



**Cabinet**

**16:30 to 18:25**

**11 November 2020**

Present: Councillors Waters (chair), Harris (vice chair), Davis, Jones, Kendrick, Maguire, Packer and Stonard.

Also present: Councillors Osborn and Wright

**1. Public Questions/Petitions**

Two public questions had been received.

The first question was received from Mr John Marais who asked the cabinet member for health and wellbeing the following question:

"My question concerns the proposed flood lighting until 10pm for the proposed tennis courts at Heigham Park. Floodlighting can cause serious environmental damage to wildlife, including small mammals, birds and insects. Even plant growth can be affected. The use of LED lighting, while cheaper, has even worse environmental consequences than other forms of lighting. This has been borne out by recent research by biologists at Essex University, published in the journal 'Nature, Ecology and Evolution', and further publicised in the Guardian of 2/11/20. Heigham Park is a delightful small oasis of natural beauty in the city, and I would like to know if Norwich City council, which claims to strongly support the protection of the environment, is aware of the potential environmental damage that nightly floodlighting could cause. Even at this late stage, please reconsider these plans, otherwise the City's credibility as an environmentally aware body will be seriously jeopardised?"

**The cabinet member for health and wellbeing's response:**

"Dear Mr Marais, thank you for your question.

Norwich City Council does indeed take its responsibility to protect the environment seriously. My colleague, Councillor Maguire has highlighted at council and cabinet the numerous successes and achievements, including awards, of this council. I hope these external reviews reassure you that we do work to the highest environmental standards where practically and financially possible.

In relation to your question, we are aware that floodlighting can cause impacts for wildlife, including small mammals, birds and insects. That is precisely why we had an independent ecology assessment undertaken as part of the planning process.

The report concluded that "the extent of light trespass is not thought likely to cause disturbance even if a roost [in a single tree close to the site of low suitability] is present. The impacts on other species are considered to likewise be negligible".

The report also included the finding that "...species of conservation concern locally are likely to be widespread species, but with the site lacking cover for such species to be present other than as transitory individuals. The project lighting is unlikely to affect local insects, such as moths, given that the wider location is urban."

For complete clarity, I do want to confirm that the lighting system at Heigham Park tennis courts will only be on when courts are in use.

In terms of the use of LED lighting, good design with the use of LEDs can make a significant difference to minimising any adverse effects. When planning the new lighting at the proposed tennis courts our officers were mindful of the conclusions of the habitat survey and planned a lighting scheme which ensures a positive outcome for both tennis players, the street and local wildlife.

LEDs have an advantage over other lighting as they are very directional, casting most light on the ground and little light at the horizontal or higher levels. In this regard they can be an improvement over other lamp types that have drop lenses resulting in more light scattering to locations where it is not useful. Our design ensures that the task light (lighting needed to play tennis) has minimal backward spill and upward wash. This was demonstrated in the images of light modelling which were submitted as part of the planning process. LED is the most suitable choice in this respect.

One of the most effective ways to reduce the unintended adverse effects of lighting is to turn lights off when they are not needed. For most lamp types previously used for municipal outdoor lighting, turning the lamp on and off comes with an energetic penalty or warmup period. In contrast, LEDs can easily be extinguished and illuminated without delay. Consequently, LEDs are suited to the use of controls to extinguish lights when they are not needed.

Finally, insect attraction to LEDs is lower across the board when compared with lamps that emit ultraviolet light. Both "warm" and "cold" LEDs have been compared with metal halide and mercury vapor lamps and found to attract less than a tenth of the number of insects, a finding that is attributable to the difference in ultraviolet emissions. In regards to energy, on average LED's are 75%+ more efficient and have no toxic elements such as mercury. LED's have a longer life span. This means lower carbon emissions. LED lights last up to six times longer than other types of lights, reducing the requirement for frequent replacements.

This approach to use lighting which is low energy, directed on the tennis courts and only accessed when the courts are in use, would appear to follow the measures sought by the Green Party, as according to their website they want to, "prioritise measures that reduce its [light pollution] dominance, such as making the direction of lighting more accurate, and also introducing less energy intensive methods of lighting." Exactly our approach taken to this project.

I have not had the opportunity to read the journal you refer to. I did see though that in the Guardian article a professor at Essex University's Environment and Sustainability Institute was quoted as saying, "we need to think in terms of using it [lighting] only when we need it, where we need it and how we need it." In my view, this is the approach that the city council has taken to minimise the impact of light pollution in relation to the tennis courts at Heigham Park and Lakenham Rec, whilst enabling improved physical and mental wellbeing benefits for our residents."

The second question was from Councillor Denise Carlo who asked the cabinet member for health and wellbeing the following question:

“In his response to the resident who submitted a petition on Heigham Park to the City Council on 22 September 2020, Councillor Packer said that free tennis sessions would be available to low income households and schools. However, the integrated impact assessment refers only to free taster sessions and to low cost tennis for kids starter courses at a cost of £24.99. The assessment states that Norwich Parks Tennis membership at £35 per household per year is affordable and will reduce inequalities in Norwich. However, many households in Norwich are suffering poverty and cannot afford to put food on the table, let alone subscribe to Norwich Parks Tennis and pay for a tennis racket and coaching sessions. Heigham Park is situated in the second least deprived ward in Norwich. Constructing three all-weather courts at Heigham Park using £262,000 from the General Fund would take capital spending which could otherwise be spent on essential capital projects in wards experiencing high levels of poverty and deprivation. Has the council carried out an equalities impact assessment and considered leaving all ten former grass courts as undeveloped grass for quiet recreation, to be maintained by the local community and diverting the capital expenditure saved to capital infrastructure needs in the many wards experiencing deprivation as a better way of meeting the needs of disadvantaged groups?”

### **The cabinet member for health and wellbeing’s response:**

“Thank you for your question Councillor Carlo. An equalities impact assessment has been undertaken and reducing inequalities has been one of the objectives for the expansion of Norwich Parks Tennis.

I must say that I find it interesting that you are now raising your concern about the affordability of accessing tennis with the expansion of Norwich Parks Tennis (NPT). The reason I mention this is that originally you wanted the area to remain as grass courts and run by a community group. I have checked the community group’s website today and in their business case it states that ‘Annual subscription is £60’. It is not clear to me whether this is £60 per household or per individual. Either way it is significantly more expensive than the NPT option of £35 per household per year. This is especially true with their grass option open only for the summer months, making it even more expensive for residents to access. The charge to turn up and play through your preferred choice is also more expensive than that of the Norwich Parks Tennis option. Sixty pounds to access sports facilities for a few months a year may not be expensive to you, but it will be for many of our residents.

I would also highlight that every ward in Norwich has residents who are facing financial difficulties, particularly following the impact of Covid19. There are residents in your ward, and streets close to Heigham Park, who have great concerns and face daily worries about their financial situations. If you need me to take you on ward walk so that you can see areas where people are struggling in your ward, just let me know.

Based on the positive impact that the award of this contract will bring your proposal is not deemed suitable because it would not involve:

- Returning tennis to Heigham Park
- Enabling access to sports facilities every day of the year for extended hours
- Creating a hub which will support other tennis facilities

- It does not have a focus on making tennis more financially affordable
- It does not increase usage of the park outside of normal hours which would potentially reduce anti-social behaviour – this could have prevented the arson to the tennis court pavilion.

In your question, you reference funding of services in areas of deprivation, I will highlight to you again that the £262,000 is being used for *both* Heigham Park and Lakenham Rec. Lakenham Rec is situated in an area of higher deprivation than Nelson, so I'm expecting you'll applaud this action

The courts at Heigham Park will act as a hub, with the income generated from its use helping to sustain facilities in other parts of the city which include Lakenham Rec and Waterloo Park, two spaces in areas of higher deprivation than the immediate Heigham Park area.

Focusing on my portfolio, for complete clarity, as an administration we are indeed investing significant funds in our open spaces across our city, including in areas of less average wealth than Nelson. Just a few examples include:

1. £40,000 invested in refurbishing damaged infrastructure at Wensum Park
2. £62,000 invested on 20 Acre Wood to improve access of a new hard surface path from Earlham Green Lane Larkman estate through to West Earlham Community hub, doctors surgery and schools.
3. Towns funding application submitted for £80,000 improvements to West End St play area Multi Use Games Area
4. £157,000 investment for Earlham Park toilet block replacement, plus Sloughbottom Park toilets refurbishment and the addition of disabled facilities.
5. We are working with the Wensum Residents Association for Parks to deliver a £47,000 project which will dramatically improve West End Park, with the aim being to increase use, improve community cohesion, reduce ASB and provide a space that the local community can be proud of.

This reflects just the spending under my portfolio.

It is clear that you do not want this project to go ahead. I do though find it hypocritical that you say you are concerned about affordability of a service, when you were championing an alternative option which appears to be possibly almost at least twice as expensive (for an annual membership) for our residents to access compared to Norwich Parks Tennis.

As a council we take a whole rounded approach to investment in services across the city. Our residents should feel that they have a stake in, and can access, all parks across the city, regardless of where they live.

Looking at our investment and work more widely, let me conclude by making this as clear as possible. We are a Labour administration which works incredibly hard to help all of our residents. We understand the challenges, particularly those that the most vulnerable members of our city are facing.

We are one of only a few councils which provide 100% council tax reduction for the most financially vulnerable, we are investing in our vital Pathways homeless

partnership to eliminate rough sleeping in our city. We have also been building award winning eco homes for our residents and will continue to build more houses – something other councils can only dream of. All of this despite continued cuts to our budget since 2010.

I am proud at what we are achieving as a city council and only wish that every so often you might acknowledge some of the fantastic work we are undertaking in such a difficult environment.

In summary, we will deliver this project, we will prioritise widening access to services to all who can benefit from sport and the enjoyment of our shared open and green spaces regardless of their postcode, we will keep putting social inclusion at the forefront of all that we do and we will do this because we are a Labour council and very proud to be one.

Finally chair, I would like to take this opportunity to put on record my thanks to the Parks and Open Spaces team, under the leadership of Simon Meek, who have, and continue to do an excellent job, which was indeed recognised nationally just days ago with the award of two Green Flags. An achievement I hope we can all be justly proud of.”

In response to Councillor Carlo’s supplementary question the director of peoples and neighbourhoods said as had been noted an equalitys impact assessment had been completed which Councillor Carlo could review if she wished. In terms of reducing inequalities the expansion of Norwich Parks Tennis increased access to provision across the city. The detail of the tender defined how the council expected the provision to be provided; how the number of courts would be increased, maximising reach to residents and communities. The details of how to target and reduce inequalities would be part of the detail that the new contract would include.

## **2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 14 October 2020.

## **3. Declarations of interest**

There were no declarations of interest.

## **4. Q2 Budget Monitoring 2020/21and Medium Term Financial Strategy update**

Councillor Kendrick, cabinet member for resources presented the report.

The general fund revenue budget was forecast to be overspent by £0.8m due to the financial pressure resulting from the impact of Covid 19. An emergency savings strategy had been implemented reducing the financial impact of the pandemic but there was still a gap to be overcome. The forecast did not take into account the impact of the second lockdown on the general fund overspend.

The Housing Revenue Account was forecast to be overspent by over £1.1m due to an anticipated increase in rent and service charge debt as resident’s income was predicted to be impacted by Covid. This deficit would be set against the forecast underspend on the repairs budget where works had been delayed due to Covid and

the inability of workers to get on site during the first lockdown. Investment into property purchases had been delayed due to the government reconsidering the terms of borrowing from the treasury to local authorities.

The report included provision for investment into laptops to enable flexible working across the council's workforce.

The process of setting the budget for the year 2021-22 was underway. Currently there was a £5.2m shortfall as a consequence of Covid predicted for the budget year. The financial compensation from government, reimbursing local government for its expenditure around Covid, had been lacking. The terms of the local government settlement were still unknown.

The chief finance officer said that it was important to acknowledge the amount of work actually taking place in terms of managing the budget at such a dynamic time and thanked colleagues for their hard work. There was another tranche of funding forthcoming from government which would improve the in-year budget position. She noted that local authorities were in the last year of the local government settlement which made the Medium Term Financial Strategy (MTFS) difficult to plan and that this was the second year of a one year settlement until the Local Government Spending Review was resolved. The MTFS was based on assumptions until these figures were known and in the medium term the council would have a financial deficit of £12.4m. Reserves were being utilised over the medium term but this was not a realistic strategy over the long term. The local government spending formulae had to be worked on with central government because it clearly was not working.

The deputy section 151 officer said that the budget reflected the current position and did not take account of the impact of the second lockdown which was currently being experienced nationally.

The deputy leader and cabinet member for social housing said that an enormous amount of officer work had gone into completing the budget. She wanted to reassure residents that work to engage with tenants whose income had been impacted by Covid would be undertaken and a new budget advice team leader had recently been appointed to continue this work. Whilst repairs and improvement works to properties had been delayed in the first lockdown, work continued in the present lockdown, although slowed due to the need for social distancing of workers and the impact of Covid on supply chains.

The report noted that the rules on councils using income derived from right to buy (RTB) receipts had been relaxed in June due to Covid and the inability of local authorities to invest this money into new social housing. The deputy leader and cabinet member for social housing said that the council were still waiting to hear if this period of relaxation would be extended or the council was in danger of losing funds. Work to lobby government on this front continued.

The cabinet member for resources said in response to Councillor Osborn's question that many councils were in a precarious position financially and despite a number of promises from central government, local government had not been adequately reimbursed for its work during the pandemic. The leader of the council added that the council had joined with a group of other Norfolk councils and made representations to government on this basis.

In response to Councillor Osborn's question, the deputy leader and cabinet member

for social housing said that RTB receipts had to be spent by the end of the financial year and with the pandemic this would not be possible. RTB receipts could be retained for up to three years and used to fund any development up to 30%. The council had repeatedly made the case to retain 50% of RTB receipts for five years. The senior finance business partner said that the government had reassured authorities it was still considering an extension on retaining RTB receipts following its recent consultation on the matter.

The leader of the council said that it illustrated a familiar narrative that central government were not funding local government adequately. The MTFs revealed structural flaws in the system of local government funding. The austerity of the last decade coupled with the withdrawal of the revenue support grant to local authorities led to councils being enabled to generate money. The council had responded positively to the challenge to generate income but Covid had shown that the system of local government funding was 'bust'. Government was being asked to work with local government to find a sustainable system of funding.

**RESOLVED to:**

- 1) note the forecast outturn for the 2020/21 General Fund, HRA and capital programme;
- 2) note the consequential forecast of the General Fund and Housing Revenue Account balances;
- 3) note the current MTFs projections and approach to updating key assumptions;
- 4) approve the creation of an HRA tenancy & estate management system earmarked reserve, as detailed in paragraph 21;
- 5) recommend to full council the approval of additions to the General Fund capital programme, as detailed in paragraph 27;
- 6) approve delegation authority to the director of strategy, communications and culture, in consultation with the resources portfolio holder to award a contract to purchase new laptops, as detailed in paragraph 29;
- 7) note the decision taken by the S.151 officer, in consultation with the Leader and Portfolio Holder for Resources, in respect of the 2021/22 Business Rates Pool, as detailed in paragraphs 30-34;
- 8) note the decision taken by the Chief Executive, in consultation with the Leader and resources portfolio holder, for the council to enter into a loan agreement to provide Norwich City Services Ltd £0.2m of working capital finance to facilitate the depot roof works in 2020/21. Detailed in paragraphs 35 & 36.

## **5. Future Housing Commissioning**

Councillor Stonard, cabinet member for sustainable and inclusive growth, introduced the report. The report and its recommendation followed much discussion at cabinet about the future of social housing in Norwich. In November 2019, cabinet approved the Norwich Council Housing Strategy which was an ambitious program to deliver affordable homes to meet local need. It was agreed to review the council's approach to housing development and to identify a pipeline of sites to take forward and a housing commissioning board was established to oversee this work. A pipeline of sites were identified and work to review the Housing Revenue Account to establish the finances available undertaken.

The East of England Government Association (EELGA) had been commissioned to undertake a piece of work to identify different delivery options. Four delivery options

were considered and two given detailed consideration. EELGA's report compared both options, to deliver in-house or via a wholly owned company and noted the merits of both. It was recognised that different approaches would be needed at different delivery sites. EELGA's reported highlighted the lack of adequate current resources in place to deliver this work.

It was suggested, in the short term to increase capacity, to build on the expertise of Norwich Regeneration Limited (NRL) staff who had been seconded to the council also increasing resilience. Decisions about final delivery models would be considered once a new team was in place.

The deputy leader and cabinet member for social housing thanked EELGA for their work and said there was an ambition to build social housing to meet resident's needs. The council were fortunate to have the expertise of NRL in place and this would be used to progress delivery at priority sites. However a team was needed and NRL would play a pivotal role in the recruitment of that team ensuring the correct skills were in place.

The director of place said that a number of reports had been presented to cabinet looking at and considering how social housing was delivered. The means of operating had been changed, officers were working at pace and hoped to return shortly with more detail in relation to recruiting a team. The director of people and neighbourhoods said the report clearly illustrated what the council could do and highlighted the importance of the rules about RTB receipts.

**RESOLVED** to:

- 1) instruct officers to take forward proposals that build in-house expertise, capacity and resilience in a housing delivery team as quickly as possible to ensure delivery of the priority social housing schemes; and
- 2) note the progress that has been made on the delivery of the three priority sites and agree the timetable set out for future delivery.

**6. The award of a contract to facilitate the Norwich Parks Tennis Expansion at Heigham Park and Lakenham Recreation Ground – key decision**

Councillor Packer, cabinet member for health and wellbeing presented the report.

**RESOLVED** to award the contract for the delivery of the Norwich parks tennis expansion project to Fosse Contracts Ltd.

**7. Norwich Town Deal Bid - key decision**

The leader of the council presented the report. The successful award of a Towns Deal for Norwich was to be celebrated. It represented the work of the council in partnership with stakeholders across the city based on the model of the Norwich 2040 vision. It incorporated a number of different strands of work some of which were commercially sensitive and were detailed in the exempt appendix to the report. It drove forward the council's vision for an inclusive economy representing an investment in the people and city of Norwich.



The Towns Deal Board would remain in place to oversee the delivery of the awarded funds and the report laid out a testing timetable. The project would incorporate a number of different strands; health and wellbeing, addressing environmental concerns with the development of brown field sites and infrastructure funding and would form an essential part of the city's Covid recovery plan.

The cabinet member for sustainable and inclusive growth said the award was good news for the city and was a testament to the excellent work of council officers and the partnership working borne out of Norwich 2040. The economic development manager said the bid had partly been so successful because the ground work of establishing a city wide partnership with a common vision had already been achieved via Norwich 2040. This enabled the project to move at pace and the bid to be considered in the first tranche of awards. The leader of the council noted that a successful award of £1m had already been made to the council and an initial investment made to regenerate the Halls in the city.

The director of place said that the heads of terms now had to be translated into a business case to go back to government before the award could be made.

(Councillor Jones left the meeting at this point)

In response to Councillor Osborn's question the director of place said that four other local areas were invited to bid; Kings Lynn, Great Yarmouth and Ipswich. Norwich was the only one ready to bid in the first tranche of applications. He noted that it was hoped the other areas would be successful in their bids too. The aim of the funding was to achieve a levelling up. It centred on urban regeneration but was expected to be felt wider than the urban area, to take into account deprivation often experienced in the suburbs of cities. As such the Norwich bid was for a wider area than the city council boundaries.

The economic development manager said Norwich was in the first cohort of 17 bids which the government received and were one of only seven to be awarded a deal and one of only three to receive the full award bid for. This was testament to the quality of the bid which provided for local opportunities to develop skills in areas which the city was short of, such as the development of modern green infrastructure and digital skills. This addressed the levelling up agenda providing an opportunity for individuals to train and gain skills for employment; skills which equally would drive the regeneration of the city, filling the gaps which local businesses experienced when recruiting.

The leader concluded that Norwich had a successful track record bidding for funding for citywide regeneration and referenced the successful bid for funding in the 1990s which resulted in the building of the Forum in the city.

**RESOLVED** to accept the Norwich Town Deal offer as detailed in the exempt appendix.

## **8. Compulsory purchase of the Ailwyn Hall site, Lower Clarence Road – Key decision**

The director of place provided an update on the acquisition of the Ailwyn Hall site. This was not a straightforward purchase and work had been ongoing with officers, the monitoring officer, specialist and legal advisors regarding the purchase. The council had received a letter the day before the cabinet meeting forwarded from its

specialist advisor from a property management agent acting on behalf of the owner advising that the owner had submitted a planning application to build a hotel on the site. The letter requested that the item be withdrawn for consideration from the cabinet agenda and the letter itself placed before the meeting.

In terms of withdrawing the item it was not considered inappropriate or unreasonable to continue with the process. Having regard to the best practice advice from the Ministry of Housing, Communities and Local Government it advised that Local Authorities could lose time by waiting and to pursue a twin track approach which meant to pursue the compulsory purchase whilst continuing to consider alternative viable developments was in accordance with guidance. The fact a planning application had been put forward was in fact evidence that the CPO process was working. It was prudent to recognise there was a need to be flexible and an additional recommendation was being put forward to provide flexibility to the timetable of actions. The timetable could be reviewed in order to give the owner every chance of pursuing their own development on the site but it was premature to delay the CPO process at this stage.

The cabinet member for sustainable and inclusive growth referred to the work of the council to bring forward stalled development sites. The decision was made at cabinet in September 2020 to purchase the site. The proposal was to use the Housing Revenue Account to provide social housing at the site. Contact was made with owners to negotiate a purchase, an offer was made by the council and refused but these negotiations would continue alongside the CPO process.

Architects had been appointed and three design options considered, the preferred option was presented in the report. The CPO process allowed a public authority to acquire a third party interest in land although it was a complex process and one to be considered only after all other options had been exhausted.

The deputy leader and cabinet member for social housing said that ideally it was hoped the land could be acquired through negotiations. The council had not used these powers since 2005 and did not do so lightly. The site provided could provide social housing in a good location with good access to public transport and further its development resolved the issue of it looking an eyesore and being a blight on the local area.

The city growth and development manager said that pursuing a twin track approach was not uncommon in this area. It was important to establish if the planning application submitted by the owner was acceptable in planning terms and viable for the site. She noted that the powers being used were the Housing Act compulsory purchase powers and not the Planning Act powers. The Housing Act was used in the specific case where social housing was needed.

In response to Councillor Osborn's question the director of place said it was a legally complex process, risks were being managed and specialist and legal advice was being taken on an ongoing basis. The city growth and development manager said that once a CPO was served anyone had the right to raise an objection with the planning inspectorate. An objection had to be made on valid grounds such as the owner was not adequately compensated and the process was clear with clear definitions of what a valid objection was. It was to be noted that local authorities had a high success rate when CPO's were considered. She highlighted that there were some indicative costs relating to the process in the exempt appendix to the report.

**RESOLVED to:**

- 1) approve the making of a compulsory purchase order under section 17 of the Housing Act 1985 for the land edged red on Plan 1 to enable the delivery of social housing; and
- 2) delegate authority to the Director of Place in consultation with the deputy leader and portfolio holder for social housing to take all steps necessary to secure a confirmed compulsory purchase order including but not limited to:
  - a) the carrying out of land referencing including without limitation the service of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981.
  - b) the entry onto the Land and other land for the purpose of carrying out surveys
  - c) the completion of the statement of reasons
  - d) preparation of a draft Order, Order Map and Order Schedule (including any minor amendments to ensure that all interests required are included) the preparation of notices to owners, lessees and occupiers, site notices and any other notices required to be served or advertised in accordance with the Acquisition of Land Act 1981
  - e) timing of the making of the compulsory purchase order and further steps
- 3) delegate authority to the Director of Place in consultation with the deputy leader and portfolio holder for social housing to:
  - a) make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 or to serve notices to treat and notices of entry following confirmation of the order;
  - b) issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry relating to the order if it is considered appropriate to do so;
  - c) to acquire third party interests in the land within the CPO either by agreement or compulsorily; and
  - d) to develop the scheme design further based on the enhanced environmental specifications proposed and to submit a planning application for the proposals