

Corporate Select Committee

Date: **Monday 9 November 2020**

Time: **10am**

Venue: **Virtual Teams Meeting**

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the Corporate Select Committee meeting of Norfolk County Council will be held using video conferencing.

To view the meeting online, please follow this link to the County Council Committees You Tube page:

<https://youtu.be/U0EH6ZAFNu0>

Membership:

Cllr K Vincent (Chair)
Cllr P Carpenter (Vice Chair)
Cllr N Dixon
Cllr C Foulger
Cllr T Jermy
Cllr C Jones
Cllr I Mackie

Cllr B Long
Cllr R Oliver
Cllr S Squire
Cllr M Stone
Cllr J Timewell
Cllr J Ward

A g e n d a

1 To receive apologies and details of any substitute members attending

2 Minutes

To receive the minutes of the previous meeting held on 14 September 2020

Page 5

3 Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 To receive any items of business which the Chair decides should be considered as a matter of urgency

5 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm Wednesday 4 November 2020**. For guidance on submitting a public question, view the Constitution at www.norfolk.gov.uk/what-we-do-and-how-we-

6 Local Member Issues/Questions

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Wednesday 4 November 2020**.

- | | | |
|-----------|--|-----------------|
| 7 | Human Resources and Finance System Transformation Project – Update
Report by the Executive Director of Strategy and Governance and the Executive Director of Finance and Commercial Services | Page 12 |
| 8 | NCC Recruitment update – Norfolk County Council
Report by the Executive Director of Strategy and Governance | Page 22 |
| 9 | 2020 Staff Survey Report and Next Steps
Report by the Executive Director of Strategy and Governance | Page 26 |
| 10 | Customer Services Update
Report by the Executive Director for Community and Environmental Services | Page 33 |
| 11 | Proposed Amendments to the Council Constitution
Report by the Executive Director of Strategy and Governance | Page 37 |
| 12 | Forward Workplan 2020/21 | Page 144 |

Note by the Executive Director of Strategy and Governance

Tom McCabe Head of Paid Service
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 30 October 2020



If you need this document in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or (textphone) 18001 0344 800 8020 and we will do our best to help.



Corporate Select Committee

Minutes of the Meeting Held on 14 September 2020 at
10 am as a virtual meeting

Present:

Cllr Karen Vincent (Chair)

Cllr Penny Carpenter

Cllr Phillip Duigan (sub for Cllr Ed Colman)

Cllr Colin Foulger

Cllr Terry Jermy

Cllr Chris Jones

Cllr Ian Mackie

Cllr Brian Long

Cllr Rhodri Oliver (from item 12)

Cllr Sandra Squire

Cllr John Timewell

Cllr Vic Thomson (sub for Cllr Nigel Dixon)

Cllr John Ward

Also Present:

Cllr Tom FitzPatrick (Cabinet Member for
Innovation, Transformation and
Performance)

Cllr Margaret Dewsbury (Cabinet Member for
Communities and Partnerships)

Cllr Andrew Jamieson (Cabinet Member for
Finance)

1A Apologies for Absence

1A.1 Apologies for absence were received from Cllr Ed Colman and Cllr N Dixon.

1B Election of A Vice-Chair For The Day

1B.1 The Committee RESOLVED

That, in the absence of Cllr Ed Colman (who had given his apologies for the meeting), the Committee elect Cllr Penny Carpenter as Vice-Chairman for the day, to deal with any issues that might arise in this meeting, should the Chairman experience connectivity issues as a result of being unable to maintain an internet connection.

2 Minutes

2.1 The minutes of the meeting held on 13 July were agreed as an accurate record and signed by the Chairman.

3 Declarations of Interest

3.1 There were no declarations of interest.

4 **Items of Urgent Business**

There were no items of urgent business.

5 **Public Question Time**

5.1 There were no public questions.

6 **Local Member Issues/Questions**

6.1 There were no local Member questions.

7 **Business Transformation (Smarter Working) Programme Update**

7.1 The annexed report (7) by the Executive Director of Strategy and Governance was received.

7.2 The Committee received a report about how the County Council and wider Norfolk Resilience Forum had put in place a 3-phased plan in response to the Covid-19 Pandemic that moved from response, through a period of normalisation, to recovery. It was expected that the normalisation period would extend well into 2021. The report described the current state of Business Transformation and the key focus areas for the next 6 months that arose from the extended normalisation phase.

7.3 Cllr FitzPatrick (Cabinet Member for Innovation, Transformation and Performance) covered the Introductory section of the report and specifically the references to the Council making better use of technology to enable colleagues to find more effective and smarter ways of doing things in a modern and business-like way.

7.4 During discussion the following key points were noted:

- The report provided an update on those strands of activity within the Business Transformation (Smarter Working) Programme that were previously reported to Committee in July 2020.
- Appendix A to the report provided an additional update on the HR and Finance System Transformation Programme, prior to a more detailed report being brought to Committee in November 2020.
- The key point was that the go live date for the replacement of the existing HR and Finance systems with a single integrated solution had moved to November 2021. Covid-19 had made for just a one-month delay to the original planned go live date and had led to significant early progress in key areas of the programme.
- The health and safety of County Council staff during the pandemic was being monitored through the work of the existing health and safety support help line and through closer working of managers and their staff. Councillors will be updated about possible changes in ways of working, including

smarter working arrangements and future property use through the Political Assistants and were asked to channel comments about these matters through them.

- In reply to questions it was pointed out that when the review of traded services and of arm's length companies was set up it did not include within the terms of reference the services provided by Norse. This was because Norse had clear governance and working practices in place. It was suggested by Councillors that because circumstances had changed substantially since the start of the traded services review Norse Care should be examined in terms of commercial opportunities and the challenges faced by the Council in protecting the adult social care market in Norfolk.
- Councillors drew attention to the work to enable Districts to better detect and prevent council tax errors and fraud. The Executive Director for Finance and Commercial Services said that the County Council was analysing data to check that the correct discounts were being claimed and to understand the effect of Covid-19 on falling council tax collection rates.
- The Chairman stressed the importance of greater collaboration and improvement of processes to secure additional inward funding through successful external funding bids. The Executive Director of Strategy and Governance said that this area of work was about optimising the Council's ability to obtain external funds and bring in additional funds. This work was stalled as a result of Covid-19 and now needed to be taken up as a priority.
- Councillors spoke about the additional savings that could be made from the pace of digitisation and from embedding digital print, post and storage into normal ways of working.

7.5 The Committee **RESOLVED**

- 1. That in agreeing to the focus areas for the Council's Business Transformation over the next 6 months Committee they were keen to see progress in the following areas:**
 - **greater collaboration and improvement of processes to secure additional inward funding through successful external funding bids;**
 - **the work to enable Districts to better detect and prevent council tax errors and fraud;**
 - **additional savings that can be made from the pace of digitisation;**
 - **current and future ways of working for Councillors, including future property use, will be channelled through Political Assistants.**
- 2. To agree that a further report be made to Select Committee, with an updated plan that takes business transformation forward from the new baseline, in January 2021.**
- 3. To agree that a more detailed update in respect of the HR and Finance System Transformation Programme be brought forward to the November 2020 meeting.**

- 8.1 The Committee received a PowerPoint presentation (by Geoff Connell, Director of IMT and Chief Digital Officer) and a report (9) by the Executive Director of Finance and Commercial Services that summarised progress made in the delivery of plans to improve the availability and use of digital infrastructure, systems and data since the last update in January 2020. (The presentation was made available on the committee pages website at the end of the meeting)
- 8.2 In his introductory comments Cllr FitzPatrick (Cabinet Member for Innovation, Transformation and Performance) said that the current top priorities of the Strategy were developed as part of the “Caring for our county” 3 Year Strategic Plan in early 2018. The work programme that arose from the strategy was delivered as part of the Norfolk Futures Transformation Programme.
- 8.3 Cllr FitzPatrick drew the Committee’s attention to the invitation that Councillors had received to the official launch of the LoRaWAN (Long Range Wide Area network) which would be held with colleagues from Suffolk tomorrow evening. This would be the largest free to use public sector LoRaWAN deployment in the UK.
- 8.4 The presentation by Geoff Connell, Director of IMT and Chief Digital Officer covered:
- 2018 Digital Norfolk strategic plans
 - Progress & achievements
 - 2020/21 Priorities
 - Impact of Covid-19 on the Strategy
 - Technology Roadmap to 2030.
- 8.5 In summary, the strategy showed that the County Council was committed to bringing world class digital connectivity to Norfolk to support business growth, social mobility, tourism, efficient public services and quality of life for our residents. The strategy also showed that the County Council was committed to digitally enabled new ways of delivering services and achieving outcomes that provided new opportunities to transform services to cope with funding cuts and growing demand. Good progress continued to be made in the delivery of the strategy, and the input of the Committee was welcomed as Norfolk moved forward into the 2020s.
- 8.6 During discussion the following key points were noted:
- Members thanked Geoff Connell and his team on the truly outstanding work that they were doing and for what was a detailed presentation.
 - Members of the Committee were recommended to take up the invitation to attend the launch of the LoRaWAN (Long Range Wide Area network) on the evening of 15 September 2020.
 - It was pointed out that the use of robotics had freed up the time of qualified technical and front-line staff and had made for improved council response times.
 - Further information on how the Council was meeting the My Norfolk account holder targets would be made available to Councillors outside of today’s meeting.

- With reference to paragraph 4.9 of the report it was noted that both of the new Covid-19 response systems were made possible by the use of new and cheaper technology, the support of Microsoft and agile working by Council staff. Many important lessons had been learnt that would be applied when implementing other response systems.

8.7 **The Committee RESOLVED**

- 1. To give their full support to the good progress that is being made towards delivery of the Digital Norfolk Strategy.**
- 2. Agree to receive a further update report in January 2021 to consider and further refine the revised and extended Digital Norfolk Strategy for the 2020s.**
- 3. For Councillors to receive an update outside of the Committee on how the Council is meeting My Norfolk response targets.**

9 **Norfolk PLC Update and consideration of NCC recruitment**

- 9.1 The annexed report (9) by the Executive Director for Community and Environmental Service and the Executive Director, Strategy and Governance was received.
- 9.2 The report provided an update on activity to date, including key points from presentations that a cross-party Member Task and Finish Group (MTFG) (chaired by Cllr Ed Colman of this Committee) had received from New Anglia Local Enterprise Partnership and Norfolk Chamber of Commerce, as well as future research and development priorities proposed by the Group.
- 9.3 During discussion the following key points were noted:
 - Councillors referred to the experience of the #LoveWestNorfolk and #WorkWestNorfolk campaigns. The lessons learned from this experience were being looked as part of the Norfolk wide concept.
 - Councillors also referred to the importance of supporting the sustainability of smaller niche entrepreneurs and larger Norfolk employers, a visit by the Tourism Minister in August 2020 and the work of the East of England Tourism Board in putting together a bid for Norfolk to be one of five English tourism zones.
 - Reference was also made to work to support people who were living and working remotely in Norfolk.
 - The Chairman agreed to take up at the Member Task and Finish Group the very strong working relationship that the Council had with the UEA and how the Council could work more closely with the UEA in the recruitment of more highly skilled people to live and work in Norfolk.
 - The Committee referred to the significance of the Norfolk Kickstart programme. Officers pointed out that this programme would go live in November 2020 and that 6,000 young people in Norfolk were eligible to take part. Councillors would be kept informed of progress with the programme.

9.3 The Committee RESOLVED

To acknowledge and support the work that the Working Group has done to date and the feedback on the direction of travel and next steps.

10 Scope of Review of Unconscious and Structural Bias

10.1 The annexed report (10) by the Executive Director of Community and Environmental Services was received.

10.2 The Committee was informed that the purpose of the review was to enable the Council to fully understand whether and to what extent there was or might be unconscious or structural bias in how it worked or communicated as an organisation. The County Council had agreed a motion on equality, diversity and inclusion at Full Council on 20 July 2020.

10.3 The outline timetable, at this stage, was as follows:

September 2020 Agree scope of the review (as set out in the report)
By end January 2021 Phase 1
By end April 2021 Phase 2
May/June 2021 Phase 3.

10.4 The Committee RESOLVED

- 1. To agree the scope of the review, as set out in the report.**
- 2. To agree the outline timetable for the review and that initial findings will be brought to Select Committee to review and consider.**

11 Strategic Asset Management Framework

11.1 The annexed report (11) by the Executive Director for Finance and Commercial Services was received.

11.2 The Head of Property pointed out that officers across the Council were considering their services' medium-term property requirements following Covid-19 guidance and how Smarter Working could enable better ways of working. These conversations were scheduled to continue through September and October 2020.

11.3 The Chairman asked for a date for the next meeting of the Working Group to be agreed by email outside of this meeting. Councillors spoke about the impact of Covid-19 and supported a further and final meeting of the Working Group.

11.4 The Committee RESOLVED

To note the update on key activity set out in the report and request a further meeting of the Working Group.

12 Norfolk County Council Budget Planning 2020-21

- 12.1 The annexed note (12) by the Executive Director of Strategy and Governance and the Executive Director of Finance and Commercial Services was received.
- 12.2 The report set out the latest information about the 2021-22 Budget in order to support Select Committee discussion and enable them to provide input to the October meeting of Cabinet to inform budget decisions. A similar report was being presented to all the Select Committees.
- 12.3 Cllr Andrew Jamieson (Cabinet Member for Finance) introduced the report and referred to approach that was being taken by the Cabinet.
- 12.4 Councillors said the County Council awaited a Government announcement about the White Paper on Adult Social Care and plans for the devolution of local government in Norfolk. Councillors also spoke about the difficulty that the Committee had in commenting on broad budget planning proposals that were not yet set out in enough detail. It was suggested that broad budget planning proposals should be brought to the Committee in July each year so as to provide more focus and that this should be suggested for future years.
- 12.5 In reply to questions the Chairman said that she had followed up on action agreed by the Select Committee in March 2020 regarding the additional use of LED street lighting. The Executive Director of Finance and Commercial Services said that Cabinet had agreed to allocate an additional £8.5m in capital investment to LED street lighting.
- 12.6 The Head of Property confirmed that the Council was examining the possibility of making an application to the Land Release Fund but that it was too early to go into the detail.
- 12.7 **The Committee RESOLVED**
- To note the key issues for 2021-22 budget setting and the broad areas proposed for savings development in relation to the services within the Select Committee's remit, in order to provide input to the October Cabinet meeting and inform saving proposals put forward.**
- 13 **Performance Reporting Framework: proposal to develop a new reporting mechanism and a new set of Corporately Significant Vital Signs**
- 13.1 The annexed note (13) by the Executive Director of Strategy and Governance was received.
- 13.2 Cllr Tom FitzPatrick (Cabinet Member for Innovation, Transformation and Performance) in introducing the report said that corporately significant vital signs were reported to Cabinet on a regular basis. The proposal to develop a new reporting mechanism and a new set of Corporately Significant Vital Signs would provide key information on the Council's progress towards its strategic outcomes.
- 13.3 The Chairman said that workshops detailed in the report were due to be held in late October 2020.

13.4 The Committee RESOLVED

- 1. Acknowledge the impact of Covid-19 on the revision of the vital signs.**
- 2. Agree to a series of Member workshops as detailed in the ‘Member Involvement’ section of this report.**
- 3. Acknowledge and comment on the proposed reporting mechanisms.**

14 Corporate Select Committee Forward Work Plan

14.1 The annexed note (14) by the Executive Director of Strategy and Governance was received.

14.2 The Committee RESOLVED

- 1. To agree that meetings are structured as set out in the note.**
- 2. To endorse the areas of focus for future meetings subject to any changes by the Chair and Vice Chair to accommodate the review of the Council’s constitution at the November 2020 meeting.**

Chair

Report to Corporate Select Committee

Item No 7.

Report title:	Human Resources and Finance System Transformation Project – Update
Date of meeting:	9 November 2020
Responsible Cabinet Member	Cllr Tom Fitzpatrick Cabinet Member for Innovation, Transformation and Performance
Responsible Director:	Fiona McDiarmid, Executive Director, Strategy and Governance Simon George, Executive Director, Finance and Commercial Services
Executive Summary/Introduction from Cabinet Member <p>This report is to provide an update to Corporate Select Committee on the actions that have been taken since the last substantive report in July 2020</p> <p>The HR and Finance Transformation Programme has progressed into its implementation phase with activity being focussed on</p> <ul style="list-style-type: none">• Identifying the specific configuration, both functional and technical, required to support realising the strategic benefits and savings associated with the system implementation.• Aligning to the configuration decisions and understanding the business adoption required to gain full benefit of the configured solution.• Ensuring that business adoption is planned appropriately, and stakeholders involved in the system implementation identified. This enables an assessment of the change impact for each specific group supporting the development of appropriate plans, including communication and engagement plans. <p>This is a key point in the programme where it will be important to remain firm in the resolution to implement as far as is possible the standard processes within the system as this will maximise the benefits to be achieved.</p> <p>Actions Required</p> <p>Select Committee is asked to consider the progress made to date, to offer any insight to support the implementation and to specify any further areas of assurance required.</p>	

1. Background and Purpose

In May 2019 Cabinet considered the business case developed to assess the options for replacing the County Council's core and peripheral Human Resources (HR) and Finance systems with a view to transforming service delivery and to realise savings. By replacing the systems and transforming processes, it is estimated that from

2022/23 (post implementation) net 10-year savings of £20m could be realised, with further potential savings of up to an additional £11m over that 10-year period being enabled as part of wider business transformation programmes. The business case concluded that of the options, a cloud based integrated Enterprise Resource Planning (ERP) system was the best fit to the Council's present and future requirements.

Cabinet also asked the Corporate Select Committee to oversee the programme reporting any issues to Cabinet. Corporate Select Committee have received reports in May and November 2019 and February, July and September 2020. Additionally Member workshops were held in October 2019 and February 2020 to engage Members in the scope of the programme, the technology available and the opportunities presented to transform service delivery and realise savings.

In February 2020 Cabinet approved that the decision to award the contract be delegated to the Executive Director of Strategy and Governance, as Programme Sponsor, in consultation with the Executive Director of Finance and Commercial Services, the Leader of the Council and the Cabinet Member for Innovation, Transformation and Performance. The contract for the system was awarded to Oracle and that for the Systems Implementer to Oracle Consulting Services (OCS).

As previously reported, the decision to award the contract coincided with the move to lockdown in response to Covid-19. There was recognition at that time that inevitably the go-live date of October 2021 would be missed because of the impact on the ability of all parties (system supplier, systems implementers and NCC) to deploy resources as originally planned. However, the addition of a 6-month transition phase to the programme protected the prices secured through procurement and allowed the opportunity for resource levels to stabilise.

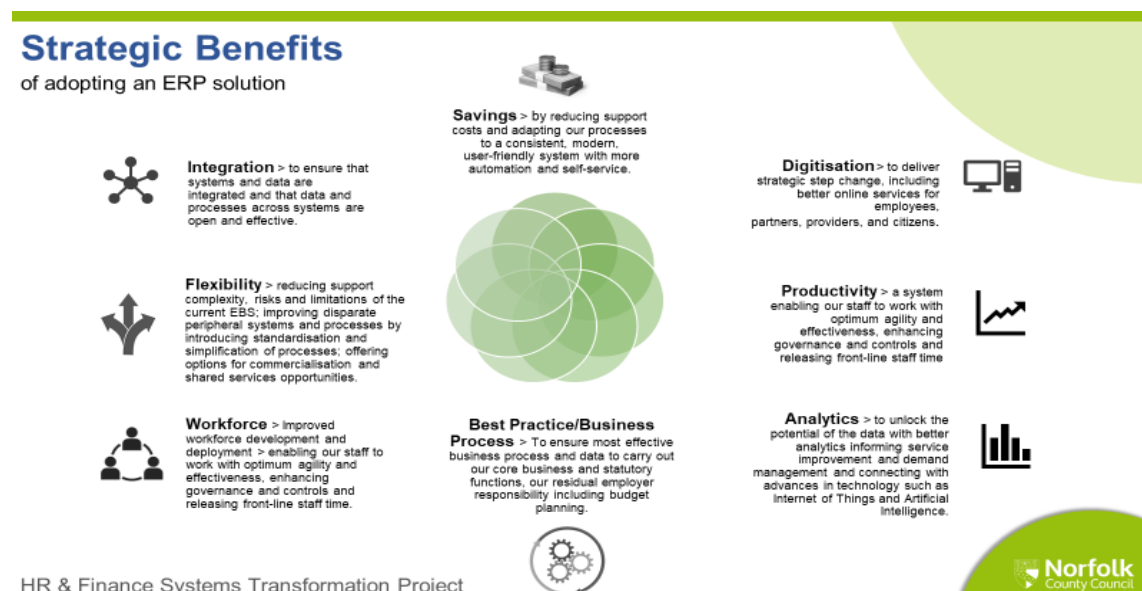
Having awarded the contract with the start of implementation being deferred for up to 6 months, an early task was to agree the point at which the programme moved from the newly added transition phase to implementation. The analysis considered a number of factors and concluded with the decision to begin the Implementation Phase in June 2020.

Further work was also been undertaken to challenge the earliest technically achievable go-live date. Consideration was given to a range of factors to ensure that the selected date was realistic but also challenged the programme to deliver at pace. The appraisal identified the optimal date as being a go-live of November 2021. The significant factors in coming to this decision were financial risk associated with a later go-live date, both in terms of direct costs but also in delayed benefits realisation, and the business impact of the go-live proximity to end of year activities.

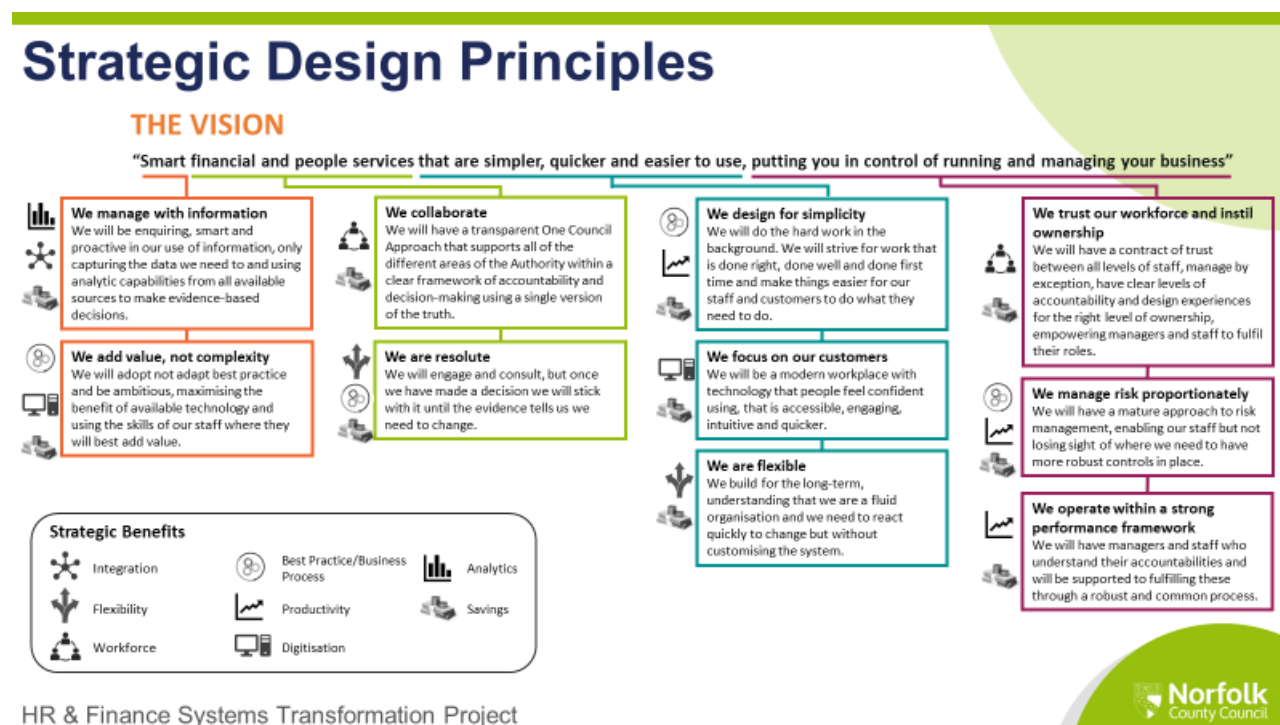
Work on gaining familiarisation with the functionality and to agree system design has largely been completed. The scope of the functionality we are working with is detailed at Appendix A. Throughout this process business adoption challenges of utilising the "out of the box" best practice processes have been and will continue to be captured.

The purpose of this report is to advise Corporate Select Committee of the progress made to date in delivering the configured system but also in identifying the business adoption challenges and work in plan to address these.

As a reminder, the project is based on realising these benefits:



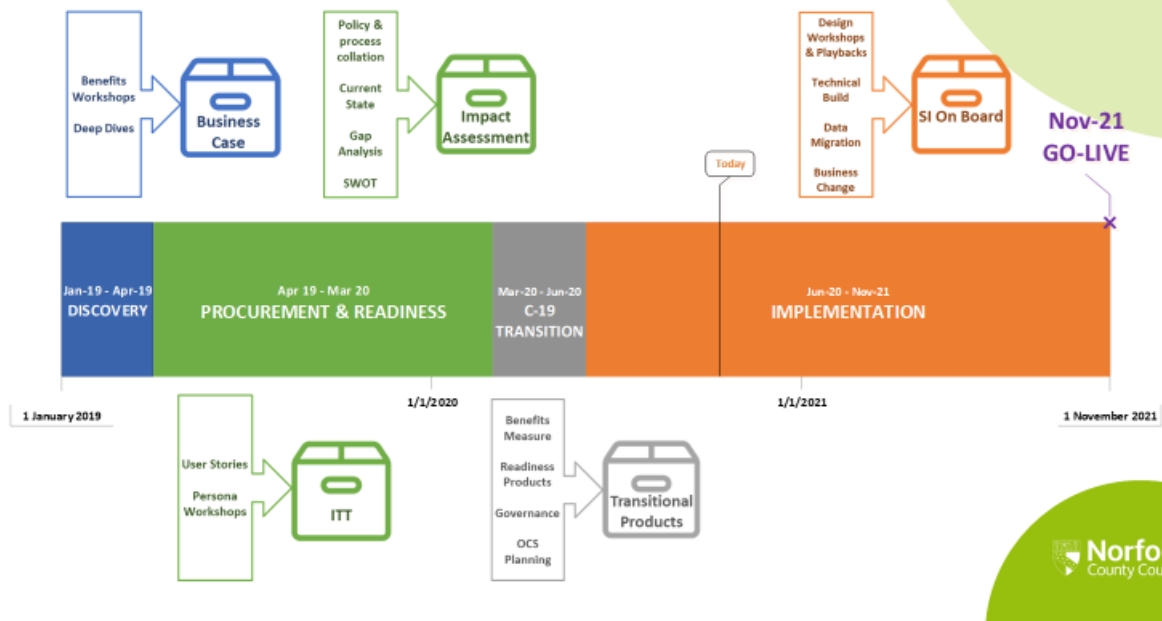
To guide the work during the system familiarisation phase and to keep the focus on benefits realisation, we adopted a number of design principles. These are:



2. Summary Progress to Date

2.1 Progress against plan currently is as follows:

Progress & Plan



- 2.2 Over 70 design workshops have been held to support us to gain an understanding of the system functionality and for the Systems Implementer, Oracle Consulting Services (OCS) to gain an appreciation in detail of our requirements. The workshops covering both functional and technical aspects, were supported by the completion of detailed questionnaires that captured information to support the configuration of the system. The workshops and questionnaires will enable OCS to produce a system that is 80% configured to our requirements. This will be demonstrated to us at a series of “process playback” sessions. The output from the this first round of process playbacks results in the identification of the remaining 20% configuration requirements leading to a fully configured system that is then taken into a structured testing phase.

OCS’s response to our initial Invitation to Tender described this phase as follows:

- When the initial application has been configured, it will be validated with representatives from NCC business owners to confirm that the application configuration design is appropriate.
- This validation takes place in Process Playback workshops where OCS consultants will walk through the processes on the system using user journeys and business scenarios.
- Decisions, gaps and actions agreed will be documented and processed outside of the workshops.
- Agreed changes will be made to the configuration shown at Process Playback 1 and a second Process Playback will be conducted.
- Process Playback 2 will focus on the changes to the configuration.
- There are only two Process Playbacks.
- Process Playback 2 will be limited to 20% of the Supplier processes and associated configuration.
- Representative small volume manufactured data will be used in the Process Playbacks.

- 2.3 The solution offered brings functionality that will allow us to standardise, rationalise and improve processes and will form part of a wider programme of work to deliver the planned business benefits.

The investment approval to replace the HR and ERP Systems is predicated on

- “Adopting not adapting” new cloud technologies
- Using technology as a key enabler for driving transformation in ways of working
- Delivery of value through increased efficiencies
- Willingness to critically review and re-engineer business processes
- Embracing the value of data to inform decision making

In order to deliver our business case effectively we will be;

- Introducing new, or changing business processes
- Amending current operating models and services provided
- Reviewing the structure of the organisation held within the system
- Revising ways of working and the future role of employees
- Introducing enabling technology and required new skills and knowledge
- Changing behaviours and driving manager accountability and engagement
- Introducing new, or revised policies

2.4 At this stage we are in the process of considering the opportunities and the challenges of adopting the standard business processes. This work is being supported by Business Adoption Consultants from OCS. The in depth understanding of the technology that OCS has is allowing us to consider alternative, but still standard, ways of achieving our desired outcomes but that may represent an easier transition for the organisation. This work will result in a structured analysis of the business impacts and an assessment of the changes required so that appropriate plans can be put in place. Workshops to analyse this continue through October and November.

2.5 The business impacts identified have been considered from the perspective of the major system users. This will allow action plans to be tailored to our major user groups. This work is being supported by SocITM who have considerable experience of working with local authorities similar to ourselves. For example, those managers who will complete HR, finance or procurement activities will be touched by the system implementation as follows:



A similar analysis for employees has also been completed:

Oracle Cloud; Employee Self-Service



3. Next Steps

- 3.1 We will continue to analyse what actions are needed to realise the benefits of the system functionality as we progress through the process playbacks and see the configured system and the processes it supports.

Implementing systems creates a need for change in some parts of how organisations currently do things. It is important that these are identified as early as possible and mitigations put in place to ensure that we are ready to go live successfully. Oracle's Business Adoption team have worked in partnership with NCC Business Analysts to identify potential impacts in the familiarisation sessions. We have documented, analysed and prioritised the impacts and have identified high level actions that will address these. Once approved, these actions will feed into an Impact Action Plan (part of the overall Programme Readiness Plan) to align and manage the change alongside the technical solutions implementation. Project Initiation Documents (PIDS) have been developed for actions that require significant effort and resourcing from cross-functional teams. To support this very important area of business adoption, an invitation to tender has been released to market to support the procurement of a change partner who can bring both Oracle expertise and local authority experience to ensure we have the best possible opportunity of deriving maximum benefit.

- 3.2 Workshops to consider the business impacts in detail are scheduled throughout late October and November where the action plans will be developed. Alongside this will be the further work to identify all the stakeholder groups.
- 3.3 The stakeholder analysis that is underway is also critical to our communications and engagement activities that can begin in earnest as the system configuration becomes clearer. These communications and engagement activities are key to the wider acceptance of the system and have started with Executive Directors and their teams and thereafter will extend into the wider organisation. We expect to create various manager and employee engagement groups to support these activities, but the next period will see these proposals being brought forward for consideration.

4. Financial Implications

The Programme budget has been realigned following the contract procurement within the same cost envelope agreed by Cabinet to reflect the actual prices achieved. The overall budget is currently on track, with some pressures on project team costs as a consequence of needing to engage Agency workers in key roles, where direct recruitment has not proved possible.

5. Resource Implications

- 5.1 Staff: The Programme team had been impacted by C-19 response activity. We have now seen a return of all bar one individual who is still required to support emergency response activities. The programme is also impacted by the availability of the wider teams needed to support implementation. Effort is being put into ensuring that those areas of the HR and Finance teams who are needed to support the work of the programme understand what is required of them and by when.

A Head of HR and Finance Programme (equivalent to a Programme Director) has been appointed in order to ensure appropriate leadership of the Programme team during the critical implementation phase. Diana Dixon will be taking up this position during the coming weeks and will be fully in post by end November.

Attempts have been made to recruit to two critical roles within the Programme Team without success. As a result, agency workers have been engaged to fulfil the roles of Data Migration Manager and Functional lead for Payroll.

- 5.2 Property: N/A

- 5.3 IT: Strong relationships exist between the project and IMT and the Head of IMT is a Programme Board member

6. Other Implications

- 6.1 Legal Implications: Legal advice is being sought as and when it is required, for example to ensure data management and security provisions are robust.

- 6.2 Equality Impact Assessment (EqIA)

A high-level EqIA has been prepared. The detailed EqIA is being completed as we move through implementation.

- 6.3 Any Other Implications:

Officers have considered all the implications which Members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

7. Risk Implications/Assessment

- 7.1 Corporate Select Committee required the project to be added to the Corporate Risk Register. This has been done (risk reference RM027 - Risk of failure of new Human Resources and Finance system implementation). Programme risks are scrutinised through the Programme governance structures. The corporate risk RM027 continues

to be managed and closely monitored. The risk details are attached as Appendix B for information.

- 7.2 The current Covid-19 outbreak represents the highest risk to the programme. It is managed weekly and has been the subject of a detailed risk workshop involving both NCC and OCS. Two key aspects of this risk are the potential loss of resources and the impact that remote working is having on the day to day working of the NCC and OCS teams where traditionally individuals would have worked together in a shared location. In mitigation, commitment has been given that the resources allocated to the Programme will not be diverted to Covid activity during the implementation phase. To support effective working of the joint team, we are exploring different technology options and also arranging frequent, short touchpoint meetings to keep the discussions flowing. This however, is not as beneficial as being able to work collaboratively in a co-located team where information and learning can be shared informally /organically.

8. Actions Required

- 8.1 Select Committee is asked to consider the work completed to date, the next steps as described in paragraph 3, to offer any insight and indicate any areas of assurance required for the next meeting.

Background Papers

Cabinet Report – 20 May 2019
Corporate Select Committee report – 28 May 2019
Corporate Select Committee – 14 November 2019
Cabinet Report - 3 February 2020
Corporate Select Committee – 13 July 2020
Corporate Select Committee – 14 September 2020

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

Officer Name Debbie Beck / John Baldwin /Diana Dixon

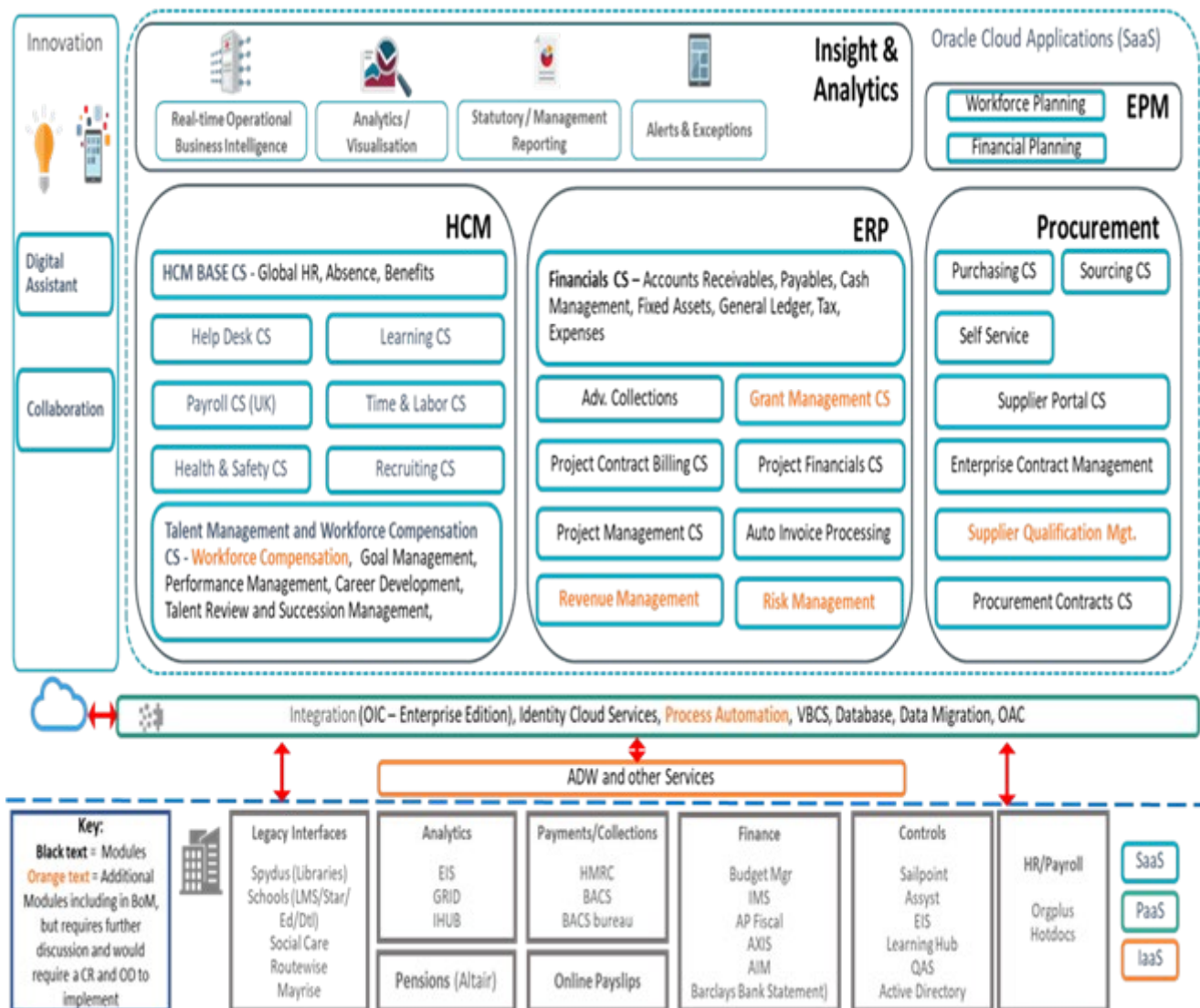
Tel No 01603 638150 / 01603 973946 /01603 306184

Email address debbie.beck@norfolk.gov.uk / john.baldwin@norfolk.gov.uk / diana.dixon@norfolk.gov.uk



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

Appendix A Functionality in Scope



Appendix B

Risk Number	RM027					Date of update		15 October 2020		
Risk Name	Risk of failure of new Human Resources and Finance system implementation									
Portfolio lead	Cllr. Tom FitzPatrick					Risk Owner		Fiona McDiarmid		
Risk Description					Date entered on risk register			16 August 2019		
Risk that there is a significant impact to HR and finance services through potential lack of delivery of the new HR & finance system. Overall risk treatment: Treat										
Original			Current			Tolerance Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
2	5	10	2	5	10	2	2	4	Sep-21	Green
Tasks to mitigate the risk										
1) Programme has moved from procurement phase to Implementation as planned 2) Rigorous monitoring of risk occurs at Programme level on a weekly basis with significant risks escalated to Programme Board for management. Particular attention is being paid to the risk to the project of being impacted by any Covid-19 resurgence that may affect NCC and / or Implementer teams causing a delay and associated cost. Mitigation of this includes agreement to protect the project team resources such that they remain aligned to the programme (at one stage 50% of team had been moved to C-19 response) 3) Programme management team from NCC and Systems Implementer jointly develop plan with formal sign off underpinned by contractual stage payments 4) Initial impact of Covid-19 mitigated by the addition of a new transition stage into the plan 5) Programme governance revised to reflect move to Implementation 6) Corporate Select Committee continue to oversee the programme										
Progress update										
1) Cabinet via delegated approval to Exec Director S&G (in consultation with ED for FCS, the Leader and Cabinet Member for Innovation, Transformation and Performance) endorsed the award of the contract to Oracle Consulting Services implementing a cloud Oracle solution as planned. 2) On-going visibility of the plans via Programme Board, also the Corporate Select Committee continues to offer oversight. 3) Strong engagement from HR and Finance into the familiarisation stage of the programme which supports system design decisions 4) Eight benefit themes applied to the project from the outset underpin all design discussion / decision, programme board are responsible for delivering against these benefits. 5) Governance managed by project board and programme board for project plans and budget. 6) Strong management of the familiarisation process by both NCC and the Systems Implementer to ensure remote ways of working are not impacting the quality of the engagement or decision-making 7) Robust risk management in place, particularly in respect of C-19 and the potential impact this could have on timescales and costs 8) Business impacts being captured as familiarisation with the software solution develops - will inform procurement of a change partner to support business adoption of new ways of working that underpin realisation of savings										

Corporate Select Committee

Item No 8

Report title:	Recruitment update – Norfolk County Council
Date of meeting:	9 November 2020
Cabinet Member	Cllr Andrew Proctor, Leader
Responsible Director:	Fiona McDiarmid, Executive Director, Strategy and Governance
Responsible Officer	Sarah Shirtcliff, Director for People

Executive Summary

Attracting and retaining the right talent to Norfolk County Council remains a key priority in addition to our role to work alongside other key stakeholders in promoting opportunities which supports our economy and our communities

This report is designed to update on this work, set out proposed priorities reshaped in the light of COVID and world attention on equality.

Following the Corporate Select Committee on 9 March 2020, work is being led through the Director for Economic Development to shape our proposition to market “Norfolk PLC” which was discussed on 14 September 2020.

This paper brings an update on progress to develop our Norfolk County Council recruitment brand and requirements to attract the right talent and skills to us. A presentation is provided on our work and insights between March and August 2020 with comparisons back to 2019.

Additionally, we support the work across Norfolk to promote and attract candidates to carers roles through NorfolkCareCareers and insight is provided on this work in partnership with key stakeholders across Norfolk.

In summary the landscape of recruitment progressed during lockdown with successful remote interviews and support to new starters when joining NCC (onboarding). We received a higher number of applications between June and August indicating a willingness of a skilled workforce to move and relocate to Norfolk following a lull in April to May. Our focus in this period has been to develop our social media presence and NCC website to support our online presence and brand awareness.

- Reviewing our progress this year, we have identified a number of key priorities noting the different context we are operating in with higher demand for roles, and an expectation that we will proactively demonstrate our position as an inclusive employer. Priorities include:
- Targeted attraction campaigns to increase applications for challenging roles to fill using specific recruitment marketing activity to reach our target audience. An example includes reaching out to underrepresented groups through our Firefighter campaign to increase diversity

- Review end to end recruitment to reduce time to hire from its current timeline of 37 days using remote interviewing. Reducing time to hire can reduce temporary employment costs of agency workers.
- Continue to develop our careers pages to engage a wider audience of Our Deal
- Develop our offer as an inclusive employer enabling our colleagues to thrive in a workforce that is representative of the diverse communities, we serve
- Implement functionality to support recruiting managers with higher volumes of applications due to the current job market

Actions Required:

Corporate Select Committee are asked to consider the insights and progress and to agree the priorities identified.

1. Background and Purpose

- 1.1. In February we identified a number of workforce challenges which exist for NCC. Our workforce is an aging one with 8% of workforce under age 24, 26% of the workforce aged over 55 and more likely to plan to retire, 39% of the workforce aged 40-55 and more likely to stay with the potential for multiple careers. Due to attrition, 12% of our workforce joined in the last 12 months.
- 1.2. Nationally, the demographics are such that there will be a reduced economically active younger workforce and by 2037 1 in 3 people will be aged over 65, potentially needing to remain economically active, or conversely needing increased care.
- 1.3. Norfolk currently has 3000 vacancies within health and social care mirroring a national shortage.
- 1.4. Within NCC, we evidence recruitment challenges across a number of professional groups including senior leaders, social workers, engineering, lawyers and teachers.
- 1.5. We have reviewed our progress over the last 6 months to identify any impact from COVID to roles being advertised, number of applicants, and our success in filling roles. Within NCC overall, within the last 6 months, we have received more applications rising to 7163 over a rolling 6-month period compared with 4600 applicants in February's rolling 6-month period. 32% of all applicants are applying for social care roles.
- 1.6. Over the past year NCC has recruited 1527 new employees. The number of new starters was steady throughout March and April (start of lockdown) with a reduction between May and August. We also saw a lower number of leavers in April and May, with levels generally lower than 2019 throughout. We did see a significant dip in adverts, applicants and offers during April and May but these have generally returned to pre-covid levels since June.
- 1.7. We are pleased to confirm our progress and commitment to inclusion and diversity. We are a Disability Confident leader and Silver Winner (2019) of the Employer Recognition Scheme through the Armed Forces Covenant, enabling us to demonstrate our commitment to inclusion and diversity.
- 1.8. We will continue to ensure that our hiring managers and leaders are aware of and eliminate unconscious bias in the recruitment process, through training in

understanding and eliminating bias from decision making and moving to anonymous applications when HR systems allow.

2. Key Issues/Proposals for Members to Consider

- 2.1. The recruitment and talent landscape for Norfolk County Council is changing. Whilst the demographics of our workforce have remained unchanged since our last report, the economic landscape is a challenging one and we are seeing an increase in applicants seeking security of employment.
- 2.2. Our recent significant changes to how we work has caused the organisation to adapt remarkably applying new digital skills, managing staff remotely, and adapting to working from home. We anticipate these will continue to be characteristics and we will need to attract individuals who are adaptive to this new world of work.
- 2.3. We acknowledge that our need to reduce cost in the workforce in light of budgetary challenges will necessitate a thorough review of roles as we move forward into the coming year. This includes continuing to focus on hard to fill roles and reduce agency spend (social workers).
- 2.4. We also recognise that the current UK labour market could also mean improved retention through fewer external opportunities available to those who may have previously considered leaving the Council.
- 2.5. Our recent dialogues with colleagues in Norfolk County Council has rightly flagged and brought centre stage our responsibility to ensure that we are truly an inclusive employer. To date across many of our protected characteristics – race, age, disability, sexual orientation, we have more work to do to encourage all colleagues who feel they face disadvantage in society to be able to flourish and prosper in their employment options.
- 2.6. Accordingly, we have set out our key priorities:
 - Targeted attraction campaigns to increase applications for challenging roles to fill using specific recruitment marketing activity to reach our target audience. An example includes reaching out to underrepresented groups through our Firefighter campaign to increase diversity
 - Review end to end recruitment to reduce time to hire from its current timeline of 37 days using remote interviewing. Reducing time to hire can reduce temporary employment costs of agency workers.
 - Continue to develop our careers pages to engage a wider audience of Our Deal
 - Develop our offer as an inclusive employer enabling our colleagues to thrive in a workforce that is representative of the diverse communities, we serve
 - Implement functionality to support recruiting managers with higher volumes of applications due to the current job market

• Financial Implications

Any financial implications are identified within existing budgets and corporate risks.

• Resource Implications

None identified at this stage

• Other Implications

None identified at this stage

- **Sustainability**

Not applicable

- **Equality Impact Assessment**

Not applicable

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, e.g. equality impact assessment, please get in touch with:

Officer Name:

Paul Brock

Tel No:

01603 638106

Email address:

paul.brock@norfolk.gov.uk



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

Corporate Select Committee

Item No.9

Report title:	2020 Staff Survey Report and Next Steps
Date of meeting:	9 November 2020
Responsible Cabinet Member:	Cllr Andrew Proctor, Leader
Responsible Director:	Fiona McDiarmid, Executive Director, Strategy and Governance
Responsible Officer:	Sarah Shirtcliff, Director for People

Introduction

This is the second year of running this type of staff survey and follows on from the 2019 survey. This means we now have 2 years of historical data. Norfolk County Council intends to carry out the survey annually. As staff form a significant part of NCC's resources the survey enables the Senior Leadership to identify areas of strength and areas requiring improvements to ensure we use this resource most effectively. The data from the survey is benchmarked against 30,000 employees in the public sector and will be used to maximise staff performance, motivation and well-being.

Executive Summary

This report provides:

- The planned framework used to engage managers and staff with the 2020 Survey Results
- Learning from the 2019 staff survey
- The impact of running the survey during the pandemic
- **Findings from the 2020 Survey**
- **The impact to date following 2 Staff Surveys**

The findings from the 2020 Survey illustrate the steady impact of work undertaken following the 2019 survey:

- 2,237 (31%) employees completed the survey, despite this including the early weeks of the COVID pandemic
- Employees perceived support from NCC had increased from 2019
- Employees identified that excessive job pressure reduced from 2019
- Performance Development conversations (with goals linked to the Council's future plans) and open conversations are the top 2 most important motivators for employees
- Employees reported a significant increase in senior leaders' encouragement for staff to use their own initiative, and a greater clarity of vision following the decision to work from home
- Equally employees perceive that there has been an increase in innovation and development, which is strongly correlated to the Council's decreased authoritarian style.

The impact to date following 2 Staff Surveys includes increased requests to share results with service management teams and Staff Conversations. Results have informed Directorate action plans and Smarter working plans. Positive unintended consequences

are receiving an invitation to an LGA group alongside 4 other authorities in the top quartile of results and an opportunity to share the staff survey work at a national conference in November for the Market Research Society.

Actions required:

- 1. Corporate Select Committee is asked to consider the key messages from this survey that we should recognise and act upon.**
- 2. Corporate Select Committee is asked to consider how Members can support the performance, engagement and wellbeing of colleagues.**

1. Background and Purpose

- 1.1 NCC's second staff survey, based on 'the deal' between employees and NCC, occurred between 9 March-14 April 2020, which included a 2 week extension due to the COVID 19 lockdown. The timing of this year's survey was brought forward from 2019 to align better with the start of the financial year, and was therefore carried out 10 months after the previous survey.
- 1.2 'The deal' describes the balance between employees' perceptions of what they receive from being employed by NCC against what they perceive they contribute. The survey design was similar to the 2019 survey, to track the impact of changes in the interim period. Additional questions were asked on Smarter Working, caring responsibilities and locality groupings.
- 1.3 Members will remember from last year's survey the rag rating used to measure the results

Key			
	Good score / outcome to be celebrated. (75+)		Moderate score / outcome. Capable of improvement. (51 - 74)
SUSTAIN		MONITOR	
			Relatively poor score / outcome. A clear signal to take steps to improve. (50 or less)
		IMPROVE	

2. Proposals

2.1 The Planned Framework for Engagement following the Staff Survey

A summary of the Overall NCC-wide results has been communicated to all staff.. The plan involved:

- a) Sharing and discussion of Overall NCC Report with Corporate Board, Human Resources (HR) Leadership Team, UNISON Senior Stewards. Directorate Reports shared and discussed with 5 Directorate Management Teams
- b) Overall NCC-wide results were communicated to staff initially via email with Tom McCabe and Sarah Shirtcliff answering questions on a vlog on the Staff Survey
- c) Directorates implementing the most effective ways to communicate and engage with managers and staff ahead of summer leave period. Strategic HR Business Partners (SHRBPs) to act as link between survey and Directorates in coordinating actions arising from survey results

- d) Slides for 43 Service areas were designed for managers to share with staff and to seek feedback on the Key Drivers, which are the most important elements to employees' contribution at work. Managers were encouraged to ask staff to identify what to 'Stop, Start and Continue' to action the results and inform future planning for Smarter Working.
- e) A report summarising the actions following the Staff Survey was presented to Corporate Board on 3rd November. A further review by Corporate Board in Feb 2021 will inform the 2021 survey.
- f) Results of the survey are being used to prioritise actions in Workforce Development, especially Manager Development, Smarter Working, and Health, Safety & Well-Being.

2.2 Lessons Learnt from engagement with the 2019 Survey Results

- a) The sustainable benefit of engaging with managers, Strategic HR Business Partners and UNISON on the initial survey design
- b) It takes time to adjust to a different survey approach from 'a score' to 'the deal', but this is now language used by leaders and managers. Also there has been a changing expectation of using the survey to drive action, which has been observable this year.
- c) Managers and leaders understandably want to provide "solutions" to address the survey results. In some instances, this is the right response such as staff briefings on 'Together for Norfolk' led by the Leader and Head of Paid Service following the 2019 survey results. However, when survey results point to areas that need attention but not to a specific action, managers need to engage with staff to understand the issues before going to solution.
- d) We need to increase understanding in NCC of the difference between communication and engagement and their different purposes.
- e) Corporate Board received 2 reports on actions following the survey and shared actioning across directorates. The number of specific examples to share when promoting 2020 survey was limited. Our focus is to continuously improve this.
- f) Despite NCC's response being in the top 25% of large organisations for response rates, responses from large groups who do not have or do not use work emails was extremely poor. This included Fire Fighters and Norfolk First Response Teams
- g) The survey timing in 2019 meant that following the cascading of results to Directorate Management teams there was little time to share with service groupings before summer leave, so the timing of the survey was brought forward in 2020.
- h) Unplanned and positive outcomes of the survey were that the 2019 survey informed the Local Government Association (LGA) Peer Review, the Fire and Rescue Service's action plan to respond to the HMI Fire Report. The LGA requested NCC for a case study to put on their website <https://www.local.gov.uk/norfolk-county-council-our-council-our-voice-2019-staff-survey>

2.3 Initial Findings from the 2020 Staff Survey Report

The Overall NCC Report has been shared at Corporate Board. The numerical values provided are mean numbers, with a RAG status provided. The headline findings are:

- a) 2,237 of employees (31%) took part in this survey. This is perhaps not surprising as lockdown started in the middle of the survey. It is encouraging that 43 of our 46 Service Areas, had statistically robust results. Our intent aim prior to COVID 19 was to exceed even further the good 50% rate achieved in 2019.
- b) Employees perceived increased Organisation Support in 2020. For example, their sense of feeling valued and speaking out rose from 56 (2019) to 60 (2020), and increased engagement with NCC such as advocacy and helping others increased from 74 (2019) to 76 (2020)
- c) Overall, there is a marginally improved “deal” from 2019, although this varies at Directorate level. We continue to be within the top quartile (25%) of local authorities, although this is always presented as negative score in the Public Sector. Surveys in the Oil & Gas Sector are the only sector where positive scores are achieved as staff know they are well-rewarded for the risks they take.

Table 1: The Balance of the Deal compared by Directorate	Psychological Contract	Perceived Organisational Support	Employer Contribution	Job engagement	Capability	Organisational Engagement	Employee Contribution	Balance of the Deal	Balance of the Deal 2019	Satisfaction	Number of Responses
All Norfolk 2019	64	56	60	83	80	74	79	-19		63	3119
All Norfolk 2020	64	60	62	83	80	76	80	-18		64	2237

- d) Additionally, employees reported reduced experience of excessive pressure in their roles, from 69 (2019) to 65 (2020), where a lower score is an improvement, which is a good direction of travel.
- e) Additionally, there is analysis of the employee responses before and after the decision to work from home on the key drivers that help us understand the most important elements to employees’ contribution at work. There were significant increases after 18 March with the largest changes in Senior Leaders’ encouragement to staff to use their own initiative increasing from 49 to 58 and clarity of vision from 56 to 64.
- f) Employees felt NCC’s actions during COVID 19 represented a good response to the unfolding crisis as revealed through analysis of data, including narratives. Increased Communication and speed of decision making after the decision to work from home was frequently mentioned, as well as recognition of the benefit of a trial run on working from home using MS Teams in February 2020

- g) 'Clarity of individual and team goals' and quality of conversations are primary ways of reducing job pressures. This was sustained through the early days of lockdown. Despite this result being different to the expectation, this has provoking high quality thinking conversations at management teams.

Key Drivers	2020			2019
	Before March 18	After March 18	Overall	Overall
1. There is a clear link between my Performance Development Discussion and my team's goals	65	69	67	68
2. My manager recognises that speaking openly about work related issues provides an opportunity to improve things	74	78	75	77
3. NCC's Directors and Heads of Service inspire me to use my own initiative	49	58	52	50
4. NCC's Leader and Executive Directors have a clear vision for the future of the organisation	56	64	59	56
5. I often experience excessive pressure in my role*	66	63	65	69

- h) Overall top descriptions of NCC are 'Trustworthy' and 'Capable' with increased innovation (inspiring) and decreased Directive (authoritarian) from 2019, which is a healthy direction of travel, building on work done in 2019.

2.4 Reflections on running the NCC Staff Survey during COVID 19:

- NCC was bold to keep going with the survey through COVID 19. This could not have been done without the support of senior leaders, managers, internal communications and especially front-line staff and support staff experiencing higher workloads
- Response rates are one indicator of engagement. Once COVID 19 was growing pace, additional focussed work was needed to 'get us over the line' in terms of getting statistically significant results (20%). This was achieved at overall NCC and Directorate level with 43 out of 46 service areas achieving statistically significant results
- The need for nuanced and measured messaging during this time
- However, we need to re-visit how we improve the number of survey responses from Fire Fighters and Norfolk First Response for the 2021 survey

3. The impact to date following 2 Staff Surveys

- The second year of running the Staff Survey has meant that Leaders and Managers have been able to build on understanding gained during the first year. This was reflected in requests to present slides and answer questions with 20 Service Management Teams. There have also been presentations at 3 different Staff Conversations.

- 3.2 Directorate action plans were presented to Corporate Board on 3rd November. Common priorities involve improved visibility of communication eg Executive Director's blogs, Staff Conversations using MS Teams or Zoom, increased Performance Development Conversations between managers and staff with written goals agreed, starting conversations about creating capacity for higher priority work by stopping less important tasks, attending to causes of workload pressures. The narrative data on Smarter Working from the Survey was used to provide feedback for planning in the early days of the Pandemic.
- 3.3 The way in which NCC has engaged the whole organisation with this survey has led to positive unintended consequences. NCC has been invited by the Local Government Association (LGA) to work alongside 4 other Local Authorities including Kent CC who are in this top 25% group, about further approaches to understand staff experience yet further. This unplanned insight into engagement levels before and after lockdown has led to a request for NCC to be a case study at a national conference in November 2020 for the Market Research Society.

4. Financial Implications

- 4.1 There are none. The survey was completed within previously agreed budgets.

5. Resource Implications (Staff, Property, IT)

- 5.1 None.

6. Other Implications

6.1 Legal Implications

Survey data was collated and analysed by Martin Reddington Associates. No individual employee can be identified. No data is reported on where there are fewer than 10 employees. All employees can see the Privacy Notice as part of the survey.

6.2 Human Rights implications

6.3 Equality Impact Assessment (EqIA) (this must be included)

The survey provides demographic data on age, part time/full time, gender, disability and ethnicity.

6.4 Health and Safety implications (where appropriate)

The Overall NCC and Directorate reports are used by the Head of Health Safety & Well-being as one source of evidence to inform work planning.

6.5 Sustainability implications (where appropriate)

The survey was completed via email and paper surveys were not used

6.5 Any other implications

None

7. Action required:

- 7.1 Corporate Select Committee is asked to consider the key messages from this survey that we should recognise and act upon.
- 7.2 Corporate Select Committee is asked to consider how Members can support the performance, engagement and wellbeing of colleagues.

8. Background Papers

- 8.1 None

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

Officer name: Ruth Grant

Tel No: 01603 223592

Email address: ruth.grant@norfolk.gov.uk



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

Report to Corporate Select Committee Item 10

Report title:	Customer Services update
Date of meeting:	9 November 2020
Responsible Cabinet Member:	Councillor Margaret Dewsbury – Communities & Partnerships
Responsible Director:	Tom McCabe – Executive Director, Community & Environmental Services

Executive Summary

The council's Customer Service Strategy was due for approval by Cabinet in April 2020. However, due to the significant impact of Covid-19 on Council resources, the capacity to progress at the appropriate pace has been lacking, and therefore the work on developing the strategy continues with a view to obtaining sign-off in 2021

On 9 September 2020, Corporate Select Committee asked for a progress update in November, and that is the purpose of this paper.

The report outlines the work that has been done to date in support of our response to Covid-19 and identifies some considerations for the Customer Service strategy, a draft of which is expected to come to Committee in January 2021 subject to Covid-19 pressures.

Some of these considerations include:

- Increased use of digital channels
- Additional duties to support Public Health in the medium term
- Resetting the service proposition for Norfolk County Council and the development of a service standard

Actions required:

The Select Committee are asked to:

- 1. To consider and comment on the work carried out so far in responding to Covid-19, and considerations and emerging themes for the Customer Service Strategy**

1.0 Purpose

Providing a positive customer experience is at the heart of our Customer Service Strategy. Shaping and providing interactions and services which respond to and meet the rapidly changing needs and preferences of Norfolk's citizens, whilst at the same time offering excellent value for money is at the core of what we are trying to achieve.

The Customer Service Strategy had been due to be revised and signed off by Cabinet in April 2020. However, due to the impact of the ongoing Covid-19 crisis, the work has not progressed at pace, and significant council resources have had to be redirected to ensure a swift and meaningful response for the citizens of Norfolk.

2.0 Progress

Over the past 6 months, the Customer Services team has been focused on responding to the Covid-19 crisis, redirecting and redeploying resources to support customer service, information provision and sign posting, and leading on the community support for those who are vulnerable.

The service has taken a significant role in leading and supporting key response activities. This includes ensuring shielded and vulnerable people can access the food, medicines and support that they need, by working with partners and through a newly set up volunteer network.

A number of staff have been redeployed to ensure essential PPE supplies are delivered to essential NCC and partner front line services. At the same time, we have continued to update and publish information on our website and through Norfolk Community Directory to ensure people can easily access the information and advice that they need. Customer Services have been joined by people from other departments, such as Museums and Economic Development to make, and take calls from Norfolk residents providing much needed information and advice.

A new operating model has been set up to ensure that the whole system across Norfolk is mobilised to support vulnerable residents, resulting in the implementation of a Norfolk Vulnerability Hub. This has included people on the NHS shielding list, those residents already known to social care and people identified as vulnerable through other means. Norfolk County Council Customer Services team have worked with a range of partners across Norfolk to support people, including district councils, Voluntary Norfolk, welfare and Community Foundations.

This report reflects activity as it stands at the time of writing, and the Committee will be updated on any changes at the meeting by the Director of Community, Information and Learning.

3.0 Impact on Customer Services

The CES Customer Services have been impacted in a number of ways:

- The team have transferred to a flexible model of operation, with remote working technology rolled out to enable people to continue to work safely to support the citizens of Norfolk
- The service has become the single point of contact for the Community Resilience operating model, providing information and support to vulnerable customers.
- New digital content has been developed to support the dissemination of Covid-19 information
- The myNet programme to refresh the content and shape of our intranet proposition was fast-tracked to support internal communications and support for staff. The Norfolk Schools digital offer was also fast-tracked to consolidate information supporting and enabling schools.
- The implementation of a tier 2 contact tracing to support the work of Norfolk Public Health has further stretched resources and capacity

4.0 Considerations for our Customer Service Strategy

Throughout this period, the rate of customer satisfaction has increased significantly, and, as at August, stood at 72%.

The number of people using the phone has remained relatively stable throughout this period, and we have seen some incremental increases in calls into our Contact Centre. Email remains the preferred communication tool for our customers, and those using that as well as phone have been more inclined to leave feedback after each interaction.

Overall, we are seeing:

- an increased use of digital channels,
- a workforce equipped and able to work remotely
- additional duties to support Public Health in the medium term

All these considerations will require us to revisit our plans and ensure we reset the service proposition for Norfolk County Council, offering ongoing value.

It is expected that a draft Customer Service Strategy will be brought to Committee in January 2021, subject to the need to continue to provide an emergency response to Covid-19 through the winter months.

5.0 Implications

Financial – Operational development and delivery of the strategy for 2020-25 is expected to be delivered within existing resources and not have a revenue cost; in the majority of instances, the strategy work will enable overall revenue costs to be reduced through use of technology and digital channels.

As previously stated, additional capital funding will be used on an “invest to save” basis” to deliver key areas of work identified in the strategy, including introducing new capabilities to our organisation. These capital bids will be submitted through the appropriate channels.

Resource - Implications associated with delivery are agreed on an ongoing basis and capital bids submitted when required. There is a recorded risk in relation to the organisation having sufficient resource and capability to support the new Microsoft Dynamics CRM system, and this is being actively managed by Customer Services and IMT.

Legal - N/A

Human rights - N/A

Equality impact assessment - An EQIA will be undertaken to review the implications of the next iteration of the Customer Service Strategy and associated digital transformation. This will also be informed by our digital inclusion strategy, which addresses the impact and identifies support measures for vulnerable groups.

6.0 Action Required

The Select Committee are asked to:

1. To consider and comment on the work carried out so far in responding to Covid-19, and considerations and emerging themes for the Customer Service Strategy

7.0 Background Papers

[Communities Committee 11 Mar 2015 - Customer Service Strategy 2015 -2020 paper \(page 181\)](#)

[Digital Innovation and Efficiency Committee 6 March 2018 – Digital Inclusion Strategy paper](#)

[Corporate Select Committee 16 July 2019 \('Digital Transformation and Customer Service Strategy'\) \(Page 49\)](#)

[Corporate Select Committee 14 November 2019 - Customer Service Strategy \(2020-25\) – Interim](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

Officer name : Markella Papageorgiou **Tel No. :** 01603 224345

Email address : markella.papageorgiou@norfolk.gov.uk



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

Corporate Select Committee

Item No. 11

Report title:	Proposed Amendments to the Council Constitution
Date of meeting:	9 November 2020
Responsible Cabinet Member:	Cllr Andrew Proctor, Leader of the Council and Cabinet Member for Strategy & Governance
Responsible Director:	Fiona McDiarmid, Executive Director Strategy & Governance

Introduction from Cabinet Member

The Council adopted its Constitution in May 2019, when it changed from the Committee system to the Executive leadership model. It was always intended that the governance arrangements would be reviewed within the first year. Following the governance review, it was agreed by the Corporate Select Committee at its meeting in July 2020 that it would review a first draft of the amended Constitution at its November 2020 meeting. The intention is that a fully revised Constitution will be in place in time for the AGM in 2021. The review process has been impacted upon by the COVID pandemic, and a first draft of the fully revised Constitution has not yet been shared with all members. It is proposed that all members are given an opportunity to comment on proposals, before the Corporate Select Committee considers the final draft at its meeting on 15 March 2021 prior to recommendation to Council.

Corporate Select Committee is being asked to consider at this meeting changes requested by the Finance and Property teams which the Corporate Select Committee is asked to recommend to Council in November 2020, for immediate adoption, as these changes are required before the AGM.

Executive Summary

This report sets out initial proposed changes to the Constitution, and the timescale for proposed for consultation on further changes, and adoption.

Actions required:

- 1. To agree the amendments proposed for recommendation to Council at its meeting on 23 November 2020, at:**

- | |
|---|
| <p>1.1 Appendix 5 (Officer Delegations)</p> <p>1.2 Appendix 15 (Financial Regulations)</p> <p>1.3 Appendix 16 (Contract Standing Orders) for immediate implementation after the Council meeting</p> <p>2. To agree that all members should be given an opportunity to comment on proposals before the final draft of the revised Constitution is considered by the Corporate Select Committee. As the Constitution is a large document, it is recommended that the remaining sections of it be reviewed in two separate Corporate Select Committee meetings, with part of it coming to the meeting on 25 January 2021 and the remainder to the meeting on 15 March 2021 for determination which amendments should be recommended to Full Council at its April 2021 meeting.</p> |
| |

1. Background and Purpose

- 1.1. The Council adopted a revised Constitution in May 2019 when it reverted to the Executive leadership model of governance. It agreed to review governance arrangements within the first year.
- 1.2. At its meeting in July 2020 the Corporate Select Committee agreed a process through which the Constitution would be reviewed. Members are reminded that the governance review highlighted the following issues for consideration:
- Approach to ‘Pink Paper’ (exempt) items on the agenda of council forums
 - Ability of the public and local elected members to ask about any matter at a meeting of a Select Committee
 - Practice of any councillor being able to substitute for another on any council forum other than those where there is a statutory requirement to have undertaken the relevant training
 - Roll call of elected members upon the commencement of Full Council
 - Other issues arising from this action plan (e.g. establishing a body/Scrutiny Sub Committee group to focus specifically on children and young people)
- 1.3. Since July 2020 a number of workshops have been held, attended by various councillors. Working with councillors, the Monitoring officer has prepared an amended Constitution with proposals worked up following the workshops. As a result of the impact of COVID related work, and the fact that the final workshop could not be held until mid October, there has not yet been sufficient time for the proposals to be shared with all members, or for Group Leader to give proper consideration to them. It is therefore recommended that there should be a further period in which the proposals are shared with members, before being

finalized. As the Constitution is a lengthy document, it is considered appropriate to share the remaining amendments for consideration by the Corporate Select Committee at two meetings, in January and March 2021.

- 1.4. There will also need to be changes made to accommodate remote meetings, if, as anticipated, the current legislation is amended to allow remote meetings to take place after the current end date of 7 May 2021. This will be incorporated into the proposed amendments if legislation is introduced.
- 1.5. Changes have been requested to Appendices 15 and 16, Financial Regulations and Contract Standing Orders, to simplify the decision making process in relation to property transactions, particularly leases of lower value, and to allow the effective management of the approval of the Budget Changes to Appendix 5 Officer delegations have been requested to reflect a change in job roles. The Committee is asked to consider these and recommend them to the November Council meeting for immediate adoption. Councillors are asked to note that these amendments do not address the issues set out at 1.2 above, which will be considered in subsequent meetings.

2. Proposals

If Corporate Select Committee agrees the proposals, it is proposed that:

- 2.1. The changes identified will be recommended to Council at its meeting on 23 November 2020
- 2.2. Remaining changes will be circulated to all members for comment and kept under review by the Monitoring Officer and amended further, as required, before consideration by the Committee at its meetings on 25 January 2021 and 15 March 2021, for recommendation to the next Full Council meeting.

3. Impact of the Proposal

- 3.1. The proposal will allow the Council to maintain an up to date Constitution that enables the Council to meet its objectives.

4. Financial Implications

- 4.1. None (aside from the cost of officer time)

5. Resource Implications

- 5.1. **Staff: None**
- 5.2. **Property: None**

5.3. IT: None

6. Other Implications

6.1. **Legal Implications:** the Council is obliged to have an up-to-date Constitution, and these proposals will allow it to continue to meet this obligation

6.2. **Human Rights implications:** None

6.3. **Equality Impact Assessment (EqIA) (this must be included):** None

6.4. **Any other implications:** None

7. Actions required

7.1. 1. As set out in the recommendations.

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

Officer name:
Helen Edwards

Tel No.:
01603
493627

Email address: Helen.edwards2@norfolk.gov.uk



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

APPENDIX 5

SCHEME OF DELEGATED POWERS TO OFFICERS

A. GENERAL CONDITIONS APPLYING TO ALL DELEGATED POWERS

1. Chief Officers (which for the purpose of this Scheme includes the Heads of Service listed in Section B of this Scheme) are authorised within the scope of this Scheme to exercise the powers and duties of the County Council in relation to the service and activities for which they are responsible, and the professional and managerial responsibilities of their posts. They are accountable to the elected Members of the County Council for the efficient and economic discharge of these responsibilities. Members are accountable to the public and are responsible for all major matters which impact upon the public in the course of the County Council exercising its powers and duties.
2. Subject to the provisions of this Scheme, but without otherwise limiting the scope of paragraph 1, the powers delegated to Chief Officers include: -
 - (a) issuing and serving statutory notices
 - (b) granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal
 - (c) fixing, varying, deferring and waiving charges and similar payments (and associated conditions) which the County Council is entitled to impose
 - (d) signing documents
 - (e) authorising entry onto land
 - (f) inspecting land and premises and things on premises
 - (g) making grants (subject to any limitations imposed by Members in Council or Committee)
 - (h) making Statutory Orders and Schemes
 - (i) instituting criminal proceedings
 - (j) declaring land to be surplus to the requirements of their service
 - (k) delivering the approved capital programme for their service

In addition, the Senior Trading Standards Officers listed in Section B of this Scheme have the specific powers to institute legal proceedings there referred to.

3. Officers can only act within delegated powers and these are exercisable subject to:
 - (a) strategies, policies, priorities and Financial Regulations determined by the Members of the County Council;
 - (b) referral to the Executive for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues where custom and practice or initial consultation with elected Members indicates that such referral should take place;
 - (c) compliance with the law and all policies, Regulations, Orders, codes, protocols, and similar documents approved by Council, the Leader, the Cabinet, or a relevant Committee;
 - (d) consultation with appropriate officers and proper regard to any advice given;
 - (e) other specific delegations in this Scheme or similar documents to another officer;
 - (f) decisions by the Head of Paid Service or the Monitoring Officer on whether Chief Officers should exercise any delegated power;
4. In addition to the constraints referred to above, there are exceptions to all officers' delegated powers. In particular there is no delegation to officers of:
 - (a) matters specifically reserved to the Council, the Leader, the Cabinet or a Committee;
 - (b) approval to exceed the provision in the revenue or capital budgets for their service responsibilities; (subject to the rules on virement contained in the Financial Regulations in Appendix 15);
 - (c) decisions on permanent savings in the budget to achieve the Council's policies;
 - (d) the making of an Order for the compulsory acquisition of land;
 - (e) the right to determine a major employee reorganisation;
 - (f) Any key decision falling within the definition set out in Article 12.3 which: -
 - recommends a budget to the full Council
 - proposes an amendment to the Council's Policy Framework (as defined in the Constitution)
 - involves the adoption of any other policy or a works programme
 - involves the expenditure or savings of more than £1.25M over one accounting year unless expressly provided for in the adopted budget or Policy Framework

- involves the acquisition or disposal of land and buildings or any interest in land and buildings in excess of an estimated value of £1.25M unless covered by a specific item in the budget
- involves a budget virement of funding in excess of the virement limit to be set out in the Constitution
- recommends the promotion or amendment of local legislation
- involves significant public, private and voluntary partnership working in Norfolk
- involves the making of a Statutory Order or Scheme which will have a significant impact on the delivery of County Council services
- proposes significant changes to the Constitution

Together with any other decision which the Monitoring Officer in consultation with the Leader and Head of Paid Service considers to be a key decision within the Regulations.

5. A Chief Officer need not exercise their delegated power in any particular matter and must not do so if in their opinion the matter involves questions of policy as yet undecided by the Council or Committee or any substantial change from previous practice.
6. The Leader, with the exception of functions which are not to be the responsibility of the Executive, may following consultation with the Head of Paid Service and Monitoring Officer, withdraw any delegations made by them by giving written notice to that effect to the relevant Chief Officer and copied to the Head of Paid Service and Monitoring Officer. The delegation may be withdrawn either generally or in a specific case and the withdrawal will take effect immediately the notice is given. The notice withdrawing the delegated power will also state who will exercise the delegated power in the place of the relevant Chief Officer. In the case of the delegation of a professional or technical matter, that person must be someone suitably qualified.

GENERAL CONDITIONS APPLYING TO ALL DELEGATED POWERS LISTED BELOW

1. The delegated powers in Section B of this Scheme must be exercised.
 - (a) In accordance with any relevant policies of the County Council.
 - (b) In consultation with appropriate officers and after paying proper regard to any advice given.
2. (i) Any power conferred upon a Chief Officer (which for this purpose includes the Heads of Service listed in Section B of this scheme) may be exercised in the name of the Chief Officer by their Deputy or another Senior Officer authorised in writing to do so by the Chief Officer.
 - (ii) In addition, a Chief Officer may authorise in writing any named officer to exercise

a delegated power:

(a) in their absence, or

(b) when they are otherwise not available to exercise it at the relevant time.

(iii) Any authorisation under paragraphs (i) and (ii) must be documented.

(iv) Any authorisations given under paragraphs (i) and (ii) will be recorded in the Schedule at the end of this Appendix.

3. Chief Officers shall also be required to liaise with and inform:

(a) the relevant Cabinet Member regarding the exercise of powers and duties in appropriate cases;

(b) the local Member on those issues listed in the Local Member Protocol at the end of this Appendix.

4. A Chief Officer need not exercise their delegated power in any particular matter and unless prohibited by law, may instead refer the matter to Members for a decision.

5. Failure to carry out the consultations in paragraph 1(b) and 3 will not invalidate the exercise of the delegated power.

6. Where in the opinion of the appropriate Chief Officer and of the Head of Governance and Regulatory Services a decision which would otherwise be a Planning Regulatory Committee decision is required urgently, that Chief Officer, after consultation with any other appropriate Chief Officers, the Committee Chair and the main political group Spokespeople thereof, may take such a decision in respect of any matter falling within the remit of the Committee on the understanding that details of the matter, together with the decision, are reported by way of letter, to the Members of the Committee. In the event of there not being unanimous agreement between the Party Spokesmen, the matter should be referred to the Urgent Business Sub-Committee.

7. Any reference in these delegations to any Act or Statutory Instrument or any section or clause thereof, is deemed to refer to the same as at any time amended, and where such Act, Instrument, section or clause has been replaced, consolidated, or re-enacted, with or without amendment, such mention shall be deemed to refer to the relevant provisions of the replacing, consolidating or re-enacting statute or instrument.

8. The power to grant licences, consents, approvals, permissions, certificates and authorisations includes the power to vary, revoke or refuse such licences etc. and to grant them with or without conditions.

9. This Scheme does not apply to the statutory responsibilities placed on the Head of Paid Service, Executive Director of Finance and Director of Governance nor to any non-statutory tasks which Central Government from time to time requests of individual Chief Officers.

10. Any decision or appointments made, or authorisation given by a Chief or other officer

before 7 May 2019 remains effective and in force unless or until expressly revoked.

B. OFFICERS' SCHEME OF DELEGATED POWERS

The following summaries of Chief Officers' delegations detail further exceptions and provide appropriate clarification: -

HEAD OF PAID SERVICE

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme: -

1. To exercise the functions of Head of Paid Service under the provisions of the Local Government and Housing Act 1989
- 4.2. To do, or authorise to be done, any act or thing necessary to effect any decision of the Council.
- 2.3. To exercise any powers where necessary in the event of a civil emergency, consulting where practicable with the Group Leaders and Chair of the Scrutiny Committee.
- 3.4. To determine the list of politically restricted posts within the Council and to issue certificates under Section 3 of the Local Government and Housing Act 1989.
5. To authorise an Executive Director to act in their absence on any matter within their authority.
- 4.6. To give permission for the use of the County Council's Coat of Arms.
- 5.7. To divide electoral divisions into polling districts at local government elections.
- 6.8. To make appointments to Committees in consultation with the relevant Group Leader.

EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Children's Services, including social care and intervention services for children and young people, adoption, youth offending residential establishments (but excluding decisions on the closure, relocation or change of use of residential establishments) schools, further education and the youth service including:

- (a) Filling vacancies for Local Education Authority School Governors on the basis of nominations recommended by the appropriate nominating Party Spokesperson.
- (b) Dismissal of Local Education Authority School Governors.
- (c) Variations to the Scheme for the Local Management of Schools and any cases of a withdrawal of delegated powers; but excluding.
- (d) The adoption of a syllabus of religious education on the recommendation of the

Standing Advisory Committee on Religious Education.

- (e) Major school reorganisation proposals.
- (f) Proposals to open and close schools.

In addition: -

- (i) The Children's Services operational lead for school attendance and the Senior Adviser – Safeguarding are authorised to institute legal proceedings in connection with the Council's functions relating to school attendance.
- (ii) The Children's Services operational lead for school attendance and the Senior Adviser – Safeguarding are authorised to serve school attendance orders.
- (iii) To license the employment of children.

EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Social Services for adults, disabled persons, elderly persons, welfare and mental health services, community care and residential homes but excluding decisions on the closure, relocation or change of use of residential establishments and day establishments.

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions with regard to Adult Education, Customer Services, Libraries, Museums, Archaeology, Archives and the Arts but excluding the withdrawal or major modification of public facilities.

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Town and Country Planning, Highways, Transportation, the Environment, Waste Disposal, Waste Management, Trading Standards, Safety of Sports Grounds, Consumer Protection, Animal Health and Welfare, Fire and Rescue, Emergency Planning and Economic Development including:

- (1) Approving minor or uncontroversial changes to the County Council's planning policies and plans and minor or uncontroversial comments on other organisations' plans and policies.
- (2) Responding to District Council consultations on planning applications or to development proposals by Government departments, statutory undertakers, local authorities or other decision-making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local Member has been informed of the proposed response.

- (3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning authority and county planning authority.
- (4) In connection with permanent and experimental traffic regulation orders (including speed limits): -
 - (i) to authorise the public advertisement of the intention to make such orders
 - (ii) to authorise the making of such orders where there are no objections
- (5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.
- (6) To exercise the Council's functions relating to land drainage.
- (7) The powers of entry, inspection, sampling, test purchasing, and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, consumer protection, animal health and welfare and planning services.
- (8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, consumer protection, animal health and welfare, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Court but excluding the making of Orders and Regulations.
- (9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.
- (10) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agricultural Analysts in accordance with the Agriculture Act 1970, Section 67.3(b).
- (12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management except for:
 - (a) approval of applications for County Matter and County Council development where objections are raised by statutory consultees;
 - (b) approval of applications for County Matter and County Council development which have three or more individual representations raising planning related objections;
 - (c) approval of applications for County Matter and County Council development requiring Environmental Impact Assessments;

- (d) where the Executive Director of Community and Environmental Services determines, in consultation with the Chairman of the Planning (Regulatory) Committee, that approval of applications for County Matter and County Council development should be determined by the Committee.
 - (e) approval of applications for County Council development which are considered a departure from the Development Plan.
- (13) To refuse applications for County Matters and County Council development on the grounds that there is insufficient information to determine the application.
 - (14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010
 - (15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010
 - (16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).
 - (17) To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990.
 - (18) To exercise the Council's powers and duties in respect of obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
 - (19) To exercise the functions of the Council as the Competent authority under the Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including: -
 - Determine whether or not an appropriate assessment is required.
 - Where it is considered that an appropriate assessment is required.
 - Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken, and
 - In the light of an appropriate assessment, determine whether the Plan or Project will or will not adversely affect the integrity of the European site.
 - (20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990.
 - (21) To grant Street Works licences.
 - (22) To permit the deposit of builders skips on the highway.
 - (23) To license the planting, retention and maintenance of trees etc on the highway.
 - (24) To licence works in relation to buildings etc which obstruct the highway.

- (25) To consent to temporary deposits or excavations in streets.
- (26) To dispense with the duty to erect hoardings or fences.
- (27) To restrict the placing of rails, beams etc over highways.
- (28) To consent to the construction of cellars etc under streets.
- (29) To consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- (30) To remove things deposited on highways so as to be a nuisance.
- (31) To assert and protect the rights of the public to the use and enjoyment of highways.
- (32) To create footpaths, bridleways and restricted byways by agreement or by order.
- (33) To divert, stop up and extinguish footpaths, bridleways and restricted byways.
- (34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000.
- (35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
- (36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways.
- (37) To temporarily divert footpaths, bridleways and restricted byways.
- (38) To exercise functions relating to the making good of damage and removal of obstructions from public paths.
- (39) To authorise the erection of stiles etc on footpaths and bridleways.
- (40) To designate footpaths as cycle tracks.
- (41) To enter into agreements under Section 278 of the Highway Act 1980.
- (42) To license the movement of cattle from a market.
- (43) To license the movement of animals under specific disease orders.
- (44) To permit the placing of scaffold/hoarding on the highway.
- (45) To licence the cultivation of areas subject to full highway rights.
- (46) To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed.

(47) To exercise all the Council's functions in relation to the safety of sports grounds legislation

EXECUTIVE DIRECTOR OF FINANCE

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to be responsible for the proper administration of the financial affairs of the Council including all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, guarantees, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors, the payment of salaries, wages, pension schemes benefits and gratuities and internal audit. Authorisation of write-off of debts less than £10,000.

CHIEF FIRE OFFICER

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to fire prevention, firefighting, fire safety, explosives and petroleum and the functions conferred on the local authority under Article 25 of the Fire Safety Order 2005, the Fire and Rescue Services Act 2004 and the Fire and Rescue National Framework.

- (a) The appointment of holders of the following posts below as Inspectors under Section 19(1) of the Health and Safety at Work etc Act 1974 and to authorise such postholders to exercise the powers contained in sections 20(2), 21, 22, 25 and 39 of the Act: -

Chief Fire Officer
Deputy Chief Fire Officer Area
Managers
Brigade Managers

DIRECTOR OF PUBLIC HEALTH

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Public Health and specifically:

- Health Protection
- Health Improvement
- Clinical Public Health including advice to the wider health system
- Health Intelligence
- Emergency planning

DIRECTOR OF GOVERNANCE

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme:

Appointed as:

- Senior Responsible Officer (SRO)
- Data Protection Officer (DPO)
- Money Laundering Reporting Officer (MLRO)

- (1) To authorise officers to appear and represent the Council in Magistrates and County Courts.
- (2) To serve notices requiring information to be given in respect of interests in land.
- (3) To enter into any legal documentation, make any statutory orders, make any application to the Courts or other tribunals and take associated action, to give effect to decisions made by or on behalf of the Council
- (4) To deal with Blight Notices and Purchase Notices.
- (5) To keep the Definitive Map and Statement under review.
- (6) To include modifications relating to the Definitive Map and Statement in other Orders relating to public rights of way.
- (7) To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- (8) To prepare a map and statement by way of consolidation of the Definitive Map and Statement.
- (9) To serve notices requiring information to be given in respect of interests in land.
- (10) To determine applications for certificates of lawful use or development and for certificates of lawfulness for proposed use or development.
- (11) To register common land or town or village greens and to register variation of rights of common and to determine applications for the registration of land as new Town or Village Green.
- (12) To obtain information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990.

HEAD OF GOVERNANCE AND REGULATORY SERVICES

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme,-

Appointed as:

Statutory Scrutiny Officer

And to exercise the Council's functions in respect of:

1. The [Registration Act 1953](#)~~civil registration service~~

- ~~2. The Marriages and Civil Partnerships (Approved Premises) Regulations 2005~~
~~4.3. the Marriages Act 1949~~
~~2. The approval of premises for the solemnisation of civil partnerships and marriages~~
~~3.4. the Coroners Service~~

~~4.5. making appointments to the Norfolk Valuation Panel~~

~~5.6. To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.~~

B. LIMITATIONS ON OFFICERS DELEGATED POWERS

1. GRANTS THRESHOLDS

i.e. those thresholds above which Member approval will be required for the making of grants. (See para 2(g) of Section A of this Scheme).

In respect of the following service areas: -

1. Children's Services - £10,000
2. Cultural Services - £1,000.
3. Citizens Advice Bureau – all grants

2. LIMITATIONS ON OFFICER DELEGATED PROPERTY TRANSACTIONS

~~i.e. those thresholds above which a Member decision will be required for the property transactions (see Section B of this Scheme).~~

- ~~1. Individual acquisitions of land, buildings or other property interests where the consideration exceeds £250,000.~~
- ~~2. Individual disposals of land or buildings above £500,000 Approval of disposals above £500,000 can only be given by the Cabinet.~~
- ~~3. Lease acquisition and renewals where both the proposed rental exceeds £25,000 per annum and the term of the lease or renewal is for ten or more years.~~

Commented [HE1]: Removed for consistency with Financial Regulations

SCHEDULE OF DELEGATIONS OF CHIEF OFFICERS' POWERS

EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

SECTION A.2

Areas of Delegation	Range of Grades
a. Issuing and serving statutory notices.	K (or equivalent) and above, within their areas of responsibility.
b. Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	H and above, within their areas of responsibility.
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	P and above, within their areas of responsibility.
d. Signing documents.	K and above, within their areas of responsibility.
e. Authorising entry onto land.	Not applicable
f. Inspecting land and premises and things on premises.	E and above, within their areas of responsibility.
g. Making grants (up to £10,000).	J and above, within their areas of responsibility.
h. Making Statutory Orders and Schemes.	K (or equivalent) and above, within their areas of responsibility.
i. Instituting criminal proceedings.	J and above, within their areas of responsibility.
j. Declaring land to be surplus to the requirements of their service.	<i>Reserved to Executive Director</i>
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility.

EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

SECTION B

GENERAL DELEGATION

Each member of the Children's Services Departmental Management Team, together with staff in their services within their areas of responsibility and graded at SO1 and above, are authorised to exercise the Council's functions delegated to the Executive Director of Children's Services in relation to education, schools, further education, youth service and the Youth Offending Team.

Area of Delegation	Officer(s)
a. Reviewing decisions made by the Authority in exercising its discretionary powers relating to the provision of financial and other support to pupils and students.	Assistant Director – Education
b. Filling vacancies for Local Education Authority School Governors on the basis of nominations recommended by the appropriate nominating Party Spokesmen and dismissal of LEA School Governors.	Assistant Director – Education
c. Variations to the Scheme of Local Management of schools and any cases of a withdrawal of delegated powers.	Reserved to Executive Director
d. Applications under part IV of the Children Act 1989 i.e. Care Orders, Emergency Protection Orders and Recovery Orders.	(Qualified and Registered) Social Workers in consultation with Team Managers
e. Application to the Court for an order under the inherent jurisdiction in relation to children.	(Qualified and Registered) Social Workers in consultation with Safeguarding Manager and/or Corporate Parenting Manager

Formatted Table

f. Applications under Section 18 of the Adoption Act 1976 i.e. freeing for adoption.	(Qualified and Registered) Social Workers in consultation with Safeguarding Manager and/or Corporate Parenting Manager	
g. Applications under the Children Act and Adoption Act for leave to disclose documents in proceedings.	Case Responsible Team Managers in consultation with Safeguarding Manager and/or Corporate Parenting Manager	
h. Application to the Court for a breach of a Court Order.	Case Responsible Team Managers in consultation with Safeguarding Manager and/or Corporate Parenting Manager	

EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES

SECTION A2

Area of Delegation	Range of Employees' Grades
a. Issuing and serving statutory notices.	M and above, within their areas of responsibility
b. Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	M and above, within their areas of responsibility
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	M and above, within their areas of responsibility
d. Signing documents.	D and above, within their areas of responsibility
e. Authorising entry onto land.	Not applicable
f. Inspecting land and premises and things on premises.	D and above, within their areas of responsibility
g. Making grants (subject to any limitations imposed by Committee).	M and above, within their areas of responsibility
h. Making Statutory Orders and Schemes.	I and above, within their areas of responsibility (in consultation with line managers)
i. Instituting criminal proceedings.	Executive Director or Assistant Director
j. Declaring land to be surplus to the requirements of their service.	Executive Director
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility

In the absence of the Executive Director, any Assistant Director is authorised to act on their behalf. In matters requiring a professional social work decision, the appropriate Assistant Director's advice will be sought, where possible.

EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES

GENERAL DELEGATION

Each member of the Adult Social Services Department Senior Management Team, together with employees in their services within their areas of responsibility is authorised to exercise the Council's functions delegated to the Executive Director of Adult Social Services in respect of social care services to adults and children and their families.

In addition, the making of the following applications is delegated to:

Complaint under Section 43 and 56 of the National Assistance Act 1948 to recover the costs of assistance from persons liable for maintenance.	Executive Director of Finance
Application under Section 29 of the Mental Health Act 1983 for appointment by the Court of acting nearest relative.	Approved Social Workers
Applications under Sections 2,3 and 4 of the Mental Health Act 1983.	Approved Social Workers
Applications for Guardianship under Section 7 of the Mental Health Act 1983.	Approved Social Workers

DIRECTOR OF GOVERNANCE

The following powers will be exercised by the Director of Governance and the postholders indicated in the second column of the table.

(1)	To authorise officers to appear and represent the Council in Magistrates and County Courts.	Head of Legal Services nplaw
(2)	To serve notices requiring information to be given in respect of interests in land.	nplaw Solicitors
(3)	To enter into any legal documentation, make any statutory orders and make any application to the Courts or other tribunals, and to take associated action, to give effect to decisions made by or on behalf of the Council	Everybody, within their general area of responsibility with sealing and signing of contracts limited to M grade nplaw officers and above and to the Head of Governance and Regulatory Services .
(4)	To deal with Blight Notices and Purchase Notices.	M grade nplaw officers and above

HEAD OF GOVERNANCE AND REGULATORY SERVICES

The following powers will be exercised by the Head of Governance and Regulatory Services, and the postholders indicated in the second column of the table below.

(1) To exercise the Council's functions in respect of the Registration Service Act 1953 Marriage Act 1994 .	Registration Services Manager
(2) To exercise the Council's functions in respect of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 Registration Service Act 1953 .	Registration Services Manager
(1) To exercise the Council's functions in respect of the Marriage Act 1949 To approve premises for the solemnisation of marriages and civil partnerships.	Registration Services Manager -
(4) To exercise the Council's functions in respect of the Coroner's Service	Coroner's Service Manager
(1) To make appointments to the Norfolk Valuation Panel	Head of Governance & Regulatory Services
(6) To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.	Head of Registration and Coroner's Service

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

GENERAL DELEGATION

Each member of the Community and Environmental Services Management Team, together with staff in their services graded at Scale H and above, are authorised within their area of responsibility, to exercise the Council's functions delegated to the Executive Director of Community and Environmental Services, in respect of adult education, customer services, libraries, museums, archaeology, archives, arts, town and country planning, highways, transportation, the environment, waste disposal, waste management, trading standards, safety of sports grounds, emergency planning, consumer protection, animal health and welfare and economic development but excluding the withdrawal or major modification of public facilities

Specific delegations are detailed below.

Specific and general delegations relating to the Statutory posts within Community and Environmental Services (Chief Fire Officer and Director of Public Health) are detailed later in this document.

SECTION A2 – SPECIFIC DELEGATION

Specific delegations apply only within an officer's area of responsibility.

Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

Area of Delegation	Officer(s)/Range of Grades
(a) Issuing and serving statutory notices.	Scale H and above graded officers
(b) Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	Scale H and above graded officers
(c) Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Scale M and above graded officers Network Co-ordinators (Street Works)
(d) Signing (legal) documents.	Scale M and above graded officers Highways Development Management Service Officers Scale K and above

(e) Authorising entry onto land.	Scale M and above graded officers
(f) Inspecting land and premises and things on premises.	All those authorised to enter land under (e)
(g) Making grants (subject to any limitation imposed by the Council or Committee).	Scale M and above graded officers
(h) Making Statutory Orders and Schemes.	Scale H and above graded officers
(i) Instituting criminal proceedings.	Scale M and above graded officers
(j) Declaring land to be surplus to the requirements of their Services	Members of Departmental Management Team
(k) Delivering the approved capital programme for their service.	Members of Departmental Management Team

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

SECTION B – SPECIFIC DELEGATION

Specific delegations apply only within an officer's area of responsibility.

Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

Area of Delegation	Officer(s)/Range of Grades
(1) Approving minor or uncontroversial changes to the County Council's planning policies and plans and minor or uncontroversial comments on other organisations' plans and policies.	Members of Departmental Management Team Head of Planning Senior Planners Scale K and above Highways Development Management Service Officers Scale J and above
(2) Responding to District Council consultations on planning applications or to development proposals by Government departments, statutory undertakers, local authorities or other decision-making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local Member has been informed of the proposed response.	As (1) above
(3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning authority and county planning authority	As (1) above

(4) In connection with permanent and experimental traffic regulation order (including speed limits): - (i) to authorise the public advertisement of the intention to make such orders (ii) to authorise the making of such orders where there are no objections	Scale H and above graded officers
(5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.	Team Manager (Network Management) Network Co-ordinators (Street Works)
(6) To exercise the Council's functions relating to land drainage.	Scale M and above graded officers
(7) The powers of entry, inspection, sampling, test purchasing, and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, consumer protection, animal health and welfare and planning services.	Head of Trading Standards Head of Planning
(8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, consumer protection, animal health and welfare, and the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations and any ancillary or consequential health protection legislation in so far as it relates to the functions of trading standards and enforcement, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Courts.	Head of Trading Standards Head of Planning

(9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.	Head of Trading Standards
(10) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.	officers Scale H and above
(11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agriculture Analysts in accordance with the Agriculture Act 1970, Section 67.3(b)	Head of Trading Standards
(12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management except for: (a) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have three or more individual representations raising planning related objections;	Head of Planning Principal officers Scale L and above

<p>(b) approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>(c) approval of applications for County Matter and County Council development where no more than four individual representations raising planning-related objection are received and the Executive Director of Community and Environmental Services determines, in consultation with the Chair of the Planning (Regulatory) Committee, that the application should be determined by the Committee.</p>	
(13) To refuse applications on the grounds that there is insufficient information to determine whether or not the application accords with the development plan.	Head of Planning Principal Planners Scale L and above
(14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010	Scale L and above graded officers
(15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010	Scale L and above graded officers
(16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).	Head of Planning Principal Planners Scale L and above
(17) To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town	Head of Planning Principal Planners Scale L and above

and Country Planning Act 1990.	
(18) To exercise the Council's powers and duties in respect of obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Head of Planning Principal Planners Scale L and above
(19) To exercise the functions of the Council as the Competent authority under the Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including: - <ul style="list-style-type: none"> • Determine whether or not an appropriate assessment is required. • Where it is considered that an appropriate assessment is required. • Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken, and • In the light of an appropriate assessment, determine whether the Plan or Project will or will not adversely affect the integrity of the European site. 	Head of Planning Principal Planners Scale L and above
(20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990	Head of Planning Principal Planners Scale L and above
(21) To grant Street Works licences	Inspector (Street Works) Grade G and above
(22) To permit the deposit of builders skips on the highway	Inspector (Street Works) Grade G and above
(23) To license the planting, retention and maintenance of trees etc on the highway	Highway Engineer Scale K and above

(24) To licence works in relation to buildings etc which obstruct the highway	Highway Engineer Scale K and above
(25) To consent to temporary deposits or excavations in streets	Highway Engineer Scale K and above
(26) To dispense with the duty to erect hoardings or fences	Highway Engineer Scale K and above
(27) To restrict the placing of rails, beams etc over highways	Highway Engineer Scale K and above
(28) To consent to the construction of cellars etc. under streets	Highway Engineer Scale K and above
(29) To consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators	Highway Engineer Scale K and above
(30) To remove things deposited on highways so as to be a nuisance	Highway Engineer Scale K and above
(31) To assert and protect the rights of the public to the use and enjoyment of highways	Highway Engineer Scale K and above
(32) To create footpaths, bridleways and restricted byways by agreement or by order	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(33) To divert, stop up and extinguish footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above

(37) To temporarily divert footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(38) To exercise functions relating to the making good of damage and removal of obstructions from public paths	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(39) To authorise the erection of stiles etc on footpaths and bridleways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(40) To designate footpaths as cycle tracks	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(41) To enter into agreements under Section 278 of the Highway Act 1980.	Scale M and above graded officers
(42) To license the movement of cattle from a market.	Scale M and above graded officers
(43) To license the movement of animals under specific disease orders.	Scale M and above graded officers
(44) To permit the placing of scaffold/hoarding on the highway.	Inspector (Street Works) Grade G and above
(45) To licence the cultivation of areas subject to full highway rights.	Highway Engineer Scale K and above
(46) To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed.	Scale M and above graded officers.
(47) To exercise all the Council's functions in relation to the safety of sports grounds legislation.	Head of Trading Standards Scale M and above graded officers

CHIEF FIRE OFFICER

GENERAL DELEGATION

Each member of the Fire and Rescue Service with staff in their services graded at Firefighter/Fire Safety Advisor and above, are authorised, within their area of responsibility, to exercise the Council's functions delegated to the Chief Fire Officer. In respect of Fire Safety, specific delegations are detailed below.

Specific delegations apply only within an officer's area of responsibility. Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

SECTION B – SPECIFIC DELEGATION

Area of Delegation	Officer(s) Range of Grades
RR (Fire Safety) Order 2005 – Article 31 – Prohibition Notices	Chief Fire Officer Deputy Chief Fire Officer Area Manager
RR (Fire Safety) Order 2005 – Article 30 – Enforcement Notices	Chief Fire Officer Deputy Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer Fire Safety Advisor
RR (Fire Safety) Order 2005 – Article 29 – Alterations Notices	Chief Fire Officer Deputy Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer Fire Safety Advisor
RR (Fire Safety) Order 2005 – Article 27 – Powers of Inspectors	All Grades

DIRECTOR OF PUBLIC HEALTH

SECTION A.2

Areas of Delegation	Range of Grades
a. Issuing and serving statutory notices.	Director or Deputy Director
b. Granting any licence, consent, approval permission certificate or authorisation with or without conditions, or their refusal.	Director or Deputy Director
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Director or Deputy Director
d. Signing documents.	L and above, within their areas of responsibility.
e. Making grants (up to £10,000).	M and above

SECTION B – SPECIFIC

DELEGATION GENERAL

DELEGATION

Each member of the Public Health Departmental Management Team together with staff in their services within their areas of responsibility are authorised to exercise the Council's functions delegated to the Director of Public Health in relation to

- Health Protection
- Emergency planning
- Health Improvement
- Clinical Public Health including advice to the wider health system
- Health Intelligence

Appendix 15

FINANCIAL REGULATIONS

Background

- A. The County Council's governance structure is laid down in the Constitution, which sets how the County Council operates; how decisions are made; and how procedures are followed.
- B. The County Council has adopted a Cabinet form of governance.
- C. Elected Members are responsible for "ownership" of the County Council's financial management. Responsible Budget Officers (RBOs) act on behalf of the County Council in exercising that responsibility and in securing compliance with the County Council's Financial Regulations.
- D. The County Council's Head of Paid Service is responsible for the corporate and strategic management of the County Council. The Head of Paid Service must report to, and provide information for, the County Council, its Cabinet and Committees. Furthermore, the Head of Paid Service is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, ~~(Chief Legal Officer)~~[Director of Governance](#), for the system of record keeping in relation to all the County Council's decisions.
- E. The Statutory Finance Officer, the Executive Director of Finance and Commercial Services at Norfolk County Council, has statutory duties in relation to the administration and stewardship of the County Council's financial affairs. This statutory responsibility cannot be overridden. The statutory duties arise from: [the legislation referenced in 2.5.3.](#)
- ~~Section 151 of the Local Government Act 1972~~
 - ~~The Local Government Finance Act 1988~~
 - ~~The Local Government and Housing Act 1989~~
- ~~The Accounts and Audit (England) Regulations 2015~~
- ~~The Local Government Acts 2000 and 2003~~
 - ~~The Localism Act 2011~~
- F. The Executive Director of Finance and Commercial Services is responsible for the proper administration of the County Council's financial affairs and for setting and monitoring compliance with agreed standards of financial administration and management, including advice on the County Council's corporate financial position. The Executive Director of Finance and Commercial Services is also the "head of profession" for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development. Within these Financial Regulations, the terms Statutory Finance Officer, Chief Finance Officer, and Section 151 Officer all refer to the

Executive Director of Finance and Commercial Services.

Contents

- 1. Status of Financial Regulations
 - 1.1 Purpose and Scope
 - 1.2 Key Roles and Responsibilities
- 2. Financial Management
 - 2.1 Introduction
 - 2.2 The Council
 - 2.3 The Cabinet
 - 2.4 Scrutiny Committee
 - 2.5 Statutory Officers
 - 2.5.1 The Head of Paid Service
 - 2.5.2 The Monitoring Officer (~~Chief Legal Officer~~[Director of Governance](#))
 - 2.5.3 The Chief Finance Officer (Executive Director of Finance and Commercial Services)
 - 2.6 The Money Laundering Reporting Officer
 - 2.7 Executive Director of Finance and Commercial Services
 - 2.8 Corporate Board
 - 2.9 Executive Directors
 - 2.10 Other Financial Accountabilities
 - 2.10.1 Accounting Policies
 - 2.10.2 Accounting Records and Returns
 - 2.10.3 Annual Statement of Accounts
- 3. Financial Planning
 - 3.1 Introduction
 - 3.2 Revenue Budget
 - 3.3 Capital Budget
 - 3.4 Medium Term Planning and Budget Preparation
 - 3.5 Asset Management Plan
 - 3.6 Decisions
 - 3.7 Budget Monitoring and Control
 - 3.8 Virement
 - 3.9 Treatment of Year-End Balances
 - 3.10 Maintenance of Reserves
- 4. Governance, Risk Management and Internal Control
 - 4.1 Governance
 - 4.2 Internal Control and Internal Audit
 - 4.3 Risk Management
 - 4.4 External Audit
 - 4.5 Anti-Fraud and Corruption
 - 4.6 Money Laundering and Proceeds of Crime
 - 4.7 Treasury Management
 - 4.8 Norfolk Pension Fund

- 5. Assets, Systems, Processes and Records
 - 5.1 Introduction
 - 5.2 Data Management
 - 5.3 Financial Processes and General Data Protection Regulations
 - 5.4 Schemes of Authorisation and Financial Responsibility
 - 5.5 Income
 - 5.6 Payments to Employees, Third Parties and Members
 - 5.7 Taxation
 - 5.8 Trading Accounts
 - 5.9 Monitoring Reporting
 - 5.10 Companies, Trusts and Charities
 - 5.11 Early payments and loans to suppliers and service providers
 - 5.12 Contract Standing Orders
 - 5.13 Assets

5.14 Grants

5.14.15 Retention of Financial Records

- 6. External Arrangements
 - 6.1 Introduction
 - 6.2 Partnerships
 - 6.3 External Funding
 - 6.4 Financial Guarantees
 - 6.5 Work for Third Parties
 - 6.6 State Aid and Competition
 - 6.7 Projects / Business Cases (including Private Finance 2 (PF2))Private Finance 2 (PF2)
 - 6.8 Social Impact Bonds (SIBs)

Annex A
Revenue
Capital

Annex B
Section 114 Process

1. Status of Financial Regulations

1.1. Purpose and Scope

- 1.1.1. These Financial Regulations provide the basis for managing the County Council's financial affairs. They provide a framework for decision-making, which sets out how specific statutory powers and duties are complied with, as well as reflecting best professional practices. This document also acts as a reference point to other documents which include the detailed policies and procedures behind these Financial Regulations.
- 1.1.2. The Financial Regulations apply to every elected Member and officer of the County Council and, when stated, to third parties acting specifically on its behalf. The Regulations apply to all Norfolk County Council's financial arrangements, including joint committees, save where there is express agreement to the contrary.

1.2. Key Roles and Responsibilities

- 1.2.1. The Regulations identify the financial responsibilities of the County Council, Cabinet and its Committees, the Executive Director of Finance and Commercial Services and other Executive Directors.
- 1.2.2. All elected Members and staff have a general responsibility for taking reasonable action to provide for the security of the County Council's assets under their control, and for ensuring that the use of these resources is legal, properly authorised, and provides value for money.
- 1.2.3. The Executive Director of Finance and Commercial Services is responsible for maintaining a continuous review of the Financial Regulations and for submitting any additions or changes necessary to County Council for approval and at a minimum annually. Elected Members are responsible for considering and approving the County Council's Financial Regulations and for satisfying themselves that they are sufficient to ensure sound financial management of the County Council's resources.
- 1.2.4. The Executive Director of Finance and Commercial Services is responsible for reporting, where appropriate, breaches of the Financial Regulations to the County Council, Cabinet and the Audit Committee.
- 1.2.5. The Executive Director of Finance and Commercial Services is responsible for issuing advice and guidance on the operation of the Financial Regulations. The County Council's detailed 'Financial Procedures', which support these Regulations, are determined by the Executive Director of Finance and Commercial Services and set out how the Regulations will be implemented. Financial Procedures are described in separate guidance and have the same status as the Financial Regulations.

1.2.6. Executive Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the County Council's Financial Regulations, Financial Procedures and other internal regulatory documents and that they comply with them at all times. They must ensure that all staff have access to, or the opportunity to ~~access, these Regulations, Procedures and other regulatory documents either published on the County Council's internet or intranet (MyNet) pages as appropriate.~~ ~~access, these Regulations, Procedures and other regulatory documents published on the County Council's internet and intranet (iNet) pages.~~

1.2.7. The Executive Director of Finance and Commercial Services is responsible for ensuring that both elected Members and officers are sufficiently competent, trained and informed regarding the financial affairs of the Council.

1.2. Financial Management

1.1.2.1. Introduction

1.1.1.2.1.1. Financial management covers all financial activities in relation to the running of the County Council, including the policy framework and budget. In overall terms, elected Members are responsible for agreeing the financial policy framework and officers are responsible for advising Members, and for the operational delivery of financial processes in line with the agreed policy. The financial management responsibilities for particular Members' groups and individual post-holders are detailed in this section.

1.2.2.2. The Council

1.2.1.2.2.1. The County Council is responsible for adopting and changing the principles of governance and for approving or adopting the policy framework and budget within which the Council operates.

1.2.2.2.2.2. The principles of decision making, and the roles of the Leader, Cabinet, Select Committees, and Scrutiny Committee are set out in Articles 6, 7 and 12 of the Norfolk County Council Constitution.

1.3.2.3. The Cabinet

1.3.1.2.3.1. The Cabinet is responsible for all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

1.4.2.4. Scrutiny Committee

1.4.1.2.4.1. Scrutiny Committee reviews or scrutinises decisions made, or other action taken in accordance with:

- i) any functions which are the responsibility of the Executive, including decisions made/actions taken directly by the Executive itself and those decisions/actions delegated to Chief Officers and individual Members of the Executive; and
- ii) any functions which are not the responsibility of the Executive.

4.5.2.5. Statutory Officers

4.5.2.5.1. The Head of Paid Service

The Head of Paid Service is accountable to the County Council and Cabinet for the manner in which the discharge of the Council's functions is coordinated.

4.5.2.5.2. The Monitoring Officer (~~Chief Legal Officer~~Director of Governance)

The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution and contributing to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. They are also responsible, in conjunction with the Head of Paid Service and the Executive Director of Finance and Commercial Services, for reporting to the County Council and Cabinet if they consider that any proposal, decision, or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered. The Monitoring Officer will also provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

4.5.3.2.5.3. The Chief Finance Officer (Executive Director of Finance and Commercial Services)

The Council has designated the Executive Director of Finance and Commercial Services as the Chief Finance Officer. The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. The statutory duties arise from:

- Section 151, Local Government Act 1972
- The Local Authorities Goods and Services Act 1970 and 1988
- Section 114, Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Acts 2000 and 2003
- The Accounts and Audit (England) Regulations 2015
- The Local Government Pension Scheme Regulations 1974 and 1997
- The Local Government Pension Scheme Regulations (Management and Investment of Funds) 1998
- The Localism Act 2011

There are other Statutory Officer roles as set out within the Constitution, these include: Executive Director of Children's Services, Executive Director of Adult Social Services, Chief Fire Officer and Director of Public Health.

1.6.2.6. The Money Laundering Reporting Officer

1.6.1.2.6.1. The ~~Chief Legal Officer~~[Director of Governance](#) is appointed as the Money Laundering Reporting Officer and the ~~Head of Legal Services~~[Practice Director](#), nplaw as the Deputy Money Laundering Reporting Officer. The Council has an Anti-Money Laundering Policy and Procedures in place. The Money Laundering Reporting Officer is the officer responsible for reporting disclosures to the National Crime Agency.

1.7.2.7. Executive Director of Finance and Commercial Services

1.7.1.2.7.1. The Executive Director of Finance and Commercial Services has statutory duties in relation to the financial administration and stewardship of the County Council. This statutory responsibility cannot be overridden.

1.7.2.2.7.2. The Executive Director of Finance and Commercial Services is also subject to compliance with Statements of Professional Practice issued from time to time.

1.7.3.2.7.3. The role of Executive Director of Finance and Commercial Services complies with the principles in the CIPFA best practice statement on the "Role of the Chief Financial Officer in Local Government." This statement confirms that the Executive Director of Finance and Commercial Services is not only a servant of the Council, but also has a fiduciary responsibility to local taxpayers as a trustee of public monies.

1.7.4.2.7.4. The Executive Director of Finance and Commercial Services is responsible for:

- the proper administration of the County Council's financial affairs
- ensuring adherence to accounting standards
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management, including the level of balances, closure of accounts and statement of accounts
- setting the framework for reporting financial implications to Cabinet
- providing financial information on the corporate position of the County Council
- providing financial advice and information on all the County Council's services
- preparing the overall revenue budget and capital programme, including the three-year rolling medium term financial strategy
- preparing the asset management plan
- reporting on the robustness of the estimates made for the purposes of budget calculations, and the adequacy of proposed financial reserves
- effective administration of the treasury management function and aspects of pension fund administration and investment

- preparing the prudential indicators and ensuring adherence to the authorised limits set by Council
- defining standards of financial administration and management throughout the County Council
- defining the competencies of finance employees and for the delivery of effective and appropriate training and development opportunities to those employees
- advising on the adequacy and effectiveness of internal systems of control and internal audit
- delivering appropriate financial training to Members and non-financial staff

4.7.5-2.7.5. The Executive Director of Finance and Commercial Services has the Head of Profession role for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development. This includes ensuring that procedures are in place to enable Finance Business Partners for each service to concurrently support the Executive Director of Finance and Commercial Services and their Service Executive Director on key financial matters. Finance Business Partners report to the ~~Assistant Director Finance~~Director of Financial Management.

4.7.6-2.7.6. The Head of Profession role of the Executive Director of Finance and Commercial Services carries the statutory responsibility laid down by Section 151 of the Local Government Act 1972 to “make arrangements for the proper administration of the County Council’s financial affairs.” The ~~Assistant Director of Finance~~Director of Financial Management performs the role of the Deputy Section 151 Officer.

4.7.7-2.7.7. Section 114 of the Local Government Finance Act 1988 requires the Executive Director of Finance and Commercial Services to report to each Member of the Council, and the External Auditor, if the County Council’s Cabinet a joint committee on which the County Council is represented, or one of its officers:

- has made, or is about to make, a decision which involves the County Council incurring unlawful expenditure
- has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency to the County Council
- is about to make an unlawful entry in the County Council’s accounts.

4.7.8-2.7.8. Details of the process which would be followed in the event of a report being issued under section 114 of the Local Government Finance Act 1988 are set out in Annex B. Section 114 of the 1988 Act also requires:

- the Executive Director of Finance and Commercial Services to nominate a properly qualified member of staff to deputise if he or she is unable to perform personally, the duties under section 114. The ~~Assistant Director Finance~~Director of Financial Management is nominated to deputise for the Executive Director of Finance and Commercial Services.

- the Authority to provide the Executive Director of Finance and Commercial Services with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

4.7.9.2.7.9. The Executive Director of Finance and Commercial Services is responsible for ensuring that all services are appropriately supported by skilled finance professionals. The Executive Director of Finance and Commercial Services is assisted in providing strategic financial support to services by Finance Business Partners.

4.8.2.8. **Corporate Board**

4.8.1.2.8.1. In addition to individual responsibilities, the Leader, Deputy Leader and Executive Directors (including the Head of Paid Service) form the Corporate Board, which, acting together and corporately is responsible for:

- Advising on draft financial policies for consideration by Cabinet.
- Working closely with Cabinet in developing financial policies.
- Being the primary mechanism for collectively ensuring the delivery of the Council's corporate financial policies.

4.9.2.9. **Executive Directors**

4.9.1.2.9.1. Executive Directors are responsible:

- for ensuring that the Council is advised of the financial implications of all proposals relating to their respective services and for ensuring that the financial implications have been agreed by the Executive Director of Finance and Commercial Services;
- for consulting with the Executive Director of Finance and Commercial Services and seeking approval on any matter liable to materially¹ affect the County Council's finances before any commitments are entered or incurred. This includes notification to the Executive Director of Finance and Commercial Services as soon as possible in the event of identification of overspending or of a shortfall in income against the budget approved by the Council; and
- for ensuring that budget monitoring is undertaken monthly, and that costs are contained within budget. In the event of identification of overspending or a shortfall in income against the budget, Executive Directors are responsible for ensuring that corrective action is managed in a rigorous manner.

4.9.2.2.9.2. Executive Directors should maintain a written record where decision-making has been delegated to members of their staff, including seconded staff.

4.9.3.2.9.3. Executive Directors' role includes working with outside bodies and accessing additional funds and resources to support the County Council's programme of work.

¹ [I.e. significantly impact on the Council's financial position](#)

4.10.2.10. Other Financial Accountabilities

4.10.1.2.10.1. Accounting Policies

The Executive Director of Finance and Commercial Services is responsible for ensuring appropriate accounting policies are in place and that they are applied consistently across the County Council.

4.10.2.2.10.2. Accounting Records and Returns

The Executive Director of Finance and Commercial Services is responsible for the accounting procedures and records for the County Council and must ensure that the financial accounts and financial records of the County Council comply with all accounting policies and standards where applicable and that these standards are applied consistently across the County Council.

4.10.3.2.10.3. Annual Statement of Accounts

The Executive Director of Finance and Commercial Services is responsible for ensuring that the annual Statement of Accounts is prepared in accordance with proper practices as required by the Accounts and Audit Regulations 2015. Proper practices include the Code of Practice on Local Authority Accounting in the United Kingdom (the code) and relevant statutory provisions. Council has delegated responsibility for approving the annual Statement of Accounts to the Audit Committee.

3. Financial Planning

4.11.3.1. Introduction

4.11.1.3.1.1. The Executive Director of Finance and Commercial Services, in accordance with the strategies, policies and priorities of the County Council, is to be responsible for the proper administration of the financial affairs of the County Council, including multi-year financial planning and control.

4.12.3.2. Revenue Budget

4.12.1.3.2.1. The consolidated revenue budget is proposed by the Cabinet and is approved by the County Council. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects and to proposed council tax levels. Once the overall budget has been approved by County Council, it cannot be increased by the Cabinet, subject to the arrangements set out in paragraph 3.7.5 below.

4.13.3.3. Capital Budget

~~1.13.1.3.3.1.~~ The capital budget is approved by the County Council considering Cabinet's recommendations. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects, how the programme is to be funded, and any impact on the revenue budget.

~~1.14.3.4.~~ **Medium Term Planning and Budget Preparation**

~~1.14.1.3.4.1.~~ The County Council is responsible for agreeing the Council's priorities. This sets the overall strategic framework for the County Council's services. The Medium-Term Financial Strategy sets out the approach and financial context for the County Council. The Medium-Term Financial Strategy also gives further detail as to how the County Council will deliver plans and resource services over three years. The County Council is responsible for agreeing a rolling three-year balanced budget and agreeing the council tax precept for the following financial year at the February County Council meeting. Executive Directors are collectively responsible for developing a framework and timetable to deliver medium term planning requirements. This framework will include: review of the planning context and the forward budget planning forecast; service priorities and costs; and provide a structure incorporating the development of medium-term service options including efficiencies, financial implications, risk impact and likelihood assessment; Member engagement, public and stakeholder consultation and the decision-making process.

~~1.14.2.3.4.2.~~ Cabinet is responsible for setting the parameters and providing guidance on the preparation of the budget in consultation with the Executive Director of Finance and Commercial Services. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the County Council's core roles
- all available resources including external funding and income
- fluctuations in demand, and inflation
- changes in grant funding
- best value
- government guidelines
- accounting standards
- the Prudential Code
- The County Council Plan
- Asset Management Plan
- Reserves, general and earmarked
- Arms' length bodies

It will also set out the minimum requirements for preparation of budget proposals including:

- option appraisal and use of whole life costing, comparing the relative costs of the options, over the life of the project. For example, whether to lease, purchase or new build;
- risk assessment and owner;

- equality and rural impact assessment, to ensure all the necessary key cross cutting issues are considered, including equality and sustainability; and
- Budget proposals pro-forma templates where appropriate to ensure that budget proposals are developed on a consistent basis.

1.14.3.3.4.3. The Executive Director of Finance and Commercial Services is responsible for ensuring that rolling three-year revenue and capital budget proposals are prepared on an annual basis for consideration by Cabinet. Cabinet is responsible for ensuring that the three-year revenue and capital budget proposals are robust and underpinned by an adequate level of reserves before submission to the County Council. Cabinet will publish to all County Council Members each autumn the financial context for forward financial service planning, a review of the issues relating to the budget for the following financial year, and a timetable for the preparation and approval of the budget. This timetable will take account of the need for discussion and review of the proposals by Select Committees and the Scrutiny Committee and of the need for statutory and other consultation on the budget proposals.

1.14.4.3.4.4. It is the responsibility of Executive Directors to ensure that proposals are prepared in accordance with the guidance, to ensure that budgets are set on a sound financial basis and in accordance with best practice including ensuring that they have been risk assessed.

1.14.5.3.4.5. The Executive Director of Finance and Commercial Services is responsible for ensuring that proposals demonstrate adherence to the guidance and Members should ensure that any proposed budget amendments are made available to the Executive Director of Finance and Commercial Services at least five working days before the County Council budget meeting. A single, balanced (funded) amendment may be put forward per group or independent Member. Proposed amendments may relate to multiple elements within the budget, but the amendment must be coherent as a complete package. This means proposed amendments should not (1) contain elements which relate to substantively similar matters or (2) propose elements which would be mutually incompatible within a single amendment (i.e. the proposed amendment cannot address the same topic multiple times). Separate elements of the budget amendment may be voted upon separately. Members' proposed budget amendments must be finalised two working days before the County Council budget meeting in order that the Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In accordance with established culture and practice, proposed budget amendments received in accordance with Financial Regulations will be published in advance of the County Council meeting at which they are to be discussed.

1.14.6.3.4.6. The County Council will consider the budget proposals and may adopt them, amend them or substitute its own proposals in their place prior to 1 March~~1st~~. The County Council will agree at least a three-year balanced budget and agree the precept for the following year.

4.15.3.5. Asset Management Plan

4.15.4.3.5.1. The Corporate Property Officer (**HeadDirector** of Property) is responsible for ensuring an Asset Management Plan is prepared / updated / reviewed on an annual basis for consideration by Cabinet before submission to County Council.

4.16.3.6. Decisions

4.16.1.3.6.1. All decisions must be undertaken in accordance with the decision-making and reporting framework set out in the Constitution of the County Council and must comply with the County Council's Financial Regulations and Financial Procedures. Details of financial implications must be provided before any financial decision can be taken. Decisions which commit the County Council to spending over £100m must be referred to Full Council.

4.16.2.3.6.2. The Executive's Terms of Reference are set out in Article 7 of the Constitution and confirm that Cabinet is responsible for taking key decisions which incur significant expenditure or make significant savings, and decisions which have an impact on a significant proportion of Norfolk's residents. The Head of Paid Service in consultation with the Leader shall determine, in relation to any decision to be taken under delegated authority, if it is a decision which may incur significant expenditure, make significant savings, or may affect a significant proportion of Norfolk's residents, and in such a case the decision shall be made by the Executive.

4.17.3.7. Budget Monitoring and Control

4.17.1.3.7.1. The Executive Director of Finance and Commercial Services is responsible for monitoring income and expenditure against approved revenue and capital budget allocations and for reporting to Executive on the overall position monthly.

4.17.2.3.7.2. The Executive Director of Finance and Commercial Services is responsible for monitoring the prudential indicators and reporting to Executive on the overall position monthly.

4.17.3.3.7.3. The Executive Director of Finance and Commercial Services is responsible for monitoring the cash flow of the County Council and ensuring this is used to inform borrowing and investment decisions.

4.17.4.3.7.4. It is the responsibility of Executive Directors to control income and expenditure within their area in accordance with the approved budget and to monitor performance, taking account of financial information provided by the Executive Director of Finance and Commercial Services. Executive Directors are responsible for alerting the Executive Director of Finance and Commercial Services and the relevant Cabinet Member(s) or the Leader, to any overspendings or shortfalls in income and for identifying strategies and options for containing spend within the budget approved by the Council. If the

overspending or shortfall in income cannot be accommodated within the service's budget this shall be reported to Cabinet.

~~1.47.5.3.7.5.~~ Any policy proposal, which would have the effect of increasing a Service Department's budget, must be supported by a funding proposal setting out how it can be accommodated within the Service Department's existing budget. Such proposals must be made available to the Executive Director of Finance and Commercial Services at least five working days before the meeting at which they are to be proposed and must be finalised two working days before the meeting in order that the Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In the event that the proposal falls outside the scope of the Policy Framework as set out in Article 4 of the Constitution, it must be referred to Full Council for consideration.

~~1.47.6.3.7.6.~~ Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the ~~Chief Legal Officer and the Head of Procurement~~ Director of Procurement, in consultation with the Executive Director of Finance and Commercial Services.

Commented [AT1]: Amendment to align with CSOs

~~1.48.3.8.~~ Virement

~~1.48.1.3.8.1.~~ Virement is the process of transferring the budget expenditure or income, whether revenue or capital, from one approved budget head to another. The County Council is responsible for agreeing the overall procedures for the virement of budget and the approval of virements between Departments. Executive Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Executive Director of Finance and Commercial Services where required. (The current approved procedures are shown in Annex A).

~~1.48.2.3.8.2.~~ Schools are free to vire between budget heads in the expenditure of their budget shares, but Governors are advised to establish criteria for virements and financial limits above which the approval of the Governors is required.

~~1.49.3.9.~~ Treatment of Year-End Balances

~~1.49.1.3.9.1.~~ Any under and overspendings by Service Departments are required to be reported to Cabinet as part of year-end reporting. Cabinet is responsible for reporting the overall under and overspendings to County Council and making recommendations as to how they are utilised or managed.

~~1.49.2.3.9.2.~~ The Executive Director of Finance and Commercial Services is responsible for putting in place controls to ensure that carry-forward of revenue budget, revenue reserves and revenue grants above agreed limits are documented and reported to all Executive Directors and totals agreed by Cabinet.

~~4.19.3.3.9.3.~~ The Executive Director of Finance and Commercial Services is responsible for putting in place controls to ensure that carry-forward of capital budget, capital reserves and capital grants above agreed limits are documented and reported to all Executive Directors and totals agreed by Cabinet. Any slippage on the capital programme will be carried forward to the next financial year and reported to Cabinet.

~~4.20.3.10.~~ Maintenance of Reserves

~~4.20.1.3.10.1.~~ It is the responsibility of the Executive Director of Finance and Commercial Services to review the County Council's financial risks and planning assumptions and advise the Cabinet and the County Council on prudent levels of reserves and of general balances as part of setting the budget. This advice needs to take account of relevant accounting standards and professional best practice as part of the Council's budget planning process and regular budget monitoring.

~~4.20.2.3.10.2.~~ The annual revenue budget sets out details of the purpose for which earmarked reserves are held and high-level forecasts for the use of such reserves. The timing of the use of reserves may however be uncertain and the annual budget setting process therefore provides the framework in which the use of reserves is agreed. In agreeing the annual revenue budget, the County Council is approving the use of reserves for the purposes for which they have been earmarked, and it is recognised that the timing of this use will be dependent on operational requirements and other factors.

~~4.20.3.3.10.3.~~ Where it is proposed that reserves are to be used for a purpose other than that for which they have been earmarked, this will be subject to approval by Cabinet in-year, based on the advice of the Executive Director of Finance and Commercial Services, with reference to a recommendation from the relevant Executive Director as appropriate in respect of service reserves. There is a general presumption that Cabinet will normally approve recommendations for the use of earmarked reserves which are made by Executive Directors, except where there are wider implications for financial control across the County Council, or delivery of the Council's budget plans. If the Executive Director of Finance and Commercial Services advises that a decision about the use of reserves may have broader implications, Cabinet will recommend a course of action but refer the matter to be decided by the County Council.

~~2.4.~~ Governance, Risk Management and Internal Control

~~2.1.4.1.~~ Governance

~~2.1.1.4.1.1.~~ The Audit Committee is primarily responsible for Governance, Risk Management and Internal Control throughout the County Council. Its Terms of Reference are reviewed annually and published as part of Appendix 2 of the Constitution. Any changes are approved by the County Council. The composition is politically balanced and is reviewed at each appointment to the Committee.

2.1.2.4.1.2. Other Member-led bodies that also have a role in governance and internal control include the County Council, the Corporate Select Committee in any review of the Constitution for approval by full Council and with respect to Members, the Standards Committee.

2.2.4.2. Internal Control and Internal Audit

2.2.1.4.2.1. Internal control refers to the systems of management and other controls put in place to ensure that the County Council's objectives are achieved in a manner which promotes economic, efficient and effective use of resources and in a way, which ensures that the County Council's assets and interests are safeguarded.

2.2.2.4.2.2. The Executive Director of Finance and Commercial Services is responsible for advising on adequate and effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant best practice.

2.2.3.4.2.3. It is the responsibility of Executive Directors, having regard to advice from the Executive Director of Finance and Commercial Services, to establish sound arrangements for internal control including planning, appraising, authorising and controlling their operations to achieve continuous improvement, economy, efficiency and effectiveness and in order to achieve their targets.

2.2.4.4.2.4. The Accounts and Audit Regulations 2015 require the County Council to:

- undertake an adequate and effective internal audit;
- review the effectiveness of its internal audit, at least annually; and
- ensure the Audit Committee considers the findings of that review as part of its consideration of the system of internal control for the County Council.

2.2.5.4.2.5. The Leader of the Council and the Head of Paid Service are responsible for signing the Annual Governance Statement that should be produced following an annual review of systems of internal control. The Annual Governance Statement is published with the annual Statement of Accounts.

2.3.4.3. Risk Management

2.3.1.4.3.1. The County Council through the Cabinet is responsible for approving the County Council's Risk Management Policy and Framework and ensuring that proper insurance exists where appropriate.

2.3.2.4.3.2. The Audit Committee is responsible for reviewing the effectiveness of the County Council's risk management arrangements. It will receive risk management reports at least four times a year and take appropriate action to ensure that corporate business risks are

being actively and appropriately managed. Annually, it will report on risk management to the County Council.

2.3.3.4.3.3. The Executive Director of Finance and Commercial Services is responsible for informing the preparation of the County Council's risk management Policy and Framework, for promoting it throughout the County Council and for advising the Cabinet on proper insurance cover where appropriate. The Executive Director of Finance and Commercial Services will also report on the Corporate Risk Register quarterly to the Cabinet, to each meeting of the Audit Committee, and ensure that Executive Directors report their full departmental risk register to the Cabinet at least once per annum.

2.4.4.4. External Audit

2.4.1.4.4.1. Public Sector Audit Appointments Limited (which replaced the Audit Commission with effect from 1 April 2015) is responsible for appointing external auditors to each local authority. The duties of the external auditor are governed by the Local Audit and Accountability Act 2014.

2.4.2.4.4.2. The County Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

2.4.3.4.4.3. External auditors have a responsibility to satisfy themselves that the County Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This judgement is based on criteria specified by the National Audit Office. The Executive Director of Finance and Commercial Services, in conjunction with Executive Directors, must ensure that the organisation makes best use of resources and that taxpayers and / or service users receive value for money.

2.5.4.5. Anti-Fraud, **Bribery** and Corruption

2.5.1.4.5.1. In managing its responsibilities, the County Council is determined to protect itself against fraud and corruption both from within the County Council and from outside. The County Council is committed to maintaining a strong anti-fraud and corruption culture through its Anti-Fraud and Corruption **StrategyPolicy**. This is designed to:

- Encourage prevention;
- Promote detection;
- Identify a clear pathway for investigation; and
- Fulfil the requirements of Section 17 of the Crime and Disorder Act 1998

2.5.2.4.5.2. The County Council expects Members and staff at all levels to lead by example in ensuring adherence to legal requirements, rules, procedures and practices and internal controls including internal checks.

2.5.3.4.5.3. Executive Directors are responsible for ensuring that internal controls are such that fraud, bribery or corruption will be prevented, where possible, and the measures in the Anti-Fraud, Bribery and Corruption StrategyPolicy are promoted.

2.5.4.4.5.4. Under the Anti-Fraud, Bribery and Corruption StrategyPolicy, an Executive Director is required to immediately inform the Executive Director of Finance and Commercial Services of any financial irregularity or suspected financial irregularity.

2.5.5.4.5.5. The County Council expects that all who have dealings with it have a similar anti-fraud, bribery and corruption ethos and that they have no intent or actions with respect to fraud, bribery and corruption. (The County Council has issued guidance in "How to do business with Norfolk County Council" including whistleblowing, to support this).

2.6.4.6. Money Laundering and Proceeds of Crime

2.6.1.4.6.1. The County Council has adopted an anti-money laundering policy and procedures intended to prevent the use of proceeds from crime. This policy has been developed with regard to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.

2.6.2.4.6.2. The County Council has nominated the Chief Legal OfficerDirector of Governance to perform the role of Money Laundering Reporting Officer (MLRO) whose principal role is to receive, consider and respond to any reports received of known or suspected money laundering.

2.6.3.4.6.3. Executive Directors are responsible for ensuring that:

- all staff most likely to be exposed to, or suspicious of, money laundering situations are made aware of the requirements and obligations placed on the County Council and themselves by legislation;
- those staff considered most likely to encounter money laundering are given appropriate training (nplaw can provide relevant in-house training);
- departmental procedures are established to help forestall and prevent money laundering, including making arrangements for reporting concerns about money laundering to the MLRO; and
- periodic and regular assessments are undertaken of the risks of money laundering that may exist in their Departments.

2.7.4.7. Treasury Management

2.7.1.4.7.1. The County Council has adopted the CIPFA Code of Practice for Treasury Management in the Public Services and complies with the CIPFA Prudential Code when carrying out borrowing and investment activities under Part 1 of the Local Government Act 2003.

2.7.2.4.7.2. The County Council is responsible for the setting and revising of prudential indicators and for the approval of the Annual Investment and Treasury Strategy.

2.7.3.4.7.3. The County Council has delegated responsibility to the Executive Director of Finance and Commercial Services for the execution and administration of treasury management decisions, including decisions on borrowing, investment, financing (including leasing) and maintenance of the counter party list. The counter party list contains details of those banks, building societies and other bodies that meet the County Council's criteria for investment. The Executive Director of Finance and Commercial Services has delegated authority to effect movement between the separately agreed limits for borrowing and other long-term liabilities reflected in the Prudential Code's operational and authorised limits. The Executive Director of Finance and Commercial Services is required to act in accordance with the County Council's Treasury Management Policy Statement and Treasury Management Practices and CIPFA's Standards of Professional Practice on Treasury Management in accordance with external advice.

2.7.4.4.7.4. The Executive Director of Finance and Commercial Services will prepare for County Council an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close. In addition, the Executive Director of Finance and Commercial Services will regularly report to the Treasury Management Panel and the Cabinet on treasury management policies, practices, activities and performance monitoring information.

2.7.5.4.7.5. The Executive Director of Finance and Commercial Services is responsible for:

- monitoring performance against prudential indicators, including reporting significant deviations to the Cabinet and County Council as appropriate.
- ensuring all borrowing and investment decisions, both long and short term, are based on cash flow monitoring and projections.
- ensuring that any leasing financing decisions are based on full options appraisal and represent best value for the County Council, in accordance with the County Council's leasing guidance.
- the provision and management of all banking services and facilities to the County Council.

2.8.4.8. **Norfolk Pension Fund**

2.8.1.4.8.1. The Local Government Pension Scheme (LGPS) is a national pension scheme, with its own regulator (the Ministry of Housing, Communities and Local Government), which is administered locally.

2.8.2.4.8.2. The County Council is the Administering Authority of the Norfolk Pension Fund and administers the LGPS on behalf of all the participating employers and scheme members. Norfolk County Council is also an employer within the scheme.

2.8.3.4.8.3. Norfolk County Council delegates all its responsibilities as Administrator of the scheme to the Pensions Committee who act as quasi-trustee of the Fund.

2.8.4.4.8.4. All Pension Fund assets are separate from the County Council, and all costs and income are accounted for separately. The Fund has a separate bank account.

2.8.5.4.8.5. The Pensions Committee is responsible for all aspects of the administration of the scheme. This includes responsibility for deciding upon the best way in which the Pension Fund is to be invested with appropriate regard to its fiduciary responsibilities.

2.8.6.4.8.6. Advice is received as required from professional advisers. The Pensions Committee formally reviews the performance of investments and the overall strategy on a regular basis. The Fund is invested in compliance with the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016. The 2016 Regulations introduced the requirement for LGPS funds to pool investment assets from the 1st April 2018.

2.8.7.4.8.7. In order to facilitate the pooling of assets, the Norfolk Pension Fund has entered into an Inter-Authority Agreement with 10 other Administering Authorities, collectively known as the ACCESS (A Collaboration of Central, Eastern & Southern Shires) Pool. The ACCESS Funds are Cambridge, East Sussex, Essex, Hampshire, Hertfordshire, Isle of Wight, Kent, Norfolk, Northamptonshire, Suffolk and West Sussex.

2.8.8.4.8.8. The Pensions Committee is also responsible for the appointment and monitoring of Investment Managers, Custodian and other related service providers to the Fund.

2.8.9.4.8.9. The Executive Director of Finance and Commercial Services is responsible for the administration and financial accounting of the Norfolk Pension Fund. The Executive Director of Finance and Commercial Services is responsible for the preparation of the Pension Fund statutory accounts and annual report. The County Council delegates responsibility for the approval of the annual Pension Fund statutory accounts to the Audit Committee.

2.8.10.4.8.10. The Norfolk Pension Fund has adopted an Investment Strategy Statement (formerly the Statement of Investment Principles) in relation to the investment of the assets. This Statement includes details of compliance with recognised good investment practices. It is the Pensions Committee's responsibility to monitor the Fund's position in relation to the Investment Strategy Statement.

2.8.11.4.8.11. The Pension Fund maintains a Funding Strategy Statement, which sets out the Fund's approach to funding liabilities, based on principles agreed by the Pensions Committee. The Pension Fund is committed to providing clear, relevant, accessible and timely information to all stakeholders and to this end publishes and maintains a Customer Care and Communication Strategy Statement and a Governance Statement.

~~2.8.12.4.8.12.~~ The Executive Director of Finance and Commercial Services ensures compliance with relevant regulatory and legislative guidelines and for keeping records of all scheme members, calculation and payment of benefits, transfers between schemes and the collection of contributions from participating employers.

~~2.8.13.4.8.13.~~ In line with all public service pension schemes, LGPS Funds are required to have a local Pensions Board. The Board helps ensure that the Fund is managed and administered effectively and efficiently and complies with the Code of Practice on Governance and Administration of Public Service Pension Schemes issued by the Pensions Regulator. In Norfolk the local pension board is known as the Pensions Oversight Board and is made up of scheme member and scheme employer representatives with an independent chair.

5. Assets, Systems, Processes and Records

2.9.5.1. Introduction

~~2.9.1.5.1.1.~~ Robust systems and procedures are essential to an effective framework of accountability and control.

2.10.5.2. Data Management

~~2.10.1.5.2.1.~~ The Corporate Board is responsible for ensuring that policies and procedures are in place to enable management of data to support effective decision-making.

~~2.10.2.5.2.2.~~ It is the responsibility of the Executive Director to ensure data management policies are understood and used effectively within their services.

2.11.5.3. Financial Processes and General Data Protection Regulations

~~2.11.1.5.3.1.~~ The Executive Director of Finance and Commercial Services is responsible for the determination and operation of the County Council's accounting processes, for the form of accounts and for the supporting financial records. The Executive Director of Finance and Commercial Services must approve any changes made by Executive Directors to the financial processes or the establishment of new processes, including IT systems.

~~2.11.2.5.3.2.~~ Executive Directors must ensure that any processing (computerised or manual) that involves personal information is registered in accordance with the General Data Protection Regulation 2018 and that all staff are aware of their responsibilities under the Act and advice from the Information Commissioner.

~~2.11.3.5.3.3.~~ Executive Directors must ensure that all staff are aware of their responsibilities under Freedom of Information legislation, and that procedures are in place to ensure compliance.

~~2.11.4.5.3.4.~~ Executive Directors must ensure that all staff are aware of their responsibilities under the Code of recommended practice for local authorities on data transparency. These include:

- The requirement to maintain an inventory of data sets.
- The general requirement that, where data is published, it should be in a non-proprietary format and published in a timely fashion.
- The requirement to publish certain, specified data sets.

~~2.11.5.5.3.5.~~ To ensure that open data which is published corporately is accurate and complete, Executive Directors must ensure that:

- All contracts over £50,000 are registered on the corporate contracts register maintained by the procurement team.
- All goods and services are ordered via one of the council's electronic ordering systems (for general purposes, Oracle iProcurement).
- All goods and services are ordered in advance and purchase order descriptions are accurate and complete.
- All changes of structure are notified to HR.

~~2.12.5.4.~~ **Schemes of Authorisation and Financial Responsibility**

~~2.12.1.5.4.1.~~ It is the responsibility of Executive Directors to ensure that the scheme of authorisation and financial responsibility is implemented using Budget Manager and is operating effectively. The scheme of authorisation and financial responsibility identifies staff authorised to act on the Executive Director's behalf, or on behalf of the County Council, in respect of payments, income collection and procurement (including ordering). Procurement authorisations shall be made in accordance with the requirements of Contract Standing Orders. For clarity, staff identified to act in this way will be required to formally accept their responsibilities under the scheme of authorisation and financial responsibility.

~~2.13.5.5.~~ **Income**

~~2.13.1.5.5.1.~~ The Executive Director of Finance and Commercial Services is responsible for the provision and management of all income collection arrangements for the County Council.

~~2.13.2.5.5.2.~~ Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control. The [Debt Recovery Policy and Framework](#) forms part of the Financial Procedures and is required to be followed by all parties involved in the recovery of monies owed to the Council.

~~2.14.5.6.~~ **Payments to Employees, Third Parties and Members**

~~2.14.1.5.6.1.~~ Except for schools, the Executive Director of Finance and Commercial Services is responsible for all payments of salaries and wages to all staff, including payments for

overtime, goods and services provided, and for the payment of allowances to elected Members. Schools have delegated responsibility under the LMS scheme.

2.15.5.7. Taxation

~~2.15.1.5.7.1.~~ The Executive Director of Finance and Commercial Services is responsible for advising Executive Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues, including VAT, that affect the County Council.

~~2.15.2.5.7.2.~~ The Executive Director of Finance and Commercial Services is responsible for maintaining the County Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

2.16.5.8. Trading Accounts

~~2.16.1.5.8.1.~~ Cabinet must approve the establishment of all Trading Accounts. Trading Accounts are required for all services that provide goods or services to a third party on a traded basis or where the organisation has identified that a service should operate as a separate trading unit.

~~2.16.2.5.8.2.~~ The Executive Director of Finance and Commercial Services is responsible for the form of the trading accounts included in the Trading Framework document. Executive Directors are responsible for reporting on the activities of any trading organisation within their respective areas of service, taking account of current accounting standards and best practice in reporting.

2.17.5.9. Monitoring Reporting

~~2.17.1.5.9.1.~~ Executive Directors are responsible for ensuring that monthly budget monitoring reports for both revenue and capital expenditure and income are produced for their respective areas of service. The Executive Director of Finance and Commercial Services is responsible for regularly reporting the details (including compliance with the Prudential Code) to Cabinet.

~~5.9.2.~~ Any variation, or variations, to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Chief Legal Officer and the Head of Director of Procurement, in consultation with the Executive Director of Finance and Commercial Services.

Commented [AT2]: Aligned to 3.7.6 and CSOs.

2.18.5.10. Companies, Trusts and Charities

~~2.18.1.5.10.1.~~ Cabinet is responsible for:

- Approving the establishment and viability (including the business case) of all new companies, trusts and charities.
- Approving investments in other companies, trusts and charities, in which the County Council has a financial interest except where the investment is within criteria Cabinet has previously delegated to an Executive Director.
- Taking decisions as shareholder and sole trustee where appropriate.
- Monitoring and receiving reports on the County Council's companies.
- Dissolution of County Council's companies, trusts and charities

2.18.2.5.10.2. Executive Directors are responsible for informing the ~~Chief Legal Officer~~ Director of Governance and Executive Director of Finance and Commercial Services of any new proposals, to ensure that legal and financial considerations are properly considered before any arrangements with an outside body or creation of a new company, trust or charity are considered.

2.18.3.5.10.3. Executive Directors are also responsible for ensuring tight controls are in place for the financial management of loan and guarantor arrangements with Norfolk County Council owned companies. This includes ensuring the Executive Director of Finance and Commercial Services is presented with robust business cases and signed loan agreements.

2.18.4.5.10.4. The Executive Director of Finance and Commercial Services is responsible for reviewing the ongoing viability of such entities and regularly reporting the performance of their activities, with a view to ensuring that the County Council's interests are being protected.

2.18.5.5.10.5. All relevant companies must have their accounts incorporated and consolidated within the County Council's financial accounts in accordance with proper accounting standards and best financial practice. The Executive Director of Finance and Commercial Services is responsible for ensuring the proper financial accounting treatment and compliance with current legislation.

~~1.1.1~~—The appointment and removal of directors to companies, trusts and charities in which the County Council has an interest must be made by ~~County Council~~ Cabinet, having regard to the advice of the Executive Director of Finance and Commercial Services ~~and the recommendation of Cabinet~~. The directors will then have a statutory duty to the company, trust or charity and must therefore act in accordance with the Companies and

~~2.18.6.5.10.6.~~ / or Charities Act where applicable.

2.18.7.5.10.7. The Executive Director of Finance and Commercial Services and ~~Chief Legal Officer~~ Director of Governance should be contacted for assistance at an early stage to discuss the proposals.

2.19.5.11. Early payments and loans to suppliers and service providers

5.11.1. Early Payments

In the normal course of business, the County Council may on occasion make **early payments** (in advance ahead of contractual payment terms) to support suppliers or service providers experiencing cash flow difficulties. Early payments will be made. These are agreed on a case by case basis, entirely at the discretion of the County Council, and (where appropriate) taking into account the overall value of the contract and the implications of any failure of service provision. Payments in these circumstances will be agreed by the. Any decision to vary a contract by amending the payment terms shall be taken in accordance with Regulation 72 of the Public Contracts Regulations 2015. The Council has a protocol in place which governs the amendment of payment terms for existing contracts. This protocol covers both permanent, ongoing arrangements and one-off requests for early payment. The Council's Contract Standing Orders set out the general principle that advance payment terms should not be offered during procurement activities other than in exceptional circumstances. In all cases, care must be taken to ensure the Council is not committed to making infeasibly fast payments. There are broadly three scenarios which may arise:

5.11.2. Payment ahead of terms

Where suppliers or service providers experiencing cash flow difficulties or other financial hardship seek payment ahead of terms but not in advance of the supply of goods or services, the contract manager, in conjunction with the relevant Finance Business Partner for the service area, with notification, may agree to payment ahead of terms provided that an appropriate discount is secured. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e. payment made ahead of terms with no discount required).

Where suppliers or service providers which are not in financial difficulties seek payment ahead of terms but not in advance of the supply of goods or services, the Director of Procurement, in conjunction with the relevant Finance Business Partner, may agree to payment ahead of terms provided that an appropriate discount is secured. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e. payment made ahead of terms with no discount required).

5.11.3. Payment in advance of goods or services being supplied

Due to the credit risk involved, only the Executive Director of Finance and Commercial Services, Director of Financial Management or Assistant Director of Finance (FES) and/or Assistant Director of Finance. In marginal cases, or where there is doubt about the ongoing viability of a supplier, it may be appropriate to undertake may agree to vary a Financial Assessment of the supplier before any early payment is agreed. Early payments will normally be recovered through an adjustment to subsequent contractual payments contract to allow for payment in advance of goods or services being delivered, subject to an appropriate discount being secured, and the arrangements for repayment terms must be agreed before any early payment is made taking into account state aid considerations. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e. payment made ahead of terms with no discount required), but only with the approval of the Executive Director of Finance and Commercial Services.

Commented [AT3]: Changes to align to CSOs and to reflect the new protocol on early payments produced by Procurement.

2.19.1.5.11.4. **Loans** may be made in exceptional circumstances outside of contractual agreements or where no contract or payment relationship exists. This has the potential to arise (for example) in the context of a third-party organisation experiencing financial difficulty, where the failure of the third party would significantly impact upon services the Council provides or is responsible for. Loans will be considered on a case by case basis, entirely at the discretion of the County Council, and taking into account the overall level of the loan and the implications of any failure of service provision. Loans in this context would be intended generally for short term cash flow purposes and to ensure the continuity of a service, or to avoid additional costs arising from any provider failure, although it is recognised that other circumstances necessitating a loan may also arise and this list is not comprehensive.

2.19.2.5.11.5. The Executive Director of Finance and Commercial Services has discretion to consider making a short-term loan in the above circumstances, whilst also considering:

- the ability of the loan recipient to repay and the provision of a robust plan to demonstrate how the situation which gave rise to the need for a loan will be resolved (it is also likely that a Financial Assessment of the recipient will be required);
- any potential state aid issues, particularly in respect of determining an appropriate interest rate for the loan, which should be set with reference to the published margin [tables](#); and
- the duration and value of the loan sought.

2.19.3.5.11.6. Loans will be requested through the relevant Finance Business Partner for the service area, in consultation with the Executive Director for the service. Loans will not be made until they have been approved by the Executive Director of Finance and Commercial Services, or the ~~Assistant~~ Director of ~~Finance~~**Financial Management**, following consultation with the Leader and / or Deputy Leader in the case of a loan over £50,000 and / or for a loan period in excess of six months.

2.19.4.5.11.7. Loans may be repaid either by instalment or as a lump-sum. The terms of the loan, including arrangements for repayment, must be agreed and a loan agreement signed by both parties before any loan can be made. The service area initiating the loan will be required to identify a cost centre which will bear the cost of the loan in the event of a failure by the loan recipient to make repayments as agreed. The Executive Director for the service should consider the need to make the relevant Cabinet Member(s), Leader and / or Deputy Leader aware of this potential cost to the service budget.

2.20.5.12. **Contract Standing Orders**

2.20.1.5.12.1. Executive Directors are responsible for ensuring that the procurement of all goods, works and services is undertaken in accordance with the Council's Contract Standing Orders.

~~2.20.2.5.12.2.~~ Contract Standing Orders form part of the County Council's Constitution and are the rules that govern how procurement will be undertaken by the Council, and what processes must be followed.

~~2.20.3.5.12.3.~~ Any award with a value exceeding £30,000 entered into on behalf of the Council must be evidenced by way of a contract. Such contracts must either be signed by at least two authorised officers of the Council or made under the common seal of the Council attested by at least one authorised officer.

~~2.21.5.13.~~ **Assets**

~~2.21.1.5.13.1.~~ Executive Directors should ensure that records of assets are properly maintained and securely held (in practice property asset records are kept by the Corporate Property Team on behalf of Executive Directors). Executive Directors should also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

~~2.21.2.5.13.2.~~ In making disposals officers will have due regard to the provisions of the Local Government Act 1972 (section 123) concerning best consideration, subject to the discretion afforded to authorities by the General Disposal Consent (England) 2003 (see DCLG Circular 06/2003). All decisions to dispose at less than best consideration will be referred to Cabinet for determination.

~~2.21.3.5.13.3.~~ Disposal must be made by competitive process unless the Executive Director of Finance and Commercial Services authorises otherwise. The appointment of agents to handle disposals is subject to the normal provisions of Council Standing Orders.

~~2.21.4.5.13.4.~~ All property disposals (including lease surrenders/assignments), acquisitions and other property transactions (such as granting / taking licences, granting of easements and wayleaves to statutory undertakers etc., granting tenancies at will) are to be made only by the Council's Corporate Property Officer (~~HeadDirector~~ of Property). In reaching decisions on the disposal of land and property, the County Council should give due consideration to the advice of the Corporate Property Officer (~~HeadDirector~~ of Property). The Council's named and designated Corporate Property Officer (~~HeadDirector~~ of Property) may, in accordance with arrangements approved by the Executive Director of Finance and Commercial Services, dispose of property assets, acquire property assets and approve of property transactions as set out in the tables at [5.13.6](#) and [5.13.7](#) below. Proposals for disposals, acquisitions and other property transactions must involve the Local Member as set out within the Local Member Protocol in the Constitution (Annex to Appendix 5 of the Constitution).

~~2.21.5.5.13.5.~~ Land and buildings declared surplus by a service will be reviewed by the Corporate Property Strategy Group and where there is no alternative beneficial use such property will be reported to Cabinet to confirm its status as a surplus asset to be disposed of and/or exploited for income purposes.

2.21.6.5.13.6. The disposal of surplus assets will be undertaken as follows:

Property		Other Assets	
Disposal value* £m	Responsibility and authorisation	Disposal value* £m	Responsibility and authorisation
Above <u>Over</u> £1.250m (unless disposal specifically agreed with covered by a specific item in the annual budget- setting process))	Cabinet	Over <u>Above</u> £0.500m	Cabinet
<u>Over</u> £0.250m and up to and including £1.250m	Cabinet Member for Commercial Services and Asset <u>Management</u>	£0.250m <u>and</u> up to and including £0.500m	Executive Director in consultation with Executive Director of Finance and Commercial Services
<u>Over</u> £0.050m and up to and including £0.250m	<u>Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services</u>	<u>Up to but not including £0.250m</u>	<u>Executive Director</u>
<u>Up to and including £0.050m</u>	<u>Corporate Property Officer (Director of Property)</u>		
<u>All disposals at less than best consideration (irrespective of value)</u>	<u>Cabinet</u>	<u>All disposals at less than best consideration (irrespective of value)</u>	<u>Cabinet</u>
Leases			
<u>All —leases out or lease out renewals where the total value (annual rent multiplied by lease term) is more than £1.250m, or the term is over 20 years</u>	<u>Cabinet</u>		

Commented [AT4]: Changes requested by Corporate Property Team, following Member feedback.

<u>All leases out or lease out renewals where the total value (annual rent multiplied by lease term) is over £0.250m and up to and including £1.250m, and the term is for 20 years or less</u>	<u>Cabinet Member for Commercial Services and Asset Management</u>		
<u>All leases out or lease out renewals where the total value (annual rent multiplied by lease term) is up to and including £0.250m, and the term is for 20 years or less</u>	<u>Corporate Property Officer (Director of Property)</u>		
Farm Business Tenancies			
Property		Other Assets	
<u>Disposal value* £m</u>	<u>Responsibility and authorisation</u>	<u>Disposal value* £m</u>	<u>Responsibility and authorisation</u>
<u>Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is more than £1.250m, or the term is over 20 years</u>	<u>Cabinet</u>		
<u>Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is over £0.250m and up to and including £1.250m, and the term is for 20 years or less</u>	<u>Cabinet Member for Commercial Services and Asset Management</u>		

<u>Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is up to and including £0.250m, and the term is for 20 years or less</u>	<u>Corporate Property Officer (Director of Property)</u>		
<u>Other Property Transactions</u>			
<u>Granting of all:</u> <u>i. Licences</u> <u>ii. Leases, easements and wayleaves to statutory undertakers</u> <u>iii. Granting of easements and wayleaves</u> <u>iv. Tenancies at will</u> <u>v. Lettings in accordance with the Mobile Home Act 1983</u>	<u>Corporate Property Officer (Director of Property)</u>		

Property		Other Assets	
Disposal value* £m	Responsibility and authorisation	Disposal value* £m	Responsibility and authorisation
	Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services		of Finance and Commercial Services
Above £0.050m up to but not including £0.250m	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services	Up to but not including £0.250m	Executive Director
Up to £0.050m	Corporate Property Officer (Head of Property)		
All disposals at less than best consideration (irrespective of value)	Cabinet	All disposals at less than best consideration (irrespective of value)	Cabinet
Leases**			
Operational properties—lease out or lease out renewals where the total value (annual rent multiplied by lease term) is more than £1.250m, or the term is for 10 years or more	Cabinet		
Operational properties—lease out or lease out renewals where the total value (annual rent multiplied by lease term) is between £0.250m and £1.250m, and the term is for less	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and		

Property		Other Assets	
Disposal value* £m	Responsibility and authorisation	Disposal value* £m	Responsibility and authorisation
than 10 years	Commercial Services		
Operational properties — lease out or lease-out renewals where the total value (annual rent multiplied by lease term) is less than £0.250m, and the term is for less than 10 years	Corporate Property Officer (Head of Property)		
Commercial properties — lease-out or lease-out renewals where the total value (annual rent multiplied by lease term) is more than £1.250m, or the term is for 10 years or more	Cabinet		
Commercial properties — lease out or lease-out renewals where the total value (annual rent multiplied by lease term) is between £0.250m and £1.250m, and the term is for less than 10 years	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services		
Commercial properties — lease out or lease-out renewals where the total value (annual rent multiplied by lease term) is less than £0.250m, and the term is for less than 10 years	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services		
Farm Business Tenancies			

Property		Other Assets	
Disposal value* £m	Responsibility and authorisation	Disposal value* £m	Responsibility and authorisation
Farm business tenancies or renewals where the total value (annual rent multiplied by lease term) is more than £1.250m, or the term is for 10 years or more	Cabinet		
Farm business tenancies or renewals where the total value (annual rent multiplied by lease term) is between £0.250m and £1.250m, and the term is for less than 10 years	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services		
Farm business tenancies or renewals where the total value (annual rent multiplied by lease term) is less than £0.250m, and the term is for less than 10 years	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services		
Other Property Transactions			
Granting of all:	Corporate Property Officer (Head of Property)		
i. leases, licenses, easements and wayleaves to statutory undertakers.			
ii. tenancies at will			

*

*Disposal value in this table refers to the valuation of the asset, irrespective of the consideration to be received.

** For the purposes of leases, a distinction is made between the Operational Property Estate and the Commercial Property Estate as follows:

Operational Estate:

The operational estate relates to those property assets used principally for service delivery. At times parts of the operational estate may temporarily not be required for service delivery but are retained where there will be a future use. An example could be an office building. In addition, parts of the estate are let out to support service delivery by a third party on the council's behalf, for example a depot. In these instances, the asset would be let to derive an income.

Commercial Estate:

The council holds some assets for economic development reasons (investment properties), which are let out to businesses to support the policies and aims of economic development as well as deriving a rental income. In this situation, the ebb and flow of leases requires commercial agility to be able to react to market demands. To support this requires the Corporate Property Officer (Head of Property) to be able to agree terms of a lease quickly as circumstances dictate.

2.21.7.5.13.7. Acquisitions of assets will be undertaken as follows:

Property		Other Assets	
Acquisition value £m	Responsibility and authorisation	Acquisition value £m	Responsibility and authorisation
Above Over £1.250m	Cabinet	Over Above £0.250m	Cabinet
Over £0.250m and up to and including £1.250m	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services	Up to and including Below £0.250m	Executive Director
Above Over £0.050m and up to but not and including £0.250m	Corporate Property Officer (Head Director of Property) in consultation with the Executive Director of Finance and Commercial Services		

Commented [AT5]: Changes requested by Corporate Property Team, following Member feedback.

Up to <u>and including</u> £0.050m	Corporate Property Officer (<u>Head</u> <u>Director</u> of Property)		
Leases			
<u>Property</u>		<u>Other Assets</u>	
<u>Acquisition value</u> <u>£m</u>	<u>Responsibility and</u> <u>authorisation</u>	<u>Acquisition value</u> <u>£m</u>	<u>Responsibility and</u> <u>authorisation</u>
<u>Lease acquisitions</u> <u>and renewals where</u> <u>the proposed total</u> <u>rental value (annual</u> <u>rent multiplied by</u> <u>lease term) is above</u> <u>£1.250m, or the</u> <u>term is over 20</u> <u>years</u>	<u>Cabinet</u>		
<u>Lease acquisitions</u> <u>and renewals where</u> <u>the proposed total</u> <u>rental value (annual</u> <u>rent multiplied by</u> <u>lease term) is over</u> <u>£0.250m and up to</u> <u>and including</u> <u>£1.250m, and the</u> <u>term is for 20 years</u> <u>or less</u>	<u>Cabinet Member for</u> <u>Commercial</u> <u>Services and Asset</u> <u>Management</u>		
<u>Lease acquisitions</u> <u>and renewals where</u> <u>the proposed total</u> <u>rental value (annual</u> <u>rent multiplied by</u> <u>lease term) is up to</u> <u>and including</u> <u>£0.250m, and the</u> <u>term is for 20 years</u> <u>or less</u>	<u>Corporate Property</u> <u>Officer (Director of</u> <u>Property)</u>		
<u>Other Property Transactions</u>			
<u>Acquisition of</u> <u>all</u> <u>i. Licences,</u> <u>ii. Leases,</u> <u>easements and</u> <u>wayleaves from</u> <u>statutory</u> <u>undertakers</u>	<u>Corporate Property</u> <u>Officer (Director of</u> <u>Property)</u>		

<u>iii. Easements and wayleaves from other third parties.</u> <u>iv Tenancies at Will</u>			
--	--	--	--

Property		Other Assets	
Acquisition value £m	Responsibility and authorisation	Acquisition value £m	Responsibility and authorisation
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is above £1.250m, or the term of the lease or renewal is for ten or more years	Cabinet		
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is between £0.250m and £1.250m, and the term of the lease or renewal is for less than ten years	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services		
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is below £0.250m, and the term of the lease or renewal is for less than ten years	Corporate Property Officer (Head of Property)		
Lease acquisitions, lease renewals and wayleaves where they apply to standard statutory obligations / undertakings for the installation of plant and equipment by statutory undertakers	Corporate Property Officer (Head of Property)		

Other Property Transactions			
Acquiring licenses not exceeding one year	Corporate Property Officer (Head of		

Property		Other Assets	
Acquisition value £m	Responsibility and authorisation	Acquisition value £m	Responsibility and authorisation
	Property)		

2.21.8. ~~_____~~ The

5.13.8. ~~_____~~ The following activities are business as usual and will be approved by the Director of Property:

Where NCC acts as landlord or where NCC acts as tenant:

- Determination (ending of), surrender, assignment or forfeiture of leases, licences and other property rights.
- Agreeing dilapidations.
- Land lord consents (granting and requesting).
- Rent reviews.
- Agreeing sub leases.
- Minor alterations to lease in/lease out agreements to ensure the agreement is completed.

For freehold property disposed of or acquired:

- Agreeing overage and claw back provisions.
- Minor alterations to disposal or acquisition agreements to ensure the agreement is completed.

2.21.9-5.13.9. ~~_____~~ The government has consulted on regulations (the proposed Local Authorities (Functions and Responsibilities) (England) Regulations 2015) which would require any decision to dispose of land and buildings with a value above £500,000 to be agreed by the Full Council. The regulations above show the responsibility is with Cabinet / the Cabinet Member for Commercial Services and Asset Management pending the outcome of the consultation. As at ~~February 2019~~ ~~October~~ ~~September 2020~~ these have not yet been enacted. If enacted, the following thresholds would apply:

Disposal value	Responsibility and authorisation for land and buildings
Up to and including £0.050m	Corporate Property Officer (Head Director of Property)
Between Over £0.050m and up to but not and including 0.250m	Corporate Property Officer (Head Director of Property) in consultation with the Executive Director of Finance and Commercial Services
Over £0.250m and up to but not and including £0.500m	Cabinet Member for Commercial Services and Asset Management in consultation with Corporate Property Officer (Head of Property) and the Executive Director of Finance and Commercial Services
Over £0.500m or above and all disposals at less than best consideration (irrespective of value)	Full Council

~~2.21.10-5.13.10.~~ The County Council has an aspiration to at least maintain the size of its current County Farms estate, under the County Farms policy agreed by the County Council in October 2014. To that end any capital receipts from the sale of County Farm land will be treated in the following way:

For all County Farms land that is sold:

- If it is sold as **agricultural land**, 100% of the capital receipt will be hypothecated towards further acquisitions of County Farm land / capital improvements to the County Farm estate that produce a revenue uplift.
- If it is sold as **residential/development land**:
 - A valuation will be undertaken to establish the value of the land, should it have been sold without planning permission. That value will then be hypothecated towards further County Farm acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.
 - The balance of the sale value will be split:
 - 65% towards general capital receipts to be utilised by the Council for any purpose.
 - 35% will be put into a reserve for the use of County Farms for further acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.
 - If this reserve reaches £3m in value, then any additional receipts will be made available for general Council use for any purpose.

5.14. Grants

~~5.14.1.~~ Executive Directors are authorised by the Scheme of Delegated Powers to Officers to make grants (subject to any specific grant thresholds set out in the limitations on officers delegated powers within the Constitution). Executive Directors are responsible for ensuring that:

- Adequate records are kept for the required period;
- Controls are in place to ensure any grant conditions will be met, with provision to recover / claw back unused grant as appropriate;
- Grant payments made by their department do not constitute State Aid;
- Any requirements to notify Members under the Local Member Protocol are complied with.

~~5.14.2.~~ When making grant decisions or awards, Norfolk County Council must reserve the right to refuse (or recover) funding awarded by the authority if it is found that the recipient, or anyone connected to the use of the funding provided, is an active participant in support of extremist views / activity that is contra to the Authority's duty of due regard in relation to the Prevent Duty 2011.

~~2.22.5.15.~~ Retention of Financial Records

~~2.22.1-5.15.1.~~ The County Council has a specific policy in place on the minimum retention periods for financial records and these periods are set out in the corporate records retention and disposal scheme. Executive Directors should ensure records are

maintained and held securely for the correct period, after which they should be disposed of in accordance with the procedures.

3.6. External Arrangements

3.1.6.1. Introduction

~~3.1.1.6.1.1.~~ Where the County Council operates in a devolved environment or through a partnership or other arrangements, the Executive Director of Finance and Commercial Services must ensure that the roles and responsibilities for each of the activities and tasks in maintaining financial administration and stewardship are clearly defined, allocated and operated effectively.

3.2.6.2. Partnerships

~~3.2.1.6.2.1.~~ The County Council has formal representation on many external boards.

~~3.2.2.6.2.2.~~ Separate governance arrangements will exist for external boards / partnerships / joint ventures and decisions taken by Council Members at these boards that affect Norfolk County Council will still be subject to the Norfolk County Council Constitution.

~~3.2.3.6.2.3.~~ The Executive Director of Finance and Commercial Services must ensure that the accounting and reporting arrangements to be adopted relating to partnerships and joint ventures, as defined within Financial Procedures, are satisfactory. The Executive Director of Finance and Commercial Services and ~~Chief Legal Officer~~[Director of Governance](#) must consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

~~3.2.4.6.2.4.~~ Executive Directors are responsible, in consultation with the Executive Director of Finance and Commercial Services and ~~Chief Legal Officer~~[Director of Governance](#), for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. They should also ensure that the risks identified above are mitigated where possible.

3.3.6.3. External Funding

~~3.3.1.6.3.1.~~ The Executive Director of Finance and Commercial Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the County Council's accounts. Executive Directors are responsible for ensuring that the Executive Director of Finance and Commercial Services is notified of external funding bids at an early stage.

3.4.6.4. Financial Guarantees

~~3.4.1.6.4.1.~~ Executive Directors must inform the Executive Director of Finance and Commercial Services of all proposals that may require a financial guarantee prior to implementation.

~~3.4.2.6.4.2.~~ The Executive Director of Finance and Commercial Services is responsible for ensuring that any proposed financial guarantee requirement is within the powers of the County Council and shall consult with the ~~Chief Legal Officer~~[Director of Governance](#) as appropriate.

~~6.4.3.~~ Requirements for suppliers to provide the County Council with either bonds or ~~guarantees shall be agreed with the Corporate Property Officer (Head of Property) (for property contracts) or the Head of Procurement (for other contracts)~~ guarantees shall be agreed with the Corporate Property Officer (Director of Property) (for property contracts) or the Director of Procurement (for other contracts)

3.5.6.5. Work for Third Parties

~~3.5.1.6.5.1.~~ Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies, not already covered by the Scheme of Authorisation to Executive Directors.

3.6.6.6. State Aid and Competition

~~3.6.1.6.6.1.~~ Executive Directors are responsible for ensuring that any payments made by their department do not constitute State Aid or breach rules on competition. State Aid (which is governed by EU regulations) is the illegal subsidy of commercial activity from public funds, and could arise, for example, from the following:

- Cheap loans
- Grant funding
- Sharing staff, equipment or accommodation (particularly with wholly owned companies)
- Waiver of deductions due on contracts.

~~3.6.2.6.6.2.~~ If an Executive Director is unsure as to whether a payment would constitute State Aid or anticompetitive practice, the advice of the Executive Director of Finance and Commercial Services should be sought in consultation with the ~~Chief Legal Officer~~[Director of Governance](#) where appropriate.

3.7.6.7. ~~Projects / Business Cases (including~~ Private Finance 2 (PF2)²~~)~~

~~3.7.1.6.7.1.~~ ~~Private Finance 2 (PF2) is the current model of Private Finance Initiative (PFI) for new Government projects. At the Autumn Budget 2018, the Government announced that it would no longer use PF2, although existing PFI and PF2 contracts were not affected by the announcement. In the event that PF2 or a successor scheme were to become an option in future, Executive Directors considering such projects or business cases~~ should consult with the Executive Director of Finance and Commercial Services

² Private Finance 2 (PF2) is the current model of Private Finance Initiative (PFI) for new Government projects. At the Autumn Budget 2018, the Government announced that it would no longer use PF2, although existing PFI and PF2 contracts were not affected by the announcement. In the event that PF2 or a successor scheme were to become an option in future, Executive Directors considering such projects should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission to the County Council or Cabinet (Cabinet if less than £100m).

during the preparation of the business case for submission to the County Council or Cabinet (Cabinet if less than £100m).

3.7.2-6.7.2. County Council / Cabinet are responsible for approving material PF2 projects / business cases at all key stages. The Executive Director is responsible for ensuring that such approvals are sought and obtained from County Council / Cabinet in a timely manner ~~following recommendation by the Project Board, in accordance with the approved PF2 process.~~

3.7.3-6.7.3. The Executive Director of Finance and Commercial Services is responsible for:

- ensuring that the project / business case has the necessary support from appropriately skilled financial and procurement specialists at all stages of its procurement, as well as during the operational stage
- ensuring that the necessary banking arrangements are available in time for the project to commence
- endorsing the outline business case, including underlying financial assumptions, value for money, and ability to deliver
- ensuring that the financial implications of all PF2 projects are incorporated in financial planning.

3.7.4-6.7.4. Executive Directors are responsible for:

- preparing a business case for submission to County Council / Cabinet prior to commencing the procurement process
- ensuring that the project has the necessary support from appropriately skilled legal and procurement specialists at all stages of its procurement, as well as during the operational stage
- compliance with Contract Standing Orders
- ensuring that, at all stages, cost estimates for both the capital and revenue expenditure are carefully made and reviewed to ensure that they are robust before seeking formal approval from County Council / Cabinet
- ensuring that procedures are in place to limit, as far as reasonably possible, the likelihood of the County Council failing to pay the contractor on time, or otherwise defaulting or making an overpayment
- informing the Executive Director of Finance and Commercial Services of any matter that may lead to termination under the contract. Cabinet is required to approve termination of a contract by use of the Authority Default provisions
- fully considering the risks associated with undertaking a PF2 project and reporting them to Cabinet when they are considering the approval of a PF2 project
- ensuring that any dedicated bank accounts necessary to enable their projects to function efficiently are set up and properly operated. Any bank accounts opened in the name of the County Council require the approval of the Executive Director of Finance and Commercial Services.

Commented [AT6]: Aligns with Financial Procedures

3.7.5-6.7.5. In relation to existing PFI and PF2 contracts, Executive Directors are responsible for ensuring that deductions required to the unitary payment for the unavailability of the contracted service or a performance shortfall are made in full in a timely manner. If another service or asset is proposed in exchange for foregoing such deductions, the Executive Director of Finance and Commercial Services is responsible for ensuring that the alternative proposal has a value equal to the foregone deductions.

3.7.6.6.7.6. Where the County Council has the right to make a deduction under the contract, any waiver of the deduction shall be treated as a write-off of debt and shall be covered by the Council's Debt Recovery procedure. When considering the thresholds for approval of the write off, all deductions due in a financial year should be aggregated together.

3.7.7.6.7.7. Private Finance transactions contain complex financial arrangements including (usually) a Funder's Direct Agreement that can obligate the County Council to take over the responsibility for the Contractor's debt in the event of Authority or Contractor default. It is the responsibility of the Executive Director to ensure that the Executive Director of Finance and Commercial Services has all the relevant information regarding these arrangements and of any material financial matters. It is the responsibility of the Executive Director of Finance and Commercial Services to account for the arrangements in accordance with the relevant regulations and proper accounting practice.

3.8.6.8. **Social Impact Bonds (SIBs)**

3.8.1.6.8.1. Social Impact Bonds (SIBs) are a means of commissioning services where payment or funding for the service is conditional on the achievement of specified outcomes. Executive Directors considering such projects should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission to Cabinet.

3.8.2.6.8.2. Cabinet is responsible for approving SIB projects. The Executive Director is responsible for ensuring that such approvals are sought and obtained from Cabinet in a timely manner.

3.8.3.6.8.3. The Executive Director of Finance and Commercial Services is responsible for:

- ensuring that the project has the necessary support from appropriately skilled financial and procurement specialists at all stages of its procurement, as well as during the operational stage
- endorsing the outline business case, including underlying financial assumptions, value for money, and ability to deliver
- ensuring that the financial implications of all SIBs are incorporated in financial planning.

3.8.4.6.8.4. Executive Directors are responsible for:

- preparing a business case for submission to Cabinet at an appropriate point
- ensuring that the project has the necessary support from appropriately skilled legal and procurement specialists at all stages of its procurement, as well as during the operational stage
- compliance with Contract Standing Orders
- ensuring that, at all stages, cost estimates are carefully made and reviewed to ensure that they are robust, that a sufficient budget is available to fund the anticipated level of outcome payments, and there are measures in place to limit the County Council's exposure to uncapped outcome payments

- ensuring that procedures are in place to limit, as far as reasonably possible, the likelihood of the County Council failing to pay the investor on time, or otherwise defaulting or making an overpayment

3.8.5.6.8.5. It is the responsibility of the Executive Director to ensure that the Executive Director of Finance and Commercial Services has all the relevant information regarding the arrangements for the SIB and of any material financial matters. It is the responsibility of the Executive Director of Finance and Commercial Services to account for the arrangements in accordance with the relevant regulations and proper accounting practice.

Annex A

Norfolk County Council's Scheme of Virement

Background

1. The scheme of virement is intended to enable Cabinet, Executive Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the County Council, and therefore to optimise the use of resources.
2. The scheme is administered by the Executive Director of Finance and Commercial Services within guidelines set by the County Council. Any variation from this scheme requires the approval of the County Council.
3. The overall budget is approved by the County Council. Executive Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure – both revenue and capital. For the purposes of this scheme, a budget head is considered to be the subdivision of Departmental / service budgets as reported in the ~~service commentaries~~ within the medium term financial plan County Council Budget Book for the relevant year. Virement does not include the switching of resources between revenue and capital.
4. Virement does not create additional overall budget liability. Executive Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Executive Directors must plan to fund such commitments from within their own budgets.
5. The capital and revenue budgets may contain block allocations of funding for specific purposes. The movement of resources from a block allocation to a specific identified scheme does not constitute a virement provided that the expenditure being incurred is in accordance with the original policy decision agreed by the County Council. If an Executive Director wishes to transfer funding from a block allocation and use it for a different purpose, for example, the transfer of purchase of care from one client group to a different client group, the rules below will apply.

Revenue

6. County Council is responsible for agreeing virement **between** services (as shown in the budget report to County Council in February each year), and where the virement has a value in excess of £200,000.
 7. Cabinet is responsible for agreeing virement **between** services where the virement has a value of up to £200,000, subject to the prior agreement of the virement by the service department(s) concerned.
- ~~4.~~ County Council is also responsible for agreeing virements between budget heads defined in 3 above – **within** services, where the virement has a value in excess of 1%

8. of the net budget of the service (as shown in the budget report to County Council in February) or £100,000 – whichever is the higher. For Children's Services, net budget is calculated exclusive of amounts delegated to schools.
9. All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services.
10. Executive Directors may delegate authority to make virements to other officers, consistent with the above and in accordance with formally agreed departmental arrangements.

Capital

11. County Council is responsible for agreeing virements between services and schemes (as shown in the Capital Budget document produced by the Executive Director of Finance and Commercial Services).
12. County Council is also responsible for agreeing virements greater than £250,000 within services or schemes (as defined above).
13. All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services and subject to the service's overall financial provision for capital spending not being exceeded in the current and future years.

Annex B

Norfolk County Council process for the issue of a report under Section 114 of the Local Government Finance Act 1988

Background

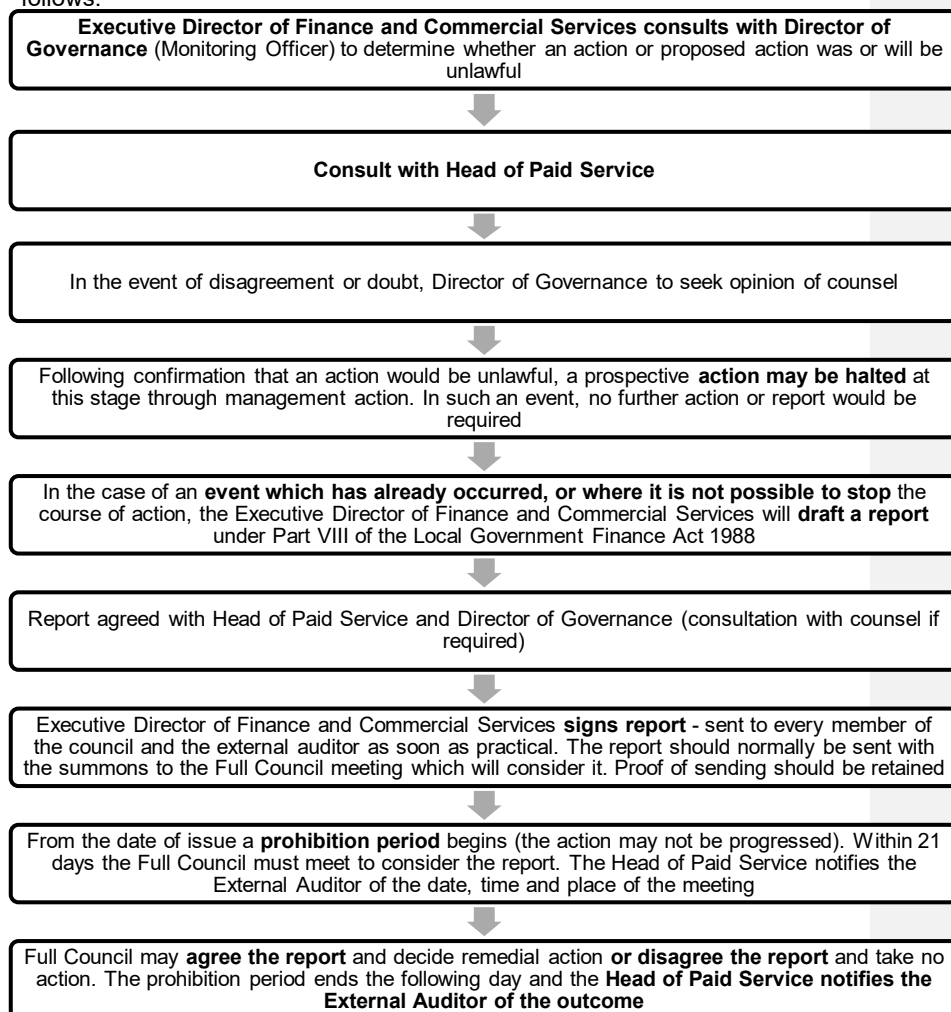
1. Section 114 of the Local Government Finance Act 1988 requires a report to all the authority's Members to be made by the Section 151 Officer (Executive Director of Finance and Commercial Services) in consultation with the Monitoring Officer (~~Chief Legal Officer~~ [Director of Governance](#)) if there is, or is likely to be, unlawful expenditure or an unbalanced budget. The Executive Director of Finance and Commercial Services takes a view of the robustness of the Council's budget across the whole period covered by the Medium-Term Financial Strategy. Making a report under section 114 is likely to have serious implications and this Annex therefore sets out the process and controls which will be adopted prior to such a report being made. It should be noted that the objective of these Financial Regulations and, more broadly, the Council's effective financial management and reporting procedures, is to minimize the prospect of the Executive Director of Finance and Commercial Services being required to make such a report, and such an eventuality is to be avoided if possible.
2. The Executive Director of Finance and Commercial Services has a duty to report to the authority if they believe:
 - that a decision involves, or would involve, unlawful expenditure (114 (2) (a));
 - a course of action is unlawful and is likely to cause a loss or deficiency (114 (2) (b));
 - an entry of account is unlawful (114 (2) (c)).
3. In such circumstances, the Executive Director of Finance and Commercial Services is required to make a report to the authority and send a copy to every Member and the external auditor. The Full Council must consider the report within 21 days and the action to which the report relates must not be pursued until this has taken place. Full Council must decide whether it agrees or disagrees with the report and determine the action it proposes to take.
4. The Executive Director of Finance and Commercial Services is also required to inform the authority in the event they believe that expenditure is likely to exceed available resources (114 (3)). The authority then may not enter into agreements incurring expenditure until the report has been considered by the full council.
5. Information leading to the preparation of a section 114 report might arise from a council officer (including a member of the Finance and Commercial Services department), a Member of the council, the public, or from the authority's auditors. Members and officers should note that it is the Executive Director of Finance and Commercial Services' duty to investigate possible issues which

might lead to a formal report. The statutory duty to make a report rests with the Executive Director of Finance and Commercial Services.

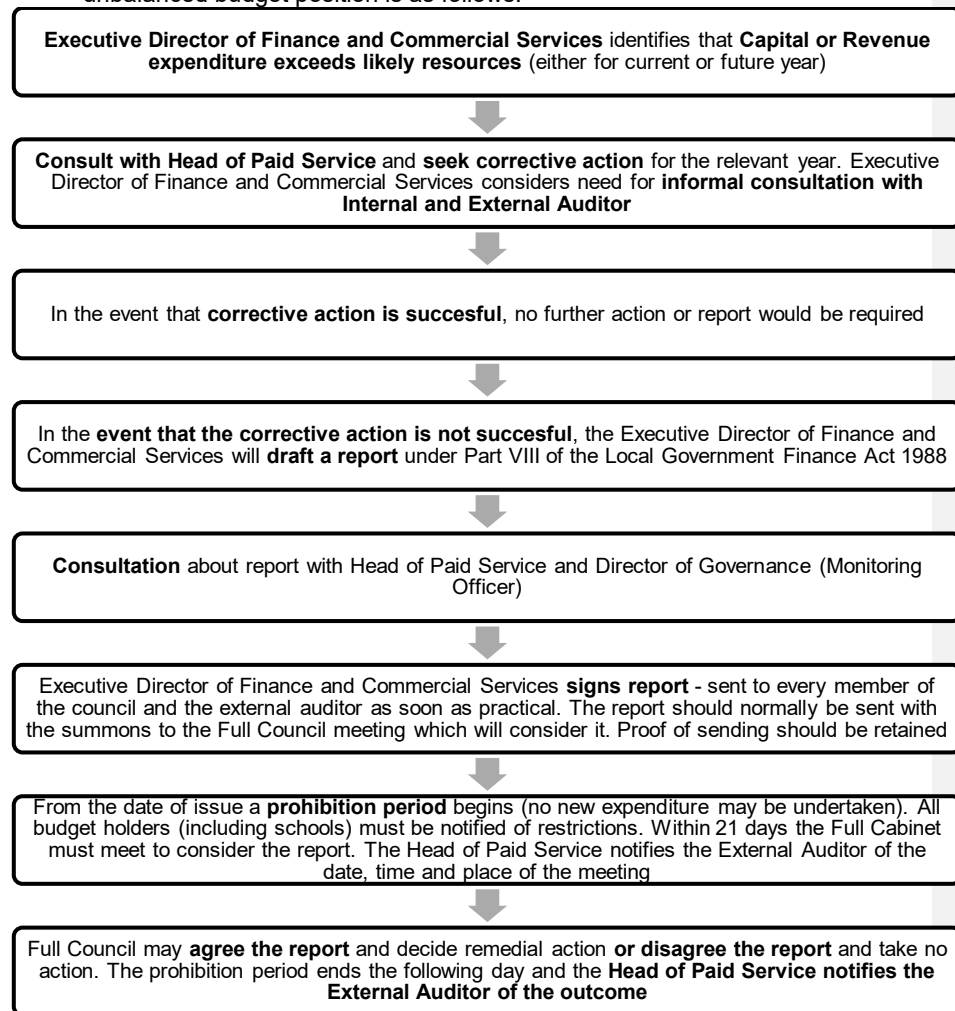
6. A report made under section 114 (2) requires the Executive Director of Finance and Commercial Services to make a judgement that a decision or course of action is unlawful. Such a decision will only be made after consultation with the ~~Chief Legal Officer~~[Director of Governance](#) (Monitoring Officer). A report made under section 114 (3) relates to a financial judgement which may be reached by the Executive Director of Finance and Commercial Services alone, although consultation with the Head of Paid Service and ~~Chief Legal Officer~~[Director of Governance](#) (Monitoring Officer) is still required in case other corporate and legal issues arise as a result of the report.
7. These Financial Regulations adopt the recommendations of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, where further information about the issuing of a section 114 report can be found.

Section 114 Process

8. The process for the issuing of a report under section 114 (2) in relation to an unlawful decision or course of action (either retrospective or potential) is as follows:



9. The process for the issuing of a report under section 114 (3) in relation to an unbalanced budget position is as follows:



Exceptions and other considerations

10. There are a number of circumstances which would not necessarily result in the preparation of a section 114 report. These include:
 - Emerging matters or a developing situation. This would include occasions where a view is requested on a proposal which may be under consideration but which if pursued could result in a reportable matter. A simple preliminary request would not give rise to a need to report, although any further developments would need to be monitored.
 - Items of trivial expenditure or loss of income.
 - Cases of discovered fraud (which may in any case lead to criminal prosecution) would not normally result in a requirement for a section 114 report but will be dealt with under the Council's existing Anti-Fraud and Corruption Strategy, as referenced elsewhere within the Financial Regulations.
 - A [committeeservice](#) overspend in and of itself is unlikely to give rise to a section 114 report, which would only be required where the Council's total resources are likely to fall short of expenditure and the Executive Director of Finance and Commercial Services judges that there is no reasonable prospect of the position being resolved or mitigated.
11. The above list is not exhaustive. In these and similar circumstances, the Executive Director of Finance will give consideration to the need for a report under section 114, in consultation with other officers as required.
12. In the case of a developing situation, careful consideration will need to be given to the timing of any report, in particular to distinguish between an emerging situation and an actual one. Every reasonable action will be taken to avoid the need for a section 114 report by providing timely financial advice including alternative options to avoid an emerging reportable situation from ultimately arising.

Further action

13. The Executive Director of Finance and Commercial Services' statutory duties under section 114 are discharged once a report has been issued to Full Council. In the event that Full Council does not agree with a report issued under section 114, it is likely that any further formal action would be taken by the External Auditor through the issue of an advisory notice under section 29 (schedule 8) of the Local Audit and Accountability Act 2014 or by applying to the court for a declaration under section 31 of the above Act.

Appendix 16

CONTRACT STANDING ORDERS

Contents

1. Notice to external parties
2. Context
3. Interpretation
4. Responsibilities
5. Schemes of delegation
6. Applicability and scope
7. Choice of procurement process
8. Specialist Purchases and Corporate Contracts
9. Reserved contracts
10. Exemptions to these standing orders
11. Relevant considerations
12. Contracts and formalities
13. Contract management and variation
14. Grants
15. Conduct of tendering and competitive processes
16. Record keeping
17. Prevention of corruption and declaration of interests

1. Notice to external parties

- a. These Standing Orders shall not create or form a part of any contract or binding undertaking, express or implied, with any party outside the Council.
- b. The Council does not make any binding commitment to external parties about the conduct of procurement exercises, other than to abide by its statutory and common law obligations.
- c. In seeking quotations or inviting tenders, the Council is not making an offer to enter into any contract for the supply

2. Context

- a. The Council is a contracting authority for the purposes of public procurement law and is legally bound to comply with certain practices and procedures in the award, management and variation of contracts.
- b. The law requires the council to treat suppliers and potential suppliers equally and without discrimination and to act in a transparent and proportionate manner. Procurement activity is also subject to state aid law
- c. All procurement activity must comply fully with the requirements of the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 and other legislation.
- d. Procurement is subject to local government law, including the general duty of best value, and to equalities legislation.
- e. Certain procurement exercises are subject to the Public Contracts (Social Value) Act 2012.
- f. Procurement in specific fields – such as tendering for public transport and procurement undertaken on behalf of the NHS – is subject to specific legislation.
- g. Compliance with these standing orders does not of itself ensure compliance with all applicable law in every circumstance.

3. Interpretation

- a. In these standing orders:
 - i. “CCR 2016” means the Concession Contracts Regulations 2016;
 - ii. the “CCR award process” is the process set out in CCR 2016 for the award of concession contracts;
 - iii. “central purchasing body” has the meaning given to it in PCR 2015;
 - iv. “Contracts Finder” has the meaning given to it in PCR 2015;
 - v. a “controlled entity” is an entity which the Director of Governance has determined to meet the conditions set out in regulation 12(1) of PCR2015 and has included in the list of controlled entities as required by paragraph 6 (k) of these standing

orders;

- i. "Official Journal of the European Union" or "OJEU" means the supplement to that journal in which PCR 2015 states that notices concerning procurement processes are to be placed, or any successor publication designated for the same purpose after the UK leaves the European Union;
- ii. "PCR 2015" means the Public Contracts Regulations 2015 (as amended);
- iii. the "PCR thresholds" means the threshold amounts set in regulation 5 of PCR 2015, or in the case of works or service concession contracts, the threshold amounts set in regulation 9 of CCR 2016;
- iv. "PCR tender processes" are the processes stipulated in PCR 2015 for advertising and conducting procurement processes where the value of the anticipated contract exceeds the relevant PCR threshold;
- v. a "relevant contract" is a contract for pecuniary interest between the Council and any other contracting party, except for
 - a. contracts relating to the lending of money by the Council and the raising of capital by the Council (but do include the procurement of financial services);
 - b. agreements regarding the acquisition, disposal, or transfer of land, leases of pre-existing property, and licenses – the rules governing these are outlined in the Hierarchy of Decision Making on Property Matters Under the Constitution of Norfolk County Council;
 - c. the award of grants by the Council;
 - d. the purchase of historical documents, works of art or museum specimens;
 - e. contracts of employment between the Council and an individual; and
 - f. contracts for loans.

4. Responsibilities

- a. The Director of Procurement has overall responsibility for procurement by the council and shall consult as necessary with the Director of Governance and the Executive Director of Finance and Commercial Services.
- b. Chief Officers are responsible for compliance with these standing orders within their directorates.
- c. Officers shall comply with guidance issued by the Director of Procurement when undertaking procurement activities.
- d. Any duty or obligation stated in these standing orders to be the duty or obligation of the Director of Procurement or the Director of Governance may be delegated by them to another officer provided that the delegation is in writing.

e. The Director of Procurement authorises the placement of notices on Contracts Finder and in the Official Journal of the European Union.

f. Invitations to tender may only be issued, and tender processes managed, by officers authorised to do so by the Director of Procurement, or by organisations approved by them to act as procurement agents on behalf of the council.

5. Schemes of delegation

a. Chief Officers shall put in place schemes of delegation which identify which officers have responsibility (and the level of their financial delegation) for:

- i. agreeing tender processes and procurement plans;
- ii. approving tender and contract documents;
- iii. awarding contracts;
- iv. approving orders and the payment of invoices;
- v. managing contracts, including performance monitoring and the agreement of specification and price variations.

6. Applicability and scope

a. These standing orders apply to all officers of the Council. Officers must ensure that any agents, consultants or contractual partners they allow to act as procurement agents on behalf of the Council (e.g. Norse Group companies, when procuring on behalf of the Council) also comply with them.

b. These standing orders do not apply to maintained schools, whose procurement activities are governed by the Council's Local Management of Schools Scheme.

c. These standing orders apply to all relevant contracts made by, for, or on behalf of the Council, including when the Council is acting jointly or on behalf of other public bodies.

d. Paragraph 14 of these standing orders applies to grants.

7. Choice of procurement process

This paragraph 7 is to be read in conjunction with paragraph 8 below.

Thresholds

a. The nature of the procurement process to be followed is set out in the tables below, subject to paragraphs (d) to (k) and depends on the total value of the contract being procured.

b. In exercising their discretion to approve a higher limit for awarding a contract without a competitive process or without a published competitive process, the Director of Procurement shall have regard to considerations including best value, compliance with state aid law and (for so long as the council is subject to EU procurement law or equivalent legal duties) the likely interest in the contract from suppliers based in

other EU states.

c. The Director of Procurement has the discretion to require any contract or class of contracts to be procured via a competitive process.

d. The total value of a contract is to be calculated in the manner prescribed by PCR 2015.

Table 1: social and other specific services listed in Schedule 3 to PCR 2015.

	Process	Value limit (excluding VAT)	Higher limit if approved by the Director of Procurement	Additional requirements
A	Single quote (with evidence of value for money, such as research into typical prices or rates)	Up to £1,000 (or £10,000 if approved by an officer at grade N or above)	Up to £200,000	Contract award notices must be published on Contracts Finder for contracts with a value of £25,000 or more.
B	(a) Request for quotation issued to three or more capable bidders other than via a framework agreement or dynamic purchasing system, or (b) Request for quotation issued to all capable bidders in the relevant lot of a framework agreement or dynamic purchasing system; or (c) Allocation of work within a framework agreement or similar arrangement in accordance with procedures set out in that arrangement.	Up to £50,000	Up to PCR threshold	

	Process	Value limit (excluding VAT)	Higher limit if approved by the Director of Procurement	Additional requirements
C	Openly advertised competitive process below PCR threshold	Up to the relevant PCR threshold.		Any call for competition must be advertised on Contracts Finder in addition to any other publication
D	<ul style="list-style-type: none"> (a) PCR tender process; or (b) competition under a dynamic purchasing system or framework let in accordance with PCR 2015; or (c) award under a single-operator framework agreement; or (d) award under a multi-vendor framework agreement without reopening competition subject to regulation 8(a) of PCR 2015; or (e) purchase of services from or via a central purchasing body in accordance with regulation 37 of PCR 2015; or (f) process complying with Section 7 of PCR 2015 advertised by means of a contract notice or a prior information notice complying with regulation 75. 	Over the relevant PCR threshold		Appendix 15 of the Constitution sets out circumstances where a decision must be taken by the Full Council. These include any decision that commits the Council to revenue or capital expenditure of over £100m

Table 2: other services, works, concession contracts and supplies

	Process	Estimated total value (excluding VAT)	Higher limit if approved by the Director of Procurement	Additional requirements
A	Single quote (with evidence of value for money, such as research into typical prices or rates)	Up to £1,000 (or £10,000 if approved by an officer at grade N or above)	Up to £100,000 for supplies and services; £1,250,000 for works	Contract award notices must be published on Contracts Finder for contracts with a value of £25,000 or more.
B	(a) Request for quotation issued to three or more capable bidders other than via a framework agreement or dynamic purchasing system, or (b) Request for quotation issued to all capable bidders in the relevant lot of a framework agreement or dynamic purchasing system	Up to £50,000	Up to PCR threshold	
C	Tender process below PCR threshold	Up to the relevant PCR threshold.		Any invitation to tender must be advertised on the government's Contracts Finder website in addition to any other publication

	Process	Estimated total value (excluding VAT)	Higher limit if approved by the Director of Procurement	Additional requirements
D	(a) PCR tender process; or (b) CCR award process in the case of concession contracts; or (c) competition under a dynamic purchasing system or framework let in accordance with PCR 2015; or (d) award under a single-operator framework agreement; or (e) award under a multi-vendor framework agreement without reopening competition subject to regulation 8(a) of PCR 2015; or (f) purchase of services from or via a central purchasing body in accordance with regulation 37 of PCR 2015.	Over the relevant PCR threshold		Appendix 15 of the Constitution sets out circumstances where a decision must be taken by the Full Council. These include any decision that commits the Council to revenue or capital expenditure of over £100m.

Specific categories of expenditure

Highway works

- e. Where a third-party commissions works that tie into or modify the Council's highway and the Council sets the specification, PCR 2015 may apply. Such works may:
 - i. be undertaken by a highways contractor appointed by the Council under these standing orders; or
 - ii. where the relevant Chief Officer permits, and subject to requirements for the placing of contract award notices, and where the value is below the PCR threshold for works, be undertaken by another contractor appointed by the third party that meets the Council's reasonable requirements including professional and financial standing, insurance cover and technical competence.

Local bus services

- f. Where an officer wishes to let a contract for the purchase of season tickets on a local bus service registered as such with the local traffic commissioner, and only two bus operators have registered such services on the bus corridor concerned, the requirement at Row B of table 2 to obtain three quotations is to be read as requiring two quotations from the two operators concerned.

Legal services

- g. The Director of Governance may commission legal services of the types set out in regulation 10 (d) of PCR 2015 without competition.

Software

- h. Where the Council has purchased perpetual software licences, the Director of Procurement in consultation with the [Director of IMT & Chief Digital Officer Head of Information Management and Technology](#) may authorise the purchase of software support and maintenance services without competition from the software licensor, where the provisions of regulation 32 (2) (b) (iii) PCR 2015 apply or the purchase is otherwise lawful.

Inter-authority cooperation

- i. The above requirements for competition do not apply if the proposed arrangement is within regulation 12 (7) of PCR 2015.

Controlled entities

- j. Where a supplier to the Council is a controlled entity, the above requirements for competition do not apply. However, there will be a need to ensure compliance with both Best Value and State Aid law (and any other relevant matters that may arise from time to time) before doing so.
- k. Only the Director of Governance may decide whether a given entity is a

controlled entity. The Director of Governance shall maintain a list of controlled entities and publish it on the Council's intranet.

8. Specialist Purchases and Corporate Contracts

- a. Certain goods, services or works, because of their nature, require specialist skills and/or expertise to be procured effectively, irrespective of their value.
- b. The Director of Procurement may maintain and publish on the Council's intranet a list of these reserved areas of spend and the thresholds at which restrictions apply ("Specialist Purchases"). They may also specify on that list, the posts whose occupants are authorised to buy within those areas and thresholds ("Specialist Buyers").
- c. Only officers who are named Specialist Buyers shall have the authority to enter into contracts for these Specialist Purchases.
- d. The Director of Procurement may maintain and publish on the Council's intranet a list of contracts that are to be used exclusively for particular purposes ("Corporate Contracts"). No officer shall let or use any other contract for these purposes.
- e. Any exception to the provisions of this paragraph 8 must be approved in advance by the Director of Procurement .

9. Reserved contracts

- a. The Council may restrict the right for organisations to participate in the award of a Contract to classes of organisation that meet the conditions of either regulation 20 or regulation 77 of PCR 2015.

10. Exemptions to these standing orders

- a. Exemptions may be granted as follows

i.	Subject to the law, a Chief Officer may approve an exemption to any part of these standing orders that is necessary because of an emergency creating immediate risk to persons or property or causing serious disruption to Council services (including any emergency or disruption under the Civil Contingencies Act 2004). The Chief Officer must, as soon as possible, notify the Director of Procurement .
ii.	In exceptional circumstances and subject to the law, any requirement to seek more than one tender or quotation may be disapplied, subject to consultation in advance with the Leader of the Council (for exemptions valued over £100,000) and authorisation in advance by the Director of Procurement and Director of Governance.
iii.	Any other exemption to these standing orders may only be made within the relevant law and with the authority of the Cabinet.

- b. The Director of Procurement shall ensure that all exemptions granted for the award of contracts valued in excess of £250,000 are reported to Cabinet within three months of their being granted.

11. Relevant considerations

- a. An officer proposing to undertake a procurement exercise shall:
 - i. appraise the need for the expenditure and its priority in light of budgetary constraints;
 - ii. confirm that there is Member, or delegated, approval for the expenditure;
 - iii. secure the involvement of the procurement team at an early stage;
 - iv. confirm that the proposed procurement complies with paragraph 7 (Specialist Purchases and Corporate Contracts) of these standing orders;
 - v. consider whether it is necessary to consult – whether as a matter of good practice, to comply with Best Value Statutory Guidance or the Public Contracts (Social Value) Act 2012, or to support compliance with the public-sector equality duty under the Equality Act 2010; and

vi. comply with the requirements of section 18 (Social Value) of these Contract Standing Orders, and

vi-vii. comply with the public-sector equality duty.

- b. In setting the specification, selection criteria and tender evaluation criteria, the relevant officer shall have regard to policy, reputational and legal considerations including:
 - i. alignment with the council's policies, priorities and objectives;
 - ii. minimisation of whole-life cost – not just initial costs;
 - iii. the requirements of the Public Contracts (Social Value) Act 2012;
 - iv. the public-sector equality duty;
 - v. the requirement to include accessibility criteria for disabled persons or design for all users (regulation 42 of PCR 2015);

vi. tax compliance, including:

a. checking employment status for tax purposes (IR35)

b. ensuring that the specification accurately reflects the work undertaken and the nature of the role and the constraints on it; and

c. deducting tax and national insurance at source if the off-payroll working rules apply;

vi. ~~the need to deter crime and disorder (section 17 Crime & Disorder Act 1998);~~

Commented [EH1]: Now in section 18 below

vii. the criticality of the service and the need for assurances as to bidders' financial stability and/or business continuity arrangements;

viii. the requirements of section 18 (Social Value) of these Contract Standing Orders

viii.ix. ~~assessment and management of risks to health, safety and the environment;~~

Commented [EH2]: Now in section 18 below

ix. ~~mitigation of modern slavery risks in the supply chain.~~

12. Contracts and formalities

- a. All contracts must be formally concluded in writing before the supply, service or work begins.
- b. A purchase order must be raised prior to any works or services commencing or goods being procured.
- c. Contracts shall be written in plain English and shall adopt either:
 - i. conditions of contract developed by or agreed by the Director of Procurement for specific types of procurement or specific procurement projects; or
 - ii. conditions of contract produced by professional bodies and agreed by the Director of Procurement ; or
 - iii. conditions of contract within collaborative contracts let by other public contracting authorities; or
 - iv. the Council's General Conditions of Contract as a bare minimum; or
 - v. exceptionally, conditions of contract requested by suppliers; but only where the use of these conditions has been previously agreed by the Director of Procurement .
- d. All contracts, regardless of value, shall as a minimum clearly specify:
 - i. a full description of what is to be supplied or done;
 - ii. the quantities to be provided;
 - iii. the provisions for payment (i.e. the price to be paid and when);
 - iv. the time(s) and location(s) for delivery or performance;
 - v. the provisions for the Council to terminate the contract; and
 - vi. the provisions for indemnity (where required) and insurance.
- e. Conditions of contract shall require transmission of payment by the council within

thirty days of a valid, undisputed invoice and shall incorporate the terms required by regulation 113 of PCR 2015 regarding prompt payment of sub-contractors.

- f. In accordance with regulation 71(3) of PCR 2015, in the case of works contracts and in respect of services to be provided at a facility under the direct oversight of the Council, the conditions of contract shall require that, no later than when the performance of the contract commences, the main contractor shall notify to the Council the name, contact details and legal representatives of its subcontractors, involved in such works or services, in so far as known at the time.
- g. The above conditions (12a to 12f) do not apply to low value, one-off retail purchases where a purchasing card is used.
- h. Where contracts are awarded which involve the transfer of Council staff, or of former Council staff who were previously the subject of an outsourcing of service by the Council, they shall include provisions to ensure that the relevant pension requirements are complied with and that the Council is indemnified. Where the Council is a third party to any transfer, the contract shall in addition ensure that the Council has access to staff and employee information on request.
- i. Contracts may be concluded by signature by an officer or officers approved to do so under the department's scheme of delegation, or under the Common Seal of the Council.
- j. Where two signatures are required under the scheme of delegation at least one must be that of a person not involved in the tendering or negotiation of the contract.
- k. Unless otherwise agreed by the Director of Governance, a contract must be entered into as a deed where:
 - i. the Council may wish to enforce the contract more than six years after its end; or
 - ii. there is any doubt as to whether valid consideration is being created under the contract.
- l. Contract sealing shall be carried out by an officer authorised by the Director of Governance. This can take place after a quotation or tender has been accepted provided that the completion of this requirement is made a condition of acceptance of the quotation or tender by the Council.

13. Contract management and variation

- a. The officer responsible shall ensure that all significant contracts have a suitable written contract management plan in place. Officers shall also manage each contract over its entirety, to a level of detail proportionate to the contract's risk and value.
- b. Where an existing contract remains subject to the former Code of Practice on Workforce Matters in Local Authority Service Contracts, the responsible officer

shall ensure that compliance with that code is monitored.

- c. Officers shall consult with the Director of Procurement as soon as reasonably practicable when they become aware that any significant dispute or claim may arise in relation to a contract or procurement exercise.

d. Officers shall manage contracts to reflect the specification, to ensure tax and national insurance deductions are made at source if that was the result of the off-payroll working assessment, and to re-evaluate off-payroll status if the terms and conditions or working practices change.

- d.e. Chief Officers may agree variations to contracts provided that these are lawful under PCR 2015 and there is adequate approved budget provision. Before agreeing any variation, Chief Officers shall satisfy themselves that a contract variation offers comparable or better value for money than going out to competition or that a contract variation is the only possible approach by virtue of exclusive rights or for reasons of urgency. Any variation or variations to a fixed term contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Director of Procurement .

- e.f. Where a Chief Officer becomes aware that any major contract will exceed by a significant margin the approved budget or time for completion, or is incurring significant risks not initially identified, this shall be reported at the earliest opportunity to the relevant Cabinet Member; if the additional costs cannot be accommodated within the service's budget this shall be reported to Cabinet as required by the Financial Control Standards.

14. Grants

- a. A grant may be made where the Council is not performing a statutory duty, but the provision can be demonstrated to assist with its wider aims and objectives. A grant need not be made via a competitive process.
- b. Officers must satisfy themselves, taking advice as necessary, that any proposed transaction is a grant rather than a contract for services before treating it as such.
- c. Where the Council is using grant monies itself or passing grant monies to a third party, the application of that money shall be subject to the requirements of the relevant grant funding body. The fact that a transaction is funded by a grant made to the Council does not automatically mean that that transaction is also a grant.
- d. When making a grant the relevant officer shall:
 - i. treat all potential grant applicants fairly;
 - ii. act in a fair, transparent and consistent manner in relation to the making of the grant;
 - iii. set out the terms of the grant, in writing;
 - iv. ensure that best value is met and that there is no state aid infringement.

15. Conduct of tendering and competitive processes

- a. The appropriate competitive process must be chosen according to the requirement and the value of the contract over its full lifetime, including any possible contract extensions, as set out in paragraph 7.
- b. In order to secure best value, officers may make use of collaborative procurement arrangements, with the approval of the Director of Procurement . Such arrangements may include, for example, collaborative contracts let by
 - i. other local authorities, or
 - ii. ESPO, other public sector purchasing consortia, or other UK contracting authorities (e.g. central government departments or agencies), or
 - iii. controlled entities.
- c. When inviting tenders or quotations, officers must set out clearly:
 - i. the terms on which the tender of procurement process is being conducted;
 - ii. the deadline for response (which must be reasonable)
 - iii. the applicable conditions of contract;
 - iv. the specification;
 - v. how the tender or quotation will be evaluated.
- d. Technical specifications
 - i. Technical specifications shall be formulated in accordance with regulation 42 of PCR 2015.
- e. Receipt and evaluation of tenders
 - i. Officers shall use an electronic tendering and/or electronic auction system approved by the Director of Procurement to manage the tendering exercise, including the receipt of tenders.
 - ii. Subject to the law the Director of Procurement has discretion to deal with non-compliant tenders, including whether to accept tenders after the submission deadline has passed (where exceptional circumstances prevail) and whether to seek clarification of a response.
- f. Standstill period
 - i. Officers shall observe a standstill period between provisional award and award where the law requires.
 - ii. For those procurements above the PCR threshold where observance of a standstill period is voluntary, a standstill period shall nevertheless be observed unless the Director of Procurement decides otherwise.
- g. The European Single Procurement Document (ESPD)
 - i. The Council and its agents may receive a completed ESPD in place of

published pre-qualifying questions or tender response which shall be accepted provided that it demonstrates that it is compliant, it demonstrates that the bidder meets the relevant requirements, it is submitted by the published deadline and through the required e-communications tool.

- ii. The Director of Procurement must be consulted prior to the rejection of any ESPD where the information contained in the ESPD or lack thereof is the reason for the rejection.

16. Record keeping

- a. Officers shall ensure that records of procurement activity are created and retained:
 - i. in all cases, sufficient to justify decisions taken in all stages of the procurement procedure and the subsequent creation and management of the contract;
 - ii. in accordance with the Council's retention policies; and
 - iii. for procurement exercises covered by Part 2 of PCR 2015, in accordance with regulations 22, 83 and 84 of PCR 2015.

17. Prevention of corruption and declaration of interests

- a. Officers shall comply with the Council's Code of Conduct for Employees. In particular:
 - i. no officer shall use or appear to use their position to obtain any personal or private benefit (including benefit accruing to connected third parties) from any contract entered into by the Council;
 - ii. officers' attention is drawn to the provisions of the Code of Conduct relating to the separation of roles during tendering;
- b. With regards to any contract that has been proposed or entered into by the Council, officers must disclose in writing to their Chief Officer any instances:
 - i. where they have any relationship with a supplier; or
 - ii. where they have any personal interest (financial or non-financial) which could reasonably be considered to conflict with the Council's interests or to favour or appear to favour one supplier over another.
- c. The Council's whistleblowing procedure applies to the letting, management and performance of contracts.

18. Social value

a. Formal consideration of social value

Commented [AI C3]: This section added to reflect Cabinet's recent approval of the paper "Social Value in Procurement" and largely adopts the words therein

i. The law requires the council to consider social value in services contracts over the OJEU threshold, but officers shall consider social value in above-threshold contracts for works as well as services. Officers shall set out their assessment of social value issues in Cabinet papers or papers to other decision makers.

ii. Social value can:

- be built into the contractual terms;
- form part of the specification; and
- form part of tender evaluation

b. Contract packaging and market engagement

i. Prior information notices

Unless impracticable because of urgency, prior information notices shall be placed in respect of all procurement exercises. The notices should:

- provide information about the proposed procurement so that:
 - bidders have time to prepare
 - smaller organisations can form consortia if they choose; and
 - potential sub-contractors can make themselves known to prime contractors;
- provide the opportunity for potential providers to engage in the development of the procurement process, the specification and the evaluation criteria, including the social value aspects;
- provide the opportunity for potential providers to comment on the proposed lotting strategy.

ii. Division into lots

In accordance with the Public Contracts Regulations 2015, for each contractual opportunity, the potential to break the requirement down into lots shall be considered. The rationale for the lotting strategy shall be documented and included in the procurement documents.

iii. Co-production

For services which have a significant effect on people – education, health, care, transport and housing services and services affecting the public realm – appropriate consultation shall be undertaken with those affected and, for people services, commissioners shall work closely with users or their representatives.

c. Requirements to be built into contracts

i. Appropriate social value requirements shall be built into contract terms or specifications. Where appropriate, bidders' ability to meet these requirements shall be tested through the procurement process; compliance with these requirements shall be monitored, to a proportionate degree, through the contract management process.

ii. General

Contracts shall include requirements for the following:

- payment within thirty days, with this requirement being passed down the supply chain¹;
- compliance with the Equality Act 2010;
- compliance with the Bribery Act 2010;
- compliance with living wage legislation and with requirements to check entitlement to work;
- appropriate measures to deter crime and disorder:
 - measures to prevent fraud, where council or client money is being handled;
 - measures to prevent theft of cash or goods;
 - requirements for 'security by design' where buildings or infrastructure are being built or modified;
- appropriate health, safety and environmental requirements;
- appropriate requirements for workforce development.

iii. Blacklisting

Construction contracts shall include a requirement to abide by the Employment Relations Act 1999 (Blacklists) Regulations 2010.

iv. Cyber-Security

Contracts for software as a service and hosted IT systems and contracts that involve processing personal data or data that is essential for business continuity shall include:

- appropriate cyber security and resilience requirements, typically *cyber essentials* or *cyber essentials plus* as defined by the National Cyber Security Centre
- appropriate business continuity and disaster recovery requirements.

v. Modern slavery

Contracts in sectors where there is an elevated risk of modern slavery, such as waste and construction, shall include requirements for contractors to mitigate the risks. All contracts over £10m per annum shall include requirements for contractors to segment their supply chains by modern slavery risk and to proactively manage modern slavery risk in segments where there is an elevated risk.

vi. Diverse supply chains

Contracts valued over £10m and contracts likely to involve material sub-contracting shall generally include provisions requiring the promotion of diverse and local supply chains, including:

- promotion of sub-contract and supply opportunities to the Norfolk business community; and

¹ This requirement applies to all contracts under the Public Contracts Regulations 2015

- promotion of sub-contract and supply opportunities to women-owned businesses, BAME-owned businesses and businesses owned by people with other protected characteristics under the Equality Act.

vii. Workforce health

For contracts valued over £10m, consideration shall be given to including requirements to promote good mental and physical health in the workforce.

d. Social value opportunities to be considered for evaluation

i. Opportunities to promote social value through the evaluation process – in other words, to give extra marks for additional value - shall be considered for each significant procurement exercise.

ii. In considering these opportunities, the cost shall be borne in mind. By granting marks for social value in a procurement process, the buyer is saying that it is willing to pay extra for those social value features. Officers shall consider whether this is the most cost-effective way of obtaining the desired social benefit.

iii. Skills development – apprenticeships, training and work experience

The opportunity to support skills development by creating quality apprenticeship, training and work experience opportunities through major contracts is significant and should always be considered, particularly in light of its potential impact on social mobility.

iv. Support for disadvantaged groups

Opportunities to provide support sessions, trade taster sessions and similar opportunities for disadvantaged groups (including BAME people) and to promote employment of disadvantaged groups should always be considered.

v. Support for the local area

Opportunities exist for suppliers to build social value by seeking actively to recruit local people and local subcontractors.

vi. Community and client capacity

The opportunity to make communities more cohesive, sustainable and resilient should always be considered. Approaches to service delivery that will have a long-lasting impact – for example by strengthening the local voluntary sector, or enabling clients to be less dependent on support – should be favoured over approaches that are less sustainable.

vii. Volunteering and mentoring

The contribution of volunteering and mentoring time in the local community could form useful added value, but care should be taken that

the approach does not simply allow large providers to rebadge volunteering that their staff already undertake and charge extra for it.

viii. Environmental

Where there may be opportunities for significantly better environmental performance, it may be appropriate to include environmental performance as an 'added value' criterion, rather than simply setting a minimum standard.

Environmental standards above the statutory minima may be particularly relevant where they:

- materially reduce greenhouse gas emissions;
- support the council's public health objectives, for example by improving local air quality;
- contribute towards the environmental and landscape objectives of the Norfolk Spatial Strategy.

Corporate Select Committee	25 January 2021 Theme: Transformation	15 March 2021 Theme: Assets and Transformation	May – date TBC Theme: People
Corporate	<p>Part A -</p> <ul style="list-style-type: none"> • Business Transformation and Smarter Working • Digital Norfolk Strategy – progress report • HR & Finance system replacement – implementation planning <p>Part B -</p> <p>Committee forward plan</p>	<p>Part A –</p> <ul style="list-style-type: none"> • Asset Management Plan • Energy efficiency • Business Transformation and Smarter Working • Norfolk Plc update <p>Part B –</p> <ul style="list-style-type: none"> • Review of the NCC Constitution <p>Committee forward plan</p>	<p>Part A –</p> <ul style="list-style-type: none"> • Update on Review of Unconscious and Structural Bias <p>Part B -</p> <p>Committee forward plan</p>