

Cabinet**17:35 to 18:45****15 January 2020**

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

Apologies: Councillor Packer

Also present: Councillors Schmierer and Wright.

1. Public Questions/Petitions

There were no public questions or petitions.

2. Declarations of interest

Councillor Kendrick declared an other interest in item *10 as he was a director of NPLaw.

3. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 18 December 2019.

4. Greater Norwich Local Plan: Regulation 18 draft plan consultation

Councillor Stonard, cabinet member for sustainable and inclusive growth presented the report. The draft Greater Norwich Local Plan (GNLP) was endorsed by the Greater Norwich Development Partnership (GNDP) and was now required to be endorsed by the three local planning authorities within the partnership; South Norfolk District Council (SNDC), Broadland District Council (BDC) and Norwich City Council (NCC).

The draft GNLP comprised a strategy document and a site allocation document, a separate site allocation document for village clusters was being developed by SNDC. Once adopted it would supersede the Joint Core Strategy for Broadland, Norwich and a part of South Norfolk. Councillor Stonard emphasised that the GNLP was a partnership document and as such each local authority had the right to veto the document. The report identified a number of NCC's concerns however in order to agree the GNLP comprise was necessary.

The local plan had been considered at the meeting of Sustainable Development Panel, (SDP) earlier in the day, which was attended by cabinet members;

Councillors Davis, Maguire and Stonard. A number of concerns were identified by the committee in relation to the GNLP.

The GNLP strategy document identified where growth should be delivered until 2038 which included a 9% growth for village clusters, this in the opinion of NCC was too high. It allocated a 9% buffer above local housing need to ensure housing delivery again NCC considered this was too low due to historic under development. Further NCC were concerned that the transport policy within the document was not ambitious enough to achieve the climate change aims the document expressed. The ambition to deliver a modal shift in transport use and encourage higher development in urban area was undermined by village clusters.

Despite reservations Councillor Stonard recommended the adoption of the local plan by cabinet with an additional recommendation which noted the concerns highlighted within the report and at SDP.

The planning policy team leader, noted that the overall scale of development within Norwich was not clear in the document, the city deal in 2013 identified the need for 3,000 further homes to those identified in the joint core strategy and it was not clear that this figure was included in the document.

Councillor Schmierer thanked SDP for its recommendations which highlighted his concerns in relation to the lack of ambition within the document on transport and climate change. He noted that the traffic modelling was that traffic growth would continue in Norwich until 2038 and he questioned what the implications of this were for Norwich. The planning policy team leader said that NCC's response raised concerns in relation to this area and this hoped to stimulate a response.

The chair thanked officers for their work including the members of the Greater Norwich Local Plan team.

RESOLVED to:

- (1) endorse the draft Regulation 18 Greater Norwich Local Plan and its finalisation for public consultation, under authority delegated to the director of place in consultation with the cabinet member for sustainable and inclusive growth; and
- (2) instruct officers to write to the Greater Norwich Local Plan team to draw attention to the concerns acknowledged in the report and raised at Sustainable Development Panel.

5. To enter into a contract to enable the council to accept Housing Infrastructure Funds in relation to Anglia Square – key decision

Councillor Kendrick, cabinet member for resources, introduced the report and asked Councillor Stonard, cabinet member for sustainable and inclusive growth to present it. Councillor Stonard emphasised that the decision cabinet was being asked to make was not to approve the development or not but a technical decision to enable the council to access funds in future if the planning enquiry approved the development of the site.

The director of place said in the autumn of 2017 Norwich City Council made a bid for Housing Infrastructure Funds (HIF), the purpose of the fund was to incentivise the rapid delivery of housing. The original bid was limited to £10m however Norwich was awarded £12.2m from Homes England (HE). Following subsequent negotiation the funding offered was increased to £15m which was confirmed a week before the planning application was called in by the Secretary of State.

The contract being considered would enable the council to draw down the awarded funds from Homes England. However the council acted in the role of conduit and subject to a further contract the funds drawn down from the council would be passed to the developer following the delivery of the infrastructure. Legal advice would need to be sort in relation to this second contract, as the development was subject to the Secretary of State's call in, the second contract would not be entered into or negotiated until the outcome of the enquiry was known.

The contract which was being considered was the council's contract with Homes England, the contract had been delayed because Homes England wanted the freeholder of the Anglia Square site, Columbia Threadneedle to agree to a restriction on the freehold title which they refused. The negotiations were now resolved and Homes England had accepted that the contract with Norwich City Council (NCC) would not require a restriction on the freehold title of the site but the leaseholder title would be restricted. This did result in a theoretical risk to NCC, that in certain circumstances the freeholder could benefit from the HIF money spent on infrastructure and HE may have a claim on NCC. In order to mitigate that risk HE agreed to a contract clause that stated it would not pursue NCC for money if the council could show it had taken reasonable steps to secure the funds from the developer, Weston Homes.

Councillor Stonard, cabinet member for sustainable and inclusive growth further reinforced that the contract being considered was the right to draw down the money from HE and any decision to actually draw down the money would come back to cabinet. If cabinet did not agree to enter into the first contract with HE then it pre-empted the outcome of the called-in planning inquiry.

In response to Councillor Davis' question the monitoring officer stated that if cabinet approved the decision to enter into the contract then that decision would not be subject to a scrutiny committee call in. She had spoken to HE yesterday and if the contract was not signed by tomorrow, 16 January 2020 then the funding would no longer be available to the council. In her opinion as monitoring officer, if a call in were allowed the £15m would not be available and this would prejudice the council.

Councillor Wright said that he was concerned with Columbia Threadneedle's attitude but it appeared there was no financial liability for the council if the draw down did not happen.

In response to Councillor Schmierer's question the director of place said the risk of the development was the market changing over the time it would take to deliver it. The draw down from HE would be on a quarterly basis when costs were expected to be incurred, this would then be reallocated to the developer once the infrastructure was delivered and the development unlocked. The restriction in the title of the lease was the value of the homes. How to pass on this risk would be the subject of the second contract with the developer. The second contract was not being looked at

now because it was pragmatic to avoid unnecessary legal costs but also the personnel especially for the developers were occupied with the planning inquiry.

The director of place said that written confirmation from the developer had been received confirming their in principle acceptance of a restriction on the leasehold title of the Anglia Square site and therefore the recommendation from the report was amended.

RESOLVED to enter into a contract with Homes England to allow the council to accept up to £15m HIF funding to enable the redevelopment of Anglia Square.

6. To enter into a contract for replacement fire escape staircases in housing stock – key decision

Councillor Harris, deputy leader and cabinet member for social housing presented the report she noted that it referred to works for 24 flats but it was in fact 12 maisonettes that would benefit from replacement fire escapes with other properties benefitting from fire escape repairs.

In response to Councillor Schmierer's question the major works and services manager, NPS said the staircases were made from metal and bespoke, in terms of costs, contractors bid through a competitive tendering exercise.

RESOLVED to award the contract for fire escape stair replacement at Drayton and Colman Road (Ref: NRW/HSG/9925/G) to Bawburgh Installations Limited.

7. To award a contract value addition – for replacement kitchens and bathrooms in housing stock – key decision

Councillor Harris, deputy leader and cabinet member for social housing presented the report. There was an amendment to the first page of the report, under the heading financial implications the last sentence was included in error, an amended report was on the council's website. This was a three year programme of works, the original contractor had gone into administration and Gasways had stepped in as a replacement contractor. The contract addition was requested because Gasways had exceeded expectations and had capacity to complete more works.

RESOLVED to award a contract value addition for replacement kitchens and bathrooms within the councils housing stock to Gasway Services Ltd for the period ending 31 March 2020 at a cost of £675,000.00.

***8. Exclusion of the Public**

RESOLVED to exclude the public from the meeting during consideration of items *9 to *10 (below) on the grounds contained in the relevant paragraphs of Schedule 12A of the Local Government Act 1972 (as amended).

***9. Managing assets (housing) – key decision (para 3)**

Councillor Harris, deputy leader and cabinet member for social housing presented the report.

RESOLVED to approve:

- (1) disposal of the freehold interest in the asset on the open market; and
- (2) approve the capital receipt from the disposal to be reinvested in the housing capital program for improving, repairing and maintaining the housing stock or for building new council housing.

***10. Legal Services agreement – key decision (para 3)**

(Councillor Kendrick having declared an other interest in this item)

Councillor Kendrick, cabinet member for resources, presented the report. In response to Councillor Harris' question the director of resources said that mechanisms were in place to resolve and escalate problems with service delivery if they occurred. In response to Councillor Jones' question he confirmed that if the expertise were not available within nplaw the contract stated they would seek it from elsewhere.

RESOLVED to approve entering into a new agreement for legal services to be provided by nplaw from 1 October 2020 for 10.5 years.

CHAIR