



NORWICH
City Council

Cabinet

Date: Wednesday, 18 October 2023

Time: 17:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

For further information please contact:

Councillors:

Stonard (chair)
Jones (vice chair)
Giles
Hampton
Kendrick
Oliver

Committee officer: Alex Hand
t: (01603) 989398
e: alexhand@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



communication for all

If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

Page nos

- 1 Apologies**
To receive apologies for absence.
- 2 Declarations of interest**
(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting).
- 3 Public questions/petitions**
To receive questions / petitions from the public which have been submitted in accordance with the council's constitution.
- 4 Questions to cabinet members**
(A copy of the questions and replies will be available on the council's website prior to the meeting).
- 5 Minutes** 5 - 12
To agree the accuracy of the minutes of the meeting held on 13 September 2023.
- 6 Scrutiny Committee Recommendations** 13 - 18
Purpose: To consider the recommendations made by scrutiny committee with respect to how the council addresses anti-social behaviour on 21 September 2023.
- 7 An update on Health, Safety and Compliance in Council Homes and Buildings** 19 - 48
Purpose: To provide an update to members about health, safety and compliance management and improvement in council homes and buildings.
- 8 Disposal of assets (non-housing) acquired by the Revolving Fund** 49 - 60
Purpose: To request delegation of authority for disposal of non-housing assets acquired by the Revolving Fund.
- 9 Managing Assets (non housing)** 61 - 68

Purpose: To consider the disposal of the land identified in the report.

10 Exclusion of the public

Consideration of exclusion of the public.

EXEMPT ITEMS:

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

Page nos

***11 Managing Assets (non-housing) - Exempt Appendix (Para 3)**

- This report is not for publication because it would disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) as in para 3 of Schedule 12A to the Local Government Act 1972.

Date of publication: **Tuesday, 10 October 2023**

Cabinet

17:30 to 18:30

13 September 2023

Present: Councillors Stonard (chair), Jones (vice chair), Giles, Hampton, Kenrick and Oliver.

Also present: Councillor Galvin, Green group leader

1. Declarations of interest

There were no declarations of interest.

2. Public questions/ petitions

One public question had been received from Mr John Cena.

Mr Hawketts asked the leader of the council and cabinet member for inclusive and sustainable development the following question:

“Over the past few years many people have been dumping their unwanted items in and around the communal bins in the area around my home and throughout the estate where I live. As Chair of the local community group, many of my neighbours approach me upset about the mess around the bin areas which impacts pride in our area and the city. I have reported this issue many times to the council.

Some items are removed but I have had to make numerous reports when items are not removed. I have provided details and registration plate details of fly-tipping I have witnessed in the hope that the council will prosecute. However this does not seem to be happening as one of the fly-tippers does it on a weekly basis. I have now been told that we do not qualify as a LOVE Norwich area. When can we see action?”

Councillor Stonard responded:

“Over the autumn the Council is looking to ramp up the LOVE Norwich campaign city wide to make a real positive impact on streets across the city. We are working through the details of the programme at the moment and no decisions have been taken on priority areas or approaches at present. We will look to learn from experience to benefit the entire city.

All reports of fly tipping are responded to, and where sufficient evidence is available we will pursue those committing the offence. However, as part of the LOVE Norwich campaign we are looking at reviewing our approach to enforcement, learning from the best practice nationally and rolling out CCTV coverage where appropriate. This is likely to result in an increased level of enforcement activity over the autumn and winter.

Additionally, I am aware that officers from the housing service are actively looking at the suitability of the type of enclosed bin stores for a number of parts of the city, including West Pottergate and Duoro Place. This is an ongoing process and decisions should be made shortly about how to proceed irrespective of where the LOVE Norwich campaign stands.”

In response to Mr Cena’s supplementary question, Councillor Stonard advised that the LOVE Norwich priority areas were yet to be determined with the campaign due to ramp up in autumn.

3. Questions to cabinet members

Councillor Stonard, the leader of the council and cabinet member for inclusive and sustainable development advised that two questions had been received from members of the council to cabinet members, for which notice had been given in accordance with the provisions of the council’s constitution.

(Full details of the questions and responses were available on the council’s website prior to the meeting. A revised version is attached to these minutes at Appendix A and includes a minute of any supplementary questions and responses.)

The questions are summarised as follows:

Question 1 Councillor Hoechner to the leader of the council and cabinet member for inclusive and sustainable development on digital billboards.

Question 2 Councillor Osborn to the leader of the council and cabinet member for inclusive and sustainable development on Norwich airport.

4. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 12 July 2023.

5. Q1 2023-24 Corporate Performance Report

Councillor Stonard, leader of the council and cabinet member for inclusive and sustainable development presented the report and highlighted areas of good performance and noted areas which were below target.

Councillor Jones, deputy leader and cabinet member for housing and community safety praised the work of the housing options team and highlighted that whilst there were increasing demands on the team they were still offering a good service. Councillor Giles, cabinet member for communities and social inclusion commended

the work of the revenues and benefits team who had exceeded processing targets for housing benefit and council tax reduction scheme claims.

Councillor Oliver, cabinet member for wellbeing and culture referred to the figures for the customer contact centre and noted that work was ongoing and improved figures were expected next quarter. She recognised that it could be difficult for customers to get through to the team on the phone and that not everyone was able to complete online forms. She had recently spent a morning with the customer service team and advised they offered an excellent bespoke service and would be supported with the necessary measures to do the job as they wanted.

Councillor Galvin asked in regard to the increase in the number of complaints received what the underlying cause was and how the increase could be explained. The chief executive officer advised that trends in complaints and the details behind them were analysed. She didn't have the detail to hand but could provide after the meeting.

RESOLVED to review progress on the key performance indicators for this quarter.

6. Scrutiny Committee Recommendations

Councillor Kendrick cabinet member for resources introduced the report and noted that he would present the recommendations on the Election Acts and Councillor Giles would present the recommendations on the Welcoming refugees and asylum seekers to Norwich item.

Councillor Kendrick referred to the recommendation in relation to conducting research in Norwich on disenfranchised voters and commented that this research would be conducted nationally by the Electoral Commission. He considered they would provide guidance on how to modify the legislation to assist people and the council would follow this advice. In reference to the recommendation in relation to the postal vote registration programme he advised that this was supported by cabinet but noted that there would have to be negotiation with the chief executive officer as the Council's Returning Officer.

The Monitoring Officer advised that in reference to the recommendations made by the Scrutiny Committee it was ultimately the decision of the Returning Officer to accept the recommendations or not. In regard to the recommendation to run a postal vote registration programme she noted that in the meeting of the Scrutiny Committee, officers had reflected on the potential costs of running such a programme. She now emphasised the risk associated with running a registration programme relying on Royal Mail and referred to the situation at Brighton and Hove Council where 1,400 postal votes were not received by voters. She noted that as the Returning Officer reviewed the recommendations from Scrutiny Committee endorsed by cabinet she would need to consider these factors. Councillor Kendrick concurred that further consultation between cabinet and the senior management team would need to take place.

Councillor Giles cabinet member for communities and social inclusion turned to the recommendations on the welcoming refugees and asylum seekers to Norwich item. He thanked the scrutiny committee for their work and the third sector advice agencies for their contribution to the meeting.

Councillor Galvin thanked the agencies that had taken part in the scrutiny committee on welcoming refugees and asylum seekers to Norwich and asked if the recommendations would be agreed and if there was a timeline for their delivery.

In relation to the recommendations on the Elections Act 2022, it was:

RESOLVED to request that the Returning Officer:

- 1) As part of a future council consultation process, investigate sources of funding to trial and potentially Commission demographically balanced participatory democracy methods including citizens assemblies based on the model of theories of change to ensure widescale representation is achieved;
- 2) Review research from the Electoral Commission relevant to those in Norwich who may be disenfranchised as a result of the introduction of voter ID and assess how the Council can promote uptake amongst those disenfranchised;
- 3) Ensure that communications planning for future elections includes:
- 4) Promote the Voter Authority Certificate and Proof of Age passes as an avenue for securing voter ID and engage with local communities to raise awareness;
- 5) Promote that acceptable Voter ID includes expired ID and, where relevant, EU passports and identity cards;
- 6) Promote the concept of Voter ID to younger groups, including those able to vote for the first time, and the different communication methodologies that may be more relevant for younger groups such as alternative social media channels;
- 7) Re-run the postal vote registration programme as previously undertaken in 2020 to raise awareness amongst non-postal voters, requesting funding if available to do so;
- 8) Thank the Returning Officer and her team for the work undertaken to support the implementation of Voter ID and the successful undertaking of the May 2023 election in Norwich;
- 9) To write to all party leaders to request that if called on to form a government, they should prioritise the abolition of the Election Act 2022, and if not, to include the poll card as an acceptable form of ID.

In relation to the recommendations on welcoming refugees and asylum seekers to Norwich it was:

RESOLVED to:

- 1) We will examine the need to update the website in consultation with representative organisations to ensure it is inclusive alongside the production of the EDI Development Plan.

- 2) To build on our City of Sanctuary status and remain committed in the medium-term to becoming an accredited Council of Sanctuary through cross-team working to ensure our services meet the necessary criteria.
- 3) To recognise the critical importance of delivering equality for all our residents through our EDI Strategy and Development Plan, including asylum seekers and refugees.
- 4) To collate information relating to free activities taking part at our community centres for sending to representative organisations. To support community associations to apply for grant funds to support their charitable objectives as and when they become available.
- 5) To continue engaging with the Norwich BID and BITC through City Vision partnerships to support possibilities for asylum seekers and refugees to access training, work experience and employment.
- 6) To advertise INTRAN training sessions to councillors.
- 7) To ensure communications with residents (benefits letters etc) are as accessible as possible within the constraints of what we are legally obliged to incorporate.
- 8) To build on the relationships established since the Scrutiny Committee meeting between our neighbourhoods and community enabling team and the Serco housing officers at the asylum hotels in Norwich.
- 9) To fund a two year specialist housing officer role in Home Options to work with asylum seekers and refugees.
- 10) To seek to delegate some of the Government funding secured to work with asylum seekers and refugees to third sector organisations to address their gaps in capacity, working with such organisations and our partners at Norfolk County

7. Q1 2023-24 Budget monitoring report

Councillor Kendrick cabinet member for resources presented the report. He noted that the item had previously been included in the corporate assurance report but was now being presented separately. The report presented the revenue and capital monitoring position for the first quarter of the financial year. Some more recent information had been included where it had a material impact.

Councillor Kendrick advised that the council continued to maintain a strong financial position with the general fund indicating an underspend of £2.4m. He noted that the savings proposals agreed for the financial year were on track including those agreed for the increased levels of income from treasury management activity. The council's strong financial position meant that the previously budgeted contribution to reserves was now not required.

He highlighted that there were still risks and in line with principles of prudence appropriate provision had been made to cover these. However, other risks such as

the as yet unagreed staff pay award would have to be factored in when the position became clear.

Councillor Galvin referred to the constant underspend on the Housing Revenue Account (HRA) budget which stood at £4m and asked what could be done to remedy this and ensure that vital stock upgrades were delivered. In response Councillor Jones, deputy leader and cabinet member for housing and community safety advised that the tendering and procurement process was well managed but that work didn't always neatly fit into a yearly budget cycle. She emphasised that the council was commitment to delivering high quality standards for all residents.

The interim executive director of housing and community safety advised that the property services director was looking at moving the HRA budget to a five year one to recognise the ebb and flow of major works which might run over a one year cycle.

RESOLVED to note:

- 1) the forecast *£2.4m underspend* on the general fund revenue account and the *£0.4m overspend* on the Housing Revenue Account (HRA)
- 2) the forecast *£13.9m underspend* against the general fund and the *£4.6m underspend* against the HRA capital programmes.
- 3) the areas of significant variances contained within report.
- 4) the detailed breakdown of capital programme variances.

8. Update to capital programme

Councillor Kendrick cabinet member for resources presented the report. He advised the report proposed an increase to the council's capital programme which would have to be agreed at full council. The additional funds would be used to upgrade technology in the Mancroft Room in order that it be suitable for hybrid working and to support phase 2 development of the system which would replace the current finance and human resources systems.

The report also incorporated a number of carry forwards for cabinet to note.

In response to Councillor Galvin's question the interim chief finance officer advised he had reviewed all carry forwards detailed in the report and these represented projects which were in progress and spend was expected in this financial year.

RESOLVED to:

Recommend to Council that:

- 1) An additional £20,000 be added to the 2023/24 capital programme to meet the additional costs of implementing an audio system in the Mancroft Room;
- 2) An additional £200,000 be added to the 2023/24 and 2024/25 capital programme to support phase 2 of the Enterprise Resource Planning system; and

Note:

- 3) The approved carry forwards from 2022/23 into the 2023/24 capital programmes be noted

9. Q1 2023-24 Risk register update

Councillor Kendrick cabinet member for resources presented the report. The risk register had previously been included in the larger corporate assurance report but was now a stand alone item. He confirmed that all the risks presented had been reviewed by risk owners across the council. He noted that the Audit Committee would review the management of risks and make any relevant recommendations to cabinet.

He highlighted the majority of risks remained static but that significant risks in relation to nutrient neutrality were rescinding following the government's recent U turn on the matter.

RESOLVED to note the identified risks and the direction of travel.

10. Exclusion of the public

RESOLVED to exclude the public from the meeting during consideration of items *11 to *13 (below) on the grounds contained in the relevant paragraphs of Schedule 12A of the Local Government Act 1972 (as amended).

***11. Q1 2023-24 Risk register update - exempt appendix (para 3)**

Councillor Galvin asked was it of concern that risks in relation to repairs and maintenance and the company's governance had remained static for the last two quarters. The interim executive director of housing and community safety advised that the governance of NCSL had been improved and there had been a change to the function of the Managing Director. He noted that in terms of compliance activities there had been an improvement overall. He advised that the process was to ask the Social Housing Regulator for permission to be removed from supervision and conversations in relation to this were in progress.

RESOLVED to note the identified exempt risks and the direction of travel.

***12. Exempt minutes - (para 3)**

RESOLVED to agree the accuracy of the exempt minutes of the meeting held on 12 July 2023.

***13. Disposal of assets (housing) – exempt (para 3)**

(The chair referred to the supplementary agenda which had been circulated).

Councillor Jones, deputy leader and cabinet member for housing and community safety presented the report. She noted that properties were evaluated when they became empty and measured against the need to be brought up to a good standard to let. It was not cost effect to bring these properties up to standard for the HRA and they were recommended for disposal.

In response to Councillor Galvin's question the interim executive director for housing and community safety advised that an issue with the water course was isolated to a particular property and not the wider area.

RESOLVED to approve the disposal of the freehold interest in the property assets as identified in the report on the open market via a public property auction.

CHAIR



Committee name: Cabinet

Committee date: 18/10/2023

Report title: Scrutiny Committee Recommendations

Portfolio: Councillor Kendrick, cabinet member for resources

Report from: Head of legal and procurement

Wards: All wards

OPEN PUBLIC ITEM

Purpose

To consider the recommendations made by scrutiny committee with respect to how the council addresses anti-social behaviour on 21 September 2023.

Recommendation:

To consider whether to adopt all or some of the recommendations from the scrutiny committee.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the people live independently and well in a diverse and safe city corporate priority.

Report details

1. Members considered how the council addresses anti-social behaviour at the September meeting of the committee. Members received a report and asked questions of the Acting Community Safety Manager, Safer Neighbourhoods Coordinator and the ASB Manager. The deputy leader and cabinet member for housing and community safety also attended the meeting.
2. Members heard how the ASB team had been undertaking a programme of training and how had this resulted in an increase in staff confidence and a professionalisation of the role.
3. Members heard about work undertaken in the Safer Neighbourhood Areas and learning that would be taken forward from this work including building capacity in other teams to respond to requests for support and improving resident engagement.
4. Members considered how to record outcomes for work undertaken by the Community Enabling Team which might impact on ASB.
5. Members discussed CCTV provision across the city and the use of redeployable cameras and how important the role of joint working with the police was.
6. Members heard about how the Community Safety team worked with other council teams and partners and the role of multi agency working in promoting community safety. In particular they considered the success of a series of presentations given to partner agencies to increase understanding of the role of the team.
7. Members thanked the officers for their time and hard work and were complimentary of the work that had been developed in the service to improve ASB outcomes. Given this, the thrust of the recommendations made by the Scrutiny Committee focus on whether the positive work achieved could be extended to the benefit of the City as follows:

Recommendation	Rationale	Implications/ resource requirements
Consider whether the positive outcomes achieved by the ASB team justifies an increase in resource and funding for the service;	To increase the positive impact of the work of the team.	<p>To consider how best to increase positive impacts might mean building capacity in other council teams.</p> <p>Officer time to consider best model to achieve an increase in positive outcomes.</p> <p>Inevitably, any increase in budget and resources would need</p>

		to be factored into the Council's future budget.
Thank the officers and the ASB team for the work they are doing and continue to do;	Recognition of the good work of the team.	None
Continue to prioritise the service and support the ongoing training and development programme and ensure sufficient funding is available to achieve its objectives;	To recognise the success of the service and to ensure this continues.	Resource implication in terms of funding for training and development.
Expand the resources given to the programme of presentations to other partners;	In recognition of the importance of partnership working and how this had increased understanding and improved working relationships with other agencies.	Officer time to review what resource required to expand programme.
Consider whether the resources for the safer neighbourhood scheme can be increased given the successful outcomes achieved from the scheme and consider the outcomes of the scheme;	In recognition of the success of the scheme could this be expanded upon.	Officer and member time to consider availability of resources. Inevitably, any increase in budget and resources would need to be factored into the Council's future budget
Consider lessons learnt from the locational approach trialled for the safer neighbourhood initiative and how this can be expanded for other neighbourhoods;	To ensure learning acted upon and consider how outcomes can be replicated in other areas.	Increasing capacity to deliver infers greater staff time which would have to be funded. Officer time to scope and deliver projects.
Provide a briefing event for all Councillors on the PREVENT scheme	To ensure councillors are able to respond appropriately to extremist threats.	Officer time to arrange training and cost of delivery.
Consider surveying anti-social behaviour in areas where the community	To reflect the holistic approach of the council and its aim to support	Challenging to measure outcomes of community development work as

enabling team have focused to assess the impact of their work	the building of more resilient neighbourhoods. To monitor the efficacy of work delivered in areas.	impacts can be generational. Officer time to consider and propose suitable model to measure outcomes and then resource implications to deliver.
---	--	--

Consultation

8. There has been no specific consultation on these proposals.

Implications

Financial and resources

9. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.

10. Any additional financial requirements where activities cannot be undertaken within existing resources will need to be subject to further consideration, and approval through a business case. This will need to include an appropriate funding source being identified and/ or being built into future years' budget processes.

Legal

11. The proposals largely request that Cabinet consider exploring specific matters further. If these result in formal business cases, the legal implications will require due consideration at that time.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	None
Health, social and economic impact	The aim of the recommendations is to increase resident's feelings of community safety which impact these areas.
Crime and disorder	To reduce the impact and occurrences of crime and disorder.
Children and adults safeguarding	Measures help to promote safeguarding.
Environmental impact	None

Risk management

Risk	Consequence	Controls required
None at this stage.		

Other options considered

12. There have been no other options considered for this report, as it is a factual report based on the outcome of committee meetings that have already taken place.

Reasons for the decision/recommendation

13. This report will allow cabinet to make a decision on whether or not to take forward some or all of the recommendations.

Background papers: None

Appendices: None

Contact officer: Senior Committee Officer

Name: Alex Hand

Telephone number: 01603 989398

Email address: alex.hand@norwich.gov.uk



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.



Committee Name: Cabinet

Committee Date: 18/10/2023

Report Title: An update on Health, Safety and Compliance in Council Homes and Buildings

Portfolio: Councillor Jones, Cabinet member for safer, stronger neighbourhoods

Report from: Executive director of community services

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

To provide an update to members about health, safety and compliance management and improvement in council homes and buildings.

Recommendation:

It is recommended that members note the content of this report.

Policy Framework

The Council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report addresses the following corporate priorities.

- People live independently and well in a diverse and safe city.
- Norwich has the infrastructure and housing it needs to be a successful city.

The Council's Housing Strategy '*Fit for the Future*' A Council Housing Strategy for Norwich' sets priorities for the Council's homes and estates for the period 2020 to 2026. It identifies four primary goals, these are:

- Delivering new homes
- Maintaining and improving condition of existing housing
- Improving the use and management of our existing housing stock
- Improving our neighborhoods

The Council's Strategic Asset Management Framework 2022 sets out six policy themes including 'compliant and financially resilient management of assets'.

Report Details

1. Norwich City Council (NCC) is landlord of approximately 14,500 council homes and the freeholder for the buildings in which approximately 3,000 leaseholder homes are situated. It also owns over 300 non-housing assets in the general fund, some of which are let to multiple tenants and others which include multiple buildings within the asset (e.g., Eaton Park).
2. Registered providers of social housing (including councils and housing associations) are governed by the Regulator of Social Housing (RSH). The objectives of the RSH are set out in the Housing and Regeneration Act 2008. At the core of the RSH regulation is a set of standards which registered providers' landlords must comply with.
3. In November 2021, members considered the outcomes of a review by the RSH following the self-reporting by NCC on 28th July 2021 of a breach of the home standard. The RSH found that NCC had breached the Homes Standard and published a Regulatory Notice. The RSH did not feel it necessary to take enforcement action against NCC because they were assured of NCC's plans to improve services and return to full compliance.
4. It was agreed in November 2021, that whilst the regulatory notice remained in place, a quarterly progress update would be provided to Cabinet. This is the sixth update and includes information up to the 31st of August 2023.

Governance

5. Senior officers meet with the RSH monthly, to report and discuss progress. The RSH continues to be satisfied with the progress being made and the arrangements in place. A member of the Compliance Delivery Group (CDG) also attends the meetings. This committee update report is shared with the RSH to further validate reporting and information.
6. The Council is anticipating the imminent removal of the regulatory notice and a further update will be provided as it becomes available.
7. Internal governance and assurance are provided through the following framework:

The Health, Safety and Compliance Board - the Board has been established since November 2021 and meets monthly to receive updated information, to consider progress, and agree further actions to be taken. The Board has oversight of both housing, and non-housing property compliance within the NCC property estate. Board members include the portfolio holders of both social housing and resources, the Executive Directors of Communities and Development and City Services, the Monitoring Officer and, if requested the s.151 Officer or their Deputy.

The Compliance Delivery Group (CDG) - NCC entered a voluntary undertaking with the RSH in July 2022. This is an agreement which confirms

the steps that will be taken to achieve full compliance and will help to inform the RSH in their decision to lift regulatory supervision.

The delivery of the voluntary undertaking is supported by the CDG which includes three independent experts from outside the Council. This group meets monthly to consider operational detail and monitor progress. The CDG advises the Health, Safety and Compliance Board in delivering the compliance improvement plan.

Quarterly update reports to Cabinet – reports have been provided to Cabinet on a quarterly basis since November 2021 to update on progress.

Compliance Improvement Plan

- The compliance improvement plan (CIP) has been separated into housing and non-housing areas to support focused engagement with the RSH on housing matters and provide clear internal reporting of progress against identified actions across both areas.

Housing Compliance Improvement Plan

- The table below provides a summary of progress for the Housing CIP which has two phases with activity prioritised based on risk assessment. The first phase was planned for completion by the 30.11.22 and the second by the 31.05.23.

Housing CIP Summary	Phase 1 – 30.11.22	
Activity	RAG September 2023	Update
Policies, procedures	100%	Final version of key compliance policies created and adhered to by staff.
Strategic oversight and governance	100%	Ongoing and meeting monthly to monitor progress.
Financial resources	100%	Complete
Staff and contractors	100%	Interim specialist resourcing in place.
Data management	95%	A project has commenced to review the block structures in NEC Housing and is due to complete by the end of October 2023.
KPI reporting and performance	100%	Business as usual reporting is in place.

Housing CIP Summary	Phase 2 – 31.05.2023	
Activity	RAG September 2023	Update
Staff and contractors	71%	A national campaign has launched to recruit senior leadership roles. Interim senior management staffing arrangements have been extended to December 2023.

		Implementation of the Property Services function is on-going, and due to conclude in October 2023.
Data management	81%	A project has commenced to review the block structures in NEC Housing' and is due to complete by the end of October 2023. After completion, the build of compliance programmes can continue.
KPI reporting and performance	100%	Business as usual reporting is in place.
Requirements of the Building Safety Act	95%	A project has been initiated to review and recommend engagement forums for Higher Risk Residential Buildings (HRBBs).
Information and advice to residents	88%	A project has been initiated to review and recommend engagement forums for Higher Risk Residential Buildings (HRRBs).
Information, advice, and training to Members*	20%	Training is planned for October 2023 for newly elected representatives, and currently serving Councillors.

10. The actions outstanding are reliant on several workstreams which have taken longer than originally anticipated.
11. To ensure the outstanding actions on the Housing CIP remain subject to scrutiny, the Compliance Delivery Group meetings have been extended to December 2023 and will continue to advise on progress to the Health and Safety Compliance Board.

General Fund Compliance Improvement Plan

12. General Fund (non-housing) properties were prioritised to ensure that resource is focused on high risk, high liability assets first. Assets have been split into one of the following groups:
 - High priority – properties we occupy or use for delivery of services or where we have full repairing and insuring liabilities (typically where the asset is multi-tenanted) or general fund properties with sleeping accommodation above.
 - Medium priority – tenanted properties where some repairing liabilities fall to us as the landlord, or low risk operational assets which have limited compliance requirements (e.g., surface car parks).
 - Low priority – tenanted properties where no repairing liabilities fall to landlord or unoccupied assets such as land / statues etc.
13. Non-housing properties are split between assets where the council is the responsible person for compliance and assets where the tenant is the responsible person for compliance. High priority assets are assets which are operational or vacant and therefore the Council is the responsible person and multi-tenanted assets where there is joint responsibility between the council and tenant. Most of the non-housing stock is tenanted, and statutory compliance responsibilities fall on the tenants. These assets are in the medium and low priority risk area. For high priority assets the compliance improvement plan is around 95% complete. Work is in progress to move towards BAU on high priority assets, this includes gaining new fire risk assessments, compartmentation, and fire door surveys on some assets,

these have generated some new remedial actions on high priority assets which are being progressed (and fall outside the baseline figures used to calculate the 95% figure). The team are now focusing efforts on lower risk operations assets, for example surface car parks and tenanted assets.

14. An initial letter and escalation letters (if required) were sent to tenanted assets asking tenants to supply compliance documentation, but the response rate was poor.
15. Therefore, a policy has now been adopted to manage compliance in tenanted properties and to provide escalation of tenant compliance issues. In summary, this involves:
 - a. Providing guidance and information to tenants on how to meet their compliance obligations and seeking confirmation from tenants that compliance documentation and remedial actions are up to date.
 - b. Undertaking visits to tenants (at least every other year) in order to improve tenant liaison and undertake a visual inspection of the property.
 - c. Escalate tenant compliance matters where there is evidence, following inspection, of compliance issues, initially via correspondence with tenants and then escalation via enforcing lease provisions. Not to take further actions where visual inspections do not identify evidence of compliance issues.
16. A summary of the non-housing compliance improvement plan and progress is outlined below, which is planned for completion by the 31.01.2024:

Non-Housing CIP Summary – 31.01.2024		
Activity	RAG April 2023	Update
Asset prioritisation	100%	Complete
Staff and contractors	100%	Complete
High priority compliance mapping	100%	Complete
High priority landlord remedial works	95%	There are a small number of remaining remedials which are ordered with contracts and some new policies and procedures due to be adopted and rolled out shortly to allow completion.
High priority tenant letters	100%	Complete
High priority tenant responses and action	50%	Where responses have been received these are being worked through and dialogue continuing with tenants to establish a compliant situation. Further action will follow the new tenant compliance policy.
Medium & Low Priority Compliance Mapping	60%	Revised dashboard to be created to capture medium & low priority operational assets

Medium & Low Priority Landlord Remedial Works	40%	Now that high priority actions are almost complete resource is to focus on medium & low priority assets
Medium & Low Priority tenant letters	100%	Complete
Medium & Low priority tenant responses and action	50%	Where responses have been received these are being worked through and dialogue continuing with tenants to establish a compliant situation. Further action will follow the new tenant compliance policy.
Legal Review of Leases	100%	Complete
Dashboard	90%	The dashboard is in place however is to be revised to capture medium and low priority operational assets
Commercial tenant guide update	100%	Complete
Programmed maintenance review	100%	Programme is a live working document
Financial resources and controls	100%	Complete but subject to review and monitoring
Tenant escalation policy	100%	This is now complete

Housing Compliance Dashboard

17. To enable progress to be reported and monitored effectively, a compliance dashboard has been developed. The dashboard is updated monthly and reported to the Compliance Delivery Group and the Health, Safety and Compliance Board.
18. Overdue work and current work are monitored separately. All inspections and remedial works outstanding as of the 31st of December 2021 are 'overdue works. All actions since that date are monitored to be completed within required timescales and are termed 'business as usual.' This approach has been agreed with the RSH.

Overdue Works

19. All works outstanding as of the 31st of December 2021, where access has been gained, have been completed across the following areas: gas safety; water hygiene; electrical safety, lifts, and asbestos.
20. Where access to a home has not been possible and has prevented work being completed the appropriate tenancy support/action is being taken to enable completion of works as swiftly as possible. The housing teams are undertaking this work.
21. The fire programme was due to be completed by September 2023. However, problems were identified with the quality of fire risk assessments, and it was agreed to commission new assessments to ensure work is done to the required standard and quality.








22. The decision to commission new assessments meant that contractors reported capacity issues and as a result, a revised fire programme was submitted.
23. The revised fire programme will be completed by the 16th of October 2023 and contractors have appointed additional resources to ensure the target is met.
24. The position as of the 31st of August 2023 is set out in the tables below:







	Position in Nov 2021	August 2023	RAG
Gas Safety	Compliant**	Compliant **	<input checked="" type="checkbox"/>
	Additional comments: All safety inspections have been completed as required		

	Position in Nov 2021	August 2023	RAG
Lifts	Compliant**	Compliant**	<input checked="" type="checkbox"/>
	Additional comments: All safety inspections have been completed as required		

	Position in Nov 2021	August 2023	RAG
Water Hygiene	Up to 500 Water Hygiene surveys required	Compliant **	<input checked="" type="checkbox"/>
	Additional comments: All safety inspections have been completed as required		

	Position in Nov 2021	August 2023	RAG
Asbestos	68 inspections required in communal areas	Compliant** HRRB management Surveys	<input checked="" type="checkbox"/>
		Compliant** SpH management Surveys outstanding	<input checked="" type="checkbox"/>
		Compliant ** LRB management surveys outstanding*	<input checked="" type="checkbox"/>
	Remedial actions - position unknown	Compliant** HRRB remedial actions	<input checked="" type="checkbox"/>
		Compliant** SpH remedial actions	<input checked="" type="checkbox"/>
		Compliant** LRB remedial actions	<input checked="" type="checkbox"/>
	Additional comments: All safety inspections have been completed as required		

	Position in Nov 2021	August 2023	RAG	
Electrical Safety	105 Communal EICR's overdue	Compliant **		
	806 Domestic EICR's overdue	2 HRRB inspections overdue		
		Compliant** SPH inspections		
		24 LRB inspections overdue		
	Remedial actions position to be confirmed.	Compliant ** HRRB remedial actions		
		Compliant ** SpH remedial actions		
		9 LRB remedial actions overdue		
	<p>Additional comments: The HRRB inspections outstanding are all cases where the contractor has not been able to gain access to the property; these are being progressed through the housing team where additional focused resources are now in place. Legal action to gain access will be taken where necessary.</p> <p>All priority 1 and 2 remedial actions arising from inspections are now being completed at the time of the inspection to enable certification to be achieved without delay. Overdue remedial actions in all areas are reducing.</p>			

	Position in Nov 2021	August 2023	RAG
Fire Safety	All HRRB FRA's completed.	Compliant** HRRB inspections	
	2 SpH overdue FRA's	Compliant ** SpH inspections outstanding	
	650 LRB FRA's outstanding (Please note, incorrect number was initially reported)	883 LRB inspections outstanding	
		3 HRRB remedial actions overdue	
		5 SpH remedial actions overdue	
		111 LRB remedial actions overdue	
	<p>Additional comments Fire risk assessments (FRA) for all high-risk residential buildings and specialist housing have been completed.</p> <p>Contractors have been appointed to undertake the outstanding remedial works and these are gradually reducing, but there are some access issues to individual properties.</p> <p>Contractors have appointed additional resources to ensure targets are now met and there is a daily update on progress.</p>		

	<p>In addition to the original 1700 FRAs required, a further 570 sites require an external wall assessment but no FRA (as no communal area). These have now all been assessed by the contractor.</p> <p>There have been 4 additional operational assets identified and added into the contract, along with 3 commercial sites where NCC are the landlord and responsible for the communal areas/means of escape.</p> <p>All HRRBs have now been registered with the Building Safety Regulator (BSR) and work is ongoing preparing building safety cases for all in scope premises.</p> <p>As part of the fire risk assessment process, we have commissioned surveys of some of the fire doors within our blocks. These surveys highlighted some concerns with the quality of the installation and the materials that had been used. After further specialist assessment and testing, we have identified that some doors may not perform as required in the event of a fire. We have updated our fire risk assessments to reflect this and shared our findings with the Norfolk Fire and Rescue Service (NFRS). We have put in place a series of measures to mitigate the risks associated with the doors and have written to our affected residents to share some updated advice and to arrange to visit their home. We are working closely with NFRS to assist any vulnerable residents that we identify, and NFRS have been supportive of the approach that we have taken so far. We have also shared information with the RSH and will continue to share our progress with them during our monthly meetings.</p>
--	---

Please note the following abbreviations:

HRRB	High Risk Residential Building
SpH	Specialised Housing
SpH LL	Specialised Housing Landlord service
SpH Dom	Specialised Housing domestic property
LRB	Lower risk Buildings
FRA	Fire risk assessment

** Properties are compliant if they have a safety certificate or are being managed in accordance with the council's no access process.

Non housing assets data

25. To enable progress to be reported and monitored effectively, a non-housing compliance dashboard has been developed. The dashboard is updated monthly and reported to the Health, Safety and Compliance Board.
26. Progress against the non-housing compliance dashboard has accelerated in the last two months following the improvement of data. However, that data is still currently held in shared folders and spreadsheets. In the long-term an improved IT system will be required and is being scoped at the present time.
27. A programme for replacement of all FRA's (by the end of summer) has now been completed. FRA's completed are identifying remedial actions and resources are being aligned to ensure that these can be actioned in a timely manner.

28. Significant progress has been made in all compliance areas for both operational and shared responsibility buildings (Community Centres) and the current position is recorded in the table below and outlined in the improvement plan section earlier in this report.

29. High risk operational building compliance:

Fire	1 high risk and 2 medium risk actions remain, orders and action plans are in place to resolve this last remaining actions.
Electrical	All condition reports are up to date 1 remaining remedial with order raised to resolve.
Water	All buildings have an up-to-date risk assessment with no outstanding actions
Asbestos	All buildings have been surveyed and no high-risk material outstanding.
Gas	Gas servicing is up to date
Lifts	All lifts have up to date service records and are on a service/inspection plan.
Fire Installations	All up to date

30. Community Centre Compliance:

31. All risk assessments and remedials for community centres were completed, however new fire risk assessments have now been carried out on all centres. These have generated a new suite of fire risk remedial works, the details of these are being discussed with the fire risk contractor. The majority of these are site management actions and the compliance team will be liaising with centre operators to ensure actions are completed by the centre operators.

Independent Review of Progress by Campbell Tickell

32. Norwich City Council have commissioned Campbell Tickell to conduct an independent review of the progress made to date against the voluntary undertaking (VU), which the Council have given to the Regulator of Social Housing (RSH).

33. The independent review of progress has been undertaken in two phases, which were as follows:

- Phase one: to provide assurance that work to enact the VU was progressing in line with the planned timetable.
- Phase two: to provide assurance on two aspects -
 - The compliance position in the six key areas of health and safety
 - The delivery of the VU

34. In June 2023, members considered the findings, risks, and recommendations of phase one of the 'Independent Review of Progress'.

35. The second phase of the independent review commenced in July 2023 and Campbell Tickell undertook a desktop review, discussions with staff and sample checks.
36. Campbell Tickell published their findings and recommendations in September 2023, which is attached in Appendix 1.
37. They identified three key areas for Norwich City Council to focus on, which were as follows:
 - Data management and the use of NEC
 - Fire as properties are waiting for works to be completed.
 - Restructure and Recruitment
38. It was stated that the risks highlighted were acknowledged in most interviews and are discussed at all levels.
39. In summary they recommended the following:
 - Consider other methods of bringing expertise with a mix of permanent staff and long-term consultants for all key roles.
 - Consider an onboarding approach for new staff and staff in new roles which both sets out the new 'way things are done' and is clear in the role requirements to continue the on-going improvement project. This should cover both the new policies and management plans, and the new problem solving, risk-aware culture.
 - Maintain the Compliance Delivery Group until the restructure is concluding or a long-term mitigation plan is agreed, the data project is completed and there is assurance the FRA programme is on track.
 - Commission a data audit and a review of data governance upon completion of the NEC project.
 - Commission a review of the NCC fire safety compliance once programmes are underway. This will check that FRA, remedial works, and fire door programmes are on schedule, and that the data management is sufficient and increasingly automated.
40. Campbell Tickell felt that *'The pace and amount of progress against the action plan remains impressive. There is clear drive across everyone we spoke to, to not only hit the deadlines but embed a sustainable approach to ensure ongoing compliance. The shift in culture to a pro-active, problem solving one is clear and this will be key to ensuring sustainable compliance beyond this project.'*
41. In conclusion, they stated that *'Understandably the RSH will need assurance that should they no longer have NCC under review, the remaining actions from the VU will be completed to ensure current compliance and the long-term sustainability of compliance. The improvement in culture and NCC's demonstrable commitment to uncovering all issues, together with the commissioning of further audits to check all issues have been resolved, and the retention of the Compliance Delivery Group to oversee the project to conclusion will give assurance that progress will continue and the project will not drift into increased delays and decreased importance'*.

42. The report has been shared with our internal governance and assurance structure and recommendations will be implemented accordingly.

Compliance Risk Register

43. The Health, Safety and Compliance Board has developed a risk register that is reflected through into the Council's corporate risks. The register is regularly reviewed and has been updated and approved by the CDG, whilst the HSCB reviewed the risk register in September 2023.

Next Steps

44. Implement and plan the recommendations from Phase 2 of the independent review of progress.
45. The compliance team will continue to collaborate closely with colleagues in housing management and tenancy support to ensure access is gained to properties to conduct the necessary inspections and works, whilst minimising inconvenience to residents.
46. Outstanding actions on the Housing CIP, which have not been completed in line with deadlines will be addressed. Please note, the deadlines will remain subject to scrutiny by the Compliance Delivery Group and the Health and Safety Compliance Board to ensure progress is made.
47. A training programme will continue and is being developed for all with responsibility and accountability for compliance.
48. Work is continuing to secure appropriate permanent staff for senior management roles to ensure the long-term sustainability of compliance.

Engagement

49. Web content has been kept up to date to provide additional information and helpful FAQ's relating to the key issues.
50. Residents have several different options to contact us about compliance and to raise any questions or concerns.
51. In November 2023, Senior Management will inform the Tenant Involvement Panel of key aspects of the programme of works where applicable.
52. For tenanted non-housing properties, tenants have been contacted to ensure they are familiar with their compliance responsibilities and that these are aligned with the Council's responsibilities as landlord.

Implications

Financial and Resources

53. This report is to provide an update on the expenditure against the additional resources allocated to the compliance budgets.
54. On 12th November 2021, Cabinet approved budget virements to create additional 2021/22 revenue budgets of £1.272m to support the CIP and approved the creation of a new HRA Compliance earmarked reserve that enabled any unspent revenue budgets at the end of 2021/22, to be carried forward and utilised in 2022/23. In addition, on 30th November 2021, Council approved an increase to the 2021/22 HRA capital programme of £1.000m, with the intention that approval would be sought for any underspend to be carried forward through the usual capital carry-forward process for utilisation in 2022/23.
55. The revenue underspend of £0.840m in 2021/22 was moved to an earmarked reserve to support additional expenditure in 2022/23. The capital underspend of £1.000m was carried forward and to enable further capital expenditure in 2022/23. In addition, HRA revenue budgets totaling £0.662m plus an HRA capital budget of £1.000m were approved as part of the 2022/23 HRA budget.
56. At the end of 2022/23, the compliance revenue outturn was £0.662m leaving £0.713m remaining in the compliance earmarked reserve and the capital underspend of £1.3m was carried forward to enable further expenditure in 2023/24. In addition, £0.459m of revenue budgets and a £1.000m capital budget were approved for 2023/24 to support ongoing compliance work.
57. The 2023/24 budget position as at period 5 (31st August 2023) is shown in the tables below:

Revenue Cost	Compliance Earmarked Reserve £	2023/24 Compliance Budget £	2023/24 Current Actuals £	Remaining Revenue Funding £
Additional Specialist Resource	408,387	258,505	151,826	515,065
Compliance Remedial works	304,561	200,000	84,046	304,561
Total	712,948	458,505	235,873	819,626

Revenue Cost	Compliance Earmarked Reserve £	2022/23 Compliance Budget £	2022/23 Provisional Outturn £	Remaining Earmarked Reserve £
Additional Specialist Resource	535,348	312,000	438,962	408,387
Compliance Remedial works	304,561	350,000	223,425	304,561
Total	839,909	662,000	662,387	712,948

Capital Cost	2022/23 Underspend Brought Forward	2023/24 Compliance Budget £	2023/24 Current Actuals £	Unspent Budget to date
HRA Major compliance upgrades	1,300,000	1,000,000	85,570	2,214,431

Legal

58. The legal implications of the RSH notice and process were established in the report to Cabinet on 12 November 2021. The position remains unchanged for the purpose of this update report.
59. Legal advice has been obtained with regards to the respective Council and tenant responsibilities relating to leased properties in the general fund. We are continuing to review the position and take further advice regarding responsibilities based on individual responses from tenants and the relevant lease terms.

Statutory Considerations

Consideration	Details of any implications and proposed measures to address
Equality and Diversity	None
Health, Social and Economic Impact	None
Crime and Disorder	None
Children and Adults Safeguarding	None
Environmental Impact	None

Risk Management

60. The critical risk register for this project is attached in Appendix 2.

Other Options Considered

61. This is an update report following decision made by cabinet in November 2021.

Reasons for the decision/recommendation

62. No decision is required.

Contact Officer: Service Improvement Officer
Name: Gemma Sharpe

Telephone number: 01603 989566
Email address: gemmasharpe@norwich.gov.uk

Contact Officer: Interim Head of Building Safety and Compliance
Name: Paul Cook
Telephone number: 01603 989570
Email address: paulcook@norwich.gov.uk

<p>CAMPBELL TICKELL</p>	 <p>NORWICH City Council</p>
-----------------------------	--

**Independent Review of NCC
Delivery of RSH Voluntary
Undertaking
– Second Review Report**

August 2023



1. Introduction

1.1 Campbell Tickell has been commissioned by Norwich City Council (NCC) to conduct a two-part independent review. The first part, completed February 2023, looked at the progress made to date against the voluntary undertaking (VU) given to the Regulator of Social Housing (RSH). The second part is to give assurance that the VU is complete and is serving its purpose of getting NCC to compliance and ensuring compliance can be maintained. This second review includes assurance on the current compliance position across the six main areas of: Gas, Electric, Asbestos, Fire, Water Hygiene and Lifts.

1.2 This report sets out findings and recommendations of the second review.

2. Headline Findings

2.1 There has been a considerable amount of progress on all relevant areas including performance, process, structure and management. We can not sign off the VU as complete, due to the issues relating to data and fire outlined below. However, our view is that the vast majority of the VU is complete and the trajectory of the outstanding issues has been planned and is being executed.

2.2 **Data** – NCC has found inconsistencies with the unique property reference numbers (UPRNs) and this has delayed the migration on to the NEC system. The current position makes it difficult to provide assurance that all properties for which NCC is responsible are on all necessary programmes of work, necessitating extensive manual cross-checking and reviewing (which is in place).

2.3 This project is overrunning the original timeline, though it is currently on track with the revised committed timeline. Two operational challenges further complicate matters: The delay in the staffing restructure and: The Compliance Delivery Group is currently scheduled to conclude in September 2023. The absence of the group overseeing the overall improvement at the final stages of the project could risk reducing the corporate focus on ensuring successful completion.

2.4 **Fire** – an internal review of the existing fire risk assessments (FRAs) found them to be below the standard NCC required. New assessments were commissioned but these are in progress and are not all completed. Contractors are working through the original outstanding actions as well as actions resulting from new assessments, and as such are not on target to meet the VU's commitment. We view this position positively. Sub-standard existing work was identified and the additional remedial work necessary has lengthened the timescale to achieve full coverage. We are satisfied that approach being taken manages the interim risks is appropriate.

2.5 **Restructure and Recruitment** – There continues to be a reliance on interim expertise to cover key roles. Whilst this is a deliverable in the VU, the larger risk is to NCC's ability to sustain the improvement made to the compliance culture and performance as the transition is made to a permanently employed team.

3. Brief

3.1 Norwich City Council (NCC) is landlord of approximately 14,500 council homes and approximately 3,000 leaseholder homes. In July 2021, NCC self-reported a possible breach of the Home Standard. Upon review, the RSH found that NCC had breached the Homes Standard and published a Regulatory Notice.

3.2 In May 2022, NCC agreed a VU to ensure a return to, and then ongoing, full compliance.

3.3 Campbell Tickell was commissioned to carry out a review of the progress of the delivery of the VU to give assurance that actions would be completed by the agreed dates. This review was completed in February 2023, and found that NCC were largely on track to meet their timelines. A second review, to give assurance all actions are complete and compliance is achieved, has now been carried out.

4. Methodology

4.1 Our work was conducted remotely. We were impressed with NCC's agility and responsiveness to our requests for information and meetings. We thank everyone we met during this assignment, and especially Gemma Sharp, for their support and for encouraging staff to have an honest dialogue with us.

4.2 We began the exercise by understanding how complete NCC believed the VU to be and what current performance against KPIs was. We followed this up with validation of that position. Our tasks included:

- a. Reading documents set out in Appendix 1.
- b. Group interview with Interim Head of Asset Management and Compliance, and Interim Project Manager Compliance.
- c. Individual interviews with officers covering gas, electrical, asbestos, M&E/lifts, water hygiene and fire.
- d. Group interview with the data project team.
- e. Group interview with two independent members and the Chair of the Compliance Delivery Group.
- f. Individual interview with the Interim Head of Housing.
- g. Reality checks – shared screen demonstration of live systems and spreadsheets, random property sample checks, following through the documented processes.

4.3 The results of this review are based on a triangulation of the desk-top review, discussions with staff and sample checks.

5. Findings

5.1 The Voluntary Undertaking is phased, with the most urgent actions coming due 30th November 2022, and the second phase due by 31st May 2023. These deadlines have been extended, with the first review taking place in February 2023, and the second in August 2023. The table below shows the progress against each action.

Area	Action/Outcome	Timescale
Policies and Procedures	1. Policies, procedures, and associated management plans Phase 1	1. Policies, procedures and associated management plans are updated and being actioned. Now agreed and circulated.
Staff and Contractors	2. Staff with required H&S competencies in place. Phase 1 3. Specialist contractors appointed. Phase 1 4. Staff restructure Phase 2 5. Staff training on H&S delivered. Phase 2	2. In place but heavily reliant on interims. 3. In place. 4. This has started, may have challenges around recruitment. Further details below. 5. Completed for immediate need. Further training rolled out as restructure completed. Training for members to commence October 2023.

Area	Action/Outcome	Timescale
Data Management	6. Complete property compliance data audit. Phase 1	6. All data input and review being carried out
	7. Complete the annual data validation check. Phase 2	7. Issues found with data. First tranche (10%) of stock condition surveys with FFT, due back September 2023.
	8. All record keeping to be within the NEC system. Phase 2	8. In progress but bigger project due to data issues. Further details below.
Gas	9. 100% coverage of Gas Safety Certificates (or demonstrable 'no access' process in place). Phase 1	9. In place. At time of audit, no outstanding checks or certificates. The No Access process is within the gas policy.
Legionella	10. Risk assessments and management plans completed and in place for Specialist Housing and High Risk sites. Phase 1	10. In place
Fire	11. Fire Risk Assessments completed for all required properties. Phase 1	11. Completed originally, new FRAs commissioned. Further details below.
	12. High Risk Actions all completed. Phase 1	12. Completed other than fire doors which are on a programme.
	13. Medium/Low risk actions progressing to schedule Phase 2	13. In progress with contractors, behind original target.

Asbestos	<p>14. Production of risk based removal programme. Phase 1 (for required properties)</p> <p>Phase 2 (for all other properties)</p> <p>15. Resurvey program on schedule for completion Phase 2</p>	<p>14. Yes and removals happening</p> <p>Programme in place</p> <p>15. On schedule</p>
Electrics	<p>16. EICR's in place for all required properties. Phase 1 (for all required properties)</p> <p>Phase 2 (for all other properties)</p>	<p>16. Completed for both phases – either in place or going through the no access process</p>
Lifts/ME Installations	<p>17. Full survey of sites completed Phase 1</p> <p>18. Programme of inspections in place and being delivered. Phase 1 (for required properties)</p> <p>Phase 2 (for all other properties)</p>	<p>17. Completed</p> <p>18. In place for both phases.</p>
KPI Reporting and Performance	<p>19. Agreed KPIs in place for all H&S areas. Phase 1</p> <p>20. Quarterly reporting to Cabinet in place until such time as full compliance is reached. Phase 1</p> <p>21. Performance meets targets in all areas Phase 2</p>	<p>19. In place and being reported</p> <p>20. In place</p> <p>21. Not yet met for fire. Further details below.</p>

Independent validation of delivery of Voluntary Undertaking	22. Independent validation of completion of the two phases of this Voluntary Undertaking.	22. First phase to reported end of Feb 2023. Second phase to report by end of August 2023, covered by this report.
--	---	---

Progress

5.2 All action points have seen significant progress, with many completed. Our assurance is based on a desktop assessment, triangulated in meetings with relevant officers. We have seen the data at source with the officers talking through the progress, current state and next steps. For the six areas of compliance we have carried out sample checks, on properties chosen at random, tracking them through the process, reviewing certification, evidence of any works, and recording of information. We have seen evidence of explanations for instances of noncompliance, for example no access. We have then cross referenced this information with the reporting dashboard which is now in place. We have found the following areas to be compliant:

5.3 **Gas** – at the time of auditing this is 100%, with no overdue inspections or certificates. This has been the position consistently for a number of weeks. There has been a marked change in NCC’s approach to access issues, with a focus now on overcoming the issues rather than seeing them as a legitimate explanation for non-compliance. This attitude is demonstrated in a situation we have seen during the audit where a property about to fall overdue was worked on by the team over a weekend to get access and ensure 100% compliance. CO monitors are in 99.84% of properties which require them, with 19 properties still to have monitors installed. 12 of these are booked in with the next gas inspection and 7 are being worked on jointly with the housing team as customers have refused installation.

5.4 **Legionella** – at the time of auditing this is 100% with no overdue risk assessments or P1or P2 works.

5.5 **Asbestos** – at the time of auditing this is 99.3% with 11 surveys due but booked in, and no outstanding works. Reinspection surveys on track.

5.6 **Electrics** – at the time of auditing this is 99.8% with 29 properties overdue due to historic access issues. NCC has just successfully completed a test injunction case for access for EICR inspection and will now be using this process to gain access to the 29 outstanding properties. NCC employs Gasway for both LGSRs and EICRs and therefore is utilising access for gas checks to get electrical checks done at the same visit where appropriate. Certificates have been reviewed by NCC and they have worked with Gasway to ensure that all works required are captured on the certificate and marked as ‘info’ to show they have been completed at the inspection visit. This means there is a clear audit trail of all faults found and marked as rectified.

5.7 **Lifts/M&E** – at the time of auditing this is 100% with no outstanding inspections or works. There has been a review of the flow of information from the contractor, as there

has been a lack of reporting from the contractor beyond completion of individual jobs. This has led to NCC having to carry out a very manual process of recording all the information sent in a way that can then be reported on across the stock. This is now back with the contractor to provide programme plans and reports on progress against them, with evidence, with the first reports due in September.

Areas of Risk – VU commitments not met

Data Management and the use of NEC

5.8 NCC have not yet completed the annual data validation and not all records are on NEC. When NCC reviewed the data and programmes of work across the compliance areas, it became clear there were inconsistencies with the unique property reference numbers (UPRNs) and how these had been applied to the structure of the data (blocks, dwellings etc). It has also been found that NEC does not have in-built forms which sufficiently deal with risk assessments, which the teams dealing with water hygiene, asbestos and fire have been working with NEC to redesign. Asbestos programme information is kept on TEAMS Enterprise and work is underway to link this to NEC.

5.9 **Risk:** Until the UPRN issue is resolved assurance for reporting is reliant on manual checks and full automation is not possible. Performance information on EICRs for reporting is still input manually. The data risk is compounded by the risks of delays relating to the NEC system, delay to posts filled following the restructure and the impending conclusion of the Compliance Delivery Group.

5.10 **Mitigation:** The RSH has been informed of the situation and kept informed of the progress. NCC have committed to the project to get all data cleansed and on to NEC to conclude in October 2023. Following this, there will need to be a full data audit to both verify accuracy and completeness of data held in NEC, and confirm robust data governance being in place. A combination of new starters and crucial final stages of a major transformation project will need careful and consistent management to ensure momentum is maintained whilst enabling people to settle in to new roles. Extending the Compliance Delivery Group until sign off of the final data audit would provide strong oversight of the project to completion and serve to maintain the raised profile of compliance within NCC as it is being embedded in business as usual.

5.11 Data is only of use if it is clean and maintained. Often when an organisation starts to review its data, many issues are revealed and the implementation of a new system does typically bring out data structure issues. These are difficult to effectively mitigate without carrying out a full review and cleanse as NCC are currently doing. The requirement for time to allow this exercise to be carried out thoroughly and accurately does mean a delay to the original timeline commitment. Though the further delay is regrettable it is our view that NCC's approach has been reasonable and that they are taking all reasonable steps to manage risks arising.

Fire

5.12 Problems were identified with the quality of some pre-existing FRAs. The risks arising from the identified problems were considered and a catch up programme of new FRAs planned and implemented. NCC considered the interim risks and have managed these through ensuring all high-risk actions were completed and prioritising high-risk buildings for re-assessment. There has been no material increase in risk to customers. As part of the new programme of FRAs, NCC commissioned testing on a selection of fire doors which highlighted failings in installation and materials. The relevant FRAs were updated to reflect this, and NCC worked with Norfolk Fire and Rescue Service to ensure the risk to customers was minimised.

5.13 The position now is that:

- All required properties have a fire risk assessment and all necessary actions are on a programme of works, with all high-risk actions, other than fire door replacement, being completed.
- The fire door replacement programme is now agreed and about to commence.
- The decision to commission new assessments means contractors are stretched with assessments, original actions and additional actions from higher standard FRAs.

5.14 **Risk:** Unable to sign off the fire action listed in the VU. Properties are waiting for works to be completed.

5.15 Mitigation: All high-risk residential buildings were prioritised for new FRAs and these have been completed. Buildings remain operating on current FRA until new ones are produced. All remaining actions from the original FRAs are being addressed and are integrated in to the contractor's programme of works along with actions resulting from new assessments.

5.16 The RSH has been informed of the situation and approach, and whilst they initially asked for quicker resolution, NCC is committed to ensuring FRAs are of the necessary quality and work is done to the standard required. A reasonable but strict timeframe is in place for the new assessments and actions. High risk buildings are being closely managed. There is both awareness of, and commitment to, achieving the required position.

5.17 A follow up review to ensure both the FRA action and fire door replacement programmes are on track would provide assurance that the re-doing of FRAs is not leading to drift in the programme.

5.18 Whilst it is unfortunate that NCC found their FRAs did not meet their requirements, it is not uncommon. As more organisations are reviewing and quality checking their fire safety information, there is a growing need for improved assessments which is resulting in increased demand for high quality fire safety contractors. It is our view that an improved fire safety approach is in keeping with the culture change NCC is implementing and this is a reasonable approach.

Resourcing following restructure

5.19 The service is highly dependent on interims. There could be challenges filling these roles permanently with candidates with appropriate qualifications and experience. It is a competitive jobs market and NCC's location puts it in direct competition with other, larger local authorities and with London employers. A recruitment campaign for the high-level roles is underway in August. The internal recruitment process has suffered delays due to some long-term sickness and some resistance, which has slowed down the consultation and resulting interview process. This has inevitably resulted in team members covering areas which either is not their area of expertise, or which is their area, but without the security of officially having the role. This is being addressed with the Human Resources team to ensure key roles which can be filled are and delays are kept to a minimum whilst adhering to the restructure and consultation process.

5.20 **Risk:** Inability to meet the first action of the second section – Staff with required H&S competencies in place – in the long term, and therefore maintain the new compliance culture.

5.21 **Mitigation:** This is a known risk and is discussed at the Board and Group. Medium-term mitigation is in place through extension of contracts until December 2023. There is an understanding that a longer extension may be required to ensure recruitment and sufficient hand over time. Long term mitigation is still to be decided but will be reviewed in light of the response to the August recruitment campaign.

5.22 Although the delays to the restructure were broadly predicted, the issues were difficult to mitigate ahead of them starting to materialise. Large restructures often have an unsettling affect on teams and it is not always possible to predict how each individual will react. Whilst the challenges of recruiting to roles which are in demand nationally, in a location surrounded by competitors, were clear at the outset of the VU, these were also difficult to mitigate. NCC's approach of internal and external recruitment whilst maintaining current interim resource is reasonable in our view.

6. Recommendations

1. Consider other methods of bringing in expertise with a mix of permanent staff and long-term consultants for all key roles.
2. Consider an onboarding approach for new staff and staff in new roles which both sets out the new 'way things are done' and is clear in the role requirements to continue the on-going improvement project. This should cover both the new policies and management plans, and the new problem-solving, risk-aware culture.
3. Maintain the Compliance Delivery Group until the restructure is concluding or a longterm mitigation plan is agreed, the data project is completed and there is assurance the FRA programme is on track.
4. Commission a data audit and a review of data governance upon completion of the NEC project.

5. Commission a review of the NCC fire safety compliance once programmes underway. This will check that FRA, remedial works and fire door programmes are on schedule, and that the data management is sufficient and increasingly automated.

7. Conclusion

7.1 The pace and amount of progress against the action plan remains impressive. There is clear drive across everyone we spoke to, to not only hit the deadlines but embed a sustainable approach to ensure ongoing compliance. The shift in culture to a pro-active, problem solving one is clear and this will be key to ensuring sustainable compliance beyond this project.

7.2 The risks highlighted above were acknowledged in most interviews and are evidently discussed at all levels.

7.3 NCC has largely met its targets, and in some cases completed ahead of deadline. In both the cases of data and fire, work undertaken early on found further challenges and the current situation reflects NCC's commitment to resolve these absolutely and ensure no fundamental issues will surface in the future.

7.4 Understandably the RSH will need assurance that should they no longer have NCC under review, the remaining actions from the VU will be completed to ensure current compliance and the long-term sustainability of compliance. The improvement in culture and NCC's demonstrable commitment to uncovering all issues, together with the commissioning of further audits to check all issues have been resolved, and the retention of the Compliance Delivery Group to oversee the project to conclusion will give assurance that progress will continue and the project will not drift into increased delays and decreased importance.

Appendix 1

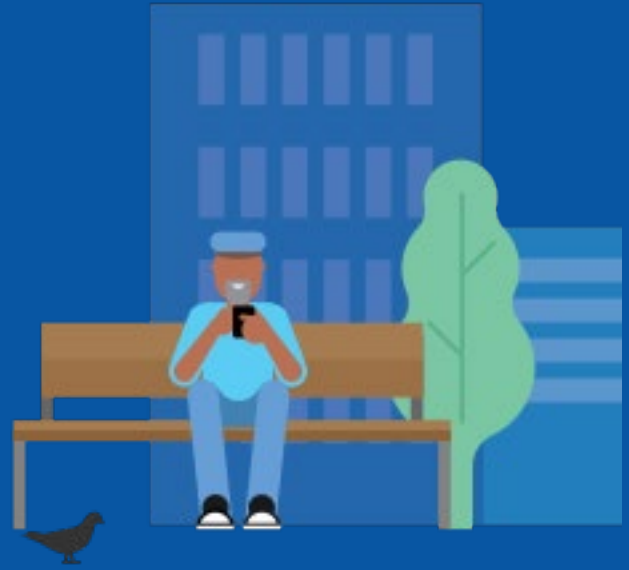
VOLUNTARY UNDERTAKING REVIEW

List of key documents considered in this review

1. Policy, process, contractor documents for gas, electric, lifts, water hygiene, fire and asbestos
2. Work plans/programmes for gas, electric, lifts, water hygiene, fire and asbestos
3. Compliance dashboard
4. Reports to Cabinet and Board
5. Risk register
6. Compliance improvement plan
7. KPIs
8. No access policy and procedure
9. Quality assurance and governance plan
10. Structure chart

Telephone +44 (0)20 8830 6777
Recruitment +44 (0) 20 3434 0990

info@campbelltickell.com
www.campbelltickell.com



CAMPBELL
TICKELL

Appendix 2

Risk Management

A detailed project risk register has been developed. Set out below are the overarching and critical risks to the compliance programme.

Risk	Consequence	Controls Required
Inadequate systems to record and manage data.	Inaccurate information resulting in insufficient progress in key areas and ineffective management of Health and Safety Compliance. Serious detriment to tenants/ leaseholders.	Risk based programme in place. NEC system implementation. Skilled additional capacity.
Lack of contractor supply chain capacity.	The CIP cannot be delivered swiftly, and tenants remain at risk for an extended period.	Widen the pool of contractors being used. Work with EPL to identify potential contractors.
Skills and expertise not sufficient to manage the program in NCC.	Delayed decision making and inability to progress the work required. Tenants remain at risk for an extended period.	Skilled temporary resources to oversee the programs of works are in place. Undertake permanent recruitment of key posts.
Loss of experienced staff currently delivering compliance activity.	Compliance catch up works not progressed in a timely way.	Review the roles and implement a new structure as required. Undertake required training of key staff.
Incomplete or out of date policies and procedures.	Actions are incorrect, not meeting statutory requirements. Inadequate support for staff.	Policies and procedures updated and being adhered to by staff.
Undertake a quality review, back 5 years, of all Fire Safety improvement works	Poor quality work does not meet the required standard. Tenants remain at risk	Validation of existing data through the annual inspection programme. Targeted surveys by specialist Fire safety contractor.



Committee name: Cabinet

Committee date: 18/10/2023

Report title: Disposal of assets (non-housing) acquired by the Revolving Fund

Portfolio: Councillor Stonard, Leader of the council

Report from: Executive director of development and city services

Wards: All wards

OPEN PUBLIC ITEM

KEY DECISION

Purpose

To request delegation of authority for disposal of non-housing assets acquired by the Revolving Fund.

Recommendation:

That Cabinet:

Delegate authority to the executive director of development and city services, (in consultation with the Leader of the Council and Section 151 Officer), to:

- 1) Dispose of land north of Windmill Rd ensuring that development takes place within a specified timescale through use of a development agreement specifying delivery milestones;
- 2) Dispose of any subsequent sites acquired via the Revolving Fund ensuring the council's obligations to achieve best consideration for sites are fulfilled

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.

- Norwich City Council is in good shape to serve the city.

This report meets the 'Norwich has the infrastructure and housing it needs to be a successful city' and 'Norwich City Council is in good shape to serve the city' corporate priorities.

This report addresses the 'provide and encourage others to provide new homes, open spaces, and infrastructure for residents' and the 'secure and manage funds from a range of sources to invest in the city' priority or action in the Corporate Plan

This report helps to meet *housing strategy* adopted policy of the Council

This report helps to meet the housing, regeneration, and development objective of the COVID-19 Recovery Plan

Background

1. In 2020 the Council acquired the former site of the Kings Arms public house at 100 Mile Cross Road through the Compulsory Purchase process. The site had lain derelict for a number of years and had become an eyesore and a magnet for anti-social behaviour. Construction of five houses for social rent was completed in November 2022, the success of this project led to the Council seeking to replicate it on other stalled sites.
2. In 2021 the Council received £4.9m of capital and £0.5m of revenue funding for its Revolving Fund, which operates within Norwich City Council's Towns Deal programme. The Revolving Fund has the objective of unlocking long-term stalled or distressed brownfield sites and will enable the delivery of residential and mixed-use development to meet the needs of a growing and dynamic city economy and support regeneration. The Revolving Fund allows the Council to bring forward derelict, vacant and unused sites to improve Norwich, bring forward much needed new housing, attract further investment and address problem sites that blight their neighbourhoods.
3. This is achieved through the acquisition of stalled sites with the intention of then selling them on for development. The Revolving Fund provides the resources to cover the costs and risks associated with these site acquisitions, whether through negotiation with the landowners or through Compulsory Purchase Orders (CPOs). It also covers the costs of securing a deliverable planning consent, where required.
4. The risks associated are managed via a thorough site selection process, assessing sites for suitability against strict criteria, prior to any decision on acquisition. The Council's decision-making is supported throughout by expert advice from a multi-disciplinary property consultancy, who lead on examination and assessment of sites and engagement with their owners.
5. Where negotiation with owners appears unsuccessful and sufficient justification exists for acquisition of sites via a Compulsory Purchase Order, Cabinet approval to undertake all steps required to prepare and serve a CPO is required.
6. In February 2022 Cabinet agreed to delegate authority to the executive director of development & city services (in consultation with the leader of the Council, portfolio holder for resources, portfolio holder for sustainable and inclusive

growth and S151 Officer) to negotiate and purchase sites using the Revolving Fund.

7. Following appointment in December 2021, the Council's property advisor assessed a candidate list of sites for potential acquisition by the Revolving Fund. Owners were contacted in order to establish their intentions regarding site development and potential delivery routes considered.
8. The Council's advisor undertook valuation work on all candidate sites, these formed the basis of offers to the owners to acquire in line with the statutory Compensation Code. This ultimately resulted in the purchase of land to the north of Windmill Rd.
9. The council intends to dispose of the Windmill Rd land whilst ensuring that a prospective developer is willing and capable of delivering development within an acceptable timescale. Future disposals are expected to use a similar approach, therefore the recommendation made to Cabinet covers Windmill Rd *and* future disposals from the Revolving Fund.

Land north of Windmill Road

10. This land was identified as a priority for acquisition in phase 1. It was subject to historic planning permissions which have failed to be implemented or have seen formal implementation of a consent followed by inactivity. Details of the planning history follows.

Planning history
2015 – Consent 14/00847/F granted for erection of 17 dwellings
2019 – Consent granted for 17 dwellings 19/00971/F (one further year's permission granted)
2021 - Application 21/01405/D confirmed that commencement had taken place within the one-year period.

11. It benefits from planning permission for 17 dwellings (19/00971/F). The previous owner (Urban Regeneration (Anglia) Ltd) undertook some trenching works on the site, these constitute a technical implementation of the planning consent. There appear to be no impediments to development of the site in line with the consent.

12. The site is subject to a section 106 agreement covering the adjacent Aldi store, which required construction of affordable housing on the adjacent site. This has been constructed, therefore no further affordable housing provision is required on the Windmill Road site. Nonetheless, the site's previous owner faced commercial challenges in reaching agreement with potential developers of the site.

13. Following commencement of the Revolving Fund programme, the Council's property advisor undertook a valuation of the site in April 2022 and subsequently made contact with the site owner in order to discuss options for development.

An initial offer was made (and declined) in August 2022, and a second offer made in January 2023. The council acquired the freehold of the site in June 2023, comprising two titles, NK518377 and NK359115.

14. The council intends to secure disposal of the site in line with the timeline as follows:

- | | |
|---|-----------------------|
| • Engagement with Registered Providers | Sept-Oct 2023 |
| • Marketing | October 2023 |
| • Cabinet approval to dispose | October 18 2023 |
| • Due diligence on potential buyer / conveyancing | October-November 2023 |
| • Completion of sale | December 2023 |

Consultation

15. Member consultation to date is as follows:

- All-Member briefing covering the objectives of the Revolving Fund and providing an overview of candidate sites identified to date – 4 February 2022. Members were supportive and expressed interest in being kept informed of developments within their ward.
- Catton Grove ward members were contacted on 4 October 2023.
- Portfolio Holders' briefing (3 October 2023). Leader has been fully briefed, and is supportive of the recommended approach.

Implications

Financial and resources

16. Any costs arising from site disposals will be offset against the associated capital receipt, with the balance of the receipt being ringfenced to support the capital Revolving Fund budget in future years.

17. The Revolving Fund budget was initially formed from Towns' Deal funding and for 2023/24, a budget was approved of £3.640m. It is anticipated that any of this budget that remains unspent at the end of 2023/24, will be requested to be carried forward for utilisation in future years.

18. The council will seek to maximise the value of sites on disposal, subject to due diligence intended to ensure a prospective purchaser has the capacity to deliver within the stipulated timescale.

Land value of the Windmill Rd site

19. The council's property advisor, Avison Young, undertook appraisals under various development scenarios during 2022, which demonstrated that development under the extant consent is viable and delivers a land price in line with that recently paid by the council to acquire.

20. The price paid for the Windmill Rd site reflects the land price plus additional costs arising from Compulsory Purchase, since the purchase took place 'in the shadow' of CPO and was therefore subject to additional heads of claim due.

Stamp Duty Land Tax paid on the site should also be presumed unrecoverable. Accepting some loss may be justified under the Council's broader objectives to bring forward much-needed homes on stalled sites.

Land value under 2022 residual value appraisal (the 'land price')	593,000
Additional CPO heads of claim and agent's fee	90,790
Stamp Duty land Tax	30,827

21. Since the council is prioritising development of the site in the shorter term, the most efficient and lowest risk approach would be delivery of the extant planning consent. However the council would be open to a revision of the consent by a buyer so long as this took place within an acceptable delivery timescale, covered in a Development Agreement.

Approach to Disposal

22. In order to demonstrate that best consideration can be demonstrated, some soft market testing has been undertaken, including discussion with Registered Providers and with Lion Homes. This will be followed by a process of open marketing, advertising the site via the council's website and through property websites.
23. The intended approach is that the freehold is offered for sale via a development agreement committing the buyer to a start on site and completion in line with specified milestones. Sales information is to make clear that the council is open to an agreement whereby the payment for land is phased, or is back-ended, which may be advantageous for the cashflow of the purchaser.
24. Offers for the site to confirm how the buyer intends to comply with the development programme published in the sales pack. This approach is intended to allow the council to exclude speculative buyers with no proven route to delivery, and to allow credit to be given where capability is clearly demonstrated.
25. The Development Agreement is to include a remedy whereby the council may buy back the site for £1 in the event of no commencement in line with agreed milestones. Buyback value in the event of a commencement but subsequent failure to complete is to be subject to a RICS valuation / resolution by a third party, since works undertaken by the developer may have increased (or potentially reduced) its value.

Legal

26. By virtue of section 123 of the Local Government Act 1972 the city council has the necessary statutory powers to dispose of its land. This section also states that on a disposal, the council are under a statutory obligation to obtain the best consideration that can reasonably be obtained for the land which is usually achieved by disposing of the land at auction or on a tender basis. Whilst this can be achieved through obtaining a Red Book valuation and pricing the land accordingly, the public profile of the Towns Fund and need for transparency has informed the proposed approach of disposal via open tender.

27. Whilst the council wishes to maximise the potential receipt back into the Revolving Fund, ideally through securing a price matching that paid for the land, this is not the sole consideration. Ensuring the site is developed promptly is of equal priority due to the Revolving Fund's stated objective to unblock stalled sites. There would therefore be potential reputational issues in the event of significant delay.

28. This consideration drives the need to dispose with a legal Development Agreement in place so that the site can be recovered by the council in the event the new owner fails to make meaningful progress towards development within an agreed timescale.

Equality Duties

29. No specific equality duties are thought to arise as a result of disposal. The Council will keep its duty under the Equality Act under review and report further as required.

Human Rights

30. No specific Human Rights considerations are thought to arise as a result of disposal. The Council will keep its duty under the Act under review and report further as required.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	No specific considerations arise from the recommendations on disposals.
Health, social and economic impact	Positive effect – Provision of housing on sites (which may include affordable housing) improves access to decent housing. Construction of housing provides support to local business, supply chains and creates employment opportunities.
Crime and disorder	Vacant sites provide opportunities for fly-tipping and anti-social behavior and may also increase fear of crime among local residents. A well-designed housing development on the site eliminates this.
Children and adults safeguarding	The project will have minimal impact in this area.

Consideration	Details of any implications and proposed measures to address:
Environmental impact	<p>Neutral effect</p> <p>Regeneration of an eyesore site at Windmill Rd will have a positive impact on perception of the locality.</p> <p>Redevelopment will inevitably have some negative impact on energy and climate change. Impacts on both energy use and embodied energy will be minimised as far as possible through design (through planning and building control process).</p> <p>The Windmill Rd site is sustainably located, with good access to local services and the city centre by foot, cycle and bus.</p>

Risk management

Risk	Consequence	Controls required
Financial Risk – failure to fully recoup original price paid for Windmill Rd site	Some diminution of the Revolving Fund capital allocation	None required – there is an acceptance that some diminution of the RF will occur over time Nonetheless, the council will seek to maximise the receipt from sale of the site.
Reputational risk to council arising from failure to fully recoup price paid for site(s)	Public criticism of council – it could be seen as having overpaid for the site.	An agreed Communication strategy is in place. There is demonstrable public support for the Council taking robust action to ensure stalled sites are developed for housing, hence the development of the Revolving Fund.
Preferred delivery routes for the sites may be influenced by movement in market or construction cost inflation, causing delay.	Delay in commencement on site, or programme delays during construction	Site(s) to be sold with a development agreement in place so that the council can regain the site if critical milestones are missed without good reason. Due diligence to be undertaken on potential buyer to assess their capability to deliver within required timescale.

Other options considered

31. A 'do nothing' option is not realistic in this case. A sale is required in order to recoup value from the site for the Revolving Fund and to ensure housing is delivered. Without the Council's intervention it is likely that the site would have remained derelict for years to come, remaining a blight and providing no benefit to the community.
32. Preferred option – sale of the site at Windmill Rd under the terms of a development agreement enforcing a start on site within an agreed period and allowing the council to regain the site in the event of non-compliance without good reason.

33. The land at Windmill Rd is the first site acquired via the Revolving Fund to be subject to sale, Cabinet has also been asked to approve delegated of disposal of future Revolving Fund sites using a similar approach.

Reasons for the decision/recommendation

34. The Windmill Rd site has lain undeveloped for a number of years. It was assessed by the Council's appointed property / CPO expert prior to acquisition and deemed deliverable. Acquisition by the Council (through the Revolving Fund) would address the block to development. CPO was deemed justifiable and likely to succeed, however the site was acquired through negotiation. Certain development options were considered but are not recommended here as options since they are less likely to result in timely delivery of housing on the site:

- i) Joint venture with another party – this approach would be legally complex and time-consuming, and is not justified on a site of this small size whose delivery is not considered problematic.
- ii) Self-delivery by the council with retention of properties by the HRA – this approach (which was used on the site of the former Kings Arms pub) would not result in a capital receipt to the Revolving Fund; also delivery would be challenging within the current HRA financial envelope.

35. Adoption of the proposed approach in which a development agreement is used to ensure timely development is intended to ensure that development on the site takes place within an acceptable timescale.

36. Future sites acquired through the Revolving Fund and disposed of via the proposed delegation arrangements will be subject to the same process and controls.

Background papers:

None

Contact officer:

Name: Tony Jones, senior development officer

Telephone number: 01603 989443

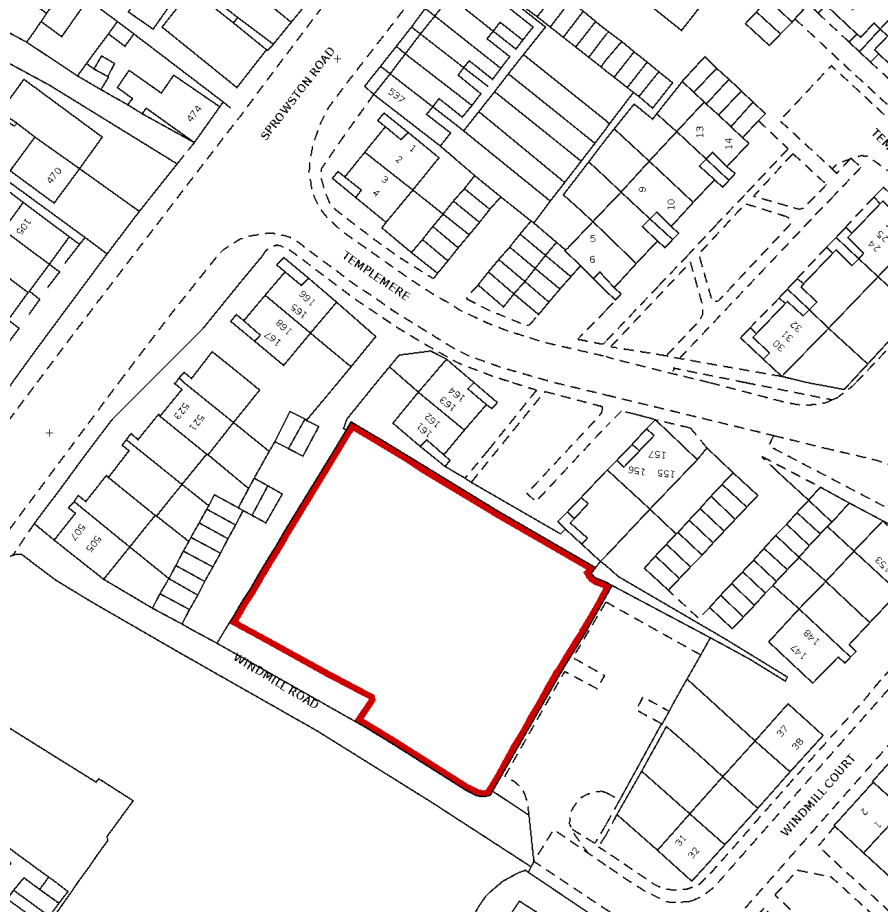
Email address: tonyjones@norwich.gov.uk



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Appendix:

Plan – title NK359115



Plan - title NK518377





Committee Name: Cabinet

Committee Date: 18/10/2023

Report Title: Managing Assets (Non-Housing)

Portfolio:	Councilor Kendrick, Cabinet member for resources
Report from:	Executive Director of Development and City Services
Wards:	Lakenham & Mancroft
OPEN PUBLIC ITEM	

Purpose

For cabinet to consider the disposal of the land identified in this report.

Recommendation:

Cabinet is requested to:

- (1) approve the disposal of assets outlined in this report; and
- (2) delegate acceptance of the most advantageous offer for 4a & 4b Guildhall to the Executive Director of Development and City Services in consultation with the Cabinet member for resources & section 151 officer.

Policy Framework

The Council has five corporate aims, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the aim of Norwich City Council being in a good shape to serve the city. Disposal of the assets in question would alleviate the City Council of asset liabilities whilst achieving a capital receipt for disposal.

Report Details

Background

1. This report relates Land at Cooper Lane and separate properties at 4a and 4b Guildhall. Further detail on each is provided below.

Land at Cooper Land

2. The land is located to the rear of the garden of The Willows on Cooper Lane.
3. It is an overgrown grassed/marsh area with numerous large trees on the site and also at risk of flooding.
4. Norwich City Council have been approached by the owner of The Willows, Cooper Lane (a residential property) offering to purchase the land. The area in question totals approximately 1,125 sqm.
5. The land would be used to extend The Willows' garden up to the river Yare (see plan at the foot of this report).
6. This area is outside of the grounds maintenance contract and sits within the General Fund. There is no rental income produced by this piece of land.
7. Following a red-book valuation of the land, a price has been agreed in principal with the adjacent owner. In addition, any disposal will be subject to the following terms:
 - a) No permanent structure is to be built on the site
 - b) The land is to be used for garden use only
 - c) An overage provision if all or any part of the land is used as part of a new development (including as part of a garden)
 - d) The land sold cannot be used for any mooring on the river Yare.
8. The owners of the neighbouring residential property have been contacted to see if they are interested in acquiring the land. They have responded stating they are not.
9. Other options considered are outlined below;
 - a) Do nothing and retain the land. However, this would be a missed opportunity to realise a capital receipt and the council would have occasional maintenance liability of the trees on site going forward.
 - b) Dispose to another party. There would be no reason to dispose this to another party due to its location.
 - c) Progress with an off-market sale with a known interested party (as recommended). Norwich City Council have used comparable evidence from other land transactions to determine the value on this site. An independent valuation has also been carried out, which supports our figures. Disposal would eliminate any future liability for any onsite trees.

4a & 4b Guildhall

10. 4a Guildhall is an 1837 Grade II Listed former 2 storey library constructed from buff brick with 3 storey wings. 4b Guildhall is a former office building now leased to the inspiration trust and forms a wing of the former library running back towards Guildhall Hill to the eastern side of 4a. It is also Grade II listed.

11. These properties were reported to Cabinet on 16 November 2022 where Cabinet resolved to:

(1) approve the disposal of 4a Guildhall, Norwich.

(2) delegate authority to dispose of 4b Guildhall, Norwich to the Executive Director of Development and City Services if the prospect of a let as an investment does not progress in a timely manner.

(3) delegate acceptance of the most advantageous offer for recommendations 1 and 2 above to the Executive Director of Development and City Services in consultation with the Cabinet member for resources.

12. 4b Guildhall has been let to the Inspiration Trust who have now substantially completed a refit of the building for academic uses.

13. 4a Guildhall has been marketed since December 2022 for freehold disposal. Interest has been low and although two offers have been received this has not led to a successful disposal. Heads of Terms were agreed with the higher bidder however this has not proceeded due to the bidder being unable to finance the acquisition.

14. Whilst a disposal of 4a Guildhall has not been successful to date there has been interest in acquisition of both 4a and 4b Guildhall. It is therefore proposed to jointly market the properties. Whilst 4a Guildhall requires substantial investment and carries a level of risk, 4b Guildhall has a good covenant, is in good condition and can provide an income stream in the short term to any investor.

15. Other options considered are outlined below:

- a) Continue marketing 4a for sale – evidence from recent marketing suggests this is unlikely to result in a sale and a secure future for the building;
- b) Cease marketing and invest capital needed in 4a to secure a tenant – cash flow analysis suggests that this would be unlikely to realise a return on investment, however if a purchaser cannot be identified it may be necessary to invest in the building to secure its future.
- c) Do nothing, cease marketing – not considered to be an option as 4a Guildhall will continue to deteriorate and as a Grade II listed building would require some investment in the near future if a buyer is not secured.

Financial and Resources

16. Allowing the disposal at Cooper Land will result in a capital receipt that must be used in accordance with capital financing regulations. There are no revenue

implications as no income is derived from this land, except that it will marginally increase the council's investment balances.

17. The financial implications in relation to the Guildhall site are within the exempt appendices.

Legal

18. By virtue of section 123 of the Local Government Act 1972 Norwich City Council has the necessary statutory powers to dispose of its land. This section also states that on a disposal, the Council are under a statutory obligation to obtain the best consideration that can reasonably be obtained for the land. In relation to the land at Cooper Lane whilst this has not been subject to an open market tender process, the purchaser is a special purchaser and the value has been agreed following a red book appraisal which has taken this into account. Disposal of 4a & 4b Guildhall is proposed following a marketing process to achieve best consideration.

19. Section 123(2A) of the above Act states that the council must follow certain statutory requirements to advertise the disposal of areas of open space land. In this case the land at Cooper Lane is not considered to constitute open space for the purposes of the above Act and as defined by the Town and Country Planning Act 1990.

Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	There are no direct consequences flowing from these proposals.
Health, Social and Economic Impact	There are no direct consequences flowing from these proposals.
Crime and Disorder	There are no direct consequences flowing from these proposals.
Children and Adults Safeguarding	Not applicable
Environmental Impact	There are no direct consequences flowing from these proposals.

Risk Management

Risk	Consequence	Controls Required
The land at Cooper Lane could be used without our consent.	Loss of income.	NCC would need to fence off the area, which would be costly and also effect the outlook of the area.
Future maintenance liability for the land at Cooper Lane.	Funding would be needed to maintain/remedy any issues.	Having to use resources to periodically inspect/remedy the site.
Failure to sell 4a & 4b Guildhall	4b income would be retained but 4a which needs investment would require capital investment to secure its future.	There are limited immediate controls which can be implemented, if realized a business case would need to be established for investment in the building. Further information is provided in the exempt appendix.

Reasons for the decision/recommendation

20. For the reasons outlined in this report it is recommended to dispose of the Land at Coopers Lane. It is also recommended that delegated authority is given to enable the disposal of 4a and 4b Guildhall.

Background papers: None

Appendices:

Site location Plan
Exempt Appendix

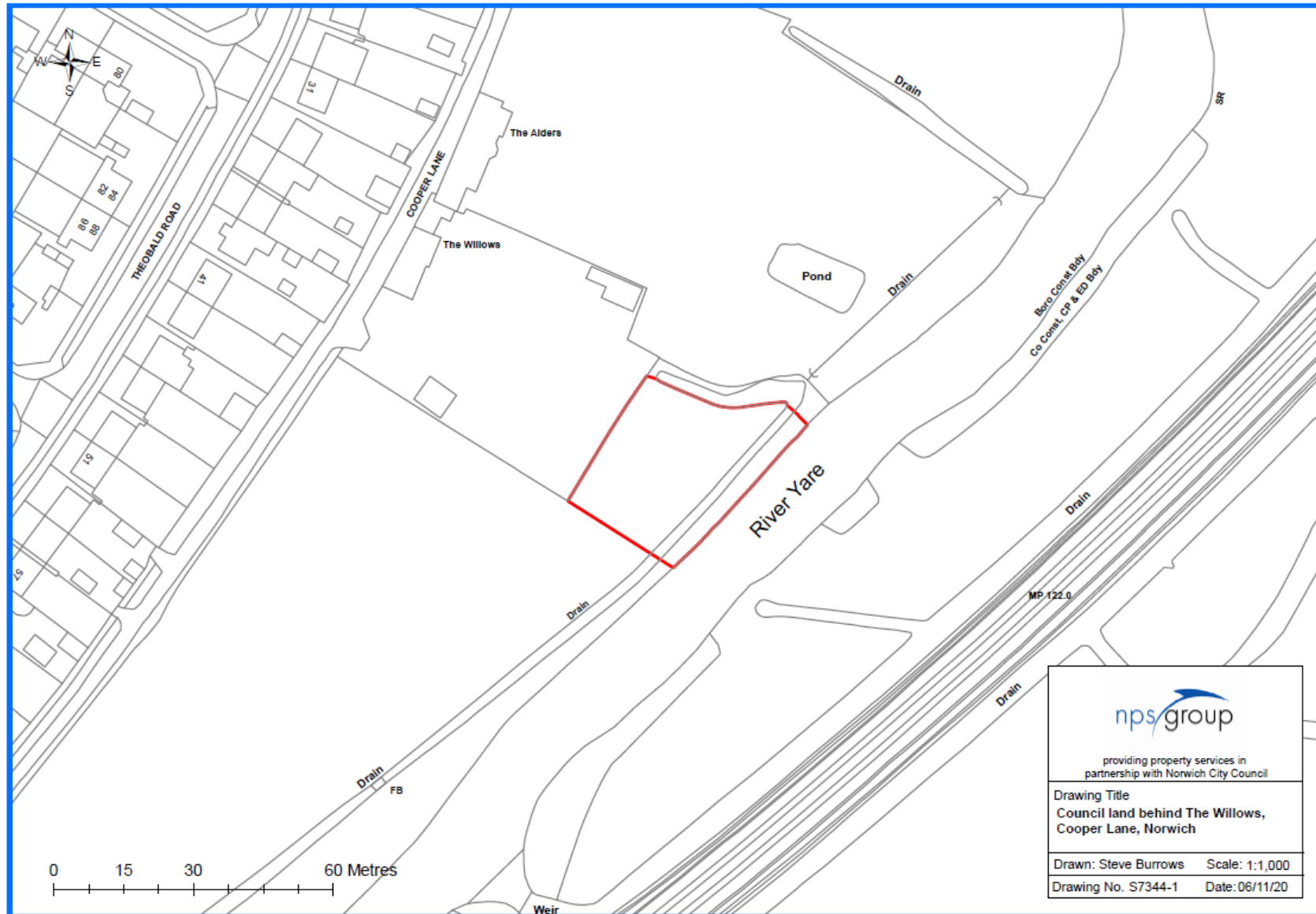
Contact Officer

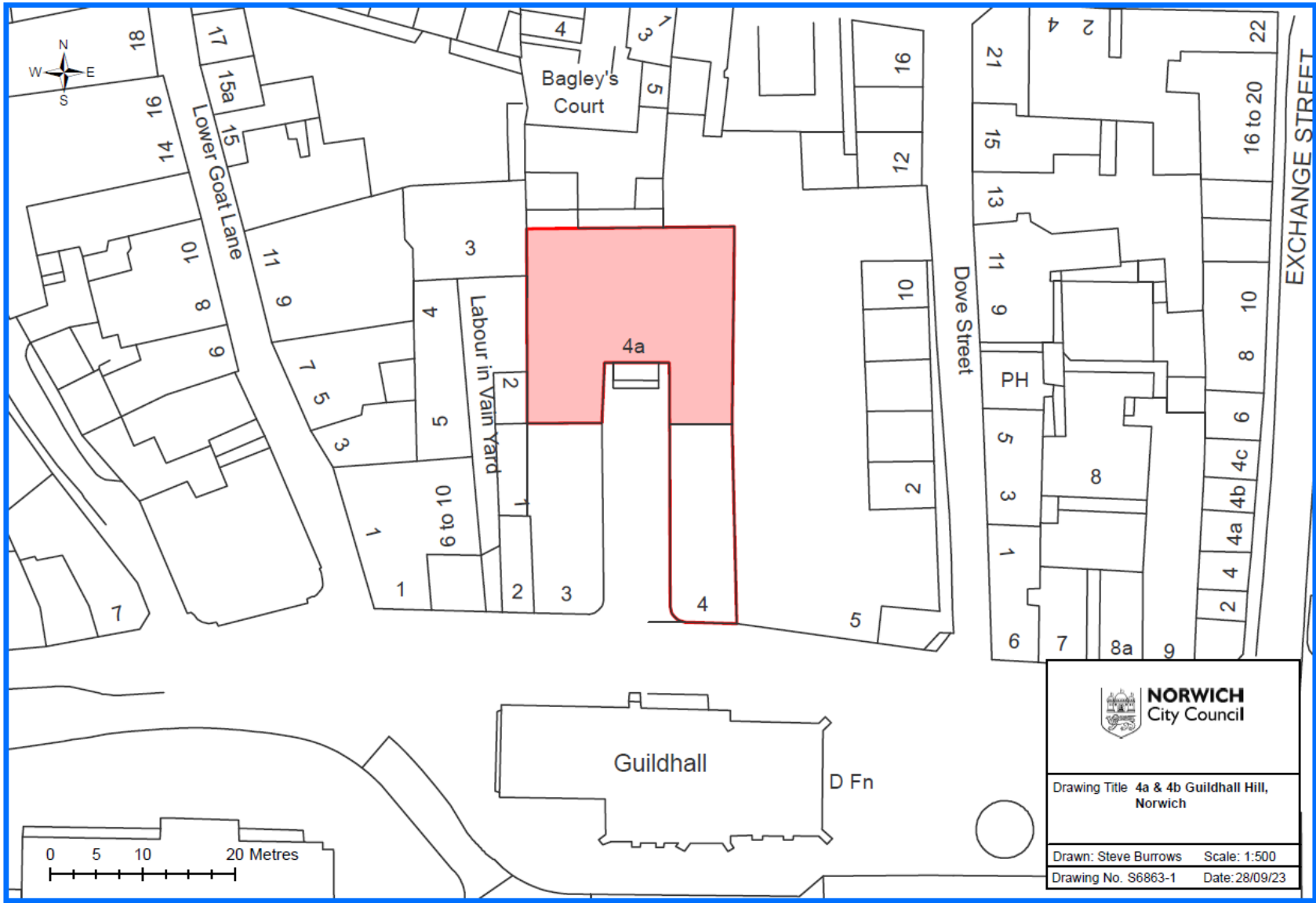
Name: Mark Brown

Telephone number: 07775 007897

Email address: markbrown@norwich.gov.uk

Site location plans





© Crown Copyright and database right 2023. Ordnance Survey 100019747.

