



MINUTES

COUNCIL

7.30 p.m. – 9.45 p.m.

20 July 2010

Present: Councillor Dylan (Lord Mayor), Councillors Banham, Blower, Bradford, Brociek-Coulton, Driver, Fairbairn, George, Gihawi, Gledhill, Holmes, Hooke, Jeraj, Little, Lubbock, Makoff, Morpew, Offord, Ramsay, Read, Waters, Wiltshire and Wright

Apologies: Councillors Arthur and Collishaw

1. LORD MAYOR'S ANNOUNCEMENTS

The Lord Mayor said that he was sad to have to start the meeting by referring Roy Waller who had sadly recently passed away. Roy was a much loved character in the city of Norwich and had done an excellent job as Sheriff of Norwich a couple of years ago. The Council's thoughts went out to his family and friends at this difficult time.

Council then observed a moment's silence in memory of Roy Waller.

The Lord Mayor announced that, since the last Council meeting, he had launched a 'green' dry cleaners business; attended the Council's sports awards where he had met many inspiring people and visited the strong roots allotment group which was involved in helping people to learn through gardening. He had taken part in events celebrating the 50 years of friendship with Norwich's twin city of Novi Sad in Serbia including hosting a civic dinner for the president of the Novi Sad Municipal Assembly and members of the Friendship Associations.

Finally, the Lord Mayor's weekend had been a huge success which had had enjoyed thoroughly and commented particularly on the wonderful floats which had been created by businesses and volunteer groups in the city.

2. ANNOUNCEMENT BY THE LEADER

The Leader of the Council commented on the recent decision of the High Court quashing the Norwich unitary orders and the fact that the judge to not made appropriate arrangements for elections which took into account the extended terms of 13 city councillors. The decision meant that 13 councillors who had served the city with distinction had to stand down immediately which was unfair on them personally and on the people of Norwich who had been left with this democratic deficit and facing a costly election to fill the vacancies.

He said that the other group leaders would talk about members of their group affected and he paid tribute to the members of the Labour Group who had been forced to stand down after making valuable contributions to the work of the Council namely Linda Blakeway, Bert Bremner, Mary Cannell, Jenny Lay, Sue Sands and particularly Brian Morrey who had been on the Council for more than 18 years many of which as an Executive Member and Deputy Leader of the Council.

The other group leaders then spoke about the contributions made by members of their group who had been forced to stand down – Councillor Jeraj spoke about Janet Bearman, Howard Jago, Tom Llewellyn and Claire Stephenson; Councillor Wright spoke about Joyce Divers and Brian Watkins, who had served on the Council for more than 20 years and Councillor Wiltshire spoke about Anthony Little who had been group leader.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. QUESTIONS FROM THE PUBLIC

The Lord Mayor announced that two public questions had been received –

Linda Sandell asked the Executive Member:-

“Will Norwich City Council cut back the overgrown hedges and verges that have encroached onto the public highway (Hellesdon Road) that runs along the edge of St Edmunds Close?

The reason I am asking this question is for reasons of safety for the welfare of the resident’s visitors and all associated persons to St Edmunds Close. There is a lack of visibility of the main highway on exiting St Edmunds Close. Will the Council also include the field into their regular ground maintenance of the local area?

The residents of St Edmunds Close are clearly not in a position of expertise and do not have access to the heavy duty maintenance equipment or public liability insurance to go onto the public highway that would be required to carry out this work. The overgrowth is now extremely excessive and is encroaching onto the public highway and is forcing traffic into the road to avoid damaging the side of vehicles.”

Councillor Alan Waters, the Executive Member's reply:-

"Thank you for bringing this to our attention.

There is a complex legal situation at this location. The hedge is not the Council's and nor is it part of the highway. As such, the responsibility for its maintenance rests with the landowner. However, the previous landowner went into receivership some years ago and the land transferred to the crown.

As part of our responsibilities as highway authority, we will arrange for the hedge to be cut back from the carriageway in the interests of public safety. We would normally recharge the cost of cutting privately owned hedges to the owner but this is not possible in this case. Officers are also investigating a more proactive solution to this issue whilst the present ownership issues persist.

However, the Council is not in a position to cut the field, which I presume to be the area directly behind this hedge. We have no duty to do so, nor, as I am sure you will appreciate, do we have spare money to spend on maintenance of assets for which we have no responsibility and where there is no highway interest."

Linda Sandell asked, as a supplementary question, how much the legal work would cost and whether he agreed that it was commonsense that maintenance crews already in the area could cut the hedge. **Councillor Waters** said that clearly there had been many attempts over time to sort out the issue of ownership and the Council would continue to look into the matter. He understood it would only take a few hours work to sort the legal issues out. He gave an assurance that arrangements would be made to cut the hedge on safety grounds. He added that he would personally take a look at the situation in the near future.

Benjamin Dilks asked the Executive Member:-

"Norwich has particularly high levels of educational under achievement; 40% of Norwich students achieved 5 GCSEs at A*-C in 2008 compared with 49% in Norfolk and 48% in England (*Source: DCSF Performance Tables/Norfolk Insight*). With the recent announcement of a £1.4 million cut in the Connexions budget, is the Council concerned about the particular impact of this coalition cut on young people in Norwich?"

Councillor Alan Waters, Executive Member's reply:-

"Thank you for your question and you raise an important issue that must be addressed. I am deeply concerned about how the coalition's cuts disproportionately affect young people and the slashing of the Connexions budget is a key example. It was recently announced that the County Council revenue grants would be reduced by £6.28 million. £4.03 million of this will be cut from Children Services and the £1.4 million cut to Connexions will directly impact upon the lives of young people in Norwich. 65 jobs will also be axed in the process.

Connexions provide high quality guidance including careers advice and guidance on health issues to help remove barriers to learning and ensure young people make a smooth transition to adulthood and working life. They focus on those deemed at risk of becoming not in education, employment or training (NEET). Figures for numbers

of NEET by ward in January 2010 (the most recent figures) show that out of the 393 NEET in the Central Norfolk area, 288 (73%) lived in Norwich wards.

The work of Connexions is particularly crucial in areas of educational under achievement like Norwich. In addition to the figures you quote in your question, Norwich has a high percentage of people between the ages of 16-24 on benefits compared with figures for the Eastern region and England. (ONS May 2010) At a time when it is incredibly difficult for school leavers in Norwich to find work or further training, the cuts to Connexions will make our young people feel even less secure about their future and unsure about where to go for guidance.

The County Council recognise that Connexions will be forced to rely more upon web and telephone services and this will hurt most those living in deprived communities in Norwich. According to Dan Mobbs, Chief Executive of the Mancroft Advice Project (MAP) which works closely with Connexions, those people from deprived backgrounds in Norwich are less likely to be able to utilise web-based and telephone resources. Poorer youngsters will therefore be disproportionately affected by the changes to the Connexions service. It is very likely that Connexions will be forced to shut their drop-in centre for careers advice in Norfolk. MAP is currently "bursting at the seams" and the closure of the Connexions drop-in centre would push demand for MAP's services to a level where they would struggle to cope.

The recent Unison press release was spot on when it stated "to cut Connexions is to disregard the development of our young people and disregard the Connexions workers who are dedicated to making a real difference to the life of young people." Norwich faces a particularly difficult task in making its young people feel secure about their future and the cuts to Connexions is a key example of how the coalition's cuts agenda is hurting many struggling young people in the city."

Benjamin Dilks asked, as a supplementary question, given the high levels of deprivation in Norwich compared to the rest of the region, how would this cut affect people in these deprived areas. **Councillor Waters** said that he had covered the key points in his original answer. 32% of the Norwich population was affected by income deprivation. The proposed cut would lead to significant costs to the people of Norwich and other public resources. It was not a sensible proposal but was an ideologically motivated attack on young people. The Council and other public sector organisations would need to have to work hard to mitigate its effect.

5. PETITIONS

No petitions had been received.

6. MINUTES

RESOLVED to agree the accuracy of the minutes of the Council meeting held on 29 June 2010.

7. QUESTIONS TO EXECUTIVE MEMBERS/COMMITTEE CHAIRS

The Lord Mayor advised members that 9 questions had been received from members of the Council to Executive Members and Committee Chairs, of which

notice had been given in accordance with the provisions of Appendix 1 of the Council's Constitution. The questions were as follows –

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|-------------------|--|
| Question 1 | Councillor Fairbairn to the Executive Member for Corporate Resources and Governance about the Connaught contract. |
| Question 2 | Councillor Hooke to the Executive Member on use of mobile phones while driving. |
| Question 3 | Councillor Wright to the Executive Member for Housing and Adult Services on working with the Health Services. |
| Question 4 | Councillor Little to the Leader of the Council on the future of the Joint Core Strategy. |
| Question 5 | Councillor Ramsay to the Chair of Planning Applications Committee on limiting powers for building work and planning conditions. |
| Question 6 | Councillor George to the Executive Member on publication of an online list of unadopted roads. |
| Question 7 | Councillor Collishaw to the Executive Member for Corporate Resources and Governance on procedures to sell council owned land. |
| Question 8 | Councillor Wiltshire to the Executive Member for Corporate Resources and Governance on the maintenance of adopted open space and highways. |
| Question 9 | Councillor Fisher to the Executive Member for Corporate Resources and Governance on Connaught's sub-contractors. |

(Details of the questions and replies together with any supplementary questions and replies are attached at Appendix A to these minutes).

8. ISSUES CONSEQUENTIAL TO THE HIGH COURT DECISION QUASHING THE NORFOLK STRUCTURAL ORDERS

Councillor Morphew moved and Councillor Waters seconded the recommendations in the annexed report.

RESOLVED, unanimously, to –

- (1) amend the Constitution as follows, until elections are held and groups have notified the Head of Legal and Democratic Services of their nominees based on the political balance following those elections -
 - (a) paragraph 8.1 of Appendix 1 be amended to read –

‘a quorum of a meeting of the Council, committee or sub committee will be one quarter of the whole number of members of that body’

- (b) paragraph 1.8 of Appendix 5 and paragraph 9.2 of Article 9 be amended accordingly;
- (2) elect Councillor Jeraj as Chair of Scrutiny Committee;
- (3) elect Councillor Morphew as Vice Chair of the Norwich Highways Agency Committee;
- (4) consider appointments to outside bodies at the earliest possible Council meeting after the elections.

9. SCHEME OF DELEGATIONS AND PROPER OFFICERS

Councillor Waters moved and Councillor Morphew seconded the recommendations in the annexed report.

RESOLVED, unanimously, to adopt changes to the Council's Constitution as recommended by the Executive at its meeting held on 30 June 2010, by amending the scheme of delegations to officers (Appendix 8 of the Council's Constitution) to reflect organisation changes resulting from the Corporate Efficiency Programme and the Statutory and Proper Officer Appointments (Appendix 9 of the Council's Constitution).

10. CHANGED USE OF RESERVES

Councillor Waters moved and Councillor Morphew seconded the recommendations in the annexed report.

RESOLVED, unanimously, to give the Chief Executive Officer authority to draw down, from the General Fund Reserve, such monies that are required to support the achievement of the new savings programme identified as a result of the new government spending policy.

11. CONSULTATION ON EXECUTIVE ARRANGEMENTS

Councillor Morphew moved and Councillor Waters seconded the recommendations in the annexed report.

RESOLVED, unanimously, to approve the consultation arrangements, introduction and operation of a new form of executive arrangements under the Local Government and Public Involvement in Health Act 2007 as recommended by the Executive at its meeting on 30 June 2010.

12. MOTION – VAT RISE

The Lord Mayor announced that Councillor Waters had submitted an amendment to his own motion in advance of the meeting and if no member objected, the amendment would be accepted and become part of the new substantive motion.

With some members objecting the Lord Mayor said that the amendment would be dealt with in the usual way after the motion had been moved and seconded.

Councillor Waters moved and Councillor Bradford seconded the motion as set out on the agenda.

Councillor Waters moved that the motion be amended by –

- (1) deleting the first sentence of the first paragraph..... 'the increase in VAT from 17.5% to 20% announced in the coalition government's June budget will mean the poorest fifth of people will spend an average of 13.8% of their disposal income on VAT, up 1.7 percentage points (ONS)' and replace it with –

'with VAT currently at 17.5% the poorest fifth of people spend on average 12.1% of their disposable income in VAT (ONS)' and....
- (2) deleting.....'and to vote against it in Parliament' from the end of resolution (2) and replace it with..... 'by voting against the Finance Bill'.

With 16 members voting in favour, 7 against and no abstentions the amendment was carried and it became part of the substantive motion.

RESOLVED, with 15 members voting in favour, 7 against and 1 abstention, to approve the following motion –

'With VAT currently at 17.5% the poorest fifth of people spend on average 12.1% of their disposable income in VAT (ONS). This is more than twice as much as the richest fifth pay in VAT as a proportion of their disposable income (ONS),

The median resident earnings for full time workers in Norwich are 13% lower than regional median earnings and 11% lower than national median earnings (the Norwich monthly economic barometer for June 2010). 10.5% of Norwich households also have an income below £10,000 per annum compared with 17.1% of households in England (CACI/Norfolk Data Observatory). Many of Norwich's citizens will therefore be disproportionately affected by the rise in VAT.

Council, therefore –

RESOLVES due to the particular impact this proposed rise in VAT increase will have on those in Norwich least able to afford it, to –

- (1) write to the Chancellor of the Exchequer raising concerns about the proposed VAT increase;
- (2) request Norwich's two MPs to voice their opposition to the increase in VAT by voting against the Finance Bill'

LORD MAYOR

APPENDIX A

QUESTIONS TO EXECUTIVE MEMBERS AND COMMITTEE CHAIRS

Question 1

Councillor David Fairbairn to the Executive Member for Corporate Resources and Governance:-

“With hindsight, and in view of the recent bad publicity about Connaught, does the Executive Member now consider he could have been more wary about accepting the markedly lower Connaught bid for the contract with the Council?”

Councillor Alan Waters, Executive Member for Corporate Resources and Governance’s reply:-

“No, as has been stated on several occasions previously, Connaught and the other bidders underwent a lengthy and extremely rigorous procurement process. Connaught won this contract on the basis that its bid was judged to offer the best possible service and value for money for the people of Norwich.

Neither the Council nor Connaught would deny that we haven’t experienced some teething problems as the contract settles down but I think this is to be expected in a contract of this size and complexity.

As I stated to the Council only two weeks ago, we are now at the end of this settling in period and we have an agreed action plan with Connaught that will ensure services meet and exceed requirements in all areas.

It should be noted that there are several areas where we have already seen improvements with reduced appointment times for gas services, a decrease in the number of missed bins reported, a reduction in the response time to fly tipping, as well as improvements to street cleaning. I am not saying there is no room for improvement and both the Council and Connaught have total focus on getting performance right in all areas.

With regard to the recent media coverage around the movement in Connaught’s share price, we speak to Connaught very regularly and they have reassured us that this will have no impact on the services being delivered to the people of Norwich.

In addition I have received the following statement from Connaught:-

“You may be aware that recently there has been some movement in Connaught’s share price and much speculation about our business from the media and other commentators. This movement has been driven by our decision to take a more prudent view of our forecasts to reflect our caution over some delays and reductions affecting a small number of capital projects within our Social Housing division.

It is important to recognise the scale of the stock market reaction is to do with analysts' disappointment in having to revise their expectations. The Group remains financially stable and the outlook for the Group remains robust.

We are aware that there has been some speculation about Connaught's future viability but to put these fears in context, Connaught is still a profitable business - our latest forecast states £700 million revenue, producing £47 million profit for this financial year. In addition, our current order book contains over £2.6 billion in confirmed orders."

I hope this information provides you with the confidence that, whilst there is currently a great deal of attention focussed on our share price, Connaught remains a stable and reliable company.

I would also like to make clear that this situation will not impact on our operational delivery in any way and our first priority, as always, is to deliver the best possible service and value for money for our customers."

Councillor Fairbairn asked, as a supplementary question, what monitoring measures would be introduced for the action plan. **Councillor Waters** said he would send Councillor Fairbairn a copy of the governance and monitoring arrangements that were in place for all contract compliance. He suggested that Councillor Fairbairn recalls the answer given to a similar question on the same theme at the last Council on the outcome of monitoring arrangements.

Question 2

Councillor Jeremy Hooke to the Executive Member:-

"I have received numerous complaints from residents in Thorpe Hamlet about people using mobile phones while driving. As a local councillor I am happy to report these incidents to the relevant authorities. However, I was wondering if the Council could play a more active part in the process and encourage members of the public to contact the police, the Council or their local councillor with the registration numbers of people they see using mobiles while driving."

Councillor Alan Waters, Executive Member's reply:-

"If members of the public, members or officers observe people using mobile phones whilst driving they should report these directly to the Norfolk Constabulary so they can take whatever action is appropriate. This should be the course of action that the public take if they observe any crime taking place or if they are aware that a crime has been committed that they may not have observed happening.

Whilst this is clearly of concern for residents and the Council and can lead to serious traffic incidents, it would be disproportionate for the Council to focus on encouraging the public to report mobile phone use whilst driving, rather than encouraging the reporting of all crime. This is the approach officers are asked to take when talking with or corresponding with residents so that the Constabulary have a clear picture of the types and levels of crime in the city and can allocate their resources based on the crimes that are taking place."

Councillor Hooke asked, as a supplementary question what people should do if they saw taxi drivers driving their vehicles whilst using their mobile phone. He had personally witnessed this on two recent occasions and he had reported them both to the Police. **Councillor Waters** said that Councillor Hooke had just answered his own question.

Question 3

Councillor Rosalind Wright to the Executive Member for Housing and Adult Services:-

“As organisations increasingly look to work together to achieve shared objectives, could the Executive Member please indicate to what extent the City Council has explored working with the Health Service for the provision of facilities such as cycle tracks, pedestrian-friendly zones or fitness areas in parks.”

Councillor Brenda Arthur, Executive Member for Housing and Adult Services’ reply:-

“There are examples of transport authorities working with the health service to increase walking and cycling as a means to address health issues such as obesity. However, such activity has generally been to do with promotion whereas the Council’s involvement in cycling and walking, via the highways agency agreement, tends to be focussed more on infrastructure investment and maintenance. Whilst there has been some discussion with the Health Service about promotional activity, our main links have been in casualty reduction through the Norfolk Road Casualty Reduction Partnership. There has also been some contact made with the Health Service around winter maintenance priorities.

Looking forward, there is every reason for closer working with the Health Service (and other public agencies) to achieve common objectives. Likely cuts in public expenditure bring pressure to be as efficient as possible and there are significant potential changes that have been announced in the health white paper ‘Equity and Excellence: Liberating the NHS’ which affect local authorities around public health.

The linkages between different parts of the public sector are complicated but there would appear to be clear benefits in using investment to achieve as many beneficial outcomes as possible. For example we do host the Norwich Fringe Project, part funded by the PCT, which delivers a programme of health walks benefitting city residents.

The Council and its partners learnt a great deal from the Neighbourhood Renewal Fund programme which unfortunately finished in March 2010 and included health inequality as one of its priorities. A range of interventions were piloted ranging from GP referral schemes for individuals with poor physical health or mental health conditions into walking, the Norman Centre gym and the Green Gym initiative as well as a successful mental health wellbeing scheme where volunteers were trained to provide support.

It is recognised that fitness areas in parks and cycle paths can help reduce obesity as well as reducing casualties, congestion and pollution. Whilst work plans for this

year have now been finalised, officers are mindful of these opportunities and will want to develop them as part of service planning over the medium term.”

Question 4

Councillor Stephen Little to the Leader of the Council:-

“Given the significant concerns expressed by the Planning Inspector along with the new government's abandonment of Regional Spatial Strategies and top-down housing targets, how confident is the Council about the future of the Joint Core Strategy?”

Councillor Steve Morpew, Leader of the Council's reply:-

“The decision of the Secretary of State to remove the Regional Spatial Strategy in advance of announcing the new arrangements for land use planning has caused considerable uncertainty for both local planning authorities and the development industry. Obviously this does have implications for the Joint Core Strategy but as all members are aware we have submitted this document to the Planning Inspectorate and a public examination is scheduled for the autumn. The Inspector appointed to consider the Joint Core Strategy (JCS) has indicated that the change in the national planning framework will be a matter for consideration at the examination but he did not request that the process be stopped. Furthermore, aware of the intentions of the Secretary of State to scrap the regional tier of planning, the Greater Norwich Development Partnership (GNDP) Policy Group did consider the implications for the JCS process and members concluded that it was appropriate to continue to the public examination.

As Councillor Stephen Little has indicated, following an exploratory hearing on the JCS the Planning Inspector has requested further work be undertaken to provide additional evidence and other supporting information on a limited range of matters. In response all three planning authorities that are responsible for the JCS have agreed to meet the Inspector's requirements by providing additional information to answer the questions raised and, at the same time, undertake a focused consultation on a limited number of matters including affordable housing provision and the planning framework detail of the north east growth triangle. This consultation exercise commenced this week.

In my view the above decision by South Norfolk, Broadland and the City Councils, together with strong support from the County Council, to continue with the JCS process is an indication of the local desire to establish a strong and robust planning framework for the greater Norwich growth area. Therefore, even though the government has created a very unsatisfactory situation for the future planning of the largest city in the east of England, a considerable amount of public money has been invested in the JCS and I can see no benefit for the residents of the city for us to change our commitment to this important planning document.

However, a much bigger potential area of concern for the JCS is the availability of government funding to help provide the infrastructure necessary to deliver the scale of development required to meet local needs. The JCS is about far more than delivering housing and job numbers. It is about delivering high quality development to provide the homes, jobs, services and environment needed to make our

community thrive and bring about positive lasting change benefitting future generations as well as our own. As such it needs to be supported by investment in infrastructure, and I am concerned that the needs of the Greater Norwich Area have not been fully understood by central government. In this respect I will work with other GNDP partners to ensure that the needs and requirements of our locality are put before key ministers. ”

Question 5

Councillor Adrian Ramsay to the Chair of the Planning Applications Committee:-

“It has come to my attention that the Council does not require, as a condition of planning permission, builders to keep to certain hours of work when developing a site. This means that Council Enforcement Officers are left to try to deal with problems and ensure reasonable hours of work after complaints have been received from residents. Problems are therefore often not resolved until a significant way into building projects. Do you agree that it would be better to deal with problems before they occur and make clear in planning conditions what are acceptable hours for building work, as many other councils do?”

Councillor David Bradford, Chair of the Planning Applications Committee’s reply:-

“It is not good practice to impose specific planning conditions on working hours on development sites. To do so would normally duplicate controls available under the Control of Pollution Act 1974. Government advice is not to use planning conditions to seek to control matters where power is available under other legislation.

Controls on construction noise can be enforced through existing legislation. This effectively means that construction noise can be controlled between times specified by the local authority.

The times specified by the City Council are:-

07:30hrs to 17:30/18:00hrs (depending on the area of the city) Monday to Friday inclusive and;

07:30 to 13:00hrs on a Saturday, and at no time on a Sunday or Bank Holiday.

Complaints about noise would therefore best be handled via the Environmental Protection Team through this legislation. The powers available to the Council under this legislation are generally equivalent to or better than the powers available under planning legislation.

However, officers are currently looking at the wording of standard information statements attached to planning permissions and this is likely to result in the inclusion of wording giving more detail of the above controls. This could be added to all significant applications. This would improve the information given to applicants.

It should be noted that these controls only relate to noise. There is no requirement for all construction to cease outside the designated hours. For example, painting and decorating, or electrical work would be highly unlikely to cause any nuisance to neighbours.

There are also controls under Highways legislation regarding work on adjacent highway land. This includes the erection of temporary hoardings or skips, or temporary road closures to deliver plant and equipment. Again, there is no need to replicate this in planning conditions."

Councillor Ramsay said that at a recent planning site visit the officer had considerable difficulty getting across to developer what they needed to do in respect of working hours. He asked, as a supplementary question, whether this could be made clear from the outset so that the developers understood that they needed to stick to these hours from the very beginning. **Councillor Bradford** said that he would ask officers to look into this.

Question 6

Councillor Niki George to the Executive Member:-

"Could the Executive Member explain what the progress is on an online list of unadopted roads both in Bowthorpe and across the City, as previously requested at Council?"

Councillor Alan Waters, Executive Member's reply:-

"A list of roads which are currently unadopted but which we are expecting to adopt at some point in the future will be available on line very soon. I have been promised that it be on line sometime within the next month. People will be able to access it through the Roads section in the A to Z guide on our website

This list will include the streets we are planning to adopt, details of what stage of the adoption process those streets have reached, an anticipated adoption date and a status report as to whether the adoption is on or behind schedule. If they are behind schedule the reasons for the delay will be included.

For those of you not familiar with the adoption process, I'll briefly explain it. When a developer builds a new road serving 8 or more properties they are usually required to offer it for adoption, meaning that it will become public highway and the Highway Authority will be responsible for the long term maintenance of that road. In the City we act on behalf of the County Council to adopt roads under s38 of the Highways Act 1980.

The adoption process requires the Council to inspect the carriageway, footpaths and any planting / grass areas while they are being constructed to ensure that they are built to an acceptable standard. Once the construction is complete and the Council is satisfied with the standard, the Council will issue an interim adoption certificate. This means that assuming there are no problems with the road for a year then the Council will adopt the road and take on its' maintenance liability. If there are problems the developer is required to put them right, and there could be a further maintenance period before the final certificate is issued. Once the Council is completely satisfied

with the quality of the road, the final adoption certificate is issued and the road becomes the responsibility of the Highways Authority.

With regard to Bowthorpe there are now just 2 developments awaiting adoption:-

- The Bloor Homes development at Draper Way, including Barnham Close and Weatherby Road, is about to receive it's interim certificate. The delay in issuing this has been down to problems with the street lighting and with weeds growing through the footpaths. Both these issues are now resolved.
- The Taylor Wimpey development at Mardle Street, including Dow Close and Swallow Tail Close, was given an interim certificate in 2004. However Taylor Wimpey then declined to offer the streets for full adoption pending litigation over an accident. They have now, in the last week, decided to proceed with the adoption and I am advised that the process should be completed by the end of the year."

Question 7

Councillor Evelyn Collishaw to the Executive Member for Corporate Resources and Governance

"Does the Council have a mandate to sell council owned land without it receiving public advertisement with a view to obtaining best value?"

Councillor Alan Waters, Executive Member for Corporate Resources and Governance's reply:-

"The question raises two issues – public advertisement and best value.

In relation to advertisement the only category of land for which a public advertisement is required prior to disposal is public open space.

In relation to best value as part of the process to ensure that the Council meets its statutory obligation to obtain "best consideration" for the disposal of land the Council will obtain an independent valuation, normally provided by the District Valuer. In this context it is generally the rule that the consent of the Secretary of State is required where the disposal is to be for a consideration less than the best that can reasonably be obtained. There are exceptions where the authority is, for example, disposing of land for social housing purposes."

Question 8

Councillor Andrew Wiltshire to the Executive Member:-

"Could the Executive Member offer their reassurances to residents of the city that adopted open spaces and highways will be added to the City Council's current maintenance contract and provide a timescale for the inclusion of these additional areas?"

Councillor Alan Waters, Executive Member's reply:-

"The Council has processes in place whereby all new adopted highways and open spaces are brought within the maintenance contracts. On formal adoption, relevant contract managers are advised so that, for example, regular highway safety inspections can be added to the existing programme and any grass verge cutting can be brought within the contracts. The County Council are informed so that maintenance budgets can also be adjusted accordingly to take account of the new demands.

In some areas, there are parcels of land adjacent to an adopted area where ownership is either unknown generally or not acknowledged by the land owner concerned. Whilst the maintenance of such areas is not the Council's responsibility it is acknowledged that unless a third party takes on this it can become an eyesore and affect local quality of life.

The recent contract re-lets have given an opportunity to identify unadopted areas that have fallen outside the scope of the contracts and where land ownership is uncertain. Resource would need to be identified to resolve many of the issues that arise and a time of budget constraint; the likelihood of funding being made available could be problematic. It is hoped that this could be looked at within the medium term. In the meantime as part of the new contract resource has been made available to address individual issues as they arise."

Councillor Wiltshire asked, as a supplementary question, whether the Council would consider providing public liability insurance to public groups and organisations to let them maintain public areas. **Councillor Waters** said that he would look into this issue and respond in due course.

Question 9

Councillor John Fisher to the Executive Member for Corporate Resources and Governance:-

"How does the Executive Member feel now that Verdant has been taken over by Biffa and what is the perceived impact on residents given that Biffa did not feel they could deliver the contract on the same bid as Verdant?"

Councillor Alan Waters, Executive Member for Corporate Resources and Governance's reply:-

"As members are aware, Verdant are the appointed sub contractor of Connaught Partnerships Ltd and therefore our contractual arrangement is with Connaught. As Councillor Fisher states, Biffa is in the process of acquiring Verdant but this would not change arrangements with the main contractor Connaught. Takeovers of this nature are not uncommon and I wish to reassure members that this will not affect the terms of our contract, service standards, or the proposed roll out of a new waste management system to increase the level of material being recycled.

The acquisition is still subject to various approvals but if it does go through our focus will be on managing the contract to ensure that we get the services specified in the contract and seek continuous improvement.

For clarification Biffa did not submit a bid for the Norwich City Council contract. However the Council did receive various bids and these were assessed against the evaluation criteria in the tender and, on this basis Connaught Partnerships Limited was awarded the contract."