Driver seconded that council procedure rules paragraph 13.1 and 13.4 of appendix 1 of the council's constitution be suspended to allow consideration of a motion relating to Amnesty International and it was :-

RESOLVED accordingly.

Councillor Morpew moved and Councillor Stephenson seconded that council congratulates Amnesty International on its 50th anniversary and thanks the Norwich group for its work in promoting the cause of human rights in the city.

And it was unanimously **RESOLVED** accordingly.

LORD MAYOR

QUESTIONS TO CABINET MEMBERS AND COMMITTEE CHAIRS

Question 1

Councillor David Fairbairn to the chair of scrutiny committee:-

At the scrutiny committee meeting of 24 February 2011, five members of the public sat through a three hour meeting, and would have gladly put questions or given their views, if asked to do so by the chair. Indeed this was pointed out to the chair early in the meeting. Can the chair of scrutiny justify why she did not invite these members of the public to ask a question or comment on the session, at the end of the meeting, as they were obviously interested, and very patient, observers?

Councillor Claire Stephenson, chair of scrutiny committee's reply:-

I'd like to thank members of the public who have observed and taken part in scrutiny committee meetings. I would like the general public to be involved far more in scrutiny reviews and I hope that ways will be found to make this happen when the committee sets its work programme for next year.

I have been advised that members of the public may speak at a meeting on an agenda item, at the discretion of and through the chair. Accordingly it is inappropriate to allow the public to question officers directly. At present there is no reference to uninvited members of the public speaking at committee meetings in the council's constitution, and I hope this omission will be dealt with in the next civic year. Following the incident Councillor Fairbairn refers to, I asked that the section of the Annual Scrutiny Review which gives guidance on members of the public speaking at committee meetings was made clearer.

It was unfortunate that none of the interested observers had informed me in advance that they wished to speak at the meeting as I would then have opportunity to do so. As chair, I do not consider repeated interruptions to the meeting from observers to be helpful. Scrutiny committee members had been asked to prepare questions for council officers in advance, and to keep their discussion within the specific area of due diligence. It would therefore be for members of the public to introduce new areas of discussion, without warning.

There is of course an opportunity for residents who live in Norwich or are eligible to stand for election to the city council to ask questions at council, cabinet and committee meetings, in accordance with appendix 1 of the council's constitution. Notice of the question needs to be given to the committee officer by 10.00am on the day before the meeting so that a response can be prepared. This is clearly stated on agendas. However in this instance no questions were received in advance of the meeting.

If any member of the public, or any member of this council would like a particular item to be reviewed or looked into further by the scrutiny committee, I would encourage them to contact the scrutiny officer. It is important that as many people as possible are properly involved in the scrutiny process. The scrutiny officer can be

contacted at City Hall: Steve Goddard, scrutiny officer, stevegoddard@norwich.gov.uk or 01603 212491.

Councillor David Fairbairn asked, as a supplementary question, if the chair of scrutiny committee agreed that all papers for scrutiny committee should be sent out earlier than they had been in the past. **Councillor Claire Stephenson** said that this should occur and she had tried to ensure that this was the case and would welcome any support from all members to try to ensure that those presenting reports to committee produced them in time to be sent out at the required 5 clear days.

Question 2

Councillor Stephen Little to the cabinet member for resources, performance and shared services:-

How many meetings of full council, cabinet and other committees and working groups have been cancelled in the period since last September's election?

Councillor Alan Waters, cabinet member for resources, performance and shared services reply:-

Thank you for your question Councillor Little. The context, as you will be aware, relates to

- (a) the outcome of discussions that have been held between group leaders looking at how to further improve efficiency around the democratic process.
- (b) Unprecedented cuts in local authority budgets by the Tory/Lib Dem government.

In the period since September, 2010 elections, group leaders have agreed that three scheduled meetings of full council should not be convened as there was no business to be transacted that related directly to amending the budget and policy framework.

Following the outcome of the general election and the financial pressures placed on the council by the Coalition Government, the cabinet was quick to consider how to reduce the burden on officers who produce reports and service meetings. In discussion with management, the forward agenda of cabinet items has been revised to allow the necessary business to be transacted by convening five fewer meetings.

So in total 16 council, committee and working party meetings cancelled since the September election.

In reply to a supplementary question from **Councillor Stephen Little, Councillor Alan Waters** reiterated that there had been discussions with all group leaders regarding agreement not to convene council meetings. Any decision not to convene a meeting had been made for good reason.

Question 3

Councillor Samir Jeraj to the cabinet member for resources, performance and shared services:-

I am sure that the cabinet member agrees with me in supporting the actions of civil society groups such as UK uncut in highlighting corporate tax evasion. Can the council show solidarity with these groups and divest from those corporations unwilling to pay their fair share?

Councillor Alan Waters, cabinet member for resources, performance and shared services reply:-

Thank you for your very pertinent question Councillor Jeraj, with which I have much sympathy. I can certainly provide reassurance about the city council's position on companies who have committed tax evasion offences.

The Public Contracts Regulations 2006 clearly state that we **must** treat as ineligible any supplier where we have knowledge of a conviction for cheating the revenue or defrauding the Customs or an offence in connection with taxation in the European Community. Further, we **may** treat as ineligible any supplier who has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established. Tax evasion (as opposed to tax avoidance) is defined as efforts not to pay taxes by illegal means. Where the council has knowledge that suppliers have been convicted of the offences listed in the Public Contracts Regulations the council will not award contracts to those suppliers.

On your broader point about tax avoidance or minimising tax payments - the work of civil society groups like UK uncut; the Tax Justice Network and campaigners for a Robin Hood Tax have calculated that the amount lost annually in tax avoidance; tax evasion and uncollected tax amounts to a total tax gap of £121bn – over 81% of the annual budget deficit.

It is a reminder that it was a collapse in tax revenues – not an overspend on public services – and heavy transfusions of ordinary taxpayers money to prop up the banking sector that created the deficit. If the Coalition Government put its energy into dealing with the tax gap, including a punitive tax on banker's bonuses (£7bn paid out in the first quarter of 2011) then many of the cuts in vital services would not be necessary and the economy would not be threatened with a deep recession – which will be damaging to the public, private and voluntary sectors.

Question 4

Councillor Ash Haynes to the cabinet member for environment:

In flats and houses on Alternate Weekly Collections which have communal facilities, some residents with mobility difficulties are having trouble carrying and lifting their waste and recycling into the communal bins. Could the Council do more to directly assist these residents?

Councillor Victoria MacDonald, cabinet member for environment's reply:

If any tenant is finding it difficult to manage disposing of their rubbish we will visit and discuss individual requirements and options for disposing of their rubbish including self help, signposting for support packages and reasonable adaptations to ensure access the new disposal service. We are also conscious that where this change has highlighted individual issues there may be wider personal issues that become apparent that we can also address in a positive way with partnering agencies, this might include an occupational therapist to provide a holistic assessment of needs. We can then use that information to explore what reasonable adjustments we can then offer to allow you equal access not just our services but improved quality of life.

In these specific/ individual circumstances we will make temporary arrangements until we have undertaken the personal holistic assessment work and found a sustainable solution.

Councillor Ash Haynes asked, as a supplementary question, how this matched the commitment to comply with the Disability Discrimination Act and couldn't the council put on extra collections to meet this? **Councillor Victoria MacDonald** said the council was well aware of the need and its obligations to comply with the Disability Discrimination Act and there was joined up working with other council services to give assistance to those that needed it.

Question 5

Councillor James Wright to the cabinet member for resources, performance and shared services:-

At the recent Budget Council, the cabinet member for resources, performance and shared services alluded to his support for freedom of information in the public sector, something which I fully advocate. Could he please let me know how many times in the last 18 months Norwich City Council has used provisions in the Freedom of Information Act to withhold information when a request has been made?

Councillor Alan Waters, cabinet member for resources, performance and shared services reply:-

As you well know Councillor Wright the council has fully embraced the spirit of openness; including publishing a very comprehensive publications scheme and website to provide information to the public. We also provide all information requested under Freedom of Information, including information that could, under exemptions in the Act, be withheld, unless there are very clear reasons not to do so.

There are absolute exemptions (such as personal information; information provided "in confidence" or information accessible to the applicant by other means), and qualified exemptions (including commercial interests and legal professional privilege)

In the last 18 months the council has received 661 FOI requests by email or letter – however, most of these requests have multiple individual questions (for example a recent "round robin" FOI to all councils in the country by a daily telegraph journalist had four separate questions including – "Please provide any documents, memos,

letters or emails related to twinning written in the above mentioned (financial year 2009/10 and 2010/11) period.” !!)

Of the 661 requests received, 23 have included some information that the council was unable to provide under the exemptions. An additional nine requests were refused where responding to the request would have taken time/cost over the appropriate limit as specified in the FOI Act.

As I stated in reply to a question on FOIs at the January council meeting, the council's web site and content is under review as part of a refresh exercise and I will ask that publishing FOI responses on the site be considered as part of that exercise.

Question 6

Councillor Judith Lubbock to the cabinet member for housing:-

Recently an enquiry from a leaseholder revealed that it was not council policy to allow leaseholders to improve the condition of their flat by installing loft insulation. I quote from the letter received from the council.

“As the loft space is the responsibility of the council unfortunately I am unable to grant you permission to insulate the loft.”

On behalf of the leaseholder I questioned this policy which did not allow the leaseholder to improve their property and reduce fuel bills.

My enquiry prompted an investigation into this situation which resulted in a change to policy and now the leaseholder has been told that they can instruct contractors to do the work to insulate the loft as long as they adhere to a long list of conditions.

Will the cabinet member for housing agree with me that this policy not to allow leaseholders to insulate their lofts was completely unacceptable, an embarrassment to her administration and completely at odds with this council's policy of reducing CO² emissions?

Councillor Brenda Arthur, cabinet member for housing's reply:-

As with most issues there are two sides to this. Given that the vast majority of the council's housing properties had their lofts insulated some years ago to a level which was in excess of the minimum requirement requests to have work of this kind carried out are extremely rare.

The policy of not allowing work to be carried out by within the loft space by other contractors had been in place for a considerable time – and although I cannot put an exact date of it - I am assured it was in place during the period that the Liberal Democrats controlled the council. Councillor Lubbock is a member of that former Liberal Democrat administration whose record on window replacements and recycling are examples of why she is not in a good position to criticise on carbon reduction measures.

This policy was introduced after other contractors carrying out work on residents behalf has caused damage in lofts resulting in the city council having to repair the damage at a disproportionate cost to the HRA (housing revenue account). I am sure Councillor Lubbock will support me in saying we must use HRA funds prudently. At the time it was felt that the best option was to not allow work to be undertaken in roof voids. As it had been a very long time since anyone had made a request to add insulation to their loft the policy had not been reviewed or changed to bring it in line with the more cooperative approach we have developed for working with tenants and leaseholders. However following this request and in view of the spiralling energy costs the policy has been revised and revised. Permission can now be given subject to certain conditions and assurances which reduce the risk of tenants having to foot the bill through the HRA by having to make good any damage after the works are completed.

This clearly demonstrates the way the city council is listening to and working with residents. It reflects the progress over the past five years to change the culture within the organisation to one which responds positively to changes in circumstances and requirements.

It also highlights a need to review policies in a timely and ongoing manner which as part of our housing improvements we are increasingly doing. We would feel embarrassed if we had something brought to our attention that is archaic or has been overlooked and we failed to deal with it properly and promptly. But by Councillor Lubbock's own testimony this matter was dealt with entirely appropriately. Indeed I would be delighted if she is happy to highlight any other areas where the Labour administration has listened and quickly updated policies in response to representations from councillors or residents.

Councillor Lubbock said that she had been pleased that she had been effective in changing council policy and asked, as a supplementary question, if the portfolio holder acknowledge that there should be a better relationship with leaseholders. **Councillor Victoria MacDonald** said the council had been striving to develop good relations with leaseholders and there was a sound relationship with many of them and she would welcome a more trusting relationship with all leaseholders.