



NORWICH
City Council

COUNCIL

20 July 2010

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."

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."

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."

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 its 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."

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 are in the process of acquiring Verdant but this does not change our 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."