



Norfolk County Council
Minutes of the Meeting Held on 20 July 2009

Present: Mrs S C Gurney in the Chair

Mr A Adams	Mr M C Langwade
Mr R Bearman	Mr S R Little
Mr W P Borrett	Mr B W C Long
Dr A P Boswell	Mr I J Mackie
Mr J S Bremner	Mrs J Mickleburgh
Mr M Brindle	Mr I A C Monson
Mr D R Callaby	Mr P D Morse
Mr J A Carswell	Mr D Murphy
Mr M R H Cartiss	Mrs J A Murphy
Mrs J R M Chamberlin	Mr G Nobbs
Mrs M Chapman-Allen	Mr R Parkinson-Hare
Baron M Chenery of Horsbrugh	Mr J H Perry-Warnes
Mrs D M Clarke	Mr G R Plant
Mr B Collins	Mr A J Proctor
Mr P G Cook	Mr P K Rice
Mr D Cox	Mr R C Rockcliffe
Mr A J Dobson	Mr J D Rogers
Mr S Dorrington	Mr M J Scutter
Mr P Duigan	Mr N C Shaw
Mr S Dunn	Mr J R Shrimplin
Mr T East	Mr R A Smith
Mr A Edwards	Mr B H A Spratt
Mr T Garrod	Ms A Steward
Mr A J Gunson	Dr M Strong
Mr B J Hannah	Mrs A M Thomas
Mr R C Hanton	Mrs H Thompson
Mr D Harrison	Ms J Toms
Mr J R Herbert	Mr A D Tomkinson
Mr H Humphrey	Mr J Ward
Mrs S E L Hutson	Mr P Wells
Mr B J M Iles	Mr A White
Mrs D Irving	Mr M J Wilby
Mr G Jones	Mr A Williams
Mr C Jordan	Dr F C Williamson
Mr J Joyce	Mr A J Wright
Mr M A Kiddle-Morris	

Total present: 72

Also Present: - Mrs J Middleton, Standards Committee Chairman

Apologies:

Apologies for absence were received from Mr A J Byrne, Miss C Casimir, Mr N D Dixon, Mr D Harwood, Mr M Hemsley, Mr W J Nunn, Mrs C M Walker and Mr R Wright.

1. Minutes of the previous meeting

- 1.1 The minutes of the meeting held on 15 June 2009 were confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Member attendance

Amend to read 'Mrs A M Thomas'.

Cabinet Recommendations, 5 May 2009, paragraph 11: 2008-09 Finance Monitoring Report, paragraph 1

Include the following which was omitted from the minutes:

"Mr Morse asked how much capital and interest had been lost in respect of the £32.5m that the Council had invested in the Icelandic Banks. In response, Mr Williams said that although it was expected that 90% of the money would be recovered, £1.7m had been written off in terms of interest and full details would be reported to the Treasury Management Panel."

1.2 Building Schools for the future, paragraph 8

With reference to the composition of the BSF Project Board, Dr Boswell requested that Mr Cox provide recommendations to the Group Leaders, as noted in the minutes.

2. Chairman's Announcements

The Chairman advised Members that a Powerpoint presentation was available in the Members' room which showed the recent engagements she had attended, including photographs of those ex-Councillors who had received long service awards.

Since the last Council meeting, the Chairman said she had hosted the following events:

- Raising of the Armed Forces Flag at County Hall to herald the start of the Armed Forces week.
- Headteachers Long Service Retirement Reception
- Armed Forces Day Presentation Ceremony and Reception with the Lord Lieutenant
- Reception for retiring Councillors and presentation of Long Service Awards to:
 - Heather Bolt (24 years service)
 - Thelma Paines (24 years service)
 - Patrick Hacon (24 years service)
 - Ingrid Floering Blackman (20 years service)
 - Graham Hemming (20 years service)
 - John Holmes (20 years service)
 - Cath Ward (18 years service)
 - John Baskerville (16 years service)

- Chris Mowle (16 years service)

Barbara Hacker (16 years service) was unable to attend the reception but the Chairman intended to present the long service award to Mrs Hacker personally.

The Chairman had also attended the following events:

- Norwich City Annual Civil Service
- Norwich YMCA, where the Chairman was introduced to Prince Philip
- Wymondham College Speech Day
- Launch of the Genome Analysis Centre at the John Innes Centre
- Two days at the Royal Norfolk Show including events such as the Judges and Stewards Dinner, the launch of Singing Histories and the launch of Money Matters, an event hosted by Sir Nicholas Bacon
- Civic Service at the Church of St Peter and St Paul in Swaffham
- High Sheriff of Norfolk's Annual Reception
- Lord Mayor's Procession in Norwich
- Wensum River Parkway Launch
- Costessey High School for presentation of cups and prizes

3. Declarations of Interest

The following Members declared interests concerning the Report of the Cabinet Meeting held on 13 July 2009:

Paragraph 2.3 – Flood Sirens:

Dr M Strong, personal interest as an unpaid volunteer senior flood warden for Wells, an unpaid volunteer joint co-ordinator for Wells Flood Plan and an unpaid volunteer representing North Norfolk Senior Flood Wardens on the NRF (Norfolk Resilience Forum) Voluntary Sector

Mr P K Rice, personal interest as he lives in a flood risk area and is employed by Norfolk Constabulary

Mr R C Rockcliffe, personal interest as his family owns a property in a flood risk area

Mr S Dorrington, personal interest as he owns a caravan in a flood risk area

Mr R C Hanton, personal interest as a member of Norfolk Constabulary

Mr J H Perry-Warnes, personal interest as a member of the Norfolk Police Authority

Mr H Humphrey declared that he might have a personal interest as a member of the Norfolk Police Authority

Mr A D Tomkinson, personal interest as a member of the Norfolk Police Authority

Mr B J Hannah, personal interest as a member of the Norfolk Police Authority

Mr P Wells, personal interest as a member of the Norfolk Police Authority

Mrs J Mickleburgh, personal interest as a Ward Member in an area at risk of flooding

Mr J R Shrimplin, personal interest as a Ward Member in an area at risk of flooding

Paragraph 5, Norse Group Annual Report 2008-09:

Mr A Williams, personal interest as a Director of NEWS Ltd (Norse Group) Board

Mr J R Herbert, personal interest as a substitute Director and Shareholder representative of NEWS Ltd (Norse Group) Board

Paragraph 11, Procurement of Phase One of the Residual Waste Treatment Project – Contract A:

Dr A P Boswell, personal interest as member of the Waste Project Board

Mr J Joyce, personal interest as member of the Waste Project Board

Mr A Williams, prejudicial interest as a Director of NEWS Ltd (Norse Group) Board

Mr J R Herbert, personal interest as a substitute Director and Shareholder representative of NEWS Ltd (Norse Group) Board

Mr D Cox, declared a personal interest in the Report of the Cabinet meeting held on 23 June 2009, paragraph 5, Earlham High School: Outcome of Public Notice Procedure, as a Governor of City College Norwich

4. Cabinet Recommendations – 23 June 2009

Mr Cox moved the recommendations from the Cabinet.

RESOLVED:

To approve the changes to the Financial Regulations, as set out in the Cabinet report.

5. Cabinet Recommendations – 13 July 2009

Mr Cox moved the recommendations from the Cabinet.

RESOLVED:

To approve the Treasury Management 2008-09 Annual Report.

6. Report of the Cabinet Meeting held on 23 June 2009

In moving the report, Mr Cox drew Members' attention to key items and invited questions.

Public Questions, paragraph 1

Mr Morse said that the response to Mr Martin's question concerning the proposal to publish details of the Register of Members Interests and Gifts and Hospitality on the Norfolk County Council website read as if this was a Conservative only initiative but the Liberal Democrat Group had supported this initiative throughout their campaign. Dr Boswell said that the Green Group had also supported this initiative.

Mr Callaby asked whether the publication of Chief Officers' allowance claims would include salaries as well as expenses. In response, Mr Cox said that Chief Officers' salaries were already published in the annual accounts.

Integrated Performance and finance Monitoring Report – Year End 2008/09, paragraph 3

Dr Boswell said that an analysis of sickness absence within the authority should be approached in a holistic way and stress reduction methods should also be taken into consideration. Mr Williams, Cabinet Member for Corporate and Commercial Services, said that the Cabinet was concerned about the overall levels of sickness and it may be that there were a few long term absences due to sickness that skew the levels and therefore the Corporate Affairs Overview & Scrutiny Panel had been asked to consider a detailed analysis of sickness absence.

Earlham High School: outcome of Public Notice Procedure, paragraph 5

Mr Scutter asked, in the light of the events at the Heartsease Academy would the administration ensure that it would use its member on the Governing Body, whom he believed was Mr Fred Corbett, and their position as sponsor at Earlham, to ensure that personnel policies followed by the new academies were ones the authority could be proud of.

Mrs Hutson, Cabinet Member for Children's Services confirmed that Norfolk County Council's appointed member on the Heartsease Academy Board was Mr Fred Corbett, Deputy Director of Children's Services.

Mr Little said that as part of Norwich City College's bid for the establishment of an academy at Earlham, they pledged that the 'community' would be 'at the heart of Academy proposals'. He asked whether Members could be assured that the Council would play its part in ensuring a high level of community consultation in the Academy's continuing formation.

Mr Bremner offered his congratulations to the Council for the consultations held concerning the Earlham Academy and asked that future consultations also include local residents.

Mrs Hutson, Cabinet Member for Children's Services confirmed that there had been a great deal of community consultation about the Earlham Academy.

Thetford Forum: funding Issues, paragraph 6

Mr Brindle offered his congratulations on the Council's commitment to the Thetford Forum. However, he asked that careful consideration be given to the siting of the new college to ensure access to the river frontage.

In response, Mr Cox said that this came under the remit of the Moving Thetford Forward (MTF) Body and it would be for MTF to consider this issue.

7. Report of the Cabinet Meeting held on 13 July 2009

In moving the report, Mr Cox drew Members' attention to key items and invited questions.

Local Member Issues/Member Questions, paragraph 2.2

Mr Scutter noted that the greatest vacancy position for frontline social workers in the last financial year had been 60% from April to August 2008 and as this level of vacant posts was not acceptable, he asked that the staffing levels in the Children's Services Central Area be looked at again.

In response, Mrs Hutson said that whilst it had been recognised that a 60% vacancy position between April and August was unacceptable, the authority had been unable to recruit additional social workers during that period, however, no children had been put at risk.

Local Member Issues/Member Questions, paragraph 2.3

Mr Morse asked why the views of local people concerning the issue of the flood sirens had not been taken into account. Walcott, which is part of Mr Morse's Division, was flooded in a sea surge in 2007; the Flood Wardens had found it difficult to evacuate residents because the sirens had not sounded. Also, residents did not trust the reliability of the Environment Agency's Floodline Warning Direct. Confidence in the Environment Agency had further diminished when they installed a buoy at Walcott to gather data which was subsequently swept away.

Mr Rice said that he had received fifty emails concerning the removal of the flood siren system and he asked why the administration were not listening to local people or liaising with the Police Authority and Environment Agency concerning this issue.

Mr Humphrey, Cabinet Member for Fire and Community Protection informed Mr Morse and Mr Rice that the concerns of the public had been considered by a Cross-Party Working Group and the views expressed had been conveyed to the Environment Agency and the Police Authority. The Environment Agency accepted that things had gone wrong in Walcott due to the high winds but lessons had been learned.

Mr Hannah asked whether Cabinet would take into consideration the proposal to use Community Engagement fund to keep the flood sirens in operation. He said that if flood sirens were lost then this could lead to flood volunteers stepping down.

In response, Mr Humphrey said that the Fire and Community Overview & Scrutiny Panel had proposed that the released sirens budget be used to promote community awareness.

Dr Strong asked what the administration had done in its fight against the Environment Agency and Police.

In response, Mr Humphrey said that the County Council had tried for two years to get the Environment Agency and Police to consider the sirens. The Manifesto was written early in the year when it had appeared that the Environment Agency had indicated a softening of their attitude. The Norfolk MPs were also at that time trying to influence the Environment Agency and the Police. They had not been successful. A letter from the Environment Agency received in May restated their opposition to the use of sirens. The Fire and Community Overview & Scrutiny Panel had made recommendations at its meeting on 14 July and these would be considered by Cabinet at a special meeting on Monday 27 July.

Mr Callaby asked why Council Officers had not researched costings to replace the existing flood sirens because he said the Environment Agency flood line system has not been proven to work.

In response, Mr Humphrey said that if the Police and the Environment Agency refuse to use the siren system there would be no point in replacing the sirens. The Environment Agency had been made aware of the lack of confidence in their warning system.

Local Member Issues/Member Questions, paragraph 2.4

Mr Nobbs said that it was disappointing that the motion from Mr Nunn concerning the Local Government Review (LGR) had been withdrawn because the extra Council meeting that had been called would have been the only chance for many elected Members to voice their opinions.

In response, Mr Cox said that two Special Council meetings were held last year to discuss the LGR and concluded with the motion passed by the Special Council meeting in September being endorsed by Cabinet.

Mr Morse asked whether the Council had taken any external legal advice prior to abandoning the additional Council meeting and he voiced concern that the costs involved would have to be paid by Norfolk Council tax payers.

In response, the Chairman advised that Members have the right to withdraw any motion they put forward. Mr Cox said that this was the cost of democracy. The cost to the Council in terms of legal advice had been £1200.

Overview and Scrutiny Panel Issues, paragraph 3

Mr Jones asked whether the Norse Group would have to sell assets or be forced into liquidation as a consequence of Contract A being abandoned and further, would there be a cost to joint partnerships.

In response, Mr Williams said that the Norse Group was an arms length company and further financial information would be commercially sensitive.

State of the Economy – Update, paragraph 4

Mrs Clarke said that the County Council had earmarked an earlier capital spend and she asked how much of this spend would be on work carried out by the Norse Group.

Mr Williams said he was not aware whether any of this work would be carried out by the Norse Group but he would provide Mrs Clarke with a written response.

Child Poverty: Response to Cabinet Scrutiny, paragraph 8

Mr Scutter asked the Leader to reconsider the appointment of the Cabinet Member for Children's Services as Member Champion for Child Poverty because he said that part of the role of the Member Champion was to challenge the authority.

In response, Mr Cox acknowledged that there may be a potential for conflicts to arise but on balance, there was no one better placed than Mrs Hutson to take on the role of Member Champion for Child Poverty.

Procurement of Phase One of the Residual Waste Treatment Project – Contract A, paragraph 11

Mr East said he was deeply disappointed that the County Council had terminated Contract A on cost grounds and he asked Mr Monson, the Cabinet Member for Waste and Environment to respond to the following questions:

- (i) Would Mr Monson not agree that the decision to terminate Contract A was taken with undue haste, before considering the consequences and/or implications of the limited alternative measures for the interim period between 2011 and 2015?

Mr Monson said that the decision had been given very careful consideration.

- (ii) Would Mr Monson not agree that Norfolk needs to be self-sufficient in waste management?

Mr Monson said that Norfolk needs to be self sufficient in the longer term and he was confident it would be. Precautionary measures had been taken to purchase space in neighbouring areas for the short term.

- (iii) Does Mr Monson believe that transporting Norfolk's waste over great distances such as to the Fibrefuel Incinerator at Slough was in any way wholly sustainable?

Mr Monson said that the Council does not believe that transporting waste over long distances was acceptable and therefore does not do so.

- (iv) To explain how the two-pronged approach of incineration and the transport of waste would succeed between now and 2015 and how this approach would accommodate 130,000 tons of biodegradable municipal waste disposals between 2011 and 2015.

Mr Monson said that during this period smaller scale schemes would allow the authority to handle waste locally and it is hoped that various local businesses with ideas on how to handle this waste would be enabled to do so.

- (v) To confirm that there has never been a substitute waste strategy in place in the event of the failure of Contract A until Contract B comes on stream in 2015.

Mr Monson said that the Council already has a robust Waste Strategy in place and, with the back-up Strategy Plan, the authority could overcome short term difficulties.

- (vi) Does Mr Monson agree that this saga smacks of crisis management and indicates a total lack of strategic thinking in waste management?

Mr Monson said that the Project Board had considered this very carefully and there had been no mismanagement. It is expected that Contract B would go ahead and every effort would be made to make it work.

Dr Boswell asked Mr Monson the following questions:

- (i) Had incineration been ruled out?

Mr Monson advised that incineration had not been ruled out. Contract B was planned to come on stream in 2015 when the best bid would be chosen. An extensive evaluation would be undertaken and if energy and waste was chosen, it would be because of the cost effectiveness. However, careful consideration would also be given to environmental issues. The authority does not intend to send waste for incineration out of County.

- (ii) Would the financial plan to bridge the gap between now and 2015 be shown to councillors and when would a robust financial plan be put in place?

Mr Monson advised that the costs would be made very clear and visible to all concerned and any decisions taken concerning the disposal of waste would only be agreed if it was cheaper than paying landfill costs and fines. Mr Monson said that he would respond in writing concerning the financial plan.

- (iii) Would a waste reclamation park be included as part of the bridging strategy?

Mr Monson said that a range of options would be considered, including waste reclamation.

8. Report of the Cabinet Scrutiny Committee Meeting held on 7 July 2009

RESOLVED: to note the report.

9. Report of the Standards Committee Meeting held on 2 July 2009

Mrs Middleton, Chairman of the Standards Committee, moved the report and invited questions.

Consideration of a Request from Members for a Dispensation, paragraph 1

Mr Nobbs said that councillors who are members of the Standards Committee had been deemed to have conflicts of interest and had been excluded from the Standards Committee meeting where the decision had been taken to grant dispensation to allow Council to debate Mr Nunn's motion. Further, he said that the Head of Law had advised him that all 84 councillors had conflicts of interest with regard to the Local Government Review and therefore he queried how any decision could be reached because if the whole Council is not allowed to vote on this decision for Norfolk, then he queried how the Cabinet could make a decision. He suggested that Mrs Middleton should ask the Standards Committee to look at this issue.

Mrs Middleton confirmed that this had been a unique situation because it involved all councillors including those who were members of the Cabinet. The Standards Board for England had advised that this was an unconsidered point in the drafting of the Act. Further, the Chairman said that some issues raised by Mr Nobbs were constitutional issues, not Standards Committee issues.

Mr Nobbs asked whether any pressure had been brought to bear on anyone to withdraw this motion.

Mrs Middleton advised this would not be a Standards Committee matter unless it was reported as such.

Mr Bearman questioned the lack of content contained with the Standards Committee report and he said that, in the interest of local democracy, this decision should have been reported to the Council in full.

In response, the Chairman advised that the minutes of the meeting would be presented in full at the next meeting of the Standards Committee but that all draft minutes are also published on the committee pages of the Council website once they have been cleared by the relevant committee Chairman.

Mr Morse asked whether the Standards Committee would be able to respond to a written question about how much time and costs had been involved for the Committee Members.

Mrs Middleton agreed she would be able to do to this.

Mr Jones asked whether Mrs Middleton accepted that the Standards Committee has a duty to be independent and he queried whether a precedent had been set in granting this dispensation.

In response, Mrs Middleton said that the Standards Committee had a duty of independence and the independent members of the Committee had come to an independent decision that the dispensation be granted.

RESOLVED: to note the report.

10. Report of the Audit Committee Meeting held on 29 June 2009

Mr Smith, Chairman of the Audit Committee moved the report and invited questions.

Risk Management, paragraph 8

Mr Little advised that the risk of climate change was not included on the risk register and asked if Members could be assured that this would be included as part of the Council's risk register.

In response, Mr Smith said that Risk Management would be discussed at the Corporate Affairs Overview and Scrutiny Panel meeting on 22 July and this matter would be raised.

Mr Jones asked that anyone appointed to the role of Member Risk Champion should be independent and that full training should be provided to them.

In response, Mr Smith said that this appointment had been deferred so that careful consideration would be given to the champion role prior to making a decision on the appointment of Member Risk Champion. Mr Smith also said that there would be a training session on risk management.

RESOLVED: to note the report.

11. Report of the Personnel Committee Meeting held on 22 June 2009

Mr Morse commented he was fully supportive of the approach chosen, as detailed in the report.

RESOLVED: to note the report.

12. Report of the Norfolk Health Overview and Scrutiny Committee Meeting held on 9 July 2009

RESOLVED: to note the report.

15. Report of the Planning (Regulatory) Committee Meeting held on 3 July 2009

RESOLVED: to note the report.

13. Report of the Joint Museums Committee Meeting held on 26 June 2009

RESOLVED: to note the report.

14. Report of the Norfolk Records Committee Meeting held on 26 June 2009

RESOLVED: to note the report.

15. Report of the Norwich Highways Agency Joint Committee Meeting held on 25 June 2009

Mr Adams, Chairman of the Norwich Highways Agency Joint Committee moved the report and invited questions.

Blue Badge Charges at Off-Street Surface Car Parks, paragraph 3

Mr East asked why it had not been deemed appropriate to canvass the opinion of a wider audience and adjoining local authorities, before introducing the revised blue badge fees and charges. Further, Mr East said that having studied the Impact Assessment which was a pre-requisite under the DDA and Equalities Act he believed the decision made was open to challenge.

In response, Mr Adams said that there had not been a great deal of consultation because charges for blue badge holders already existed and this agreement had simply been a revision of the existing charges for City Centre car parks. Mr Adams could not comment on how Norwich City Council engages the public in consultations.

Mr Bremner said that the County Council had a responsibility to disabled people to question the availability of disabled parking provision in Norwich.

In response, Mr Adams said that there were four voting members on the Norwich Highways Agency Committee and whilst he noted Mr East's concerns he advised that there was a Liberal Democrat member on the Norwich Highways Agency Committee with whom Mr East could have raised his concerns, prior to the decision being taken. However, Mr Adams agreed to pass on members' concerns.

RESOLVED: to note the report.

16. Appointments to Committees/Panels for the Ensuing Year

Mr Cox moved the report and noted the following appointments made by the Chief Executive under delegated powers:

- Mr J Herbert to the vacancy on the Personnel Committee
- Mr M Wilby and Mr M Kiddle-Morris to replace Mr B Borrett and Mr A Proctor on the Cabinet Scrutiny Committee
- Mr A Wright to replace Mr J Ward on the Planning (Regulatory) Committee
- Miss S Casimir, Mr T Garrod, Mr C Jordan, Mr A Tomkinson and Mr P Wells to the Panel of Substitutes for Regulatory Committee

RESOLVED: to note the report.

The meeting concluded at 11.50am.

CHAIRMAN



If you need this Agenda in large print, audio, Braille, alternative format or in a different language please contact Vanessa Dobson 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.