

CABINET

MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2010

Present:

Mr D Murphy (Chairman in the Chair)

Mr B Borrett	Efficiency
Mr J Carswell	Culture, Customer Services and Communications.
Mr D Harwood	Adult Social Services
Mr H A S Humphrey	Fire and Rescue
Mr I J Mackie	Finance and Performance
Mr G R Plant	Travel and Transport
Mrs A Steward	Sustainable Development
Mrs A Thomas	Children's Services

Also Present

Mr R Bearman	Mr J M Joyce
Mr J S Bremner	Mr J Mooney
Baron M Chenery of Horsbrugh	Mr P D Morse
Mrs S Gurney	Mrs J A Murphy
Mr M Hemsley	Mr G Nobbs
Mrs D Irving	Mr M J Scutter
	Mr A J Wright

Officers/ Others Present:

Mr P Adams	Director of Corporate Resources
Mr M Allen	Assistant Director Environment and Waste
Mrs D Bartlett	Head of Planning, Performance and Partnerships
Mr H Bodmer	Director of Community Services
Mr P Brittain	Head of Finance
Mr J Bullion	Assistant Director of Community Services - Prevention
Ms L Christensen	Director of Children's Services
Mr G Cossey	Investment Manager
Mr D Dukes	Economic Development Manager
Mr M Jackson	Director of Environment, Transport and Development
Ms T Jessop	Assistant Director Travel and Transport Services
Mr J Hull	Project Director Residual Waste Services
Mr G Insull	Assistant Head of Democratic Services
Ms F McDiarmid	Assistant Director Economic Development and Strategy
Mrs V McNeill	Practice Director, Norfolk Public Law
Mr C Walton	Head of Democratic Services
Mr D White	Chief Executive

Also present – Mr J Goodey, Member of the Standards Committee

1. Apologies

There were no apologies.

2. Minutes

The Minutes of the meeting held on 11 October 2010 were confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

Mr D Harwood declared a personal interest in item 19 (Waste PFI Contract – Preferred Bidder Appointment), being the Local Member for Clenchwarton and King’s Lynn South.

Mrs A Thomas declared a personal interest in item 19 (Waste PFI Contract – Preferred Bidder Appointment), because her husband worked for Marsh Insurance Brokers, which was mentioned in the report. Mrs Thomas confirmed that her husband had not provided any advice on the Waste PFI Contract.

4. Matters of Urgent Business

The Chairman reported that there was on item of urgent business relating to the acquisition of land at Hethel Technology Park, which would be discussed at item 18.

5. Public Questions

5.1 Appendix A to these minutes sets out the questions and replies to public questions.

6. Local Member Issues/Member Questions

6.1 Appendix B to these minutes sets out the questions and replies to Member questions.

7. Order of Business – the Cabinet agreed to discuss items 19, 20, 21 (Waste PFI Contract – Preferred Bidder Appointment) and item 15 (RAF Marham) before returning to the order of business set out on the agenda. The Chairman confirmed that the Cabinet would return to public session to conclude the discussion on the Waste PFI Contract.

8. Waste PFI Contract – Preferred Bidder Appointment

The Cabinet received a report (Item 19), which set out the background to the Waste Private Finance Initiative (PFI) contract and the reasons for recommending that Cory Wheelabrator be appointed as the preferred bidder.

The Director of Environment, Waste and Development highlighted that any large procurement project raised significant challenges for the County

Council and that there had been a number of objections put forward about the proposed technology. However, the County Council was a top performer in terms of waste minimisation and dry recycling. The Procurement project had also received a big vote of confidence from Government as Norfolk was one of only 11 waste projects to retain its provisional allocation from Defra as a part of the recent Spending Review.

The Project Director Residual Waste Services confirmed that when the Environment, Waste and Development Overview and Scrutiny Panel met on 2 November it had agreed to recommend to Cabinet that Cory Wheelabrator be appointed as preferred bidder.

The Cabinet Member for Sustainable Development advised the Cabinet that the process of moving forward from Contract A had been a lengthy one. Many lessons had been learned from previous procurement projects and a Waste Project Board had been established, which included representatives from all political parties. At its last meeting that Project Board had agreed to recommend Cory Wheelabrator as preferred bidder. The proposal had also been considered by a special meeting of the Environment, Waste and Development Overview and Scrutiny Panel, which had reached the same conclusion. She acknowledged the strength of feeling about the safety of incinerators, which had been made clear during the many public meetings she had attended, but stressed that it was important for people to make an informed decision based on all of the facts. People would still have the opportunity to express their opinions through the extensive formal public consultations which would take place and be taken into account by the planning committee and the Environment Agency.

During discussion the Cabinet noted the following key points:

- Once the Preferred Bidder had been agreed it would be possible to engage in discussion about the precise details of a specific project.
- Current costs for residual waste going to landfill across the county amounted to approximately £11m per year. This figure would rise by £1.8m per year until a better solution was found to deal with the amounts of rubbish generated.
- The County Council would benefit from an estimated £6.7m PFI credits every year from 2015 onwards, through life of the proposed Waste PFI contract. That would mean that service costs would be less in 2015 than they were now.
- The County Council's approach to negotiating the Waste PFI contract followed Government guidance and emerging good practice. It was normal practice to set out breakage costs in the event of a contract being abandoned. However, the County Council would only expose itself to that risk if it withdrew once all reasonable avenues had been explored and alternative proposals had either failed or been abandoned as well.
- Officers confirmed that, in their opinion, the energy from waste/incineration process was the most efficient and cost effective solution.
- Bidders were required to treat 170,000 tonnes of municipal waste each year. However, both bidders had proposed facilities with much larger capacities of 260,000 tonnes each year. That additional

capacity would be used to treat local commercial and industrial waste that would otherwise go to landfill.

- Local communities would have two further key opportunities to influence the chosen bidder's proposal. There would be a full public consultation as part of the planning process, which would determine whether or not a facility was built. That would begin in 2011. There would also be public consultation on the bidder's application for a permit to operate their facility, which would determine whether or not a facility would be allowed to operate.
- The developer could talk to stakeholders about the details of their proposals as part of the planning process. The decision makers would need to identify whether any concerns raised had been taken into consideration by the developer and addressed adequately.
- Local communities could raise any concerns about health or environmental issues as a part of this process based on the facts.
- The developer would commission an environmental impact assessment, which would be carried out by a company that it appointed. That document would be made publicly available and anyone would have the opportunity to scrutinise it for credibility and accuracy.
- Cory Wheelabrator operated other energy from waste/incinerator facilities. It was currently developing a riverside facility in London and had a large fleet of sites in the United States of America, some of which had been in operation for more than 20 years.
- The details of traffic movement and the likely impact on the local community of this type of facility would be dealt with as part of the planning process.
- The County Council was aware of the benefits and pitfalls of Anaerobic Digestion for treating waste. It had put in place a financial incentive to actively encourage food waste collection and thereby encourage its usage. But through a previous waste services procurement it had established it to be a costly and low performing solution for treating mixed residual waste.
- Norfolk County Council's Planning (Regulatory) Committee would consider the planning application. The Borough Council of King's Lynn and West Norfolk would be a statutory consultee.
- There were currently a number of other incinerators in operation in West Norfolk and the rest of the county. These included crematoria, the facility for treating chicken litter at Thetford and the gasification facility at the University of East Anglia. They were already part of the county's infrastructure.
- The list of material that could not be treated by the proposed energy from waste/incinerator process was extensive and included clinical waste, hazardous waste and items such as asbestos. The facility developed by either Bidder would target municipal waste and waste of a similar composition. It would not be licensed to deal with other material.
- The energy from waste/incinerator process would supplement the County Council's current recycling activity.

9. Exclusion of the Public

The Cabinet was presented with the following reason for exclusion:

Financial and bid issues are outlined in detail for Members to consider in the report at item 21 of the Cabinet agenda. This information is considered to be exempt under Paragraph 3 of Part 1 of Schedule 12A to Local Government Act 1972 (as amended 01 March 2006), ('Information relating to the financial or business affairs of any particular person (including the authority holding that information)').

The public interest in disclosing these issues is outweighed by the public interest in non-disclosure. Disclosing sensitive business and financial information may impact on the Authority attaining best value future negotiations.

RESOLVED –

That the public be excluded from the meeting under section 100A of the Local Government Act 1972 for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

SUMMARY OF MINUTE EXCLUDED FROM PUBLIC DEPOSIT

10. Waste PFI Contract – Preferred Bidder Appointment

The Cabinet considered a report (Item 21), which contained exempt information that set out financial and bid issues in detail.

11. Return to Public Session

Having considered the public and exempt information relating to the Waste PFI Contract – Preferred Bidder Appointment, the Cabinet concluded its discussion by making the following decision:

Decision (Key Decision)

RESOLVED –

The Cabinet agreed:

1. That Cory Wheelabrator be appointed as the preferred bidder for the Waste PFI contract subject to confirmation by Defra that the bid remains in line with its requirements for the PFI process.
2. That the appointment as preferred bidder should remain conditional pending a period of detailed fine tuning that must not involve any changes to the basic features of the bid nor distort competition.

Reasons for Decision

The officer recommendation, and recommendation of the Waste Project Board and Overview and Scrutiny Panel, was that based on the evaluation of bids received Cory Wheelabrator should be appointed as the preferred bidder for the Waste PFI contract subject to confirmation by Defra that the bid remains in line with its requirements for the PFI process.

The appointment as preferred bidder should remain conditional pending a period of detailed fine tuning that could not involve any changes to the basic features of the Bid nor distort competition.

Alternative Options: Refer to the Cabinet report.

12. The Potential Impact of the Strategic Defence and Security Review on RAF Marham

The Cabinet received a report (Item 15), which set out the key messages that supported the retention of RAF Marham and how the County Council might communicate these with Government.

The Director of Environment, Waste and Development explained that despite the overwhelming strategic case for retaining RAF Marham, recent protests to retain RAF Lossiemouth had captured the media's attention and Norfolk needed to ensure the case for RAF Marham was heard.

During discussion, Cabinet Members spoke in support of retaining RAF Marham, making the following key points:

- The loss of RAF Marham would be catastrophic for Norfolk. Up to 4000 staff could potentially lose their jobs and even more jobs were likely to be affected across the economy as a result of reduced demand for services and goods.
- The recent closure of RAF Coltishall illustrated the massive economic impact that closure could have on the local community and the whole county.
- The presence of BAe Systems and Rolls Royce on site at RAF Marham was essential to the economic, engineering and military arguments for retaining the base. Moving this specialist facility would be difficult and costly, seriously affect operational capability and would have a devastating impact on Norfolk's skills base.
- West Norfolk had higher deprivation levels than Moray, the area containing RAF Lossiemouth. In addition it did not qualify for the European funding or substantial regeneration funding that the area containing RAF Lossiemouth had access to.
- Many service men and women and their families returned to Norfolk to visit what was for them a much loved area. If RAF Marham closed, the impact on the tourism industry across the county would be significant.
- Norfolk needed to speak up and shout louder than was characteristic of the county.

- It was essential that the Government was consistent in its approach to its Strategic Defence and Security Review. RAF Marham would close only as a result of a political “fudge”.

The Chairman highlighted that Marham was the second biggest town in West Norfolk and acknowledged that around 25% of his Division worked at RAF Marham. The economic, engineering and military arguments for retaining the base were clear but the County Council needed to play its part to ensure they were heard.

Decision

RESOLVED -

The Cabinet agreed that:

1. The Leader of the Council should formally present to the Secretary of State for Defence the economic and military case for retaining RAF Marham should the Coalition Government decide to rationalise and consolidate onto one base.
2. The Leader of the Council should liaise with Norfolk’s MPs and colleagues at King’s Lynn and West Norfolk Borough Council, plus other partners, to develop joint activity in support of the case.

Reasons for Decision

Despite the very strong military and economic cases that supported the retention of RAF Marham it was important to ensure that key messages were communicated to Government from as many sources as possible.

Alternative Options: Refer to the Cabinet report.

13. Overview and Scrutiny Panel Issues

Cabinet Members did not have any Overview and Scrutiny Panel issues to report.

14. Comprehensive Spending Review 2010

The Cabinet received a report (Item 8), which set out the key announcements within the Comprehensive Spending Review 2010 as they affected local government.

The Head of Finance highlighted that the key issues for consideration were the changes to Government grants. However, the full impact of the Spending Review would not be known until the Government Grant announcement was made, which was expected around 2 December. Only then would the County Council have absolute certainty to move forward.

Decision

RESOLVED -

The Cabinet noted the key announcements within the Comprehensive Spending Review 2010 and their implications for Norfolk County Council.

Reasons for Decision

This report provided key background information to inform the Council's approach to service and financial planning over the next three years. It confirmed the earlier decision made by Cabinet in September to plan on the basis of a funding shortfall over the next three years of at least £155m.

Alternative Options: Refer to the Cabinet report.

15. 2010-11 Finance Monitoring Report

The Cabinet received a report (Item 9), which set out the latest projected outturn for the 2010-11 Revenue Budget, the 2010-11 Capital Programme, General Balances forecast at 31 March 2011 and forecasts for the Council's Provisions and Reserves at 31 March 2011.

The Head of Finance highlighted that there had been little change since the Cabinet had considered its regular monitoring report in October.

The Cabinet Member for Finance and Performance highlighted that the level of projected overspend had been reduced since October and that Directors continued to monitor the situation for their departments.

Decision

RESOLVED -

The Cabinet noted the latest 2010-11 monitoring information and the financial position of the Council.

Reasons for Decision

This report provided the latest financial monitoring information on the 2010-11 Revenue Budget, 2010-11 Capital Programme, General Balances forecast at 31 March 2011, forecasts for the Council's Provisions and Reserves at 31 March 2011 and invited the Cabinet to consider the financial position of the Council.

Alternative Options: Refer to the Cabinet report.

16. Mid Year Treasury Management Monitoring Report 2010-11

The Cabinet received a report (Item 10), which provided information on the treasury management activities of the County Council for the period 1 April 2010 to 30 September 2010.

The Cabinet Member for Finance and Performance thanked officers and Members for their rigorous scrutiny and valuable contributions at the Treasury Management Panel. The Panel continued to support the Council's position of investing in the UK only.

Decision

RESOLVED TO RECOMMEND TO COUNTY COUNCIL

The Mid Year Treasury Management Monitoring Report 2010-11

Reasons for Decision

The mid year monitoring information formed an important part of the overall financial management of the Council's affairs.

Alternative Options: Refer to the Cabinet report.

17. Day Activity Support Project

The Cabinet received a report (Item 11), which recommended consultation with service users, carers, families, staff and other stakeholders on a new in-house care model to meet the daytime needs of people with learning disabilities and the support needs of their carers. The model had been developed following consultation during June and July 2010 about what changes service users would like to see to current day activities, summarised in the accompanying report 'Working Together for Change'.

Introducing the report, the Assistant Director of Community Services - Prevention clarified that the consultation process set out at paragraph 2.5 of the Cabinet report would be finalised at the same time as the Big Conversation. He suggested that the second recommendation might be amended to reflect that fact. He also highlighted that Appendix 3, which was referred to throughout the report, began at page 103 of the Cabinet agenda.

The Cabinet Member for Adult Social Services commended the project to the Cabinet and reported that it was attracting attention from other local authorities and the Department of Health. He went on to stress that the re-design was primarily about meeting the needs of services users, although it was also about the financial needs of the County Council. Moving towards Community Hubs would provide service users with more opportunities to interact with their community and live more independently. The Cabinet Member congratulated the officers involved.

Cabinet Member for Efficiency added his support for the project, commending the fact that the services were being tailored around the needs and aspirations of service users.

The Cabinet Member for Children's Services added that change did not mean that something was being taken away. The proposed model would

mean more choice, more support and modern buildings, which she was delighted to see.

The Chairman proposed that the second recommendation should reflect the fact that the consultation would tie in with the Big Conversation, adding the following wording “as part of the Big Conversation.” This was seconded by Councillor Borrett.

Decision (Key Decision)

RESOLVED -

The Cabinet agreed:

1. The new Care model and Business Case set out at appendix 2 of the Cabinet report.
2. The approach to consultation set out in the Cabinet report as part of the Big Conversation.
3. To receive further information on the opportunities for future delivery models.

Reasons for Decision

The proposed model would support the move to preventative and personalised support and enable funding arrangements to be developed with regard to self-directed support and personal budgets/individual service funds.

Alternative Options: Refer to the Cabinet report.

18. Organisational Review of 3-Year Junior Clusters: Lingwood Outcomes of Consultations

The Cabinet received a report (Item 12), which summarised the responses to the recent statutory consultation on schools organisation in the 3-year junior cluster in Longwood. The Cabinet was asked to consider the responses and decide whether to publish statutory proposals.

This was an urgent decision because a final decision on the future of schools was needed as soon as possible to remove uncertainty for local families, schools and staff. This would require public notices to be published between 26 and 21 January to enable final determination to be made by the School Adjudicator, who would be the Decision Maker for this proposal, as soon as possible thereafter.

The publication of notices would also be dependent on securing Ministerial agreement to issue public notices without holding a competition, which was the normal requirement when local authorities proposed the establishment of new community schools.

The Cabinet Member for Children's Services highlighted that the proposals aimed to address the issue of moving children in the middle of key stages. Children who moved school in the middle of key stages did not achieve as well as other children who did not move. Lingwood was the last school cluster in Norfolk to do that. The Cabinet Member went on to say that the County Council was awaiting the Secretary of State's decision on publishing notices without a competition. She had spoken and corresponded with the Minister, to hasten the decision, as she recognised that it was important for the local community to have some certainty of any changes and be aware of timescales.

Decision (Key Decision)

RESOLVED -

The Cabinet noted the outcomes of the consultation process for the Lingwood Cluster and agreed that notices be published for the proposal, subject to the Secretary of State's approval to publish without a competition.

Reasons for Decision

The establishment of an all-through primary school was the best and most sustainable way of raising standards and achieving Every Child Matters outcomes for primary children by the end of Key Stage 2 in Lingwood.

Alternative Options: Refer to the Cabinet report.

19. Norfolk's 3rd Local Transport Plan, Connecting Norfolk

The Cabinet received a report (Item 13), which set out the background to the development of Norfolk's 3rd Local Transport Plan (LTP3) and the implications of the Coalition Government's announcement that it would be up to local authorities to determine the priorities and content of their plan, without intervention from the government.

The Director of Environment, Waste and Development highlighted that it was important for the County Council to strike a balance between meeting its statutory duty and the concerns of the Overview and Scrutiny Panel that work on the Norfolk scheme should pause until a full understanding of the funding availability was known.

The Cabinet Member for Travel and Transport referred the Cabinet to paragraph 3 of the Cabinet report, which set out the implications of delay. It was important that the County Council moved forward without committing itself financially.

The Cabinet Member for Efficiency commented that the County Council needed to develop the scheme within the financial envelope provided by Government. He proposed that wording to that effect be added to the first recommendation.

The Cabinet Member for Fire and Rescue seconded the proposal and clarified that a high level strategy could be put in place and the details of the implementation plan agreed at a later date.

Decision (Key Decision)

RESOLVED -

The Cabinet agreed:

- 1) To delegate authority to the Cabinet Member for Travel & Transport and the Director of Environment, Transport and Development to continue to develop the strategy in line with the Council's statutory obligations and within the existing financial envelope provided by central Government.
- 2) To cease all work on the implementation of the strategy until the outcomes of the Comprehensive Spending Review and ETD Strategic Review are known.

Reasons for Decision

The County Council was required to develop LTP3 by April 2011, but in view of the uncertainty around budgets, Cabinet was asked to advise on the preferred approach to LTP3 development.

Alternative Options: Refer to the Cabinet report.

20. Concessionary Bus Travel Scheme

The Cabinet received a report (Item 14), which explained that the County Council had a duty to provide concessionary travel from April 2011 and publish a draft scheme to bus operators by 1 December 2010.

The Director of Environment, Waste and Development highlighted that the County Council was required to have a draft scheme in place by November, but that a final scheme would come back to Cabinet for consideration at a future meeting.

The Cabinet Member for Efficiency supported the Overview and Scrutiny Panel's view that the County Council needed to develop the scheme within the financial envelope provided by Government and proposed that wording to that effect be added to the recommendation.

The Cabinet Member for Fire and Rescue seconded the proposal and asked how it would be possible to manage such a scheme within a set budget. The Assistant Director Travel and Transport Services explained that the County Council was not able to cap the scheme and had a statutory duty to reimburse the bus companies if people travelled. The County Council could mitigate some demand by offering only the statutory minimum, which was less than districts currently did, and the work undertaken so far was minimising the risk to the authority. The Cabinet Member for Travel and

Transport asked how claims from bus operators were verified and was advised that there was an audit process in place that was also independently scrutinised periodically. In general terms it was more likely that the scheme was underclaimed by operators. The Cabinet Member suggested any potential overspend be reported to Cabinet.

Decision (Key Decision)

RESOLVED -

The Cabinet agreed:

- 1) To delegate powers to the Cabinet Member for Travel and Transport to determine the draft scheme to be published to bus companies by 1 December 2010.
- 2) That the Norfolk Scheme will in the future be contained as far as possible within the funding made available by the Government.

Reasons for Decision

The County Council had a duty to provide concessionary travel from April 2011 under the Concessionary Travel Act 2007 (as amended) and publish a draft scheme to bus operators by 1 December 2010.

Alternative Options: Refer to the Cabinet report.

21. Scrutiny – Review of the Council’s Constitution

The Cabinet received a report (Item 16), which set out progress made to date in the review and included a further set of proposals for changes to the Constitution. The proposed changes required the approval of full Council and would be presented to Council on 29 November 2010. The main changes related to:

- Procedural Protocols
- Standards Related Protocols
- Financial Regulations
- Joint and Area Arrangements
- Constitutional Review Arrangements

The Assistant Head of Democratic Services confirmed that this was the penultimate set of recommendations from the Working Group.

The Cabinet Member for Finance and Performance commented that the proposed change to the Financial Regulations set out at paragraph 2.4 (ii) was a useful addition. He also suggested that the proposed Terms of Reference of the Constitution Advisory Group should state that the Constitution be reviewed annually, rather than at least once each year, for clarity.

The Cabinet Member for Efficiency suggested further amendments to paragraph 1 of the Terms of Reference of the Constitution Advisory Group.

He suggested it should read “To monitor and review the content and operation of the Constitution annually or at the request of Cabinet, to ensure that it remains fit for purpose as set out in section 1.3 of Article 1 of the Constitution.”

The Cabinet Member for Fire and Rescue asked what a “feature fax distribution system” was, as referred to within the ‘Distribution - News Releases section of the Constitution under “Internal Distribution – Members”. The Assistant Head of Democratic Services agreed that would be clarified when the proposal was considered at Full Council on 29 November.

Decision

RESOLVED TO RECOMMEND TO COUNCIL

The Cabinet agreed to forward the working group’s proposed changes, as set out in the Cabinet report, to Council for it to consider together with a report of Cabinet Members’ comments, as set out in the above minute.

Reasons for Decision

Changes to the Council’s Constitution required the approval of the full Council.

Alternative Options: Refer to the Cabinet report.

22. Appointments to Committees etc (Standing Item)

The Cabinet endorsed the following appointments:

Mr Bearman to replace Mr Hardy on the Norwich Area Museums Committee. *

Mr Langwade to replace Mr Garrod on the Cabinet Scrutiny Committee.

Mrs Mickleburgh to replace Mr Kiddle-Morris on the Cabinet Scrutiny Committee.

Mr Collins to replace Mr Dobson on the Cabinet Scrutiny Committee.

23. To consider any items of business which the Chairman decides should be considered as a matter of urgency

The Cabinet Member for Sustainable Development reported that Hethel Technology Park remained on track to meet its occupation target and was currently 98% occupied. To push it on to the next stage of development would require the purchase of two acres land next to the Park. In order to do that, the Cabinet would need to formally agree that this be included in the County Council’s Capital Programme. An East of England Development Agency grant would cover the costs.

* It was agreed that this minute be amended and was corrected at the Cabinet meeting on 6 December 2010. Please view the minutes of that meeting in order to note the correction made.

The Cabinet Member for Efficiency supported the proposal and stated that the County Council needed to play its part in developing Hethel as a centre of excellence.

The Cabinet Member for Children's Services reported that South Norfolk District Council was delighted at the success of Hethel Technology Park.

Decision

RESOLVED -

The Cabinet agreed that the purchase of two acres of land at Hethel Technology Park should be added to the County Council's Capital Programme.

Reasons for Decision

To enable Hethel Technology Park to develop as a centre for excellence.

[The meeting ended at 12.30am]

CHAIRMAN



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Public Questions Raised at the Cabinet Meeting on 8 November 2010.

5.1 Two questions from Michael de Whalley

Please consider the following short history of the Crymlyn Burrows waste treatment plant in Swansea.

May 2002

The plant is given the green light despite a two-year opposition campaign from local residents. The Environment Agency is accused of being complicit in the permitting process. The operator claims concerns are the legacy of a negative stigma associated with previous generations of waste incinerators.

May 2003

The Environment Agency issues an enforcement notice to the operator after repeated demands to install emissions monitoring equipment are ignored.

August 2003

A major fire closes the plant for 18 months. The million litres plus of water used to put out the fire is polluted by the burning material and waste on the site.

March 2005

Residents are plagued by putrid smells shortly after the plant re-opens. The operator has just received a fine of £4,000 plus £4,000 in costs for breaching its operating conditions as a result of odour problems before the fire. One resident describes it as "It's been like shoving your head in wheelie bin - you could not open the windows or doors."

August 2006

Neath Port Talbot Council has been forced to take over the running of the loss making plant after the operator goes into administration in 2005. During a case which takes place in the High Court between the council and the Bank of Scotland over the £40 million debt that the company has left, the council's barrister tells the judge that the "under-performing" waste site "has been a disaster" both for Neath Port Talbot and neighbouring Bridgend Council. He reports that since the collapse of the operator, the councils are paying around £52,000 a week more to dispose of their waste than had originally been planned for.

July 2008

Neath Port Talbot Council launches a £54 million law suit against two dormant companies that offered technical advice over the plant because it cannot come close to its contracted performance levels.

February 2010

The fire service is called to fight a fire in 400 tonnes of waste material at the Crymlyn Burrows plant.

October 2010

Refurbishment work of the incinerator is completed after dioxin emissions breach legal limits in samples taken in both June and August.

Conclusion

The reality is that modern waste to energy plants are experiencing more than their fair share of problems. A plant in Dumfries has failed to produce energy since being commissioned more than a year ago. Another in the Isle of Wight is still closed because of continuing problems with dioxin emissions.

References:

“Incinerator is given green light”, BBC News website, 9 May 2002.

<http://news.bbc.co.uk/1/hi/wales/1976706.stm>

“Agency issues warning over Crymlyn Burrows incinerator”, Letsrecycle.com, 20 May 2003.

http://www.letsrecycle.com/do/ecco.py/view_item?listid=37&listcatid=276&listitemid=4230

“Foul smells blamed on incinerator”, BBC News website, 15 March 2005.

http://news.bbc.co.uk/1/hi/wales/south_west/4350215.stm

“£54m claim turns up the heat over authority’s incinerator”, Walesonline.co.uk, 12 July 2008. <http://www.walesonline.co.uk/news/wales-news/2008/07/12/54m-claim-turns-up-the-heat-over-authority-s-incinerator-91466-21328769/>

“Fire breaks out at rubbish plant in Crymlyn Burrows”, BBC News website, 9 February 2010.

<http://news.bbc.co.uk/1/hi/wales/mid/8505536.stm>

“Scotgen facility at Dumfries still to produce electricity – more than a year after opening”, Dumfries & Galloway Standard website, 8 October 2010.

<http://www.dgstandard.co.uk/dumfries-news/local-news-dumfries/local-news-dumfriesshire/2010/10/08/energy-plant-has-still-to-create-any-energy-51311-27425788/>

“Refurbishment work to limit dioxin emissions at waste site in Crymlyn Burrows completed”, Environment Agency website, 18 October 2010. <http://www.environment-agency.gov.uk/news/124042.aspx>

Questions

I was called up to serve my country in 2003 on the flawed claim that Saddam Hussain “has existing and active military plans for the use of chemical and biological weapons, which could be activated within 45 minutes.” Governments can and do get it wrong, especially when they give too much weight to those who have vested interests.

Q1 - The empirical evidence clearly demonstrates the problems and risks posed by modern waste incineration plants. In light of this, why does Norfolk County Council persist in its claims that incineration is effective, efficient and safe?

Reply by the Cabinet Member for Sustainable Development

Norfolk County Council’s view is based on guidance and advice from the experts and authorities that are responsible for keeping us and our environment safe - for example the NHS, the Health Protection Agency, The Committee on Carcinogenicity in Food, the Environment and Consumer Products and the Environment Agency. They tell us that modern, well-run incinerators are effective, efficient, clean and safe.

It is simply not the case that there is empirical evidence to the contrary nor is it true that that breaches of permitting conditions are common or normal for this technology. In fact this technology combines rigorous pollution control systems with a regulatory regime which is stricter than for almost any other industrial process and highly effective at protecting people and the environment.

Q2 - How can you justify a decision to proceed given the strength of public opinion against both of the two proposed incinerator bids, which has been confirmed, by approximately 600 votes against to 1 for, at public meetings held in West Norfolk?

Reply by the Cabinet Member for Sustainable Development

I have attended many meetings and know the strength of feeling that is generated among people when they are told that burning waste in an incinerator isn't safe, despite all the advice and guidance to the contrary.

I have also spoken to many who passionately support these proposals.

It is important that people should be aware of all the facts so that they can make an informed opinion – and that they have a formal way for expressing their opinions.

That formal process lies ahead and will start when a preferred bidder is selected. As the developer, they will begin the process of applying for planning and permitting permissions. They will begin a programme of information events where people will be able to examine the precise details of their proposals and form an opinion based on all the facts. People will then be able to express their opinions through the extensive formal public consultations that will take place and these will be taken into account by the planning committee and the Environment Agency when they make their decisions about whether to grant planning permission or a permit.

This is the most effective way for people to formulate their own opinion and for their views to be taken into account.

5.2 Question from Anna Reeves

"As the Cabinet will most probably be aware, there have been numerous legal breaches in operational procedures and emission limits at incineration plants, including those most recently constructed. Indeed, the most modern incinerators may have better filters, but as studies have demonstrated, fine particulates and metals are still incompletely removed, and a higher quantity of toxic fly ash is produced.

Should an incineration plant become operational in the King's Lynn area, who will take ultimate responsibility in the event of any failure to comply with statutory regulations, or any unanticipated malfunctions, Norfolk County Council or the company assigned the contract?"

Reply by the Cabinet Member for Sustainable Development

The operator takes full responsibility for meeting the very strict conditions that are set out in their Environmental Permit to operate.

An Environmental Permit is granted by the Environment Agency and this permit also establishes a rigorous monitoring and auditing regime for the facility.

The Environment Agency tells us that this regime is stricter than for almost any other similar industrial process.

It is not the case that breaches of permitting conditions are common or normal for this technology. But if they do take place, the Environment Agency mandates extremely strong action to remedy the problem and strictly enforces this action.

Supplementary question – Ms Reeves asked how the Cabinet could ratify the decision to appoint a bidder when long-term dangers to health had not been explored. The Cabinet report appeared to focus on financial issues and yet there was widespread concerns about emissions.

The Cabinet Member for Sustainable Development explained that the decision Cabinet would take at the meeting related only to the appointment of the bidder and so the report necessarily dealt with financial issues but that these were only a part of the evaluation criteria. Other issues, which would be addressed through the planning process, included health and environmental issues.

5.3 Question from Richard Burton

“As Managing Director of an environmental management consultancy, and as someone who has checked the County Council’s statements with the Environment Agency and other environmental professionals, I have concluded that much of the information Norfolk County Council is distributing regarding the proposed Saddlebow incinerator is either incorrect or so out of context as to be potentially misleading. For example, NCC’s magazine ‘*Your rubbish your choice*’ states ‘*Technology in today’s modern energy from waste plants stops the formation of dioxins.*’ This is incorrect. A claim in the press that ‘*rotting waste is one of the biggest contributors to climate change gases*’ is also false. Other claims regarding particle emissions are so out of context as to be misleading. Consequently, I wrote to NCC about my concerns, but these have been dismissed out of hand. If this information is accepted at face value by the public or Councillors, it will lead to incorrect conclusions being drawn. In the interests of informed decision making and democracy, will the Panel allow me to give a presentation on another date outlining the case against the incinerator to the Councillors who are responsible for taking decisions upon it?”

Reply by the Cabinet Member for Sustainable Development

Norfolk County Council’s Cabinet makes decisions about the procurement process. In this case it is considering whether to appoint the recommended preferred bidder.

It is the Planning Committee which will consider all the issues connected with the proposals being made by the preferred bidder. Therefore you may wish to contact the Chairman of that committee with your suggestion at the time when they will be discussing a planning application.

We are of course fully aware of your position in connection with the proposals being made.

It is not the case that we have dismissed your opinions out of hand. On the contrary, we have carefully considered your claims. However, we have explained in detailed correspondence why we do not agree with your assessments and we have strongly rebutted your assertions that we have used incorrect or misleading information.

Supplementary question – Mr Burton commented on the process to date and what he felt was “an underhand attempt to win over public opinion by the County Council” and a lack of public accountability and stated that his letter had not been strongly rebutted. Mr Burton asked if the Cabinet would use the current meeting to stop what he felt was a “campaign of misinformation”, and whether anybody would use today’s meeting to say enough was enough.

The Cabinet Member for Sustainable Development said that she took her role County Councillor exceptionally seriously, as did her colleagues, ensuring that she understood any issues being looked into, why they were being looked into and the decision needed. She explained that once the Bidder had been appointed a full consultation would follow. It had not been possible to give the public all the information because of the potential impact on negotiations with potential bidders. The Cabinet Member repeated that health and environmental questions would be dealt with as part of the planning process. She assured those present that the process was following guidelines set by Government. Advice was given to contact the Chair of the Planning Committee at the relevant time to see if presentations could be made to that committee.

5.4 Two questions from Ron Cornell

Q1 – “What proven expertise does Norse Group Limited have in the development and management of residential and nursing homes and housing with care schemes and exactly how could it be made accountable to all elected members of Norfolk County Council in such a role?”

Reply by the Cabinet Member for Adult Social Services

NORSE has a long history of providing site services at the County Council’s residential homes and has assisted staff in Community Services to develop and operate the Housing with Care Schemes. In addition Norse staff actually designed and supervised the construction of nearly all the current Housing with Care Schemes and now has extensive knowledge in this field. This experience plus that of the current management and care staff, who will transfer into the new company, will ensure that the proven experience of both sets of staff remains in the business. The new company within NORSE will be overseen by a Liaison Board consisting of Members and Senior Officers of the County Council and Board Members of NORSE. As a subsidiary within the NORSE Group the new company will be subject to the same Cabinet reporting and scrutiny arrangements determined by the County Council.

Q2 – “How is it envisaged that Norfolk County Council would save money by transferring responsibility for adult services to Norse Group Ltd, since the council would no doubt have to fund Norse to provide those services (and to make a profit) in the way that the council currently funds their provision in house?”

Reply by the Cabinet Member for Adult Social Services

The County Council will save money by NORSE using its commercial experience to transform the current Residential housing stock into new Housing with Care schemes. These new Housing with Care schemes will be more efficient to run and have lower operating costs which will allow NORSE to provide the investment needed to finance an additional six new Dementia Care homes.

5.5 Question from Mr Robert Rawlings (Chair of Wiggshall St. Germans Parish Council

"Is the cabinet aware at local events when public have had the opportunity to hear both sides of the argument they have unanimously voted AGAINST incineration. Does the Council have any regard for local democracy?"

Reply by the Cabinet Member for Sustainable Development

Councillors and officers have attended many meetings and know the strength of feeling that is generated among people when they are told that burning waste in an incinerator isn't safe, despite all the advice and guidance to the contrary.

We have also spoken to many who passionately support these proposals.

It is important that people should be aware of all the facts so that they can make an informed opinion – and that they have a formal way for expressing their opinions.

That formal process lies ahead and will start when a preferred bidder is selected. As the developer, they will begin the process of applying for planning and permitting permissions. They will begin a programme of information events where people will be able to examine the precise details of their proposals and form an opinion based on all the facts. People will then be able to have their say through the extensive formal public consultations that will take place,

The decision about whether or not a proposed facility should be granted planning permission will be taken by democratically elected councillors on the Planning Committee. They will take account of all the issues, including all the views which people express through during the public consultation.

5.6 Question from John Eayres, Chair of Leziat Parish Council

"Why are NCC telling residents that incinerators are strictly regulated when Environment Agency own data showing that between the years of 2006/7 there was almost 1,400 instances when incinerators broke the law."

Reply by the Cabinet Member for Sustainable Development

The regulatory regime for this technology is managed by the Environment Agency – the authority responsible for protecting people and the environment. Norfolk County Council takes its advice and guidance from agencies like this which we trust to keep us safe.

It is the opinion of the Environment Agency that regulation of this technology is stricter than for almost any other industrial process.

The Environment Agency investigates every breach of an operator's Environmental Permit, assesses its impact on people and the environment and then decides what action must be taken. It vigorously enforces this action.

In cases where breaches are considered to have caused harm, this action can involve closing a facility.

Assessment of the impact of breaches and enforcement actions which are mandated are published by the Environment Agency and this reflects not only the transparency of the regime but also how robust the system is.

5.7 Question from John Martin

"Has the Cabinet yet ascertained whether the Leader and the Chief Executive have made any holiday plans for the week commencing Saturday 22nd January 2011?"

Reply by the Chairman

Yes the Cabinet has ascertained this.

Supplementary question – Mr Martin said that he was relieved to know that the Leader and Chief Executive would be available during the week commencing 22 January 2011. During that week, what evidence would the Cabinet produce to those residents who had taken part in Norfolk's Big Conversation to show that proper regard had genuinely been paid to their views? When rejecting any of those views would the Cabinet state its reasons for so doing? For instance, he had argued that it was improper for Norfolk County Council to spend almost £11m on external consultants, while employing a tranche of highly paid senior officers. If the Cabinet disagreed, would it explain why?

The Chairman said it was not possible to pre-judge the public's views but assured Mr Martin that they would be taken on board. He went on to say that it might be possible that several of the ideas contained in the Big Conversation would be taken forward. However, a full report would be considered by the Cabinet at a future meeting.

5.8 Two questions from Roy Church

Q 1 - "Given that (a) the consultation document underlying "Norfolk's Big Conversation" was undoubtedly intended to be comprehensive and (b) the possibility of central government part funding the Northern Distributor Road ("NDR") always remained, why did that document make no mention of the NDR whatsoever in the context of the proposals by Norfolk County Council to save £155m over the next three years largely at the expense of cutting frontline services?"

Reply by the Cabinet Member for Travel and Transport

The NDR is part of the NATS Implementation Plan which, following an extensive consultation completed in November 2009, received strong support from residents and the business community. NATS is made up of a range of bus, walking and cycling proposals and the NDR, which together create a 20 year plan to deliver improvements for transport in and around Norwich and support the economy of Norfolk. We are in very challenging financial times, however we must also continue to consider the longer term aspirations to develop a vibrant and successful Norfolk.

Q 2 - "In the event the NDR is constructed from Postwick to the A1067 as Norfolk County Council has always planned, how will the funding shortfall borrowing - last estimated to be £39.7m - be serviced by the Council, let alone ever repaid, against the background of the urgent need to make this saving of £155m and how can such borrowing be viewed as consistent with that need?"

Reply by the Cabinet Member for Travel and Transport

The funding of the NDR forms part of a longer term plan for which there are a number of potential funding sources. The larger proportion of the costs of the NDR, in particular the underwritten amount of £39.7m, do fall beyond the current budget planning period of the next 3 years and this is why it has not been specifically mentioned as part of the Big Conversation. The County Council, together with its GNDP partners, will be working hard to explore all possible avenues to pay for the NDR as part of the scheme development process. The County Council's commitment to underwrite the shortfall in funding remains, but decisions on timing and funding will be part of the County Council's overall long term budget strategy.

5.10 Question from Shirley Peters (Broadland District Cllr. and LEA Governor - Lingwood First & Nursery School)

"Report to Cabinet, 8th November, 2010.

Organisational Review of 3 Year Junior Clusters: Lingwood
Item No. 12.

Question.

Page 3. 2.5 If a decision is taken to create one primary school in Lingwood, can Cabinet please confirm and add to your recommendation/decision that the Governors of the schools can be totally involved in the design/build/siting of accommodation both temporary and permanent build?

Reasoning.

Page 4. 2.5.2 (a).

Lingwood First and Nursery School was rated as Outstanding by Ofsted in February 2008 and is consistently good and above both Norfolk and National averages. I understand that we are one of the most successful first and nursery schools in Norfolk. This has not happened by accident but is due to the detailed teamwork that exists between all staff and governors. That detail includes how we use the space within our school, which classrooms are suitable in size and shape for a particular age group and according to the curriculum requirements – where 'quiet areas' are needed and which areas should be more noisy and fun. The outside space is as important as the building is as it is laid out with various learning areas which adds variety to the curriculum.

It has been written many times that the right surroundings aids learning and we believe our detailed planning gives the children that extra encouragement to learn to the best of their abilities. This belief is backed up by our Outstanding Ofsted rating. If you agree to create one school we realize that temporary accommodation will be required in the short term and this will be provided in mobile 'modules', but modules come in different sizes and shapes. The Governors, with staff input, wish to be able to decide how many, and which size and shape is appropriate for the ages and curriculum requirements that each module will be used for, and where each should be sited. Put in the wrong place could sabotage learning areas. The wrong shape (such as square or oblong) could jeopardize how we wish the classrooms to be laid out. We understand that money is very tight so costings must be taken into account. We do not intend to waste money or make unrealistic requests. We believe that we have the expertise required to do this from amongst our number.

We have one shared aim with yourselves and with your officers, and that is to continue to provide 'outstanding' education to the children of Lingwood and the surrounding area. Thank you."

Reply by the Cabinet Member for Children's Services

If a decision is made to proceed with the proposal to close Lingwood First and Nursery School and Lingwood Junior School, a temporary governing body will be set up in order to give strategic direction to the new Lingwood Primary School.

The current financial situation of NCC means that for now, if it is decided to proceed with a new Lingwood Primary School, we will only be able to provide temporary accommodation. Representatives of the temporary governing body of the new school will be consulted on how much temporary accommodation is needed to allow the school to operate as a primary and on where this accommodation should go so that disturbance of external areas is kept to a minimum. However, the financial situation does mean that we cannot afford to provide bespoke modular units although the units will be new and provide more teaching floorspace than the standard mobiles still found on many school sites.

If funding for a permanent extension becomes available in the future, an Integrated Project Team will be established to move the capital project forward. This Team will include representatives of the client (Norfolk County Council), the contractor (Norfolk Property Services) and the end-user (the school). Working in partnership in this way, ensures that professional expertise is harnessed from the very start. Once the scope and desired educational outcomes have been identified, the IPT will meet regularly to monitor progress against the agreed criteria, whilst ensuring that planning and building regulations are met, and that the final outcome represents value for money.

The County Council recognises the value that environment, both interior and exterior has on the quality of learning. We will do everything we can to ensure that the new primary school in Lingwood will be designed to build upon the outstanding model that already exists in the current building.

Supplementary question – Mrs Peters asked if the Cabinet would co-operate to achieve what the local community believed would be to continue to give the 'outstanding' educational opportunities possible for the children of Lingwood and the surrounding area. The local community wished to discuss the long term aims that it had, as it would have a direct bearing on the short term arrangements. Few responses were made to the consultation as many people locally believed that decisions had already been taken and that the County Council would not listen to what they were saying. Their preferred option would be to have a new school built on a different site, which had not been part of the options considered. AS Norfolk County Council owned all the land in Longwood, she was sure that a suitable site could be made available.

The Cabinet Member for Children's Services confirmed that the County Council's aim was also to ensure that the excellent education continued in whichever proposals were taken forward. It would be wrong of her to discuss any new build project as she did not wish to raise expectations. The local community would be aware that capital funding was not available and that the County Council would have to make decisions within the resources it had available. Children who were moved in the middle of a key stage did not reach the same achievements as those who stayed in the same place. The

County Council was willing to engage in as much discussion as required with the local community.

5.11 Question from Stephen Stigwood

"As you are all are Conservative councillors - and so not representative of Norwich - how do you see David Cameron's 'Big Society' working in Norwich under its and your regime?"

Reply by the Chairman

It is incorrect to state that we are "not representative of Norwich". There are two Conservative County Councillors representing the Norwich City Council area and four Conservative City Councillors. There is also a Conservative MP representing North Norwich. As I am sure you are aware, the Big Society is being realised through the Coalition government, which means Liberal Democrat Councillors and the Liberal Democrat MP for South Norwich must also be taken into account.

It must also be noted that each County Councillor represents the whole of the County of Norfolk. I am elected by the people in the Freebridge Lynn Division, but as a Councillor I work on the basis of getting the best for the entire County, of which Norwich is an integral part. The same can be said of all the Members of the Cabinet and the wider Council.

To answer your specific question, the Big Society will work in Norwich as it does in the rest of the County; essentially by empowering local communities to get involved. As you will see from our Big Conversation consultation with Norfolk residents, "we want to support communities to develop and own sustainable local solutions for keeping their areas vibrant and strong to support local priorities." As this consultation is ongoing, I would not want to prejudge the outcome by stating exactly how it will work as your question requests, because this would defeat the point of the Big Society in the first place. As Leader of the Council, I want communities and local groups to tell me how they want the Big Society to work.

5.12 Question from Jennifer Parkhouse

"With regard to plans to make Cory Wheelabrator the preferred bidder for the proposed incinerator at Kings Lynn, has the Council in general and the Cabinet in particular been made aware of the track record of the American part of this partnership?"

Reply by the Cabinet Member for Sustainable Development

As part of the overall procurement process, Norfolk County Council has conducted due diligence and visited facilities operated by all shortlisted bidders, including Wheelabrator's. It is therefore very familiar with the credentials of these companies.

Wheelabrator operates 17 Energy From Waste facilities for communities in towns and cities across the U.S.A. and has earned a strong reputation for its operational, environmental, and safety credentials over a 35 year period. We have spoken to the customers of its facilities and also community representatives in locations where it has facilities. It is interesting to note that many of these communities have opted to extend their contracts when given the opportunity.

It has an excellent track record for the longevity of environmental permits which have been issued from federal and state regulatory agencies and which have been

maintained “in good standing’, without interruption at all Wheelabrator plants since their initial start-up 15 to 35 years ago.

Supplementary question – Ms Parkhouse questioned the Cabinet’s “rubber-stamping” of a decision about Cory Wheelabrator when the information it had considered had only scratched the surface. She asked the Cabinet if it would delay making a decision to appoint Cory Wheelabrator as Preferred Bidder until it had looked more fully into the track record of the company.

The Cabinet Member for Sustainable Development explained that a decision had not already been made; it would be made later in the meeting. She also confirmed that the County Council had carried out due diligence in looking into the track record of each bidder.

Member Questions Raised at the Cabinet Meeting on 11 October 2010.

6.1 Question from Philip Hardy, Local Member for Thorpe Hamlet

"The "Consultation proposals for budget savings 2011-2014" document that shows proposed funding reductions in each portfolio over the next three years is ambiguous. For example, when looking at item A22 - Reduction of spending in preventative services in the Community Services portfolio, it is not made clear that the funding taken out is on a cumulative basis, therefore over £35 million of cost is being removed over the next three years. Similarly, when looking at item B11 - Cease County Council funding for youth services, it is not clear that over £13.5 million of cost is being taken out over the same period.

Would the Cabinet please provide guidance on the form of how cumulative funding reductions work, as well as provide a total column for the amount of cost being taken out during the whole three year period, so it is easier for the public to understand."

Reply by the Cabinet Member for Finance and Performance

There are a number of ways in which the information could be presented, and all would be valid.

In the consultation document 'Norfolk's Big Conversation,' savings are presented separately for each of the three years 2011/12 to 2013/14.

Taking A22 as an example - 'Reduction in Spending on Prevention Services,' the saving in 2011/12 is £6m. There are further new savings of £5.5m in 2012/13 and of £6.5m in 2013/14. That is a total of £18m of new savings over the three year period.

Where a zero is shown, no new savings are proposed in that year.

The savings have been presented in this way because they reflect the impact on the Council's budget in the year in which they are shown, and that is our normal accounting practice.

If we were to total the savings in the way suggested by the questioner, the resultant figures would bear no direct relation to the predicted funding gap of at least £155m by 2013/14. For these reasons we do not intend to provide a total column as I feel it would if anything, complicate matters further, rather than simplify.

In response to a **supplementary question** put to the Cabinet by Marcus Hemsley, the Chairman gave his assurance that information would continue to be presented clearly and added that the consultation dialogue would only be meaningful if that was the case.

6.2 Question from Richard Bearman, Local Member for Mancroft

"I was somewhat surprised to learn at Corporate Resources OSP on 19th October, that the Constitution scrutiny working group were proposing to do away with the Norwich (and Yarmouth) Area Committees. Particularly as I chair the Norwich Area Committee and no-one consulted with us, or even informed me of this proposal. The members of NAC have not even had the opportunity to discuss this proposal, nor have any members of the Constitution working group approached the NAC to consider any

other options. I note that the Scrutiny working group consider that the work of the Area Committee is fulfilled by the Norwich Local Strategic partnership (LSP). This is also very surprising since there has been no dialogue between these 2 bodies as far as I am aware since June 2009. I am therefore asking the cabinet to reject the specific recommendation to the November cabinet to disband the Norwich Area Committee, and consider whether by working together we can make better use of the NAC to engage with both the residents of Norwich and the elected city councillors."

Reply by the Chairman

The Constitution Working Group has covered an enormous amount of ground in its deliberations. Its papers have been made available to members of the Council and its meetings open to any member who wishes to attend. Its recommendations have all been placed before Corporate Resources Overview and Scrutiny Panel for their consideration, before being submitted to Cabinet for comments and then finally to Council for final determination. In my view, that is a wholly inclusive process I do not believe it would have been possible for the Group to specifically consult on every change they have proposed, but every member has and will continue to have multiple avenues to influence decisions on the Constitution, including the one you are using today. Cabinet will take your comments into account when we come to that item on the agenda but Cabinet is not able to approve or reject the Working Group's recommendations. That is a decision for full Council to take at its meeting on 29 November, when all members, including those who are on the Norwich and Great Yarmouth Area Committees, will have the opportunity to express their views.

Supplementary question – Mr Bearman asked how the Cabinet would take on board the views of Norwich based Councillors in future, if the Working Group's recommendations were agreed by Full Council.

The Leader confirmed that he would be happy to meeting with Norwich based Councillors on an informal basis at regular intervals, if they wished.

6.3 Question from Marcus Hemsley, Local Member for Wensum

"In response to a previous question at the August 9th Cabinet meeting, we were told that design and consultancy work on the NDR was continuing at the burn rate of 8.5 full time employees. Is this still the case, and what is the current rate of work load and expenditure by the department on this project?"

Reply by the Cabinet Member for Travel and Transport

Expenditure on the NDR has been significantly reduced. The original 2010/11 budget of £3.2m allocated to the NDR has been reduced by half and the initial spending rate of approximately £300,000 per month in the first months of the year, prior to the spending review announcements, has been reduced such that the monthly spending is now approximately at 10% of that value.

This monthly cost is dealing with ongoing enquiries associated with the project and to complete the necessary design information that was already in progress and is vital to support the planning process. Virtually all work by consultants, specialist advisors/experts and the contractor (Birse Civils) have been stopped.

The final outturn cost for 2010/11 will depend on the level of work required between January and March, which will be influenced by discussions with the DfT following their recent announcements regarding the NDR.

Supplementary question – Mr Hemsley asked how much had been spent between 11 May and 20 October 2010 on design and consultancy work.

The Cabinet Member for Travel and Transport agreed to provide a written response.

6.4 Question from George Nobbs, Local Member for Crome

"Can the Leader confirm that the employees of Norfolk County are as fully entitled as any other citizen to take part in the "Big Conversation".

Reply by the Chairman

Not only are staff entitled to contribute their views, we have actively encouraged them to through advanced notices in our core briefings and through management cascades.

A number of staff have already contributed via the public online site, but we have also set up a special staff 'Big Conversation' site on our intranet as anyone who logs on to the intranet can see.

In addition we are also holding a number of face to face staff briefings and events to get views from people who may not have access to the intranet. In December, all Norfolk households will also get the Your Norfolk consultation edition which encourages views from all Norfolk residents.

However, we need to recognise that staff may have very understandable particular concerns about their personal employment circumstances, and it is important that these concerns are recognised. I am sure our staff will act professionally and not allow those personal concerns to influence their responses on wider service issues

Supplementary question – Mr Nobbs commented that it would be possible that staff might have concerns without being motivated wholly by their own pay and conditions. He asked for assurance that staff were free to express their concerns about the way that services might be delivered.

The Chairman confirmed that all staff were able to take part in the Big Conversation as long as they were Norfolk residents.

6.5 Question from Mervyn Scutter, Local Member for Eaton

"On the 6th April, former Leader Daniel Cox was quoted as saying, "if someone with a District Executive position agreed to join the County Council's Cabinet, the assumption was that from a practical point of view they would have to resign from their District Executive position." He also went on to justify this stance, "Having spent time with his District Council colleagues, he was very aware that the time commitments of District Council Executive Members were more than a fulltime job." In this light would the new Leader of the Council please indicate whether or not he agrees with his predecessor on this issue?"

Reply by the Chairman

I do agree with my predecessor on this issue.

Supplementary question – Mr Scutter asked whether the Cabinet planned a re-shuffle or whether he could expect to hear an announcement from Great Yarmouth.

The Cabinet Member for Travel and Transport explained that he would complete his role as Cabinet Member in Great Yarmouth and then the Leader there would appoint to that position.

6.6 Question from Paul Morse, Local Member for North Walsham East, and Diana Clarke, Local Member for North Walsham West and Erpingham

"How does the County Council inform residents and businesses of a road closure in their area that may affect them?"

Reply by the Cabinet Member for Travel and Transport

There are statutory processes that govern temporarily closing roads to enable works or other events to take place and the County Council follows these processes.

Formal advertisements are placed in the legal notices section of the Friday edition of the Eastern Daily Press, both advertising the proposal and also confirming the completion of the legal Traffic Regulation Order.

The local County Councillor, Town and Parish Council, bus companies and blue light services are informed of the proposed closure and sent a copy of the completed order in advance of the closure coming into force.

For a minimum period of one week in advance of the road closure signs are placed on street to advertise the proposal and inform local road users.

Supplementary question – Mr Morse asked if the County Council might review the processes. He explained that there was a road closure in North Walsham and that messages had not got through to local people. He and Diana Clarke were concerned about the impact on small businesses.

The Cabinet Member for Travel and Transport assured Mr Morse that the procedures were followed diligently and that if businesses felt they had a claim to make, that those claims should be directed to the developer. He would discuss the processes with Mr Morse outside of the meeting.