

Minutes of a meeting of the **Council** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 22 March 2012** at 7.00pm when there were present:

Mrs C H Bannock – Chairman

Mr A D Adams	Mr A P Findlay	Mr B A McGilvray
Mr P Balcombe	Mr J F Fisher	Mr J N Pettman
Mr J W Bracey	Mr R R Foulger	Mr A J Proctor
Mr D Buck	Mr I G Graham	Mrs B H Rix
Mr S R Buckle	Mrs S C Gurney	Mr D Roper
Mr P H Carrick	Mr D G Harrison	Mr N C Shaw
Mr S M Clancy	Mrs L H Hemsall	Mr M D Snowling MBE
Mrs J C Cottingham	Mr J M Joyce	Mr J P Starling
Mr W F Couzens	Miss J R Keeler	Mr N E Starling
Mrs K Davis-Claydon	Mr B S Kular	Mr S A Vincent
Mr S Dunn	Mr K G Leggett MBE	Mrs C Ward
Mr J J Emsell	Mr I J Mackie	Mr D C Ward

Also in attendance were the Chief Executive, the Deputy Chief Executive, the Head of Democratic Services and Monitoring Officer and the Committee Officer (DM).

At the beginning of the meeting the Chairman reminded all present that, in accordance with the constitution, no part of the meeting should be recorded in any way by tape, film, video equipment or any other means, without the consent of the Members present at the meeting.

182 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mr Harrison Mr Mackie Mr Shaw Mrs Gurney Mr Proctor Mr Clancy	Any matter relating to Norfolk County Council	Personal Interest – Norfolk County Councillor
Mr Joyce	Any matter relating to Norfolk County Council and Norfolk Police Authority	Personal Interest – Norfolk County Councillor and Member of the Norfolk Police Authority

183 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs M Bradley, Mr J A Carswell, Mr P N Green, Mr R J Knowles, Mr A S Mallett, Mrs T M Mancini-Boyle, Mr R R Nash, Mr D W Thompson, Mr S D Woodbridge and Mr J Sadler, Member of the Standards Committee.

184 MINUTES

The Minutes of the meeting held on 23 February 2012 were confirmed and signed by the Chairman as a correct record.

Minute no:147 – Minutes – Rackheath Explosion

Mr Foulger reported the latest position on the investigations into the Rackheath Explosion.

185 ANNOUNCEMENTS

The Chairman announced that Broadland had been lucky enough to have two communities on route for the Olympic Torch Relay – Aylsham and Acle. With the support of the Economic Development Team, local organising groups for the two areas were progressing well and it was hoped that all the Broadland community would go along and cheer the Torchbearers and have a great experience in the two Market Towns. Entertainment and associated activities were being arranged to take place in the Market Place, Aylsham, with a family concert in the evening on the Recreation Ground where a variety of local bands including some from the High School would be given the opportunity to perform. The following morning in Acle entertainment was being provided by the local schools with songs and dances with an Olympic theme. An exhibition of Olympic themed pictures and poetry from local school children and from residents at a local nursing home would be held in the Church Hall. This was a special event for Broadland and the Chairman encouraged Members to join the once in a lifetime opportunity. She added that the Norwich route of the torch would include a short distance in Hellesdon and Thorpe St Andrew, giving even more opportunity for Broadland residents to see the torch relay. The Chairman stated that in addition to work on these events, the Economic Development Team was also working on other Olympic related events such as developing community cycling groups, schools dance workshops, a children's film festival and the National Bandstand Marathon on 9 September 2012 which would mark the closing ceremony of the Games. This was also the day that the Tour of Britain returned to Norfolk.

The Chairman then reported on civic engagements undertaken since the last Council meeting (copy attached at appendix 1 to the signed copy of these Minutes).

The Portfolio Holder for Communities and Housing made reference to the recently launched Local Authority Mortgage Scheme and said she was pleased to report that 64 enquiries about the scheme had been received with 22 mortgages offered in principle totalling some £2.5 m. Two property exchanges had already been completed.

In response to a question from a Member regarding how the Olympic legacy would benefit residents of his ward, the Portfolio Holder for Economic Development stated that, at this stage the money was unallocated and decisions would be made as and when suitable activities came forward. He undertook to keep Members informed.

The Chief Executive reported that £156 had been raised so far by staff and Members in response to the Marie Curie Cancer Care Great Daffodil Appeal.

A Member gave thanks to all Norfolk Councils for the support they had given to the armed forces in signing the Armed Forces Covenant.

186 QUESTIONS FROM THE PUBLIC

It was noted that there had been no questions received from the public.

187 PUBLIC SPEAKING

The following representations were made by the public:

Mr Heard

I stand before you as a concerned local resident who has taken to the courts to determine that this elected body has acted unlawfully. We in SNUB find this very disappointing as you were told on several occasions that this JCS was legally flawed and to adopt it was a risky thing to do. What you have before you is not correct. The party on my right have whipped this through without taking their duty of care to residents seriously and the party on my left did not have the courage to take to the courts to challenge that decision. It was left to a group of local residents at great expense to do that job. Disappointing to say the least. And talking of money, we find it beyond belief that this Council is now pressing hard to extract as much money as possible from their own residents to minimise their own financial exposure. Shameful. All we have heard since the verdict is PR spin, which is probably costing us local taxpayers even more of our money, with no apology for professional officers getting it so badly wrong. A sorry would be nice but we will not hold our breath. This act of folly has caused real concern out there in the community. Thousands of local residents want to know if this is the tip of the iceberg and whether there have been other times that this Council has acted unlawfully. Confidence in this Council's ability to manage has been severely damaged and we look to those responsible to do the honourable thing. I know that if I acted unlawfully in my job, I would be dismissed for gross misconduct. We will continue to press for full accountability through the appropriate channels. This campaign remains steadfast and grows from strength to strength in its determination to see an appropriate level of development in the district in which we all live. As Mahatma Gandhi said: First they ignore you, then they

laugh at you, then they fight you, then you win. Seems apt somehow.

Mr C Gray

I have requested to speak to the Council on behalf of young people in Broadland. As a student who is about to enter the working world, I welcomed the news of plans to build housing in Broadland seeing an opportunity as a young professional to stay and work in Norwich. These Plans are an investment in the future, an investment in my future, it's an investment in the future of Norwich. It is sad to think that these plans could meet with opposition when so many young people and young families are desperate for housing. We have to do our bit, to consider the needs of others and in doing so, Norwich will benefit, and all the people of Norwich will benefit. Improved transport links to the north of the city, new schools, greater investment and much needed income for local business and local tradesmen. But most importantly, young people and families that share a love for Norwich will ultimately build a stake in the future of this great City. Unfortunately I find myself in the difficult situation of living with my grandparents in a two bed bungalow in Sprowston, a situation that is unlikely to improve if plans continue to stall. I am not the only one to express this view; I am but one voice out of many young adults trying to stay and work in Norwich, but cannot due to housing shortages and the expensive prices of inner city housing. The development of housing in Broadland would send a message to young professionals everywhere that Norwich welcomes new ideas, families and growth; it has worked in Cambridge and it has worked in Milton Keynes, flagship cities old and new, Councils that value investment, and with this investment came jobs and new business. I am appealing to you, as councilmen, on behalf of young people, to support these plans for building in Broadland because, like you, I care about the future of Norwich.

188 BROADLAND, NORWICH AND SOUTH NORFOLK - JOINT CORE STRATEGY – LEGAL CHALLENGE

Members considered the report of the Chief Executive which explained the outcome of the legal challenge made to the Joint Core Strategy (JCS), set out the requirements of the Order made by the Judge and the steps that the Council and its partners needed to take in order to comply with the Order. The report also explained the implications of the Judgment on the consideration of planning applications in the Broadland part of the Norwich Policy Area (NPA) and noted the role of the Place Shaping Committee in developing an interim policy statement to better protect local communities from inappropriate/unacceptable speculative planning applications.

The report recommended the commissioning of an independent review of the processes that resulted in the Judge concluding that the European Directive had not been complied with.

The Chief Executive reminded Members that on 24 February judgment had been handed down on the legal challenge made to the JCS. Of the two claims heard at the hearing in December, that relating to the NDR was dismissed; the one relating to the Strategic Environmental Assessment and the alternatives for growth to the North East Growth Triangle (NEGT) was successful. The Judge concluded that the rejection of alternatives to significant growth in the NEGТ had not been adequately explained in the published material, with the lack of explanation on this matter in the SA report of 2009 being critical. A further hearing had taken place on 29 February to establish the nature of the relief to be given to the claimant.

The Judge heard arguments as to why parts of the JCS should be quashed and the alternative of only being remitted. He concluded that the powers given to him under the planning acts had been deliberately designed to avoid the need to put plans back to square one in such circumstances and therefore indicated that he would not quash the affected parts of the plan, but order remittal to the pre submission stage. He determined that remittal would be limited to the NEGТ and housing proposals within the Broadland part of the Norwich Policy Area. The rest of the JCS remained intact.

The Chief Executive stated that the Judge had instructed the Councils' advocate to prepare a draft Order and schedule of those parts of the JCS text to be remitted and to seek to agree this with the Claimant. A draft Order and schedule had been submitted to the Judge and the Council was waiting the court's decision. It was anticipated that the Order would set out how the remitted parts of the plan were to be treated; a process for how those remitted parts were to be taken forward; and how the remainder of the plan should be treated. It was likely that this would require a revised Sustainability Appraisal to be prepared of the remitted parts of the JCS. The Chief Executive stated that it was recommended that the Council start

work on this immediately in order to minimise further delay. On the issue of costs, it had been agreed that the reciprocal cap limit would be met, with a £1,000 reduction to meet the Councils' costs of preparing the Order. Permission to appeal by the Councils was denied by the Judge. The Chief Executive drew Members' attention to the Recommendations set out on pages 51 and 52 of the report.

The Leader of the Council stated that he wanted to dispel the myth that the Council had acted illegally and that it had to go back to square one with regard to the JCS. He emphasised that the strategy insofar as it affected Broadland outside of the Norwich Policy Area was still intact. Work now needed to start on a full, transparent and fair process including consultations. The work would be undertaken by the GNDP but he emphasised this was not a decision making body and that decisions would be made by the member Councils. He stated that this Council's Place Shaping Committee would have a key role to play in the process. The Place Shaping Committee, as with its predecessor, included cross party membership and, following the AGM in May, would continue to have cross party membership. With regard to the costs of the legal challenge, the Leader emphasised that these would be shared amongst the GNDP member Councils. The cost of any further work was still unknown and would be kept to a minimum but necessary level and again would be shared. He moved, duly seconded, that the Council support the recommendations contained in the report.

The Leader of the opposition requested that the recommendations included in the report be voted on individually as there were concerns about some of them. He made reference to the proposed commissioning of a review by an independent person and referred to the debate on standards matters at the last Council meeting and difficulties interpreting the term "independent". He invited the Council to support a proposal that the appointment of an independent person should be agreed by all three parties represented on the Council.

A number of Members expressed concerns about the report and its proposals. It was stated that it was vital to ensure the Council did not find itself in the same position in 18 months time having failed to properly address the issues. It was suggested that the Judge's instructions had been misinterpreted in the report and there were concerns that a false spin had been put on them. Concerns were raised about the implications of having a premeditated idea of the outcome of the review. It was suggested that Judges only commented on those matters specifically referred to them and it was wrong to infer the support of a Judge for those matters not before them. It could not be assumed therefore that in this case the Judge had upheld other elements of the JCS as claimed. The Judge had focussed on processes and had not had regard to the issue of numbers; the processes were flawed casting doubts over the validity of the numbers. Reference was made to the fact that Members had been given a full copy of the Judgement dated 24 February but had not seen the Judgement from 29 February to which

reference had been made. It was felt that the statements in paragraph 6.1 of the report were conjecture and the statements in paragraph 6.3 were incomplete and taken out of context with the full text of the Judgement. It was suggested that, to satisfy the Judge's requirements, it would be necessary to look at all options including those outside the Broadland part of the NPA.

Questions were raised about the lack of transparency of the JCS process and the limited opportunity for opposition involvement and there was clear opposition to some of the proposals which had not been taken into account.

An amendment was proposed, duly seconded, that recommendation 9.1 (2) be amended to read "working with our GNDP partners, collectively commence the process of producing a Sustainability Appraisal of the parts of the JCS to be remitted and this Sustainability Appraisal examines in particular the strategic growth in the North East Growth Triangle and all reasonable alternatives to this throughout the whole JCS area."

A second amendment was proposed, duly seconded, in relation to recommendation 9.1 (4) requiring that the independent person be acceptable to all three political parties represented on the Council. It was stated that the process needed to be open and transparent and it was suggested the involvement of a representative of all three parties would support the Deputy Chief Executive in his commissioning of an independent person.

A third amendment was proposed, duly seconded, that the recommendations contained in the report be voted on individually.

A number of Members then spoke in support of the report and the recommendations. They felt that the proposal contained in the report for the commissioning of an independent person was completely satisfactory and that this needed to proceed with haste. Members questioned whether it was within the scope of the Judgement for the Council to look outside the NPA for alternatives and to do so would result in little progress being made in securing much needed development and growth in other areas. It was important to maintain progress with the development of the JCS in all other areas and to continue to move forward with efforts to promote growth and employment in Broadland. It was important that this growth was managed, acceptable growth and that, whilst it was necessary to review the processes in accordance with the Judge's requirements, the Council could not afford to stand still. It was felt that there had been ample opportunity for involvement in the process by opposition parties and for alternative proposals to be put forward.

In response to the issue of whether or not it was within the scope of the Judgement for the Council to look at outside the NPA for alternatives, the Chief Executive stated that the element of the JCS relating to Norwich, Broadland and South Norfolk outside the Norwich Policy Area remained in tact and unaffected by the Judgement – it was therefore possible to proceed

with the production of development plan documents relating to those areas outside the NPA. The Judgement related only to the Broadland element of the Norwich Policy Area.

Members then proceeded to vote on the amendments and recommendations as follows:

Members voted on the first amendment that recommendation 9.1 (2) be amended to read “working with our GNDP partners, collectively commence the process of producing a Sustainability Appraisal of the parts of the JCS to be remitted and this Sustainability Appraisal examines in particular the strategic growth in the North East Growth Triangle and all reasonable alternatives to this throughout the whole JCS area.”

It was requested that a recorded vote be taken. In accordance with the provisions of the Constitution and with at least one sixth of the Members present standing, a recorded vote was taken.

FOR THE AMENDMENT – 11

Mr Balcombe, Mr Buckle, Mr Harrison, Mr Joyce, Mr Kular, Mr McGilvray, Mr Roper, Mrs Rix, Mr N Starling, Mr J Starling, Mrs Ward

AGAINST THE AMENDMENT – 26

Mr Adams, Mrs Bannock, Mr Bracey , Mr Buck, Mr Carrick, Mr Clancy, Mrs Cottingham, Mr Couzens, Mrs Davis-Claydon, Mr Dunn, Mr Emsell, Mr Findlay, Mr Fisher, Mr Foulger, Mr Graham, Mrs Gurney, Mrs Hemsall, Miss Keeler, Mr Leggett, Mr Mackie, Mr J N Pettman, Mr Proctor, Mr Shaw, Mr Snowling, Mr Vincent, Mr Ward

The amendment motion was LOST.

Members voted on the second amendment that the independent person to be commissioned (as referred to in recommendation 9.1 (4)) be agreed by a Member representative of each of the three political parties on the Council.

It was requested that a recorded vote be taken. In accordance with the provisions of the Constitution, and with at least one sixth of the Members present standing, a recorded vote was taken.

FOR THE AMENDMENT – 12

Mr Balcombe, Mr Buckle, Mr Couzens, Mr Harrison, Mr Joyce, Mr Kular, Mr McGilvray, Mr Roper, Mrs Rix, Mr N Starling, Mr J Starling, Mrs Ward

AGAINST THE AMENDMENT – 25

Mr Adams, Mrs Bannock, Mr Bracey , Mr Buck, Mr Carrick, Mr Clancy, Mrs Cottingham, Mrs Davis-Claydon, Mr Dunn, Mr Emsell, Mr Findlay, Mr Fisher, Mr Foulger, Mr Graham, Mrs Gurney, Mrs Hemsall, Miss Keeler, Mr Leggett, Mr Mackie, Mr J N Pettman, Mr Proctor, Mr Shaw, Mr Snowling, Mr Vincent, Mr Ward

The amendment was LOST.

Members voted on the third amendment that the recommendations contained at paragraph 9.1 (1) to (4) in the report be voted on individually.

With 12 Members voting for, 21 against, the amendment was LOST.

Members then voted on the recommendations at paragraph 9.1 (1) to (4) in the report.

It was requested that a recorded vote be taken. In accordance with the provisions of the Constitution, and with at least one sixth of the Members present standing, a recorded vote was taken.

FOR THE RECOMMENDATIONS – 26

Mr Adams, Mrs Bannock, Mr Bracey , Mr Buck, Mr Carrick, Mr Clancy, Mrs Cottingham, Mr Couzens, Mrs Davis-Claydon, Mr Dunn, Mr Emsell, Mr Findlay, Mr Fisher, Mr Foulger, Mr Graham, Mrs Gurney, Mrs Hemsall, Miss Keeler, Mr Leggett, Mr Mackie, Mr J N Pettman, Mr Proctor, Mr Shaw, Mr Snowling, Mr Vincent, Mr Ward

AGAINST THE RECOMMENDATIONS – 11

Mr Balcombe, Mr Buckle, Mr Harrison, Mr Joyce, Mr Kular, Mr McGilvray, Mr Roper, Mrs Rix, Mr N Starling, Mr J Starling, Mrs Ward

The recommendation was CARRIED.

RESOLVED

to

- (1) note the judgment made by Mr Justice Ouseley and the progress being made in finalising the Order and schedule detailing those parts of the JCS to be remitted;

- (2) work with our GNDP partners to collectively commence the process of producing a Sustainability Appraisal of the parts of the JCS to be remitted and this Sustainability Appraisal examines in particular the strategic growth in the North East Growth Triangle and the reasonable alternatives (if any) to this;
- (3) note that the Place Shaping Committee shall oversee the preparation of an interim Policy Statement to better protect local communities from inappropriate/unacceptable speculative Planning Applications, and the on-going work in preparation of the Sustainability Appraisal of the parts of the JCS remitted;
- (4) instruct the Deputy Chief Executive to commission a Review by an independent person of the processes and procedures followed during the preparation of the JCS, with particular regard to the selection of the North East Growth Triangle for strategic growth in Broadland, and report back to Council on completion.

189 OVERVIEW AND SCRUTINY COMMITTEE

The Minutes of the Overview and Scrutiny Committee meetings held on 14 February 2012 and 28 February 2012 were received.

190 CABINET MINUTES

The Minutes of the Cabinet meetings held on 21 February and 13 March 2012 were received.

21 February 2012 - Minute no: 139 – Pay Policy Statement

Members considered the recommendation from Cabinet in relation to the Council's Pay Policy for 2012/13 and

RESOLVED

to approve the Pay Policy Statement, as amended and attached at appendix 2 to the signed copy of these Minutes.

21 February 2012 - Minute no: 141 – Adoption of Street Naming, Numbering and Signage Legislation

Members considered the recommendation from Cabinet in relation to the options for the adoption of legislation in respect of street naming, numbering and signage and

RESOLVED

to adopt Section 17 and 18 of the Public Health Act 1925 and Section 64 and 65 of the Towns Improvement Clauses Act 1847.

[Council noted that Minute no:142 had been dealt with at the last Council meeting]

13 March 2012 – Minute no: 152 - Treasury Management Policy 2012/13

Members considered the recommendation from Cabinet relating to the borrowing limits and the Treasury Management Policy and Investment Strategy Statement for 2012/13.

RESOLVED

to adopt the Annual Investment Strategy for 2012/13 attached at appendix 3 to the signed copy of these Minutes.

13 March 2012 – Minute no: 155 - Equality Duty Requirements and Objectives

Members considered the recommendation from Cabinet relating to the the statutory duties imposed on the Council by the Equality Act 2010.

RESOLVED

to adopt and publish the Single Equality Scheme 2012 to 2015 and the Equalities Action Plan 2011-15 as attached at appendix 4 to the signed copy of these Minutes.

13 March 2012 – Minute no: 156 Corporate Risk Register Review and Review of Risk Strategy

Members considered the recommendation from Cabinet relating to the six month review of the Corporate Risk Register required by the Risk Strategy.

RESOLVED

that the updated Corporate Risk Register be agreed, copy attached at appendix 5 to the signed copy of these Minutes.

191 PLANNING COMMITTEE

The list of decisions of the Planning Committee meeting held on 1 February 2012 was received.

192 QUESTIONS FROM MEMBERS

The following questions were asked, in accordance with Procedural Rule 12.4:

(1) Question from Mr Roper to the Leader:

“Will the Leader outline the legal advice the Council received in defending the part of the legal challenge to the Joint Core Strategy relating to how the Strategic Environmental Assessment did not adequately explain or examine alternatives to the North East Growth Triangle. How confident was the legal advice that this part of the case would be successfully defended? Did the advice indicate any risk of a Judgement against the Council? Did the Judgement against this part of the Joint Core Strategy arise from factors that had been overlooked or considered but then discounted?”

In response, the Leader stated that the legal advice obtained on the grounds of resisting the legal challenge could be made available to the Member, but only in his capacity as a councillor. The advice was protected by legal professional privilege and the Member would be obliged under the Code of Conduct to keep it confidential. Notwithstanding the above there was no absolute certainty in any form of litigation.

Mr Roper asked a supplementary question. He requested a copy of the legal advice be made available to all interested Members and having regard to the series of decisions which would be made following this advice, he asked the leader how best Members should question these decisions.

The Leader replied that facilities existed for any Member to raise a question at Council. The opposition Group also had representation on the Place Shaping Committee and Members of the opposition could keep up to date with progress through their representative.

(2) Question from Mr Balcombe to the Leader:

“Will the Leader of the Council join me in expressing gratitude to the residents who through the Courts highlighted deficiencies in how Broadland District Council presented the Strategic Environmental Assessment of the North East Growth Triangle in the Joint Core Strategy?”

In response, the Leader stated that as Cllr Balcombe was aware, the legal challenge to the Joint Core Strategy was not brought by residents of Broadland but by only one resident who was the chairman of a group that had campaigned against the strategy. In this case, for that reason, the answer was no.

Mr Balcombe asked a supplementary question stating that it did not matter to which group the resident belonged as he was still a resident of Broadland. He asked the Leader if he agreed that when caught in the wrong, the Council should not brazenly pretend nothing had happened when the whole world could see it was wrong.

The Leader responded that the procedural flaws had been accepted and were being corrected.

(3) Question from Mr Mackie to the Leader:

“In this period following the High Court decision regarding the Joint Core Strategy, please could the Leader confirm if local groups, such as the Friends of Thorpe Woodland, will be engaged and consulted with?”

In response, the Leader stated that as part of the process there would be a further round of public consultation. As before local groups as well as individuals would have an opportunity to express their views. While this work was going on, the policies set out in Broadland’s local plan in 2006 that had been retained, as well as the relevant policies in the JCS which had not been remitted would be some of the determining factors with regard to any planning applications submitted.

Mr Mackie thanked the Leader for the response and welcomed the opportunity for a further round of public consultation.

Question from Mr Clancy:

In view of the need for further work and consultation with regard to the Broadland Norwich Policy Area within the JCS, could the Leader of the Council assure the Council that Broadland and its partners in the JCS and GNDP continue to be fully committed to supporting key infrastructure projects the protection of existing jobs, supporting business and the creation of new real jobs through the planning process and economic development strategies, thereby maintaining Broadland’s excellent record as being both a well run Council which supports enterprise, and a quality place to live for our residents.

In response, the Leader stated that he totally agreed with Cllr Clancy that Broadland was and had been a well run Council and a quality place to live and was widely recognised that way – nationally and internationally. It was part of the way the Council worked to support businesses and enterprise and the Business Plan the Council adopted in 2011 made it very clear what we would continue to do. Without new real jobs and without managed development the economy, locally and nationally, could not move forward and this was a view that it was hoped all Members would support.

One of the central planks of the Joint Core Strategy was that growth would not take place without the relevant supporting infrastructure ranging from roads through to community facilities that would benefit residents in Broadland and other areas of Greater Norwich covered by the Joint Core Strategy. The commitment given in the JCS had not changed and certainly would not change in the future.

As had been recognised, one of the key elements of that infrastructure, the Northern Distributor Road as an integral part of the Norwich Area Transportation Strategy (NATS), had had a massive boost from the £86.5m of central government funding allocated to it and it was known that the County Council was working hard on bringing forward the planning application for the NDR as soon as possible.

(4) Question from Mr Graham:

If the review of the JCS and the proposed NEGТ produces a result that means that a large amount of the new housing allocation will be required to be moved to other areas of Broadland, would it be possible to estimate how many of these would need to be allocated in areas such as Reepham, Spixworth, Aylsham, Horsford or Wroxham?

In response, the Leader stated that the judgment only affected the Broadland part of the Norwich Policy Area, therefore Aylsham, Reepham and Wroxham, which sat outside the NPA would not receive any more allocations than that already planned in the JCS. Communities within the Broadland part of the NPA like Blofield, Brundall, Drayton, Hellesdon, Horsford, Horsham St Faiths, Old Catton, Postwick, Rackheath, Salhouse, Spixworth, Sprowston, Taverham, Thorpe St Andrew and The Plumsteads, would all be re-appraised as part of the further work to be undertaken, to identify whether or not they were better alternatives to accommodate the proposed growth than the NEGТ, and therefore the spatial distribution of housing in this area might change as a consequence.

Mr Graham asked a supplementary question - would you agree with me that, as the experts at the Independent Planning Inspectorate and the High Court Judge did not question the number of homes and jobs that will be required in

the near to medium future in Broadland, if for whatever reason a change to the JCS is arrived at that, that the Members who campaigned against the original JCS would, one presumes, be content and even give their support for the requirement for those jobs and homes to be moved to Spixworth or Horsford and other parts of the Norwich fringe area. The Leader indicated agreement with Mr Graham's comments.

193 MOTIONS

The Council considered the following Motions received under Procedural Rule 13:

- (1) Proposer: Mr N Starling Seconded: Mr Roper

Broadland District Council commits itself to a rigorous and transparent re-evaluation of proposals for a "North East Growth Triangle" as part of the Joint Core Strategy. This Council does not rule out possible revision or cancellation of all or any individual part of the "North East Growth Triangle" proposals when the new Sustainability Appraisal is completed. This includes the possibility that support could be withdrawn for a new town in Rackheath.

In support of his motion Mr Starling said that to state that the Council's defeat in the high court a few weeks ago was a disappointment was something of an understatement – this was said, not to belittle or undermine the efforts put in by Mr Heard who personally put much on the line in order to pursue this matter through the courts, but as a councillor and taxpayer. He stated that it was disappointing, and somewhat embarrassing, to find that advice the leadership of the Council gave to councillors was not able to stand up to the rigours of the legal process. As a result, the Council faced a yet uncoded legal bill and considerable other costs in engaging in a further 12 months plus of putting right the faults that were found by the high court. These costs would be carried by local taxpayers who would rightly ask what the consequences were for those councillors who led the process. The response so far from Cllr Proctor had been to brush off the court defeat as a minor set back. Whilst he might persuade some people at the GNPD and within his own group that this was the case, it was more than a minor setback to his reputation and the perception people had about how he ran the Council.

As a newly elected Member three years ago, Mr Starling said Councillors were faced with a Domsday scenario which equated the failure to pass the JCS as giving the nod to every inappropriate developer in Norfolk to submit speculative applications which would blight Broadland for years to come. Councillors were told that only supporting the JCS would stop this. At the time, Mr Starling said this warning was very stark and very clear and was a deep concern for opposition Members and the Council heard from many who had real concerns about the whole Rackheath project, but felt compelled to support the JCS at that stage in order to prevent their own wards being

attacked by the ruthless developers.

Mr Starling went on to state that, at the recent Place Shaping Committee, Councillors learned that even with a JCS, Broadland was still under pressure from speculative development because it did not have a 5 years supply of housing land. The so called medicine Councillors were prescribed at the time, and asked to swallow, however distasteful and difficult, was not actually a solution to the problem. Mr Starling stated that this raised real questions about the comments coming from political leaders of the Council about the route the Council needed to take and the actions needed to remedy the situation, when not only was the advice given to Councillors misleading, but the policy itself was not considered to have been legal by the courts.

Councillors had read how the Council was to address the issues raised by the high court ruling, but were yet to read or hear any degree of regret that the Council, with all its resources, should be dragged through the courts by a local Council tax payer. And it was not just about a simple apology to Mr Heard, but an apology to the people of Rackheath and the other villages affected by the JCS who still didn't know where they stood and what the future held. If this Council was to move forward and rebuild its reputation and engender confidence from across Broadland in the new JCS it was vital that all options were considered. Simply serving up the same dish because it was the only option on the menu would make people wonder if the Council was prepared to listen at all.

Mr Starling stated that, however unpopular, it might be that Rackheath was the best option but the Council needed to come to that decision through an open, fair and transparent process that stood up to the rigours of the law. Simply brushing this off as an exercise in dotting some i's and crossing some t's was not going to convince anyone that those concerned had not already answered the question "Where do we want to build", without first asking "Where is the best place to build" Mr Starling questioned why the Council seemed so keen to take such a big share of the housing. Representatives from South Norfolk seemed bemused that Broadland was taking as much housing as it was, especially given the fact that much of the new housing requirements were expected to be to the South of the City. Perhaps a solution to part of the problem would be an acceptance that Broadland should ask its GNDP partners to take on some of Broadland's Housing target.

Mr Starling went on to state that he was not against all development, having lived in an area that 30 years ago did not exist, going to school there, and knowing the area as farmland, he could not state that areas of Broadland were sacrosanct but he believed that the housing issues relied on decisions being taken in cooperation with communities, as was the case in Taverham and Drayton with Thorpe Marriott and in Thorpe St Andrew with Dussindale. This he suggested did not seem to be the case in Rackheath. Only by having

a full, transparent and thorough review could the Council expect the public to have confidence in it and its decisions. With difficult decisions to come on Council finances over the next few years it was vital that the Council moved forward with the confidence of the electorate and Council taxpayers of the district. Mr Starling said his group firmly believed that by adopting the motion, the Council would make it clear that it was committed to achieving its goals legitimately and in a way that did not predetermine the answer to the housing questions the district faced.

Mr Starling concluded by quoting from an interview regarding the planning reforms that were imminent, and were broadcast on the BBC's Countryfile programme a few weeks ago: "The planning reforms are more about allowing communities to approve small-scale schemes rather than waving through sprawling housing estates on the fringes of villages." "I care deeply about our countryside and environment. Our vision is one where we give communities much more say, much more control. The fear people have in villages is the great big housing estate being plonked down from above." "Our reforms will make it easier for communities to say 'we are not going to have a big housing estate landing next to the village, but we would like 10, 20, 30 extra houses and we would like them built in this way, to be built for local people' ". The quote was from David Cameron.

In seconding the motion, Mr Roper stated this was a motion looking forward not backwards and indicated that the Council was following the Judge's recommendations and was not afraid to look at all options. He stated that it was vital to avoid another defeat in eighteen months time. He was not anti development and sought support for the motion which was entirely in line with the legal Judgement.

The Leader of the Council reminded Members that the decision on how to move forward in relation to the JCS had been taken earlier in the meeting at item 8 on the agenda. Support for the motion would leave the Council open to challenge. The motion therefore had no merit in the context of the earlier decision and he invited the proposer to withdraw the motion.

In declining to withdraw the motion, Mr Starling commented that the matter dealt with earlier was a procedural matter whereas the motion was a promise and a mission statement. He suggested there was no confidence in the procedure going forward and that this needed to be addressed.

[At this point in the meeting, the Chairman reminded all present that no part of the meeting should be recorded in any way by tape, film, video equipment or any other means, without the consent of the Members present at the meeting].

Upon moving to a vote, it was requested that a recorded vote be taken. In accordance with the provisions of the Constitution and with at least one sixth of the Members present standing, a recorded vote was taken.

FOR THE MOTION – 12

Mr Balcombe, Mr Buckle, Mr Couzens, Mr Harrison, Mr Joyce, Mr Kular, Mr McGilvray, Mr Roper, Mrs Rix, Mr N Starling, Mr J Starling, Mrs Ward

AGAINST THE MOTION – 25

Mr Adams, Mrs Bannock, Mr Bracey , Mr Buck, Mr Carrick, Mr Clancy, Mrs Cottingham, Mrs Davis-Claydon, Mr Dunn, Mr Emsell, Mr Findlay, Mr Fisher, Mr Foulger, Mr Graham, Mrs Gurney, Mrs Hempsall, Miss Keeler, Mr Leggett, Mr Mackie, Mr J N Pettman, Mr Proctor, Mr Shaw, Mr Snowling, Mr Vincent, Mr Ward

The motion was LOST.

(2) Proposer: Mr Buckle

Secunder: Mr Starling

This Council regrets that the Greater Norwich Development Partnership has lost credibility in the eyes of the electorate and Council tax payers of Broadland and acknowledges that if the GNDP is to be successful in its important work it will need to be reconstituted.

This Council believes that an important step in restoring the confidence of the Council taxpayers of Broadland in the future decisions of the GNDP would be to make it more politically representative. This Council therefore resolves to change its representation to include at least one opposition Member, chosen by the main opposition group, to serve on this body.

In supporting the Motion, Mr Buckle stated that the GNDP enabled all local Councils to manage the Joint Core Strategy and, directly, the expansion of houses in the NEG T and he referred to his ward in Wroxham which included the proposed eco site at Rackheath. At the outset, residents of this Ward were not represented by the GNDP. One of the problems with the GNDP was its democratic deficit; it currently comprised a majority of Conservatives. This meant that Liberal Democrats were doubly disadvantaged. Firstly, in the absence of proportional representation, Liberal Democrat were under-represented on local Councils and secondly, those Liberal Democrat

Councillors who were elected were then unrepresented on the inner group of Councillors developing planning/housing policies and plans affecting the greater Norwich area. Democratic representation on the GNDP was an issue that needed to be addressed. Mr Buckle drew attention to the views of the residents which he said were vital to ensuring correct democratic protocols were in place but that this needed to be represented by an opposition Councillor. He stated he believed in the freedom of speech and for the GNDP not to be represented by locals on such paramount planning decisions required his Group's cooperation. He understood that all members of the GNDP were either Conservative or Labour and lived outside the Wroxham ward or catchment and if this was the case, he proposed that at least one elected opposition Member from Broadland and at least one of the elected Liberal Democrat Member from Wroxham ward who were on the front line of the debate this evening should be included as it was vital that all residents voices were seen to be heard. He questioned if fellow colleagues were in a similar situation e.g. in Hellesdon, Taverham or Aylsham would they expect to represent the views of their residents and to be represented on the GNDP. Mr Buckle stated that his motion sought to avoid residents and all members of the public from being misunderstood and their objectives and aspirations for their community to be realised. He questioned how, as the elected local government body for this special part of Broadland, the Council could deliver what residents required without the proper representation within the GNDP. He invited the Council to re-ignite the enthusiasm of the electorate in the knowledge that their views, their neighbours' and families' views were heard and treated with the respect they deserved and to support the correct and decent proposal to re constitute the GNDP.

In seconding the Motion, Mr Starling stated that, to move forward on this matter, an element of trust needed to be injected into the process.

In response, the Leader of the Council stated that the GNDP was a body to which Members were appointed at the Council's AGM each year. No Liberal Democrat nomination for this Group had been put forward and it would not be desirable to change the Membership format at this stage. He reminded Members that the GNDP was not a decision making body and that all decisions were taken by the GNDP member Councils. The issues were also considered by this Council's Place Shaping Committee.

With regard to the suggestion that the GNDP was not representative of the political make up of partner Councils and in response to a comment made that ward members should be represented on the GNDP, it was stated that this was not feasible as all wards were affected by the JCS.

Upon being put to the vote, with 12 Members voting for, 23 against, the Motion was LOST.

(3) Proposer: Mr N Starling

Seconder: Mr Buckle

This Council re-states its commitment to achieving all possible savings in Council budgets and believes that no amount of money or budget should be excluded from consideration due to a failure to challenge established ways or organisational paralysis.

This Council therefore resolves to remove the burden to Council tax payers of paying for tea and coffee at political group meetings held at the discretion of party political groups.

In supporting the motion, Mr Starling stated that the opposition group had been invited at the last meeting to put forward suggestions for savings, however big or small. He expressed concerns that staff were being expected to make tea and coffee for political group meetings. In seconding the Motion, Mr Buckle stated that this was a small saving but the principle was an important one. Public perception was important and tax payers should not be subsidising tea and coffee at group meetings.

In response to the motion, it was stated that the Council had a proven track record for consistently challenging established practices and breaking paralysis to give the tax payer value for money and reference was made to the work of the Broadland Futures Group. Criticism had been made in the press regarding the awards won by the Council but these demonstrated its forward thinking. Council tax in the area was low and had not increased for a number of years. It was confirmed that staff were not engaged in making tea and coffee at group meetings as these were made by group members themselves. In response to a question, the Head of Democratic Services and Monitoring Officer reported the costings for tea and coffee. It was acknowledged that the sums involved were relatively small but that it was a matter of principle.

Upon being put to the vote, with 12 Members voting for, 22 against, the Motion was LOST.

(4) Proposer: Mr McGilvray

Seconder: Mrs Ward

Council acknowledges the cost and staff time taken to produce and distribute hard copies of papers for Council meetings. Council requests that officers conduct research into options for a switch to an electronic system and report back to full Council with a recommendation. The report should detail the advantages and drawbacks of any potential changes proposed, and the financial implications of any switch. The recommendation should be based particularly with regard to any savings which could be made, alongside any other relevant considerations such as administrative and environmental benefits.

In supporting the motion, Mr McGilvray encouraged Members to support the proposal to investigate the options for improving electronic means of producing and distributing papers for Council meetings. He acknowledged that there were important factors to bear in mind but felt there was merit in investigating the options. In seconding the motion, Mrs Ward stated that there was scope for reviewing Members IT provision and if the Council's IT was easier to use, more Members would engage with it.

It was noted that Broadland Futures was about to begin an investigation into this topic and there was general support for the motion with the exception that the matter should be considered by Broadland Futures and not by way of a report to Council. Mr McGilvray confirmed that he was happy with this amendment to the motion and, subject to the amendment detailed above, and having been put to the vote, the Motion was CARRIED.

RESOLVED

that Council acknowledges the cost and staff time taken to produce and distribute hard copies of papers for Council meetings. Council requests that officers conduct research into options for a switch to an electronic system via the Broadland Futures Project Team. The options should detail the advantages and drawbacks of any potential changes proposed, and the financial implications of any switch. The recommendation should be based particularly with regard to any savings which could be made, alongside any other relevant considerations such as administrative and environmental benefits.

194 ELECTED MEMBER DEVELOPMENT WORKING GROUP – 2 MARCH 2012

Members considered the recommendation from the meeting of the Elected Member Development Working Group on 2 March 2012 on the future arrangements for Member Development. In response to a question, the Chairman of the Elected Development Working Group confirmed that the Charter for Member development would not be renewed and that this would return a saving to the Council.

RESOLVED

to take forward the actions detailed in Minute no: 25 and attached at appendix 6 to the signed copy of these Minutes.

195 SHADOW HEALTH AND WELL BEING BOARD

Members considered the invitation for the Leader of the Council to join the County Council's Shadow Health and Well Being Board being set up from April 2012. During 2012/13, the Board would be working towards becoming a statutory Committee of the County Council and would be developing a Joint Health and Well Being Strategy for Norfolk.

RESOLVED

that the Council confirm the appointment of the Leader of the Council to the County Council's Shadow Health and Well Being Board and that attendance at meetings be designated as an approved duty.

The meeting closed at 9.20 pm