



### CABINET

5.30pm to 6.10pm

1 June 2011

Present: Councillors Arthur (chair), Bremner, Brociek-Coulton, Gihawi, MacDonald and Westmacott

Also present: Councillors Stephenson, Jeraj and Lubbock

Apologies: Councillor Waters (vice chair)

#### 1. MINUTES

**RESOLVED** to approve the minutes of the meeting held on 16 March 2011.

#### 2. HOME OPTIONS POLICY CHANGES

Councillor MacDonald, cabinet member for housing, introduced the report.

Councillor Bremner said that he welcomed this proposal and pointed out that it was impractical to access flats or maisonettes above ground floor level with a pushchair, particularly if there was more than one child.

**RESOLVED** to amend the Home Options policy to address issues faced by families with children, living in flats or maisonettes above ground floor level; families with children of the same sex, sharing a bedroom where there is a large age difference, and to formalise arrangements for local lettings plans.

#### 3. LEGAL CHALLENGE TO ADOPTION OF THE JOINT CORE STRATEGY FOR BROADLAND, NORWICH AND SOUTH NORFOLK

Councillor Bremner, cabinet member for planning and transportation, introduced the report. The director of regeneration and development referred to the report and explained the arrangements to meet the costs associated with the legal challenge. The council and its partners, South Norfolk Council and Broadland District Council, were preparing a robust defence. He confirmed that the challenge was frustrating the delivery of homes, jobs and associated infrastructure, but the strategy would be progressed as much as it could so that it could be in place once the legal challenge had been resolved.

Councillor Stephenson said that she regretted that the council found itself in this position and faced worrying costs. She considered that there was some substance to the challenge in that there was no plan B for the Northern Distributor Road (NDR) and the concerns raised by the Environment Agency on the sustainability of water

supplies. The planning team leader (policy) referred to paragraph 4 of the report and said that the legal challenge was related to procedural issues and not the content of the policies, which had been discussed fully at the public examination stage.

**RESOLVED** to delegate authority to the director of regeneration and development to authorise costs and instructions and to take urgent decisions in relation to defending the claim made against the adoption of the Joint Core Strategy in consultation with the head of law and governance and portfolio holders for resources and planning and transport.

#### **4. CONSULTATION RESPONSE TO RELAXATION OF PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL**

Councillor Bremner, cabinet member for planning and transportation, introduced the report and referred to the draft response attached to the report as appendix 1. He expressed concern about the rationale behind the proposed changes to relax the planning rules.

The director of regeneration and development said that he considered that the proposals undermined the planning process and removed its democratic accountability.

The chair referred to the proposals to change the use of office accommodation to residential use which would lead to less sustainable locations being developed on the edge of the city and the effect that this would have on the vibrancy of the city centre.

Councillor Stephenson said that she supported the council's response to the government and concurred with the chair about the loss of employment opportunities in sustainable locations which would be detrimental in the long term.

**RESOLVED** to note the implications and endorse the response to be made to Communities and Local Government (as set out in appendix 1 of the report.)

#### **5. DOG CONTROL ORDER – FOULING OF LAND**

Councillor Westmacott, cabinet member for neighbourhoods and environment, introduced the report. She said that dangerous dogs were an issue for the police and not part of a dog control order. She referred to the petition presented by Simon Wright, Member of Parliament for Norwich South, on behalf of residents and businesses in West Pottergate, and said that this would be considered but would require a strong evidence base for a control order to be made requiring dogs to be kept on leads. Councillor MacDonald confirmed that she had received the petition as cabinet member for the environment during the purdah period in the run up to the local elections on 5 May 2011.

During discussion members welcomed the proposals and considered that this would be supported by residents. The number of complaints of dog fouling indicated that the by-law did not work. The dog control order would need to be enforced properly and should be accompanied by education events to raise public awareness.

Councillor Lubbock asked why it had taken 5 years for the council to introduce a dog control order and considered that it was regrettable that the order did not require owners to keep their dogs on a lead, particularly near children's play areas.

The head of citywide services responded to issues raised by members by referring to the report and explained that a control order needed to be evidence based before it could be put in place. Officers in both citywide services and neighbourhood services would be trained to enforce the dog control order.

Councillor Westmacott said that it was important that members of the public reported issues about dog fouling and dogs being off leads. The issue of dogs being kept on leads had not been dismissed and if there was sufficient evidence it could be looked at again with a view to including it in a dog control order in the future

**RESOLVED** to approve the making of a dog control order which prescribes an offence for a person not to remove the faeces of any dog in their charge within a reasonable period from any land open to the public within the Norwich City Council boundary.

## **6. EXCLUSION OF THE PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of items 7-9 below on the grounds contained in the relevant paragraphs of schedule 12a of the Local Government Act 1972 (as amended).

## **7. OPTIONS FOR THE DEVELOPMENT OF CURRENT SITES UNDER THE NEW FUNDING REGIME (PARAGRAPH 3)**

Councillor Bremner, cabinet member for planning and transportation, introduced the report, together with the director of regeneration and development, who answered questions on the report.

The chair pointed out that the council was taking a pragmatic approach to maximise the opportunities for local people to be able to afford homes.

**RESOLVED** to:

- (1) support delivery of housing at the Goldsmith Street, Argyle Street, Bussey Road and Holmes Close sites through the affordable rent funding model for affordable housing;
- (2) note that a decision will be required on the preferred delivery model for phase 4 of the Developing Affordable Housing Programme agreement once a review of options has been carried out.

## **8. APPROPRIATION OF LAND AT SLEAFORD GREEN (PARAGRAPH 3)**

The director of regeneration and development apologised for a typographical error in the first recommendation and paragraph 10 of the report and said that the reference to a street name should be deleted and replaced with "Sleaford Green".

**RESOLVED:**

- (1) in accordance with section 122 of the Local Government Act 1972, that land at Sleaford Green be appropriated for the use of planning purposes as defined in section 226 of the Town and Country Planning Act 1990 as it is no longer required for the housing use for which it is currently held.;
- (2) in accordance with section 237 of the Town and Country Planning Act 1990, to extinguish the rights to use and enjoy access routes, communal gardens and landscaped areas within the land shown in pink in appendix 1 of the report;
- (3) to authorise the director of regeneration and development to use delegated powers to deal with all matters incidental to these land transactions.

**9. COMMITMENT TO AWARD INTERIM CONTRACTS FOR STRUCTURAL REPAIRS AND IMPROVEMENTS (PARAGRAPH 3)**

Councillor MacDonald, cabinet member for housing, introduced the report. The head of housing property services answered members' questions.

**RESOLVED to:**

- (1) approve the commitment to spend £2.5million from the 2011/12 housing capital budget for five interim contracts for structural repairs and improvements; and,
- (2) delegate to the director of regeneration and development, in consultation with portfolio holders, authority to award the contracts subject to a satisfactory evaluation process and the successful tender prices being within the investment plan forecasts.

CHAIR