

# Corporate Select Committee

Date: **Tuesday 28 May 2019**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

**Persons attending the meeting are requested to turn off mobile phones.**

## Membership:

Mrs K Vincent (Chairman)	Mr B Long
Mr S Askew	Mr R Oliver
Mr E Colman (V.Ch)	Mrs S Squire
Mr N Dixon	Mr J Timewell
Mr C Foulger	Mrs C Walker
Dr C Jones	Mr J Ward
Mr I Mackie	

## Terms of Reference for the Corporate Select Committee

The Corporate Select Committee is aligned to the overall governance, resources and assets of the Council.

The Committee supports the Cabinet and Council in ensuring good governance and that the resources and assets are used as efficiently and effectively as possible and that as a result the Council minimises risk, is resilient, takes advantage of opportunities arising from new technology and communicates effectively with its residents and stakeholders.

The Corporate Select Committee shall also review the content and operation of the Constitution at least annually and at the request of the Council or the Chief Legal Officer, to ensure it remains fit for purpose as set out in Article 1 of the Constitution.

**Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.**

# A g e n d a

## 1 To receive apologies and details of any substitute members attending

## 2 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.

## 3 To receive any items of business which the Chairman decides should be considered as a matter of urgency

## 4 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](mailto:committees@norfolk.gov.uk)) by **5pm Wednesday 22 May 2019**. For guidance on submitting a public question, view the Constitution at [www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetingsdecisions-and-elections/committees-agendas-and-recent-decisions/ask-aquestion-to-a-committee](http://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetingsdecisions-and-elections/committees-agendas-and-recent-decisions/ask-aquestion-to-a-committee)

## **5 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](mailto:committees@norfolk.gov.uk)) by **5pm on Wednesday 22 May 2019**.

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|-----------|---|----------------|
| <b>6</b>  | <b>Terms of Reference and Working Arrangements</b><br>Report by the Executive Director of Strategy and Governance   | <b>Page 5</b>  |
| <b>7</b>  | <b>Corporate Select Committee Workplan to September 2019</b><br>Workplan by the Executive Director of Strategy and Governance and Executive Director of Finance and Commercial Services   | <b>Page 78</b> |
| <b>8</b>  | <b>Norfolk Working Better Together</b><br>Report by the Executive Director of Strategy and Governance   | <b>Page 79</b> |
| <b>9</b>  | <b>Human Resources and Finance System Transformation Project</b><br>Report by the Executive Director of Strategy and Governance and Executive Director of Finance and Commercial Services | <b>Page 85</b> |
| <b>10</b> | <b>Risk Management Framework</b><br>Report by the Executive Director of Strategy and Governance and Executive Director of Finance and Commercial Services                                 | <b>Page 92</b> |

**Chris Walton**  
**Head of Democratic Services**  
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Date Agenda Published: 17 May 2019



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# Report to Corporate Select Committee

Item No. 6

<b>Report title:</b>	<b>Terms of Reference &amp; Working Arrangements</b>
<b>Date of meeting:</b>	<b>28.05.2019</b>
<b>Responsible Cabinet Member:</b>	<b>Not applicable</b>
<b>Responsible Director:</b>	<b>Fiona McDiarmid</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>Recommendations</b> That the Select Committee considers and reviews its terms of reference included within the constitution.  <b>Actions required</b> Consider and agree the terms of reference set out in this report and the Constitution as attached at Appendix A.	

## 1. Background and Purpose

- 1.1. Council agreed to adopt a new model of governance at its Annual General Meeting on 7<sup>th</sup> May 2019. This is the first meeting of the newly constituted Corporate Select Committee under the new model,

## 2. Proposals

- 2.1. It is proposed that the Select Committee considers the sections of the Constitution that are particularly relevant to its working, contained within this report, and attached in Appendix A.
- 2.2. The Appendix contains all the sections relevant to Select Committees and the Scrutiny Committee, as it is important for the effective overall operation of the overview and scrutiny function, that each Committee understands its own role and the role of the other Committees.
- 2.3. Article 6.5 of the Constitution sets out the role of the three Select Committees as follows:

### Select Committees

- i. The Council has appointed three Select Committees from among the non-executive Members so that their areas of responsibility cover all the main services of the Council.

These Select Committees are:

- a) People and Communities Committee
- b) Infrastructure and Development Committee
- c) Corporate Committee

- ii. The Select Committees may within their areas of responsibility consider proposed decisions to be made or other action taken in connection with:

- a) any functions which are the responsibility of the Executive; and
- b) any functions which are not the responsibility of the Executive.

iii. The Select Committees may within their areas of responsibility make reports or recommendations to either the Leader, the Cabinet, the relevant Cabinet Member or the County Council with respect to:

- a) the discharge of any functions which are the responsibility of the Executive;
- b) the discharge of any functions which are not the responsibility of the Executive;
- or
- c) matters which affect Norfolk and its inhabitants.

iv. Each Select Committee also has the following roles within its area of responsibility:

- a) assist and advise the Council Leader and the Cabinet in the development of the policy framework
- b) review the performance of the Executive in relation to its policy objectives and performance targets

v. Select Committees must be mindful as to avoid duplication with the work undertaken by the Scrutiny Committee.

vi. Select Committees do not have the power to 'call-in' decisions made but not implemented.

vii. Select Committees will conduct their proceedings in accordance with the Appendix 10

viii. Any reports and recommendations made by Select Committees will include any dissenting views

- 2.4. Article 6.6. of the Constitution sets out the Terms of Reference for the specific Select Committees. The membership and areas of responsibility for the Corporate Select Committee is as follows:

#### Corporate Select Committee

13 members

Remit: The Corporate Select Committee is aligned to the overall governance, resources and assets of the Council.

The Committee supports the Cabinet and Council in ensuring good governance and that the resources and assets are used as efficiently and effectively as possible and that as a result the Council minimises risk, is resilient, takes advantage of opportunities arising from new technology and communicates effectively with its residents and stakeholders.

The Corporate Select Committee shall also review the content and operation of the Constitution at least annually and at the request of the Council or the Chief Legal Officer, to ensure it remains fit for purpose as set out in Article 1 of this Constitution.

- 2.5. Each Select Committee has the powers set out in Article 6.7 as follows:

i. To enable them to exercise their powers each Select Committee may within their areas of responsibility:

- a) review matters which are not the responsibility of the Council, but which affect

- the social, environmental and economic well-being of the inhabitants of Norfolk;
- b) require the appropriate Cabinet Members and Officers to attend before it and answer questions; and such members and officers will attend unless reasonably prevented from doing so;
- c) question and gather evidence from any person with their consent;
- d) commission reports from officers.

2.6. Article 6.8 deals with general matters as follows:

- i. Cabinet Members may attend and speak at meetings of the Select Committees. Cabinet Members attend to provide input into discussions on policy development and respond to questions raised during Select Committee meetings.
- ii. The quorum for meetings of Select Committees is 7.

2.7. The Annex to Article 2 of the Constitution sets out role profiles, including for the Chair of this Committee, as follows:

#### **CHAIR OF SELECT COMMITTEE**

The Chairs of these Committees are elected by the Council

#### **Role and Responsibilities**

- 1. To Chair Select Committee meetings effectively, lead the agenda management process and actively participate in any cross-party pre-Committee meetings.
- 2. To help ensure the Select Committee's role and activities are understood by other members of the Council.
- 3. To assist and advise on the development of new policy or reviewing current policy, making reports and/or recommendations to the full Council, the Cabinet and/or relevant partners.
- 4. To encourage members to take responsibility for ensuring effective conduct of the Committee's business and the forward work programme.
- 5. To act as the Council's lead spokesperson in respect of the Committee's activities.
- 6. To give clear guidance and direction when summing up discussions at meetings of the Committee.
- 7. To establish effective working relationships with the Cabinet, Cabinet Members, Group Spokesmen on the Select Committee and other Select Committee Chair, including coordinating work programmes with other Chairs to ensure there is no duplication of effort
- 8. To establish effective working relationships with the Chief Officers and other key officers.

### **3. Impact of the Proposal**

3.1. That the Select Committee will be familiar with its Terms of Reference.

#### **4. Evidence and Reasons for Decision**

- 4.1. This is the first meeting of the new Corporate Select Committee and an appropriate time to review its working arrangements.

#### **5. Alternative Options**

- 5.1. None

#### **6. Financial Implications**

- 6.1. None

#### **7. Resource Implications**

- 7.1. **Staff:**

None

- 7.2. **Property:**

None

- 7.3. **IT:**

None

#### **8. Other Implications**

- 8.1. **Legal Implications:**

A local authority operating the Executive Leadership model is legally obliged to have at least one Scrutiny Committee. The requirements are set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. This Select Committee is part of the Council's overview and scrutiny arrangements.

- 8.2. **Human Rights implications**

None

- 8.3. **Equality Impact Assessment (EqIA) (this must be included)**

This is not required for this report.

- 8.4. **Health and Safety implications** (where appropriate)

None

- 8.5. **Sustainability implications** (where appropriate)

None

- 8.6. **Any other implications**

None

#### **9. Risk Implications/Assessment**

- 9.1. None

#### **10. Select Committee comments**

- 10.1. Each of the Select Committees will be considering their own terms of reference at their first meetings between 29<sup>th</sup> and 31<sup>st</sup> May.

#### **11. Recommendation**

- 11.1. That the Select Committee considers and reviews its terms of reference included within the Constitution.

#### **12. Background Papers**

- 12.1. None

#### **Officer Contact**

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

**Officer name :** Helen Edwards

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## **Appendix A**

### **The Constitution:**

Article 2  
Article 6  
Appendix 2A  
Appendix 8  
Appendix 10

## ARTICLE 2 – MEMBERS OF THE COUNCIL

### 2.1 Composition and eligibility

Composition. The Council comprises 84 members, otherwise called councillors. One councillor is elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. One of the Councillors is elected annually to chair the Full Council meetings and attend to ceremonial duties.

Eligibility. Only registered voters of the county of Norfolk or those living or working there are eligible to hold the office of councillor.

### 2.2 Election and terms of councillors

The regular election of councillors is held on the first Thursday in May every four years, the next being in 2021. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

### 2.3 Roles and functions of Councillors

The Council has drawn up profiles covering the generic role of a County Councillor and the roles of Councillors who are appointed to specified positions of responsibility. The profiles are set out in the Annex to this Article.

### 2.4 Rights and duties

- (a) Councillors have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (c) For these purposes “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in **Appendix 13** of this Constitution.

### 2.5 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in **Appendix 22** of this Constitution. The consequences of not complying with the Code and the Protocol are set out in those documents.

### 2.6 Allowances

Councillors are entitled to receive allowances and reimbursement of expenses in accordance with the Members’ Allowances Scheme set out in **Appendix 25** of this Constitution.

## **Norfolk County Council – Role Profiles**

### **NORFOLK COUNTY COUNCILLORS**

#### **Role and Function**

- 1.1 To participate constructively in the good governance of the area and actively encourage community participation in decision making i.e. be an advocate of and for the community.
- 1.2 To collectively be the ultimate policy makers, carrying out a number of strategic and corporate management functions and individually to contribute to the formation and scrutiny of the authority's priorities, policies, budget, strategies and service delivery which are reserved to the Council.
- 1.3 To represent effectively the interests of the electoral division for which the councillor was elected and of individual constituents.
- 1.4 To champion the improvement of the quality of life of the community in terms of the environment, economy, education, safety, equity and well-being.
- 1.5 To act as a champion on the Council for specific issues, when required.
- 1.6 To represent the Council effectively when appointed to outside bodies.

All within the knowledge that Norfolk wishes to build:

- Strong and positive relationships within different communities and between people from different backgrounds.
- Accessible and inclusive services, opportunities and information for all, regardless of age, disability, gender, religion or belief, race, sexuality or geographical location.
- A county where people feel safe and free from harassment and can report incidents in the knowledge that issues will be handled sensitively and effectively.
- A workforce and work environment where diversity is valued, where employees are treated fairly on the basis of merit, and where all employees have the opportunity to fully contribute towards the success of the Council.

#### **Key Responsibilities**

- 2.1 To represent the community to the authority, through the various forums available and by being effective community leaders.
- 2.2 To fulfil the legal and locally determined requirements placed on an elected Member, including the completion of statutory declarations in a timely manner and compliance with all relevant codes of conduct.



- 2.3 To participate effectively as a Member of any Committee or other body to which the Member is appointed, including related responsibilities for the services falling within its terms of reference and its liaison with other public bodies, and to promote better understanding and partnership working.
- 2.4 To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between organisations; and to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and function.
- 2.5 To participate, as appointed, in the scrutiny and development of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents and to assist individuals or groups to participate in the work of these committees.
- 2.6 To participate in consultative processes with the community and other organisations.
- 2.7 To develop and maintain a working knowledge of the Council's functions and activities, democratic and management arrangements, powers/duties and constraints and to develop good working relationships with relevant Council officers.
- 2.8 To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
- 2.9 To establish effective working relationships with any local Parish or Town Council including attending meetings and explaining the work of the Council.
- 2.10 To establish effective working relationships with District Councillors in the Member's Division.
- 2.11 To establish effective working relationships, as deemed necessary, with other authorities, agencies and organisations whose activities affect the Member's local area including the business, voluntary and community sectors.
- 2.12 To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the governance of the area.
- 2.13 To participate in the activities of any political group of which the Councillor is a member.
- 2.14 To uphold the Council's Constitution, Code of Conduct and ethical standards.
- 2.15 To take advantage of appropriate development opportunities that will help fulfil all the duties above and any special responsibilities allocated to the individual member.

## **CHAIR OF THE COUNCIL**

The Chair is elected annually by full Council.

### **Role and Responsibilities**

1. To provide civic and ceremonial leadership to the Council and to promote the Council as being at the heart of the community and civic life within Norfolk.

2. To host and attend civic and ceremonial functions.
3. To provide feedback to the Council on matters raised by others while performing the duties of Chair.
4. To preside impartially over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community, standing down from the Chair if they wish to participate in a debate as a local member.
5. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account.
6. In accordance with the Budget and Policy Framework Rules, and where the Chair of the Cabinet Scrutiny Committee is unable to act, to decide whether or not a proposed decision which is contrary to the budget and policy framework needs to be taken as a matter of urgency.

## **VICE-CHAIR OF THE COUNCIL**

The Vice-Chair is elected annually by full Council. It is normal practice for the Vice- Chair in one year to be elected as Chair in the following year.

### **Role and Responsibilities in support of the Chair**

1. To provide civic and ceremonial leadership to the Council and to promote the Council as being at the heart of the community and civil life within Norfolk.
2. To host and attend civic and ceremonial functions.
3. To provide feedback to the Council on matters raised by others while performing the duties of Chair.
4. To preside impartially over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community, standing down from the Chair if they wish to participate in a debate as a local member.
5. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive to account.
6. In accordance with the Budget and Policy Framework Rules, and where the Chair of the Cabinet Scrutiny Committee is unable to act, to decide whether or not a proposed decision which is contrary to the budget and policy framework needs to be taken as a matter of urgency.

## **LEADER OF THE COUNCIL**

### **Key Responsibilities**

This role profile should be read in conjunction with the one for Cabinet Members. It identifies the role and responsibilities of the Leader that are additional to those for a Cabinet Member and Group Leader.

1. To provide clear political direction and leadership to the Council, setting standards and expectations and encouraging members to play a full part in the running of the Council and being effective community leaders.
2. To provide leadership to the Norfolk community.
3. To lead the formulation of the County Council Business Plan and the Council's Service Objectives, providing a strong, fair and visible direction to the Council and in relation to citizens, stakeholders and partners.
4. To Chair the Cabinet and be responsible for its performance.
5. To appoint the Cabinet and Deputy Cabinet Members, designate the portfolio areas and maintain effective working relationships with the Cabinet Members.
6. To delegate executive decision-making to individual members of the Cabinet, Cabinet Committees and officers.
7. To lead in the development of policy, strategy and budget.
8. To report Cabinet's activities to full council, including answering questions from members in relation to business considered by Cabinet.
9. To represent the Council in its relationship with key stakeholders, local, regional and national.
10. To be the primary political spokesperson for the County Council.
11. To promote effective working relationships with the other Group Leaders, including being Chair of the Group Leaders' meeting.
12. To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
13. To provide political direction for the Council's officers and in particular to work closely with the Chief Officers, ensuring coordination of the Council's leadership and management.
14. To ensure publication of the County Council Business Plan.

## **DEPUTY LEADER OF THE COUNCIL**

### **Role and Responsibilities**

1. To provide the Leader of the Council with a dedicated source of assistance in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Cabinet, the Council and the County.
2. To assist the leader in carrying out the responsibilities set out in the role profile of the Leader.
3. To take day-to-day decisions on behalf of the Leader during their absence as notified to the Monitoring Officer.
4. To work with the Leader on budget and policy development.
5. Where the individual is also a portfolio holder, the post holder will perform all those portfolio duties identified in that role profile.

## **CABINET MEMBER**

### **Key Responsibilities**

1. To collectively take executive responsibility, with particular regard to meetings of the Cabinet, for developing and proposing overall strategy, budgets and policy implementation.
2. Lead the development of policies for the delivery of services for their portfolio.
3. To develop expertise and knowledge in their portfolio area.
4. To take such decisions as specified within the Council's Scheme of Delegation.
5. To consult non-executive Members, through the Select Committees and as part of the development and review of policy and report views to the Cabinet, as appropriate.
6. To monitor the performance of services.
7. To be the Council's lead spokesperson for their portfolio.
8. To provide a lead member contact for staff and establish and maintain effective working relationships with the County Leadership Team and other key staff.
9. To establish contacts with other bodies and individuals to exchange views and information and to contribute to partnership working.
10. To attend the Scrutiny Committee and Select Committees, as requested, to discuss decisions taken and to assist the scrutiny and policy development process.
11. To respond to questions relating to their portfolio arising at Council, Cabinet and Committee meetings.

## **DEPUTY CABINET MEMBERS**

### **Role and Responsibilities**

1. To deputise for the relevant Cabinet Member at meetings of the Cabinet and full Council when the Cabinet Member cannot be present and to answer questions at those meetings on behalf of the Cabinet Member.
2. To support the Cabinet Member in undertaking their responsibilities effectively.
3. To attend and contribute at meetings and pre-agenda meetings, deputising, answering questions and speaking on behalf of the Cabinet Member where necessary.
4. To represent the relevant Cabinet Member at other appropriate meetings.
5. In the absence of the relevant Cabinet Member to be the Senior Member who a Chief Officer consults under the Constitution in appropriate cases before exercising delegated powers.
6. To undertake specific tasks, research and investigations as directed by the relevant Cabinet member within their areas of responsibility.
7. To attend conferences, seminars and meetings as requested by the relevant Cabinet Member.
8. To keep abreast of current policy and development initiatives.
9. To meet regularly with the relevant Cabinet Member and advise him/her on policy development in relation to decision-making.
10. To meet regularly with relevant senior officers in order to keep fully apprised of relevant service issues and advise the Cabinet Member.
11. To attend regular policy and review meetings with the Cabinet Member and the relevant Chief Officer and senior officers.
12. To liaise with non-executive members in order to ensure that the Cabinet Member is fully aware of issues which are of concern to members.
13. To carry out any other appropriate duties as directed by the relevant Cabinet member.

## **GROUP LEADER**

The Council recognises the key leadership role played by the leaders of all groups on the Council and the importance of their commitment to cross-party working.

### **Role and Responsibilities**

1. To provide the leadership of an opposition party.
2. To be the principal political spokesperson for the Group.
3. To be a representative voice in dealings with government agencies, local authority

associations etc.

4. To encourage the highest standards of conduct by members of the Group.
5. To nominate members to serve on Committees, outside bodies etc.
6. To appoint group spokespersons and allocate other responsibilities to group members as appropriate.
7. To assist in ensuring appropriate levels of attendance are maintained by Group members.
8. To encourage a culture of learning and development among members, including the active participation of Group members in briefings, seminars and other learning and development processes.
9. To maintain effective liaison with the other Group Leaders, including being a member of the Group Leaders' meeting.
10. To establish and maintain effective working relationships with the County Leadership Team and other key staff.
11. To meet regularly with relevant senior officers in order to keep fully apprised of relevant service issues.
12. To attend regular policy and review meetings with the relevant Director and senior officers.

### **CHAIR OF THE SCRUTINY COMMITTEE**

The Chair elected to this post is a not a member of the Administration, elected by the Council

#### **Role and Responsibilities**

1. To Chair the Committee's meetings and lead the agenda management processes.
2. To help ensure the Committee's role and activities are understood both within and outside the Council.
3. To act as the Council's lead spokesperson in respect of the Committee's activities.
4. To contribute to the implementation and monitoring of the Committee's decisions.
5. To present reports to full Council and respond to questions on the Committee's work.
6. To carry out the responsibilities of the Chair of the Scrutiny Committee as set out in the Council Constitution, with regard to urgent decisions.
7. To play a leading role in the continuing development and improvement of scrutiny at Norfolk County Council.
8. To encourage the involvement in overview and scrutiny of all interested parties and stakeholders.

9. To maintain effective working relationships with the Cabinet, Cabinet Members, group spokespersons on the Scrutiny Committee and Select Committees.
10. To maintain effective working relationships with the Chief Officers and other key officers.

### **CHAIR OF SELECT COMMITTEE**

The Chairs of these Committees are elected by the Council

#### **Role and Responsibilities**

1. To Chair Select Committee meetings effectively, lead the agenda management process and actively participate in any cross-party pre-Committee meetings.
2. To help ensure the Select Committee's role and activities are understood by other members of the Council.
3. To assist and advise on the development of new policy or reviewing current policy, making reports and/or recommendations to the full Council, the Cabinet and/or relevant partners.
4. To encourage members to take responsibility for ensuring effective conduct of the Committee's business and the forward work programme.
6. To act as the Council's lead spokesperson in respect of the Committee's activities.
7. To give clear guidance and direction when summing up discussions at meetings of the Committee.
8. To establish effective working relationships with the Cabinet, Cabinet Members, Group Spokesmen on the Select Committee and other Select Committee Chair, including coordinating work programmes with other Chair to ensure there is no duplication of effort
9. To establish effective working relationships with the Chief Officers and other key officers.

### **CHAIR OF PLANNING (REGULATORY) COMMITTEE**

The Chair of this Committee is elected by the Council

#### **Role and Responsibilities**

1. To chair the meeting in accordance with the Constitution and the Planning Procedures – Code of Best Practice.
2. To ensure that contributions by the public are made in accordance with the agreed procedure.
3. To guide the Committee to reach decisions based on the information presented to it.
4. To ensure that members' contributions to meetings reflect the standards required

under the Council's Planning Protocols.

5. To represent the Council in dealings with the public, media and other bodies in respect of the work of the Committee.
6. To establish effective working relationships with the relevant Chief Officer and other key officers in this service area.

## **VICE CHAIR OF COMMITTEES**

Vice Chairs are elected by Council.

### **Role and Responsibilities in support of the Chairs of the relevant Committees**

1. To perform the role and responsibilities of Chair of the relevant Committee where the Chair of the relevant Committee is absent. In the absence of the Chair and Vice Chair, the Members of the Committee will elect a Member amongst them to act as Chair for the purpose of that meeting.
2. To undertake such roles and responsibilities as may be delegated to them by the Chair of the relevant Committee which are within scope of the role and responsibilities of the Chair of the relevant Committee.

## **OPPOSITION GROUP SPOKESPERSONS**

These posts are held by members of each of the political groups on the Council.

The overall role is to provide an effective political counter-balance to the role of the Cabinet Member.

### **Role and Responsibilities**

In respect of activities within the portfolio:-

1. To develop expertise and knowledge.
2. To provide political focus and leadership within the Group.
3. To lead the development of approaches to policy and operational issues, on behalf of the Group.
4. To support the democratic process by ensuring that the activities of the Administration are examined and where necessary challenged.
5. To be the Group's lead spokesperson and first political point of contact within the Group.
6. To keep members of the Group apprised of all relevant information.
7. To establish and maintain effective working relationships with Chief Officers and other key officers.



8. To establish effective working relationships with other Group spokespersons.
9. To establish appropriate contacts with other bodies and individuals to exchange views and learning.
10. To meet regularly with relevant senior officers in order to keep fully appraised of relevant service issues and to advise the Group Leader.

## **MEMBER CHAMPION**

The role of a Member Champion is to provide a member focus and point of contact for a specific area of activity.

The focus of these appointments can be internal – giving a high-level member focus to an area of activity or external – in response to organisations that want to raise awareness/ establish points of contact with local authorities.

Champions encourage people to play a fuller role in the subject area.

1. To work with officers and others in raising the profile of the area of activity.
2. To work collaboratively with the relevant Cabinet Member and Select Committee.
3. To work with other Member Champions, as appropriate.
4. To attend relevant training, learning and development opportunities.
5. To keep appraised of developments and issues.
6. To promote good practice.
7. To keep a watching brief on the Council's levels of performance.
8. To keep members informed of relevant issues and raise awareness.

## ARTICLE 6 – OVERVIEW AND SCRUTINY BODIES

### 6.1 General

The Council has agreed that Overview and Scrutiny should be exercised through the Scrutiny Committee and three Select Committees. The statutory scrutiny arrangements are set out in Appendix 2 and 2A.

### 6.2 Scrutiny Committee

- i. The Council appoints the Scrutiny Committee from among the non-executive Members of the Council to review or scrutinise decisions made or other action taken in accordance with:
  - a) 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
  - b) any functions which are not the responsibility of the Executive.
- ii. The Scrutiny Committee may make reports or recommendations to either the Cabinet or to the County Council with respect to:
  - a) the discharge of any functions which are the responsibility of the Executive;
  - b) the discharge of any functions which are not the responsibility of the Executive; or
  - c) matters which affect Norfolk or its inhabitants.
- iii. The Scrutiny Committee:
  - a) exercises overall responsibility for the resources made available to it by the Council;
  - b) conducts its proceedings in accordance with the additional Overview and Scrutiny Procedure Rules set out in **Appendix 10**.

### 6.3 Membership of the Scrutiny Committee

- i. The Committee comprises 13 members of the Council who are not members of the Executive, 2 Parent Governor representatives and 1 representative of each of the Church of England and Roman Catholic Diocesan Boards. The Council Members will be appointed to reflect the political balance requirements.
- ii. The Committee will be chaired by the Chair of the Committee who will be appointed by the Council and who will normally be the Leader of the main Opposition Group on the Council.
- iii. The Parent Governor and Church representatives are entitled to speak on all matters considered by the Scrutiny Committee but vote only on matters relating to education.
- iv. The quorum for meetings of the Scrutiny Committee is 7.

## 6.4 Powers of the Scrutiny Committee

- i. In carrying out its powers of review and scrutiny the Scrutiny Committee will take into account the desirability of co-ordination and avoiding duplication with the work of the County Council's Select Committees.
- ii. The Scrutiny Committee has the power to 'call-in' for scrutiny all decisions made by the Cabinet but not implemented and recommend that they are reconsidered or be reviewed or scrutinised by the full Council.
- iii. The Scrutiny Committee should only use the power to refer matters to the full Council:
  - a) if the Committee considers that the decision is contrary to the policy framework; or
  - b) if the Committee considers that the decision is contrary to or not wholly in accordance with the budget.

Any called-in matters that are considered by full Council under this arrangement will be dealt with in accordance with the full Council procedure rules rather than the scrutiny procedure rules. This means that all members of the Council may participate, the debate will be chaired by the Chair of the County Council, and there will be no opportunity to question officers.

- iv. The Scrutiny Committee also has the power to 'call-in' for scrutiny any key decisions (as defined in **Article 13**) which are the responsibility of the Executive but taken by an individual Cabinet Member or Officer on the Executive's behalf. The Committee may recommend that the decisions are reconsidered by the person or body which made the decision.
- v. The call-in power is to be taken in accordance with the County Council's system for the call-in of decisions, as follows:
  - a) any Member of the Council, with the support of three other Members must give notice within five working days of a meeting of the Cabinet or, if the decision is taken by an individual Member or Chief Officer, within five working days of the decision being published under the Access to Information Procedure Rules in **Appendix 13**;
  - b) where education matters are involved, the Parent Governor and Church representatives together count as one Member;
  - c) a Member who has called in a decision may participate in the debate of that call-in by the Scrutiny Committee, irrespective of whether they are a Member of the Scrutiny Committee;
  - d) The call-in procedure will not apply to urgent decisions. In this respect:
    - in deciding the urgency of key decisions, the procedure in Paragraphs 1.8 and 1.9 of the Access to Information Procedure Rules will apply;
    - in deciding the urgency of decisions which are contrary to the Budget and Policy Framework, the procedure in Paragraph 1.9 of the Budget and their Policy Framework Rules will apply;
    - in all other cases the final decision as to whether a decision is urgent will rest with the Head of Paid Service or in their absence the Monitoring Officer. For this purpose, an urgent decision is one which

cannot reasonably wait until the full call-in process would otherwise have been completed.

- vi. In order to enable it to exercise its powers, the Scrutiny Committee may:
  - a) require the Leader, Cabinet Members and Officers to attend before it and answer questions; and such members and officers will attend unless reasonably prevented from doing so;
  - b) invite any other person to attend its meetings and answer questions but may not require them to do so; \*
  - c) question and gather evidence from any person with their consent;
  - d) commission reports from officers;
- vii. The Scrutiny Committee is the Council's designated Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006.

\*N.B. Reasonable travel expenses are payable on request to members of the public and to members of voluntary organisations who are invited to attend meetings

## **6.5 Select Committees**

- i. The Council has appointed three Select Committees from among the non- executive Members so that their areas of responsibility cover all the main services of the Council. These Select Committees are:
  - a) People and Communities Committee
  - b) Infrastructure and Development Committee
  - c) Corporate Committee
- ii. The Select Committees may within their areas of responsibility consider proposed decisions to be made or other action taken in connection with:
  - a) any functions which are the responsibility of the Executive; and
  - b) any functions which are not the responsibility of the Executive.
- iii. The Select Committees may within their areas of responsibility make reports or recommendations to either the Leader, the Cabinet, the relevant Cabinet Member or the County Council with respect to:
  - a) the discharge of any functions which are the responsibility of the Executive;
  - b) the discharge of any functions which are not the responsibility of the Executive; or
  - c) matters which affect Norfolk and its inhabitants.
- iv. Each Select Committee also has the following roles within its area of responsibility:
  - a) assist and advise the Council Leader and the Cabinet in the development of the policy framework
  - b) review the performance of the Executive in relation to its policy objectives and performance targets
- v. Select Committees must be mindful as to avoid duplication with the work undertaken by the Scrutiny Committee.

- vi. Select Committees do not have the power to 'call-in' decisions made but not implemented.
- vii. Select Committees will conduct their proceedings in accordance with the **Appendix 10**.
- viii. Any reports and recommendations made by Select Committees will include any dissenting views

## **6.6 Membership and Areas of Responsibility of Select Committees**

- i. The Select Committees have the following membership and areas of responsibility:

### People and Communities Select Committee

13 members

Remit: The People and Communities Select Committee is aligned to people orientated services which are based on individual need. These services are predominantly for children and adults but also include other services that contribute to our residents' well-being.

The Committee supports the Cabinet and Council in its work with adults and older people with disabilities; services for young people who are vulnerable and improving educational attainment together with services to improve the wellbeing of our residents such as Arts and Culture, Public Health and Adult Education.

### Infrastructure and Development Select Committee

13 members

Remit - The Infrastructure and Development Select Committee is aligned to the physical, geographical and economic services we provide to our residents. These services relate to the entire community both at whole County level and at neighbourhood level and take a strategic approach to prevent the fragmentation of service provision that leads to gaps or duplication of effort.

The Committee supports the Cabinet and Council in its work on transport, environmental services and growing the economy to enable our residents to live in resilient, prosperous, safe and sustainable communities with the facilities and infrastructure they need.

### (3) Corporate Select Committee

13 members

Remit: The Corporate Select Committee is aligned to the overall governance, resources and assets of the Council.

The Committee supports the Cabinet and Council in ensuring good governance and that the resources and assets are used as efficiently and effectively as possible and that as a result the Council minimises risk, is resilient, takes

advantage of opportunities arising from new technology and communicates effectively with its residents and stakeholders.

The Corporate Select Committee shall also review the content and operation of the Constitution at least annually and at the request of the Council or the Chief Legal Officer, to ensure it remains fit for purpose as set out in Article 1 of this Constitution.

## **6.7 Powers of Select Committees**

- i. To enable them to exercise their powers each Select Committee may within their areas of responsibility:
  - a) review matters which are not the responsibility of the Council, but which affect the social, environmental and economic well-being of the inhabitants of Norfolk;
  - b) require the appropriate Cabinet Members and Officers to attend before it and answer questions; and such members and officers will attend unless reasonably prevented from doing so;
  - c) question and gather evidence from any person with their consent;
  - d) commission reports from officers.

## **6.8 General**

- i. Cabinet Members may attend and speak at meetings of the Select Committees. Cabinet Members attend to provide input into discussions on policy development and respond to questions raised during Select Committee meetings.
- ii. The quorum for meetings of Select Committees is 7.

## **APPENDIX 2A**

### **STATUTORY SCRUTINY**

#### **1.1 General**

There is a statutory requirement for the Council to make arrangements for the scrutiny of certain matters, as specified in the following legislation:

- Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218).
- These powers shall be exercised by the Norfolk Health Overview and Scrutiny Committee.

The Council has a role as lead authority under joint arrangements for the Norfolk Police and Crime Panel.

The Council has also agreed to establish a scrutiny function of the Norfolk Community Safety Partnership. This function shall be exercised through the Countywide Community Safety Partnership.

#### **2. Norfolk Health Overview and Scrutiny Committee**

The Council has established a Norfolk Health Overview and Scrutiny Committee, with powers to scrutinise National Health Service bodies in Norfolk. The quorum for meetings of Norfolk Health Overview and Scrutiny Committee is 5.

##### **2.1 Membership of the Norfolk Health Overview and Scrutiny Committee**

###### **(a) Membership**

- 8 County Council Members (politically balanced).
- 7 District Council Members – one co-opted from each District.
- District Council Members must be Members of an Overview and Scrutiny Committee of the Council(s) which they are representing.
- Each Member of the Committee to have one named substitute. No other substitutes acceptable.
- The Chairman to be elected from the County Council Members on the Committee, on an annual basis.
- The Vice-Chairman to be elected from the other Members on the Committee, on an annual basis.

###### **(b) Contributions from others**

- The Committee will invite contributions from commissioners and providers of local NHS funded healthcare, Local Healthwatch, client groups, voluntary organisations,

- patients and public, or any other stakeholder involved in 'health'.
- Depending upon the issue under scrutiny, stakeholders may be invited to contribute to relevant meetings of the Committee or to submit their views in writing or both. Individual stakeholders may also be asked to become a Member of a task-and-finish Working Group set up by the Committee.

## **2.2 Terms of Reference of the Norfolk Health Overview and Scrutiny Committee**

### Aims of the Committee

- (i) To ensure that the needs and wishes for health and health-related services of all the population (including minorities, socially excluded groups and other targeted equality groups) have been identified towards achieving local health improvement.
- (ii) To scrutinise whether services provided that have an impact on the health of local inhabitants are accessible to, and can be accessed by, all parts of the local community.
- (iii) To scrutinise whether the outcomes of intervention (whether through services or other intervention designed to have a positive impact on the health of local inhabitants) are equally good for all groups and sections of the local population.

### Legal background

- (i) Local authority overview and scrutiny committees are part of the arrangements for local government under Part II of the Local Government Act 2000. Local authorities are given the power under the 2000 Act to review and scrutinise executive decisions in relation to local authority functions including local services planned and provided as part of their wider responsibility to see health improvements and reduce health inequalities for their area and its inhabitants.
- (ii) The Health and Social Care Act 2001 (Section 7) extends the overview and scrutiny power of local authorities with social services responsibilities to review and scrutinise matters relating to the health service in the authority's area and make reports and recommendations on such matters. The scrutiny role also covers social care services commissioned or provided by NHS bodies exercising local authority functions under the Health Act 1999 (Section 31).
- (iii) The Health and Social Care Act 2012 introduced the following changes to the local authority health scrutiny functions;
  - Health Scrutiny powers are now vested in the upper tier local authority rather than in health overview and scrutiny committees.
  - There does not have to be a designated health overview and scrutiny committee as the local authority can choose to discharge its health scrutiny powers in other ways.
- (iv) As a Committee of the County Council, the County Council's Constitution will apply, except only for differences specified in this Constitution.

### Roles

To review or scrutinise health services commissioned or delivered in the authority's areas within the framework set out below: -

- Arrangements made by local NHS bodies to secure hospital and community health



services to the inhabitants of Norfolk;

- The provision of such services to those inhabitants;
- The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- The NHS public health arrangements in Norfolk, e.g. Arrangements by the NHS bodies for the surveillance of, and response to, outbreaks of communicable disease;
- The planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- The arrangements made by NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001
- To make reports and recommendations to the Board of the NHS body scrutinised, with copies to individuals and organisations as follows:
  - the local Members of Parliament
  - the NHS Commissioning Board
  - Local Healthwatch
  - relevant patients' groups
  - local voluntary organisations with an interest
  - other bodies or organisations with an interest in the issues dealt with in the report and made available on the local authority website and on request;
- The Committee has been given delegated power by the County Council to enter into, and to appoint Members to Joint Health Overview and Scrutiny Committees as required and the Council has waived the requirement for the Committee's appointments to such Joint Committees to be in line with the political balance on Norfolk County Council and the requirement for any other Council participating in such Joint Committees to make its appointments in line with the political balance on its Council.
- The Committee (and any joint health scrutiny committees in which Norfolk participates) has been given delegated powers to make referrals to the Secretary of State in accordance with the Regulations, but the Committee (and any joint health scrutiny committees in which Norfolk participates) must notify the Council of its intention to make such a referral before the referral is made.

### **2.3 Operation of the Norfolk Health Overview and Scrutiny Committee**

- The views of all Members of the Committee should be taken into account when deciding their work plans.
- Party whipping will not take place.
- The Relevant Chief Officer should present reports and attend meetings.

- Reports to Council will include the views of Members dissenting from the majority recommendation of the Committee.

### **3. Norfolk Police and Crime Panel**

The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners). The Act also requires the local authorities in each police force area to establish a Police and Crime Panel (panel), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business. Norfolk County Council is the host authority for the Norfolk Police and Crime Panel. The Panel's membership, terms of reference and procedures can be viewed at:

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/crime-and-disorder-partnerships/police-and-crime-panel>

#### **3.1 Functions of the Norfolk Police and Crime Panel**

1. The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk:
2. The PCP must: -
  - (i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
  - (ii) make a report or recommendation on the draft plan or variation to the PCC
3. The PCP must: -
  - (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report
  - (ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate
  - (iii) review the annual report, and
  - (iv) make a report or recommendations on the annual report to the PCC
4. The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of: -
  - (i) the PCC's chief executive
  - (ii) the PCC's chief finance officer
  - (iii) a deputy PCC

The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.

5. The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.
6. The PCP must review, make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.
7. The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.
8. The PCP must: -
  - (i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
  - (ii) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions
9. The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.
10. The PCP must send copies of any reports or recommendations it makes to the PCC, to each local authority (county, city, district and borough councils) in Norfolk.
11. The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
12. The PCP must appoint an Acting PCC in the circumstances set out in the Act.
13. The PCP may not exercise any functions other than those conferred by the Act.

#### **4. Scrutiny of Norfolk Community Safety Partnership**

- 4.1** The Scrutiny Committee has the power to scrutinise and make reports and recommendations, regarding decisions taken by the 'responsible authorities' in connection with the discharge of their crime and disorder functions. For this purpose, the Committee has established a Countywide Community Safety Partnership Sub Panel.

The 'responsible authorities' in Norfolk are: -

- The County Council
- District Councils
- Norfolk Constabulary
- Norfolk Fire and Rescue Service
- Health – Clinical Commissioning Groups
- Norfolk and Suffolk Probation Trust

## **Role of the Sub Panel**

**4.2** The role of the Norfolk Countywide Community Safety Partnership Sub Panel is to: -

- Scrutinise on an annual basis to the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.
- Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.
- Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to the Communities Committee.

## **Membership of the Sub Panel**

- 3 County Councillors (Politically balanced and can be drawn from the Police and Crime Panel)
- 7 District Council members – one co-opted from each District.
- Each member of the Sub Panel to have one named substitute. No other substitutes are acceptable.
- The Sub Panel may wish to consider co-opting additional non-voting members onto it if appropriate.
- The Chairman to be elected from the County Council members on the Sub Panel on an annual basis.
- The Vice Chairman to be elected from other members on the Sub Panel on an annual basis.
- The quorum for the Sub Panel will be five members
- Unless otherwise stated meetings of the Sub Panel will be held in accordance with Appendix 8 the County Council's Constitution.

## **APPENDIX 8**

### **COMMITTEE PROCEDURE RULES**

1. Time and place of meetings
2. Notice of meetings
3. Chair of meeting
4. Appointment of substitute members of committees and sub-committees
5. Questions by the public and public speaking
6. Questions by members
7. Rules of debate
8. Minutes
9. Record of attendance
10. Exclusion of public
11. Members' conduct
12. Disturbance by public
13. Interest of Members in contracts and other matters
14. Suspension and amendment of Committee Procedure Rules
15. Committees
16. Voting in Committees
17. Adjournment of committee meetings
18. Rights of other members to attend committee meetings
19. Interpretation of Rules of Procedures

1. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Head of Democratic Services and notified in the summons.

2. **NOTICE OF MEETINGS**

The Head of Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of the Constitution. At least five clear days before meetings, the Head of Democratic Services will circulate to relevant members the agenda for the meeting setting out the date, time and place of the meeting and specifying the business to be transacted.

3. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the chair.

4. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

- 4.1 Group Leaders can nominate all their members to be substitutes for appointed members of Committees and Sub-Committees, except in the case of regulatory committees where substitutes will be drawn from a nominated panel and in the case of the Planning Regulatory Committee, trained members.
- 4.2 Notice of a substitution must be given by the appointed member or the relevant political assistant to the Head of Democratic Services (through the appropriate committee clerk) indicating the name of the substitute, before the commencement of the particular meeting.
- 4.3 Cancellation of the intention to substitute will not be effective until notified by the appointed member or the relevant political assistant before the commencement of the meeting.
- 4.4 If, after advance notice has been given, the appointed member is present when the meeting begins, the substitution will not have effect for that meeting.
- 4.5 If the appointed member arrives when the meeting is in progress, the substitution will remain effective and the appointed member will not be allowed to speak (except as a local member on a matter affecting their Division) or vote. It is not possible to substitute for part of a meeting.
- 4.6 At the commencement of the meeting the Chair/Committee Clerk will inform the Committee/Sub-Committee of substitution(s).
- 4.7 Cabinet members may not act as substitutes on the Scrutiny Committee.
- 4.8 Cabinet members may only act as substitutes on the Standards Committee if they are substituting for a Cabinet member who has been appointed to that Committee.

## **5. QUESTIONS BY THE PUBLIC AT COMMITTEES**

5.1 A person resident in Norfolk, or who is a non-domestic ratepayer in Norfolk, or who pays Council Tax in Norfolk may ask at a meeting of the Scrutiny or Select Committees through the Chair any question on any matter in respect of the Committee's remit. Eligibility to ask questions does not extend to County Council employees asking questions relating to their employment.

5.2 The Head of Democratic Services may reject a question if it:

- (a) Is not about a matter for which the Committee has responsibility;
- (b) Is defamatory, frivolous or offensive or has been the subject of a similar question in the last 6 months or the same as one already submitted under this provision;
- (c) Requires the disclosure of confidential or exempt information, as defined in the Council's Access to Information Procedure Rules

## **5.3 NOTICE OF QUESTIONS**

A question under this Rule may only be put if either:

- (i) At least 2 working days' notice of the question is given in writing to the Head of Democratic Services; e.g. by 5.00 p.m. on the Wednesday preceding the Scrutiny or Select Committee meeting on Monday;

OR

- (ii) The question relates to urgent matters and it has the consent of the chair to whom the question is to be put, and the content of the question is given to the Head of Democratic Services by 9.30 a.m. on the day of the meeting.

## **5.4 NUMBER OF QUESTIONS**

At any Scrutiny or Select Committee meetings, the number of questions which can be asked will be limited to one question per person plus a supplementary. No more than one question plus a supplementary may be asked on behalf of any one organisation. No person shall be entitled to ask in total under this provision more than one question and a supplementary in any six-month period.

Questions are subject to a maximum word limit of 110 words. Questions that are in excess of 110 words will be disqualified. The total time for public questions will be limited to 15 minutes. Questions will be put in the order in which they are received. A supplementary question may be asked without notice and should be brief (fewer than 75 words and take less than 20 seconds to put). It should relate directly to the original question or the reply. The Chair may reject any supplementary question s/he does not consider compliant with this requirement.

## **5.5 RESPONSE**

The Chair shall exercise their discretion as to the response given to the question and any supplementary. If the person asking the question indicates they will not be attending the Committee, a written response will simply be sent to the questioner. If the person asking the question has indicated they will attend, response to the questions will be made available in the Committee Room in writing before the start of the meeting and copies of the questions and answers will be available to all in attendance. The responses to questions will not be read out at the meeting. The Chair may give an oral response to a supplementary question or may require another Member or Officer to answer it. If an oral answer cannot be conveniently given, a written response will be sent to the questioner within seven days of the meeting.

If the person who has given notice of the question is not present at the meeting or if any questions remain unanswered within the 15 minutes allowed for question, a written response will be sent within seven working days of the meeting.

## **6. QUESTIONS BY MEMBERS**

- 6.1 A member of a committee may at any meeting of that committee ask through the chair any question within the terms of reference of the committee. In addition, any member of the Council may at any committee meeting ask a question, make comments or raise issues on any significant matter affecting the Division of the member within the committee's terms of reference.

### **6.2 NOTICE OF QUESTIONS**

A member may only ask a question under this Rule if either:

- (i) they have given at least 2 working days' notice of the question in writing to the Head of Democratic Services; e.g. by 5.00 p.m. on the Wednesday preceding a Committee meeting on Monday;

OR

- (ii) The question relates to urgent matters and they have the consent of the chair to whom the question is to be put, and the content of the question is given to the Head of Democratic Services by 9.30 a.m. on the day of the meeting.

### **6.3 NUMBER OF QUESTIONS**

The number of questions which can be asked at a Committee meeting under this Rule will be limited to two per Member (or one question plus a supplementary). A Member who asks two substantive questions will not be entitled to ask any supplementaries. Substantive questions are subject to a maximum word limit of 110 words. Substantive questions that are in excess of 110 words will be disqualified. The total time for member questions will be limited to 15 minutes.



## **6.4 RESPONSE**

Responses to the substantive questions will be given to the questioner in writing before the start of the meeting and copies of the questions and answers will be available to all in attendance. The responses to substantive questions will not be read out at the meeting. A questioner who asks only one substantive question will be entitled to ask a supplementary question and if they do so, a response to it will be given orally by the Chair or such other member or officer as is determined by the Chair. Supplementary questions are subject to a limit of 75 words. If a response to a supplementary question cannot conveniently be given orally, a written answer will be sent to the questioner within seven working days of the meeting.

- 6.5 If the member who has given notice of the question is not present at the meeting or if any questions remain unanswered within the 15 minutes allowed for questions, a written response will be sent to the questioner within seven working days of the meeting.

## **7. RULES OF DEBATE**

The Chair shall first explore through debate if there is a consensus on the views to be expressed by the Committee. If there is no consensus, the Chair will ask if any Member wishes to move a formal motion as to the view to be expressed by the Committee.

### **7.1 NO DEBATE OR VOTE UNTIL MOTION SECONDED**

No motion will be debated or voted upon after the mover has moved a proposal (other than a motion that the report of a committee or a recommendation within it be received and adopted) until the motion has been seconded.

### **7.2 RIGHT TO REQUIRE MOTION IN WRITING**

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed. The motion will be read out to the committee before any vote upon it is taken.

### **7.3 SECONDER'S SPEECH**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **7.4 CONTENT AND LENGTH OF SPEECHES**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chair.

## **7.5 WHEN A MEMBER MAY SPEAK AGAIN**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation;
- (g) to demand a recorded vote;
- (h) to move the suspension of these procedural rules;
- (i) to move a resolution under paragraph 7.10 of these Rules;

## **7.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to leave out words;
  - (ii) to leave out words and insert or add others; or
  - (iii) to insert or add words.

as long as the effect of (i) to (iii) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## **7.7 Alteration of motion**

- (a) A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### **7.8 Withdrawal of motion**

A member may withdraw a motion which they have moved with the consent of the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **7.9 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 11.3 or to exclude them from the meeting under Rule 11.4.
- (j) that the procedural rules be suspended

### **7.10 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that consideration of the motion be postponed;
  - (ii) to proceed to the next business;

- (iii) that the question be now put;
  - (iv) to adjourn a debate; or
  - (v) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting or to postpone consideration of the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

provided that a second motion to the same effect under this section will not be moved in reference to the same motion or amendment within a period of 20 minutes unless it is moved by the Chair.

## **7.11 Point of order**

A member may raise a point of order at any time. The chair will hear him/her immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the chair on the matter will be final.

## **7.12 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

# **8. MINUTES**

## **8.1 SIGNING THE MINUTES**

The chair will sign the minutes of the proceedings at the next suitable meeting. The only part of the minutes that can be discussed is their accuracy and any question as their accuracy must be raised by motion.

## **9. RECORD OF ATTENDANCE**

Each member attending a committee meeting must, with a view to securing the recording of their attendance, sign the attendance sheet provided by the Head of Democratic Services for that purpose. If any member arrives after the attendance sheet has been circulated, they must intimate their presence to the Head of Democratic Services

## **10. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Rule 12 (below) of the Constitution

## **11. MEMBERS' CONDUCT**

### **11.1 SPEAKING**

When a member speaks at committee meetings, they must address the meeting through the chair, but may choose to either stand or remain seated.

### **11.2 CHAIR STANDING**

When the chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **11.3 MEMBER NOT TO BE HEARD FURTHER**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **11.4 MEMBER TO LEAVE THE MEETING**

If the member continues to behave improperly after such a motion is carried, the chair may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chair may give such direction as they consider appropriate for the removal of the member and the restoration of order.

### **11.5 GENERAL DISTURBANCE**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as they think necessary.

## **12. DISTURBANCE BY PUBLIC**

### **12.1 REMOVAL OF MEMBER OF THE PUBLIC**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

### **12.2 CLEARANCE OF PART OF MEETING ROOM**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

## **13. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

13.1 This is covered by the Members Code of Conduct in the Constitution.

## **14. SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES**

### **14.1 SUSPENSION**

- (i) All of these Rules except Rule 16.2 may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the committee are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these Rules must specify the Rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the committee without debate.
- (ii) Any motion to add to, vary revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, except where it is moved as part of the report of the Cabinet.

## **15. COMMITTEES**

- (1) References in these Rules to "Committees" include Scrutiny and Select Committees and other bodies except where those bodies have separately agreed arrangements.
- (2) Every Committee will continue in being until its successor is appointed. In the absence from a meeting of the chair and vice-chair, a chair for that meeting will be appointed.
- (3) The Chair of a committee may call a special meeting at any time. The summons to the special meeting will be issued by the Head of Democratic Services and will set out the business to be considered; and no business other than that set out in the summons will be considered at that meeting. Cancelling or changing the date or time of a scheduled meeting shall be determined by the Chair following consultation with Group Spokespersons.
- (4) The quorum of each committee will be at least 50 % of the committee membership unless otherwise specially provided for elsewhere in this Constitution.

## **16. VOTING IN COMMITTEES**

- 16.1 Voting at a meeting of a committee will normally be by show of hands; but any member may demand a recorded vote and, if one quarter of the members constituting the committee signify their support such a vote will be taken.
- 16.2 If there are an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- 16.3 Where immediately after a vote is taken at a committee meeting any member of that committee so requires, there will be recorded in the minutes of the proceedings of that meeting whether that person casts their vote for the motion or against the motion or whether they abstained from voting.

## **17. ADJOURNMENT OF COMMITTEE MEETINGS**

When a committee adjourns, whether by resolution or by decision of the Chair, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the committee will be notified of the new date, time and place when these have been determined.

## **18. RIGHTS OF OTHER MEMBERS TO ATTEND COMMITTEE MEETINGS**

- (1) A member of the Council who has moved a motion which has been referred to any committee will have notice of the meeting of the committee at which it is proposed to consider the motion. The member will have the right to attend the meeting and if they attend will have an opportunity of explaining the motion.
- (2) Subject to the Access to Information Procedure Rules, a member of the Council may attend a meeting of any committee of which they are not a member but may not speak without the agreement of the Chair and may not vote.
- (3) A member of the Council will have the right to attend any public meeting arranged by an officer or any meeting of a committee called to make any inspection of any site or works within their Electoral Division or which is to consider the making of any compulsory purchase order of land or buildings within such Division. The member will have notice of any such meeting and, if they attend will, at the discretion of the Chair have the right to give their views.

## **19. INTERPRETATION OF RULES OF PROCEDURE**

The ruling of the Chair as to the construction or application of these Rules or as to any proceedings of the Committee will be final for the purposes of the meeting at which it is given.

## APPENDIX 10

### OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The following rules apply to the Scrutiny Committee:
  - (a) Members of the Cabinet may not serve as ordinary or substitute Members of the Scrutiny Committee. Deputy Cabinet Members may not serve on the Scrutiny Committee.
  - (b) The Scrutiny Committee should not normally scrutinise individual decisions made by other Committees of the County Council, particularly decisions relating to development control and other permissions.
  - (c) The views of all Members of the Scrutiny Committee should be taken into account when deciding the Committee work plans.
  - (d) The Scrutiny Committee should consider the remit and work plans for the Select Committees and consider adopting an approach that compliments and avoids duplication of the Select Committees remit and work plans.
  - (e) Party whipping will not take place.
  - (f) The Relevant Chief Officer should present reports and attend meetings.
  - (g) Reports to the Leader, Cabinet or Council will include the views of Members dissenting from the majority recommendation of the Committee.

2. The following rules apply only to the Scrutiny Committee.

(a) **Agenda Planning**

The Chair and the Scrutiny Committee will agree:

- Which matters the Committee is to scrutinise (except for call-ins).
- Which Members of the Cabinet and Officers it requires to attend and answer questions.

For call-in items only, the Chair and the Members calling-in an item will agree which Members of the Cabinet and Officers they require to attend and answer questions.

(b) **Questioning**

- (i) The Chair may permit a Member not on the Scrutiny Committee (including Members of the Cabinet) to speak and ask questions of those being scrutinised if a matter on the agenda has a particularly significant impact on that Member's division or if the Committee is considering a call-in made by the Member concerned.
- (ii) Members should endeavour not to request detailed information from officers at



meetings of the Committee, unless they have given prior notice through the officer supporting the Committee. If, in the course of question and answer at a meeting of Committee, it becomes apparent that further information would be helpful, the officer being questioned may be required to submit it in writing to the Scrutiny Committee Members.

- (ii) In the course of questioning at meetings, Officers other than the Head of Paid Service and Chief Officers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the Head of Paid Service or relevant Chief Officer. Officers may also decline to provide information to which Members do not have a right of access.
- (iv) Members of the Executive and officers may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that questions may be answered in private session.
- (v) Anyone other than a Member of the Executive or an Officer attending at the invitation of the Committee may decline to answer any question without giving reasons.

(c) **Formulation of Recommendations and Reports**

After debate, the Committee will decide whether to report or express comments to the Leader, Cabinet, Cabinet Member, the relevant Officer or the Council.

## **APPENDIX B**

### **Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (002)**



Ministry of Housing,  
Communities &  
Local Government

# Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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# Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

A handwritten signature in blue ink, which appears to read 'Rishi Sunak'.

**Rishi Sunak MP**  
**Minister for Local Government**

# About this Guidance

## Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

## Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

## Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

### Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.<sup>1</sup>

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

### Expiry or review date

This guidance will be kept under review and updated as necessary.

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<sup>1</sup> A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.



# 1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers<sup>2</sup> to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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<sup>2</sup> Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

## 2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

### How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415175/bis-15-200-whistleblowing-guidance-for-emp-and-code-of-practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-emp-and-code-of-practice.pdf).

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to ‘call in’ decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by ‘statutory officers’ – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny’s role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority’s wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny’s role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council’s work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council’s capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

### Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
  - rights of access to documents by the press, public and councillors;
  - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
  - delegated decisions by the Mayor;
  - whistleblowing protections for both staff and councillors; and
  - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

### 3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

#### Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,<sup>3</sup> someone whose role is to:
  - promote the role of the authority's scrutiny committee;
  - provide support to the scrutiny committee and its members; and
  - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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<sup>3</sup> Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

#### Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
  - Integrated – officers are drawn from the corporate centre and also service the executive; and
  - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.



## 4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,<sup>4</sup> the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny<sup>5</sup>.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.<sup>6</sup> Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.<sup>7</sup> This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

### Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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<sup>4</sup> See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/68).

<sup>5</sup> See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

<sup>6</sup> Section 9FA(3) of the Local Government Act 2000.

<sup>7</sup> 2(3) of Schedule 5A to the Local Democracy, Economic Development and Const Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

### Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives<sup>8</sup>. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person<sup>9</sup>.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair<sup>10</sup>.

### Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

### Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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<sup>8</sup> A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

<sup>9</sup> See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

<sup>10</sup> Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation<sup>11</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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<sup>11</sup> Section 9FA(4) Local Government Act 2000

## 5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>12</sup>. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision<sup>13</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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<sup>12</sup> Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>13</sup> Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member<sup>14</sup>. When agreeing to such requests, authorities should:
- consider whether seeking clarification from the information requester could help better target the request; and
  - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions<sup>15</sup>. It is the duty of members and officers to comply with such requests.<sup>16</sup>

#### Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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<sup>14</sup> Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

<sup>15</sup> Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

<sup>16</sup> Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

**Following ‘the Council Pound’**

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

## 6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

### Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

### Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
- *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships<sup>17</sup>; and
  - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

#### Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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<sup>17</sup> Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.



As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on ‘*Open and accountable local government*’:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343182/140812\\_Openness\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf)).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee ‘to note’, or to provide an update, as a matter of course.

### Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny’s overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

### Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

## 7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

### How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

### Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
  - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
  - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

# Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

## Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

## Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in



advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

### CORPORATE SELECT COMMITTEE – WORKPLAN TO SEPTEMBER 2019

	May 2019	July 2019	September 2019
<b>Corporate</b>	<ul style="list-style-type: none"> <li>• Inaugural meeting – consider Terms of Reference /Forward Plan/ways of working etc</li> <li>• Opportunities for shared infrastructure and back office functions across Norfolk – “Working Better Together”</li> <li>• HR and Finance Business Systems Replacement Business Case</li> <li>• Key Corporate Issues and Risks</li> </ul>	<ul style="list-style-type: none"> <li>• Continuing to develop the constitution and ways of working</li> <li>• Employee Health, Safety and Wellbeing Annual Report</li> <li>• HR &amp; Finance system replacement – implementation planning</li> <li>• Digital Offer and Responsive Customer Experience- presentation</li> <li>• IMT Update-presentation</li> </ul>	<ul style="list-style-type: none"> <li>• Continuing to develop the constitution and ways of working</li> <li>• HR &amp; Finance system replacement – implementation planning</li> <li>• Performance Management Reporting /Business Transformation Programme Update</li> </ul>

#### Item in the pipeline:

≈ Gender pay gap—early 2020

<b>Report title:</b>	<b>Norfolk Working Better Together</b>
<b>Date of meeting:</b>	<b>28 May 2019</b>
<b>Responsible Member:</b>	<b>Karen Vincent</b>
<b>Responsible Director:</b>	<b>Fiona McDiarmid</b>
<p><b>Executive Summary/Introduction from Cabinet Member</b></p> <p>On May 7<sup>th</sup> 2019 the Council agreed <i>Together for Norfolk: an ambitious plan for our County 2019-2025</i>, setting out our ambitions for inclusive growth, place leadership and the close partnership working we will need to undertake to deliver this, to realise better outcomes for people and make best use of our collective resources.</p> <p>This paper provides an update of work that we already do with other local authorities in Norfolk, and work that it is currently under development. There is now an opportunity to test out what other areas we can explore to work more closely together.</p> <p><b>Actions required</b></p> <p><b>Select Committee is asked to:</b></p> <ul style="list-style-type: none"> <li>• <b>acknowledge work to date to work more closely with partners to promote efficiency and reduce duplication</b></li> <li>• <b>Consider which areas where future whole system working should focus</b></li> </ul>	

## 1. Background and Purpose

- 1.1 Norfolk Leaders Group (NLG) and Norfolk Chief Executives' Group (NCEX) have been considering proposals for better joint working across Norfolk's local authorities to ensure we make best use of resources through collaboration and whole system working to ensure we can deliver sustainable public services in the County.
- 1.2 At recent meetings the following strategic workstreams have been agreed to develop proposals for better working together. These are:
  - Infrastructure, inward investment and growth
  - Homelessness and housing
  - Vulnerability and safety
  - Inclusive growth
  - Health
  - Environment and waste

Under each workstream a NCEX lead is developing the scope, governance and programme of work.
- 1.3 There remains scope for further work on public service reform more broadly and the adoption of whole system approaches. This paper seeks to better understand appetite for driving this agenda across Norfolk.

## 2. Proposals

- 2.1 Prompted by changing demands and financial pressures, public services are being redesigned across Norfolk authorities and functions. Whole system approaches are being adopted across health and social care, well-being, children's services, housing and homelessness, community development, advice and information,

schools and healthy lifestyle, etc.

- 2.2 The County Council is developing an architecture for its services – for what should be done once, county wide, what should be organised at a local District level and what should be in the 21 market towns.
- 2.3 The County Council Strategy is geared to redesign its services to better meet the needs and preferences of its future population, within the declining resource base of the authority as central government grant is gradually withdrawn to 2020-21. This is underpinned by 4 principles:



Offering our help early to **prevent and reduce** demand for specialist services



**Joining up** our work so that similar activities and services are easily accessible, **done once and done well**



Being **business-like** and making best use of **digital technology** to ensure value for money



Using evidence and data to **target our work** where it can make the most difference

- 2.4 These principles are being taken forward in the County Council through *Together for Norfolk: an ambitious plan for our County 2019-2025*. Many of the activities being pursued are interdependent with each other, and rely on effective partnership working with colleagues in health, districts, schools, and police.
- 2.5 The County Council can't effectively transform services working on its own and it is important that we introduce new ways of working with our partners. The focus of these new ways of working is on early intervention and prevention where our work is targeted and evidence-based to make the most difference to the local people who can benefit most. Some examples where we are already working in this way are:

- **Early help hubs:** The County Council, district councils and other agencies (such as Norfolk Constabulary, voluntary sector etc.) work together through seven early help hubs across the County to work with children and families who need extra support. These are all different, but generally help families who are experiencing domestic abuse, have drug and alcohol problems to the provision of advice on housing and benefits, and access to health visitors and other health programmes.
- **Local Service Strategy:** The county Council is planning a local multi-function service approach to other services – libraries and recycling, health and social care for example – to deliver more integrated services in the 7 districts and market towns. NCC has started to pilot this work in Attleborough.
- **Prevention and demand management:** Working better together we can also improve outcomes and prevention activities for vulnerable and older adults. We already work together on supported housing, risk stratification and falls, but we can build on this to target those where we can intervene earlier to both improve quality of life and well-being and keep them away from services for longer. The current roll out of the County-wide social prescribing project, with community connectors working out of localities to promote well-being and healthy living for children and adults in Norfolk, is an example of

the type of things we can achieve together. We need to build upon the existing early help strategies in each district and ensure this is driven bottom up – allowing for connectors, case managers etc. to respond to specific localities and communities. The community connectors will use the new Norfolk Community Directory as a key source of information. The ambition for the Directory is that it becomes a single source of information for communities, providing information and advice about local services and community facilities, working with district councils and the voluntary sector.

- **Integrated Housing Adaptations Team** involves all Norfolk Councils. It has significantly increased both the overall volume of Disability Facilities Grants awarded each year and reduced the speed of processing them. It has introduced new flexible awards and is running schemes in each acute hospital to help people to return home from hospital more quickly and comfortably
- New plans to increase **housing with care** for vulnerable adults are being developed, and district councils have expressed interest in investigating how they can help deliver these proposals. In particular districts are keen that these proposals are at agreed locations and have appropriate types of houses. We are keen to build in appropriate technological solutions to ensure new housing helps enable older people to remain at home for longer, building on the Integrated Housing Adaptation Team Strategy agreed by all local authorities.
- **One Public Estate:** The Norfolk OPE Programme is a public-sector partnership which takes a strategic approach to asset management to deliver more integrated customer focused services and generate efficiencies.

2.6 Norfolk authorities also already share several existing operational collaborations. These include:

## 2.7 Legal Services

NPLaw was created through the merger of three Norfolk local authority legal teams to provide economies of scale in October 2010. The company is a success story which provides its clients to a much broader range of specialist services at advantageous rates. It now provides full legal services to:

- Norfolk County Council
- Norwich City Council
- Great Yarmouth Borough Council
- South Norfolk Council

And partial services to

- Breckland Council
- Broadland District Council
- Borough Council of King's Lynn

## 2.8 IT Support

- IMT provides a full and comprehensive ICT service to Great Yarmouth Borough Council under a Delegation of Authority agreement. This service includes the provision of laptops, networks, telephony, servers, storage and support. IMT also provides support to Great Yarmouth on a range of additional costed pieces of work.
- The information management team provides access to the Norfolk Mapping Browser and database to both Great Yarmouth and South Norfolk.

## 2.9 Finance

In finance, the county and districts collaborate on:

- The ongoing Business Rates Pool which ensure an element of Business Rates growth is retained in Norfolk and used to develop strategically significant projects
- A joint Business Rates Pilot bid was successfully submitted to government governing the period 2019-20.
- Local authorities collaborate on a range of initiatives to improve council tax collection across the County
- Information sharing and collaboration where appropriate to respond to Government consultations and present a consistent case for Norfolk
- Collaboration generally via Norfolk Finance Officer Association
- The Norfolk Counter Fraud Hub was launched in March 2019 specifically to reduce benefit and procurement fraud.

2.10 In addition, there are a **number of collaborations between districts** which are already in existence and which have delivered efficiencies. A few examples include:

- Broadland and South Norfolk: shared management across the two authorities.
- Eastern Internal Audit Services – Providing internal audit services for Broads Authority, Broadland, Breckland, Great Yarmouth, South Norfolk, Kings Lynn & North Norfolk Districts
- Energy Services – Broadland & South Norfolk Energy Team and Green Deal Project
- Broadly Active – Broadland provide a GP referral scheme for South Norfolk residents
- Anglia Revenues Partnership – providing council tax, housing benefit, business rates & debt collection services to a number of councils across the Eastern Region including Breckland & South Norfolk

2.11 We could develop closer working across some or all of the Norfolk Futures transformation programme, enabling a more systematic delivery of the early help and demand management approaches that have grown locally over recent years.

2.12 Tangible changes could include:

- **accelerated delivery of the Norfolk Community Directory** which contains activities, services and groups to help all Norfolk residents live healthy, active and fulfilling lives. The information listed could be from any organisation who offers services, activities or events to help people keep healthy, be sociable, physically or mentally active, raise their aspirations for educational achievement, help their community, stay independent, feel included, get involved, improve their well-being, stay safe, find suitable care and support, find help looking after their children and get family support.
- explore the costs and benefits of a **single resident portal for My Norfolk** to deliver integrated services, including secure payments and personal records. This would need to be centralised around the customer need and their sense of identity to a place.
- a **shared intranet between local authorities**
- **sharing digital business solutions**, such as rolling out Windows 10 laptop build and WIFI Configuration; Airwatch MDM mobile and ipad solutions; online transactions via Achieve e-forms and via app routing (like Love Lewisham); further data sharing; data warehousing, visualisation and GIS capabilities; data storage and server capacity; colocation of disaster recovery infrastructure; replaying legacy telephony infrastructure with cloud centres and skype; health care, housing and assistive tech – working across

STP partners on networks, data and system integration

- **collaborative working in HR and finance support** to realise economies of scale
- Building on the success of early help hubs we could create an agreed **service delivery model and evidence-based intervention across the two tiers for social prescribing, early help and other preventative work**. This could be applied to the primary and community health care services as they develop into GP federations and 'hubs'. This could also be expanded to include the DWP offer.

### 3. Impact of the Proposal

3.1. The proposal to reform public services and work differently across the County could have wide ranging impacts. The proposal is currently at an early stage of development and significantly more development work on individual workstreams would need to be undertaken to analyse the likely impact. However, it is envisaged that closer working could enable better:

- **Promotion of Norfolk** to government, to business and investors; and by entering into alliances across the East and the wider landscape of interest
- **Raise aspirations** for the County and its residents
- **Work together to manage and prevent demand on public services**, encouraging the move from crises management to prevention and the effective delivery of the public health agenda.
- **Tackle the financial challenges facing all of us**, more effectively making the case for fair funding for Norfolk; making the most of our assets, and where appropriate pooling our resources and capabilities
- **Reform public services** making a more coherent service offer to Norfolk's communities, whilst living within our means
- **Compete and collaborate successfully** with combined authorities and emerging regions for both cash and opportunities.

### 4. Other Implications

#### 4.1. Equality Impact Assessment (EqIA)

It is likely that significant reorganisation of public sector services in Norfolk could have an impact on equalities. Prior to any change in service being enacted full public consultation and Equality Impact Assessments would be undertaken.

### 5. Recommendation

#### 5.1. Select Committee is asked to:

- **acknowledge work to date to work more closely with partners to promote efficiency and reduce duplication**
- **Consider which areas where future whole system working should focus**

### Officer Contact

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

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# Report to Corporate Select Committee

Item No. 9

<b>Report title:</b>	<b>Human Resources and Finance System Transformation Project</b>
<b>Date of meeting:</b>	<b>28 May 2019</b>
<b>Responsible Cabinet Member:</b>	
<b>Responsible Director:</b>	Executive Director of Strategy and Governance Executive Director of Finance and Commercial Services

## Executive Summary/Introduction from Cabinet Member

The County Council's current core and peripheral Human Resources (HR) and Finance Systems<sup>1</sup> have been in place for 14 years and in their current form constrain the transformation of services and delivery of savings. It is recognised that in the near-term they will have to be replaced as legacy systems that are no longer fit for purpose. A project to replace them with an integrated system is estimated to cost in the region of £13.2m. 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.

Cabinet is considering the detailed report explaining this at its meeting on 20 May.

### The Cabinet report is included below:



Human Resources  
and Finance System

Within the report Cabinet is being asked to:

- 1) Agree that the procurement process for the ERP system be carried out.
- 2) Agree the £13.2 million costs through a capital funding provision of £12,706,895 and the approach to revenue funding in point 10 of the Cabinet report executive summary.
- 3) Devolve the management of the contingency element in the proposal to Executive Directors, as described in section 6.1 of the Cabinet report in consultation with the Cabinet member.
- 4) Approve the governance structure described in section 7.1 of the Cabinet report.

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<sup>1</sup> The current systems comprise a core integrated Oracle product, that has been in place for 14 years, and a range of separate peripheral systems, with varying degrees of interoperability.

## Recommendations for Corporate Select Committee

Corporate Select Committee is asked to consider the following steps:

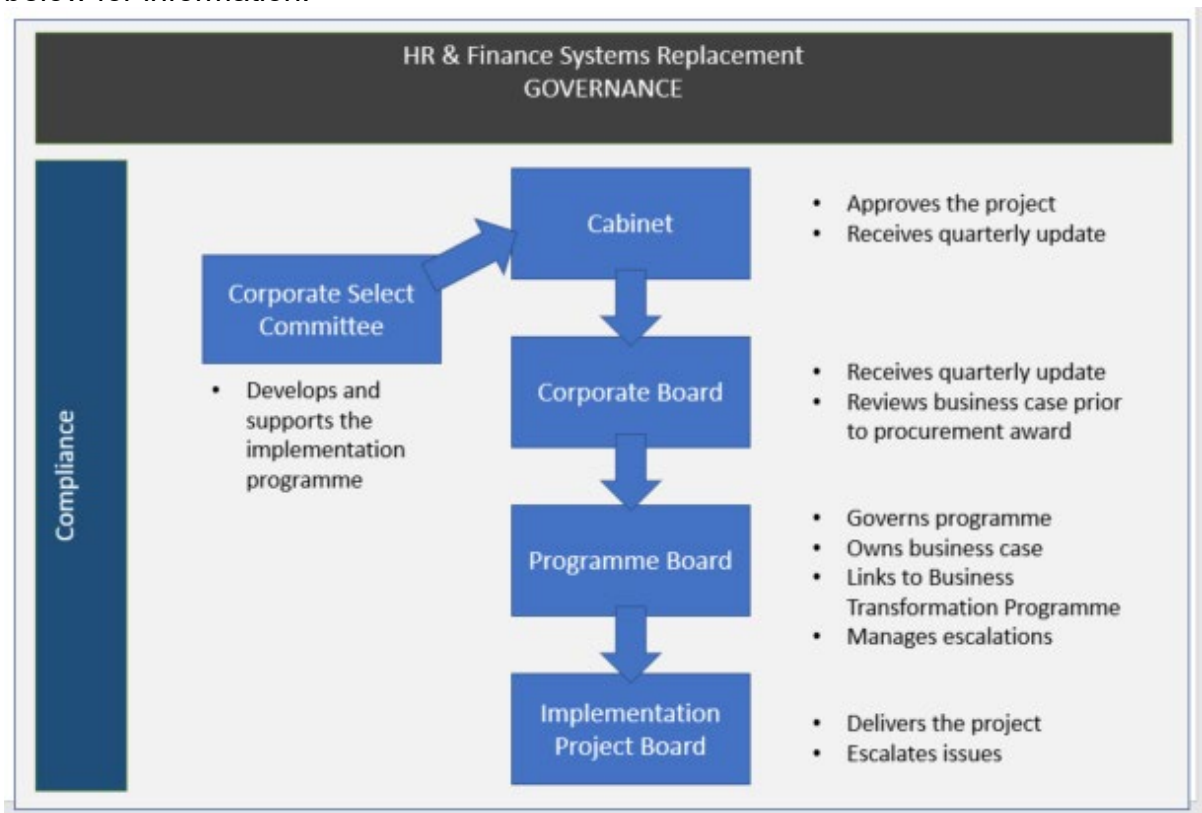
- 1) If Cabinet approves the report and agrees to the proposed investment, Corporate Select Committee is asked to oversee the implementation programme reporting to Cabinet any issues.
- 2) Corporate Select Committee is asked to consider the areas it would like to monitor in the short and medium term. Some areas that the Project Team suggest would be helpful are included in this report, but the Corporate Select Committee may choose any areas from the Cabinet Report.

## 1. Background & Purpose

- 1.1. Please refer to the Cabinet report included in the Executive Summary above.

## 2. Governance

- 2.1. The following governance is proposed in the Cabinet Report, section 7.1, repeated below for information.



There is strong governance in place around the transformation activity underway across Norfolk County Council. There is a reliance on the exploitation of modern technological solutions across these programmes to drive efficiencies and to make savings. Close collaboration between the established transformation programmes and this programme will be critical, as will the tracking of benefits and savings.

### 3. Suggested Areas for Monitoring

- 3.1. Corporate Select Committee is asked to consider the areas it would like to monitor in the short and medium term. Some areas that the Project Team suggest would be helpful are included in this report, but the Corporate Select Committee may choose any areas from the Cabinet Report.

Short-term

- 3.2 Project plan
- 3.3 Risk assessment
- 3.4 Benefits realisation
- 3.5 Equalities impact

#### 3.2. Suggested Areas for monitoring – short term – Project Plan

*Cabinet Report, section 7.1*

The project is based on four phases, with the initial discovery phase having concluded with the production of the business case. A further three project phases are proposed:

- **Business readiness and procurement** phase, including specification of requirements, procurement and preparation for process review and cultural change, through 2019-20.
- **Implementation** phase, taking 18 months, with initial go-live by end of 2021 releasing some savings and benefits. This phase is key as it will allow time to prepare the organisation for the new system and its more efficient processes. This phase will also realise the benefits and savings quickly after go-live.
- **Optimisation** phase, taking a further year, to embed the new system and processes, releasing further savings and benefits with overall project completion by end of 2022.

Phase	Start	Finish	2018	2019				2020				2021				2022			
			Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Discovery Phase</b>	<b>01/10/2018</b>	<b>31/05/2019</b>																	
Discovery	01/10/2018	31/05/2019																	
<b>Business Readiness &amp; Procurement Phase</b>	<b>01/04/2019</b>	<b>31/03/2020</b>																	
Statement of Requirements	01/04/2019	30/08/2019																	
Procurement Process	01/05/2019	31/03/2020																	
Business Readiness	01/05/2019	31/03/2020																	
Data Preparation	01/05/2019	31/03/2020																	
<b>Implementation Phase</b>	<b>01/04/2020</b>	<b>30/09/2021</b>																	
Design	01/04/2020	01/10/2020																	
Implementation	01/10/2020	30/09/2021																	
Data Migration	01/04/2020	30/09/2021																	
Business Change	01/04/2020	30/09/2021																	
<b>Optimisation Phase</b>	<b>01/10/2021</b>	<b>30/09/2022</b>																	
Change Optimisation Phase	01/10/2021	30/09/2022																	

### 3.3. Suggested Areas for monitoring – short term – Risk Assessment

*Cabinet Report, section 9.1*

	<b>Risk</b>	<b>Mitigation</b> (including appropriate escalation to Corporate Board)
1	<b>TIMESCALE</b> The timescales in the project plan may not be met.	a) Robust planning and governance. b) Organisational support with resources and management focus. c) Refine in procurement process.
2	<b>FAILURE TO REALISE BENEFITS – ORGANISATIONAL TAKE-UP</b> The organisation must utilise the technology to realise benefits. Without significant change, they will not be achieved.	a) Links to Business Transformation programme. b) Management process to ensure that all parties put the 'Adopt not Adapt' principle into practice.
3	<b>FAILURE TO REALISE BENEFITS - ANALYTICS</b> A proportion of the benefits depend on complex multi-source analytics. These may not be deliverable through standard ERP.	a) Defining the detailed analytics requirements, with their associated value, will inform the procurement. b) Advanced analytics platform and tool has been included in contingency cost estimates.
4	<b>SCOPE</b> The organisation may increase the scope of the project, which could cost more. The precise scope definition is not yet finally decided.	a) Review in requirements definition, presenting management options with costings for decision. b) Programme Board gate-keeping of scope.
5	<b>MARKET</b> The market may not provide a solution that meets all our requirements. Solutions may be unaffordable.	a) Market engagement pre-procurement has obtained some idea of likely costs but without asking suppliers for indicative costs. b) Procurement process will test affordability.
6	<b>COST</b> The costs may be greater than those estimated.	a) The procurement process will refine cost estimates. b) Business case review planned for end of procurement before award to validate case. c) Escalation in the event of costs exceeding approved figures.
7	<b>DEPENDENCIES</b> Complex interdependencies with other programmes, business systems and the wider technology platform development. Significant dependency on key systems and process subject matter experts.	a) Governance, including constraints on change of systems within scope. b) Head of Information & Technology role in the governance. c) Creation of the future support model in the early part of the Implementation phase.

### 3.4. Suggested Areas for monitoring – longer term - Benefits realisation

*Cabinet Report, section 2.2*

	Benefit	Assessment of benefit	Example of benefit
1	<b>Savings</b>	An ERP solution incorporating automation and self-service will unlock significant savings by allowing us to re-engineer business processes. This is supported by the business analysis in the “deep dives”.	The process of financial forecasting has been analysed in detail, and with an ERP solution can be streamlined with up to 50% savings. Reducing the time needed to fulfil core management activities such as recruiting staff, monitoring budgets, ordering goods and services.
2	<b>Digitisation</b>	An ERP solution comes with self-service as standard, for employees, partners, providers and citizens.	The process of claiming hours and expenses is intuitive and quick, and accessible anywhere, anytime, from any device. Approximately 16,000 claims are processed per annum. A new system will collect richer, more timely data and support better utilisation of the workforce.
3	<b>Productivity</b>	An ERP solution incorporates automation, artificial intelligence and machine learning. These remove manual steps in processes. A single integrated system smooths out current disjointed processes.	The process of recruitment (2,000 appointments p.a.) Due to the multiplicity of systems this a clumsy and time-consuming process, with 80% of calls to HR Recruitment Team about how to use the systems. End-to-end ERP solution will automate much of this process from advertisement to appointment with 40% time saving.
4	<b>Analytics</b>	A major step change will be the centrality of business intelligence built into the ERP solution. Better information offers significant benefits in terms of informed decision-making.	Better identification of committed spend against budgets on a real-time basis rather than after weeks of manipulation will enable earlier mitigations. Comprehensive analysis of data will highlight discrepancies between invoices presented and services delivered. The advanced analytics platform will allow for predicting trends and providing real-time analysis to answer targeted questions to make quicker business decisions and providing insights into improving business operations.
5	<b>Flexibility</b>	A more consistent, less complex standardised approach makes options for commercialisation and shared services more practical. Licensing models are very flexible upwards, less so	To enable another organisation to access the opportunities presented by an ERP solution would not involve additional computing infrastructure investment, simply an increased subscription.

		downwards.	
6	<b>Workforce development</b>	Workforce development and deployment enabling our staff to work with optimum agility	Workforce planning tools allow comprehensive modelling of HR and Finance data. Restructures (e.g. 56 in 2018) can be approved with implementation at the click of a button.
7	<b>Integration</b>	An integrated ERP solution overcomes mismatch of data between multiple systems. Integration capabilities with line of business systems.	Integration of line of business system data such as the number and location of service users with data on the employees working with those service users, allows understanding about the most effective deployment of resources, the impact of vacancies in teams, the costs of service delivery, optimising travel arrangements, etc.
8	<b>Best practice business process</b>	Core functionality is covered by the ERP solutions. Cloud services approach demands that we 'adopt not adapt' so that we are basing our business processes on consistent accepted processes.	Core processes such as talent management and succession planning are currently offline processes by managers. New systems allow a more systematic and evidence-based approach that is available to support organisation wide planning.

### 3.5. Suggested Areas for monitoring – longer term – Equality Impact

*Cabinet Report, section 8.1*

An Equality Impact Assessment has been carried out. Its findings will be used to inform the Business Readiness and Procurement phase.

## 4. Recommendations

Corporate Select Committee is asked to consider the following steps:

- 1) If Cabinet approves the report and agrees to the proposed investment, Corporate Select Committee is asked to oversee the implementation programme reporting to Cabinet any issues.
- 2) Corporate Select Committee is asked to consider the areas it would like to monitor in the short and medium term. Some areas that the Project Team suggest would be helpful are included in this report, but the Corporate Select Committee may choose any areas from the Cabinet Report.

## Officer Contact

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

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# Report to Corporate Select Committee

Item No. 10

<b>Report title:</b>	<b>Risk Management Framework</b>
<b>Date of meeting:</b>	<b>28<sup>th</sup> May 2019</b>
<b>Responsible Cabinet Member:</b>	<b>Leader and Cabinet Member for Strategy and Governance</b>
<b>Responsible Director:</b>	<b>Simon George, Executive Director of Finance and Commercial Services</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>Executive Summary/Introduction from Cabinet Member</b>	
<p>One of this Committee's key roles is to ensure good governance and that the resources and assets are used as efficiently as possible so as to minimise risk. This report sets out the key messages and the latest corporate risks in the remit of this Committee, along with the proposed approach for corporate risk management under the new Cabinet system. Risk management contributes to achieving corporate objectives and is a key part of the performance management framework.</p>	
<b>Actions required</b>	
<p>The Corporate Select Committee are asked to:</p> <ol style="list-style-type: none"><li>1. Review the key messages (2.1), the risks presented at <b>Appendix A</b></li><li>2. Consider the approach to Risk Management for the Council,</li><li>3. Make recommendations to Cabinet about improvements to the risk management process it considers appropriate.</li></ol>	

## 1. Background and Purpose

- 1.1. The Corporate Select Committee is aligned to the overall governance, resources and assets of the Council. The Committee supports the Cabinet and Council in ensuring good governance and that the resources and assets are used as efficiently and effectively as possible and that as a result the Council minimises risk, is resilient, takes advantage of opportunities arising from new technology and communicates effectively with its residents and stakeholders.

This report supports the remit of this Committee to ensure that the resources and assets of the Council are used as efficiently and effectively as possible and that as a result the Council minimises risk. The Council has a [Risk Management Policy \(Framework\)](#) and this is being updated to reflect the governance changes. The report sets out the latest relevant risks for this Committee, at Appendix A.

The Audit Committee are responsible for monitoring the adequacy and effectiveness of the systems of risk management and internal control, as set out in its Terms of Reference, which is part of the Council's [Constitution](#). There are Risk Management controls in place within the Council as per the Financial Regulations of the Council's Constitution. The Audit Committee received the Risk Management Annual Report 2018/19 at its meeting on 18 April 2019.



## **2. Proposals**

- 2.1. This report sets out the proposed approach to take including ownership of risks, and where corporate risk decisions will be taken.

Key messages are:

- the latest relevant risks for this Committee are shown at Appendix A
- It is proposed to continue to report risk management separately to the performance and financial reporting to Cabinet, whilst maintaining alignment with these other reports.
- It is proposed that Cabinet own the corporate risk register, with key corporate risk decisions being taken by Cabinet, with support from the Corporate Board by way of highlighting any key corporate risk decisions to be taken. Executive Directors sitting on the Corporate Board will continue to be consulted on the corporate risks that they own, along with input from the Leader and Deputy Leader of the Council
- The Corporate Risks are being fully refreshed and reviewed to ensure that they align with the Council's Plan
- Summary information on departmental risks will be presented to the Cabinet to highlight any exceptions
- The Council's Risk Management Framework will be updated for the new governance arrangements
- The Audit Committee continue to be responsible for monitoring the adequacy and effectiveness of the systems of risk management
- Developments of the risk management function for 2019/20 were reported in the [Annual Report to the Audit Committee](#) (Part 6), at item 9 page 69.

## **3. Impact of the Proposal**

- 3.1. Risk management plays a key role in managing performance and is a requirement in the Accounts and Audit Regulations 2015. Sound risk management helps ensure that objectives are fulfilled, that resources and assets are protected and used effectively and efficiently. The responsibilities for risk management are set out in the Financial Regulations which are part of the Council's Constitution.

## **4. Evidence and Reasons for Decision**

- 4.1. Not applicable.

## **5. Alternative Options**

- 5.1. There are no alternatives identified.

## **6. Financial Implications**

- 6.1. There are financial implications to consider, which are set out within the risks at Appendix A.

## **7. Resource Implications**

- 7.1. **Staff:**  
There are no specific staffing resource implications to consider within this report.

## **8. Other Implications**

- 8.1. **Legal Implications:**  
There are no specific legal implications to consider within this report.

- 8.2. **Human Rights implications**

There are no specific human rights implications to consider within this report.

- 8.3. **Equality Impact Assessment (EqIA) (this must be included)**

None applicable.

- 8.4. **Health and Safety implications (where appropriate)**

There are no specific human rights implications to consider within this report.

- 8.5. **Sustainability implications**

There are no specific sustainability implications to consider within this report.

- 8.6. **Any other implications**

There are no other implications to consider within this report.

## **9. Risk Implications/Assessment**

- 9.1. The risk implications are set out in the report above, and also within the risks themselves at Appendix A.

## **10. Select Committee comments**

- 10.1. The Committee may wish to make comments to the Cabinet. Any comments or actions from this report will be noted and implemented accordingly.

## **11. Recommendation/Actions required**

- 11.1. The Corporate Select Committee are asked to:

1. Review the key messages (2.1), the risks presented at **Appendix A**
2. Consider the approach to Risk Management for the Council,
3. Make recommendations to Cabinet about improvements to the risk management process it considers appropriate.

## **12. Background Papers**

### **12.1. The Corporate Risk Register.**

#### **Officer Contact**

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

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<b>Risk Number</b>	RM002					<b>Date of update</b>		18 April 2019		
<b>Risk Name</b>	The potential risk of failure to manage significant reductions in local and national income streams									
<b>Risk Owner</b>	Simon George					<b>Date entered on risk register</b>		For review May 2019		
<b>Risk Description</b>										
This may arise from global or local economic circumstances (i.e. Brexit), government policy on public sector budgets and funding. As a result there is a risk that the Medium Term Financial Strategy savings required for 2018/19- 2021/22 are not delivered because of uncertainty as to the scale of savings resulting in significant budget overspends, unsustainable drawing on reserves, and severe emergency savings measures needing to be taken. The financial implications are set out in the Council's Budget Book, available on the Council's website.										
<b>Original</b>			<b>Current</b>			<b>Tolerance Target</b>				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	5	20	3	4	12	2	4	8	Mar-20	Amber
<b>Tasks to mitigate the risk</b>										
Medium Term Financial Strategy and robust budget setting within available resources. No surprises through effective budget management for both revenue and capital. Budget owners accountable for managing within set resources. Determine and prioritise commissioning outcomes against available resources and delivery of value for money. Regular and robust monitoring and tracking of in-year budget savings by Shadow Corporate Board and members. Regular finance monitoring reports to Committees. Close monitoring of central government grant terms and conditions to ensure that these are met to receive grants. Plans to be adjusted accordingly once the most up to date data has been received.  Overall risk treatment:Treat										
<b>Progress update</b>										

## Progress update

Government's 2018-19 local government finance settlement reflected in the 2019/20 budget and Medium Term Financial Strategy.

The Government announced the final 2018/19 Local Government Financial Settlement on 6 February 2018. County Council approved the 2018/19 budget and Medium Term Financial Strategy on 12 February 2018 which incorporated the final settlement.

The council's external auditors gave an unqualified audit opinion on the 2017-18 Statement of Accounts and were satisfied that the County Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2018.

The recent commitment to additional funding for the NHS

(<https://www.gov.uk/government/news/prime-minister-sets-out-5-year-nhs-funding-plan>) inevitably means less funding will be available for other government priorities. However, the plan sets out a commitment that the Government will ensure that adult social care doesn't impose additional pressure on the NHS. The Prime Minister has also signaled the intention to produce proposals to put social care on a more sustainable footing, and to set out budgets for social care and public health as part of the forthcoming spending review. As such the implications for the Council of the Government's various funding commitments across the public sector will not become fully clear until later in 2019.

Policy and Resources Committee on 28 January 2019 considered the latest budget position and recommended to Full Council a balanced budget for 2019/20. County Council on 11 February 2019 approved the 2019/20 budget and future medium Term Financial Strategy taking into account the Final Local Government Finance settlement for 2019/20. The risk is now minimal for 2019/20 but will need to be rolled forward for 2020/21 and future years.

<b>Risk Number</b>	RM003					<b>Date of update</b>		18 April 2019		
<b>Risk Name</b>	Potential reputational and financial risk to NCC caused by failure to comply with statutory and/(or) national/local codes of practice relating to information compliance and information security.									
<b>Risk Owner</b>	Simon George					<b>Date entered on risk register</b>		For review May 2019		
<b>Risk Description</b>										
There is a risk of failing to comply with statutory and/(or) national/local codes of practices in relation to Information Compliance. This could lead to significant reputational and financial risk for NCC. This risk is separate to RM007, which looks at the risk of not having the correct or accurate data to make key decisions.										
<b>Original</b>			<b>Current</b>			<b>Tolerance Target</b>				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	5	15	2	4	8	1	4	4	Mar-20	Green
<b>Tasks to mitigate the risk</b>										
1) Implementation of SIRO (Senior Information Risk Owner) , CIO (Chief Information Officer), Corporate Information Management Team encompassing Information Management, Information Governance, Records Management, policies confirming responsibilities. 2) Ensure that information and data held in systems (electronic and paper) is accurate, up to date, comprehensive, secure against security breaches, and fit for purpose to enable managers to make confident and informed decisions. 3) Ensure that all staff and managers are provided with training, skills, systems and tools to enable them to meet the statutory standards for information management. 4) SIRO to receive assurance of compliance with statutory and/or national/local codes of practice in relation to information compliance from Information Asset Owners when reporting the Annual Governance Statement. 5) NCC is NHS Information Governance Toolkit compliant to Level 2 6) Embedding and enhancing Cyber Security techniques and Protocols through recommendations from the Cyber Security Audit - i.e data loss, ransomware and system outages etc. 7) Embedding of GDPR Overall risk treatment: Treat										
<b>Progress update</b>										
GDPR programme of work has been implemented with all but low risk areas. Programme of work is now continuing for the low risk areas. Audit sucessfully undertaken by Internal Audit in regards to the use and implementation of Caldicott Guardians across Childrens and Adults with no signifiant or high outcomes. Quarterly meetings are in place to monitor the Caldicott process. Cyber security action plan has been developed and is currently being actioned. Norfolk County Council for 2018/19 is NHS IG Toolkit accredited to Level 2 by NHS Digital in lines with NHS partners within Norfolk and Waveney STP. All the tasks to mitigate the risk and ensure the Target Risk Score is met are now in place.										

Risk Number		RM004		Date of update		18 April 2019				
Risk Name		The potential risk of failure to deliver effective and robust contract management for commissioned services.								
Risk Owner		Simon George		Date entered on risk register		For review May 2019				
Risk Description										
Ineffective contract management leads to wasted expenditure, poor quality, unanticipated supplier default or contractual or legal disputes The council spends some £600m on contracted goods and services each year.										
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
3	4	12	3	4	12	2	3	6	Mar-20	Amber
Tasks to mitigate the risk										
1) Ensure that staff who have contract management as part of their job have the relevant skills and support to manage contracts effectively										
2) Pipeline of expiring contracts and procurement summary to go to departments.										
3) Appoint a Senior Commissioning Officer for Norse services and implement cross-department contract management structures										
4) Review contracts to ensure compliance with the GDPR from May 2018										
5) Rolling programme of internal audits of contract management of significant contracts										
Overall risk treatment: Treat										
Progress update										

## Progress update

- 1) Contractor management training being organised; central system of checking credit alerts implemented; contract management skills matrix being developed.
- 2) The procurement pipeline goes to all Committees and is being tailored to each Committee to show their procurement. It is also being taken up by some departmental management teams.
- 3) A Senior Commissioning Officer (Al Collier) has been appointed for Norse services and cross-department
- 4) All major contracts have been reviewed, with ongoing review of all other contracts, to ensure continued compliance with the GDPR.
- 5) Rolling audit programme has commenced.



Risk Number		RM006				Date of update		18 April 2019		
Risk Name		The potential risk of failure to deliver our services within the resources available over the next 3 years commencing 2018/19 to the end of 2020/21.								
Risk Owner		Tom McCabe				Date entered on risk register		For review May 2019		
Risk Description										
The failure to deliver agreed savings or to deliver our services within the resources available, resulting in the risk of legal challenge and overspends, requiring the need for in year spending decisions during the life of the plan, to the detriment of local communities and vulnerable service										
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	1	5	5	Mar-20	Green
Tasks to mitigate the risk										
<p>1) Clear robust framework in place which drives the delivery of the overall vision and priority outcomes. The delivery of a council-wide strategy which seeks to shift focus to early help and prevention, and to managing demand.</p> <p>2) Delivery against the strategic service and financial planning, by translating the vision and priorities into achieved, delivered targets.</p> <p>3) A robust annual process to provide evidence for Members to make decisions about spending priorities.</p> <p>4) Regular and robust in-year financial monitoring to track delivery of savings and manage in-year pressures.</p> <p>5) Sound engagement and consultation with stakeholders and the public around service delivery.</p> <p>6) A performance management and risk system which ensures resources are used to best effect, and that the Council delivers against its objectives and targets.</p> <p>Overall risk treatment: Treat</p>										
Progress update										
<p>Regular budget monitoring reports to service committees set out how the Council is delivering against the 2018/19 budgets set for each of our services.</p> <p>The Council has a robust and established process, including regular reporting to members, which is closely linked to the wider Council Strategy, in order to support the development of future year budget plans taking account of the latest available information about Government funding levels and other pressures. This process includes reviewing service budgets and taking into account financial performance and issues arising in the current financial year as detailed in the budget monitoring reports.</p>										

## Appendix A

Risk Number		RM007				Date of update		18 April 2019		
Risk Name		Potential risk of organisational failure due to data quality issues.								
Risk Owner		Simon George				Date entered on risk register		For review May 2019		
Risk Description										
Failure to manage the data quality will prevent us from ensuring that data relating to key Council priorities is robust and valid. This places the Council at risk of making decisions using data that is not always as robust as it should be. This may lead to poor or ineffective commissioning, flawed decision making and increased vulnerability of clients, service users and staff. This risk is separate to RM003, which looks at the risk of failure to adhere to national and/or local statute or codes of practice relating to information compliance or information security.										
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
3	5	15	2	4	8	1	4	4	Mar-20	Amber
Tasks to mitigate the risk										
1) Implementation of the Information Management Strategy, Information Governance Framework, Data Protection, Information Sharing, Freedom of Information, Records Management, Managing Information Risk, and Information Security. 2) Information Compliance Group (ICG) has the remit to ensure the overarching Information Governance Framework is embedded within business services and NCC and elements of the IM Maturity Readiness Plan. 3) Ensuring that all staff and managers are provided with training, skills, systems and tools to enable them to meet the statutory/NCC standards for information management. 4) Ensuring the Mandated E-Learning Data Protection 3 year refresher data - Information sent to CLT and CLG on a monthly basis for review and action 5) The implementation of a corporate Identity and Access Management solution										
Progress update										

## Progress update

Data Quality (DQ) audits have been undertaken by internal audit with no significant or concerning outcomes.

Manual records management project looking at retention periods of manual records held with BoxIt is providing positive results.

Moving forward all new systems being procured like Liquid Logic have more validation and integrity checks on the data/information at field level, row level and at page level thus ensuring the data/information is treated as a corporate asset inline with the NCC IM Strategy.

We have undertaken significant data cleansing work this year or so in the migration to Liquid Logic for Social Care data and in preparation for a new ERP system (Financial & Procurement data in particular). We have also conducted extensive work to cleanse data in files-shares and paper documents in storage, also scanning extensively to support Liquid Logic & Oracle EBS and associated systems. DQ audits undertaken have also shown reasonable findings.

<b>Risk Number</b>	RM010					<b>Date of update</b>			18 April 2019		
<b>Risk Name</b>	The risk of the loss of key ICT systems including: - internet connection; - telephony; - communications with cloud-provided services; or - the Windows and Solaris hosting platforms.										
<b>Risk Owner</b>	Simon George					<b>Date entered on risk register</b>			For review May 2019		
<b>Risk Description</b>											
Loss of core / key ICT systems, communications or utilities for a significant period - as a result of loss of power, physical failure, fire or flood, supplier failure or cyber attack - would result in a failure to deliver IT based services leading to disruption to critical service delivery, a loss of reputation, and additional costs. Overall risk treatment: Treat.											
<b>Original</b>			<b>Current</b>			<b>Tolerance Target</b>					
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date	
3	4	12	2	3	6	1	3	3	Sep-19	Amber	
<b>Tasks to mitigate the risk</b>											
<p>'1) Full power down completed periodically.</p> <p>6) Replace ageing Local Area Network (LAN) equipment</p> <p>8) Ensure access to services if county hall lost by reconfiguring Core Infrastructure Services (DHCP, DNS, Active directory)</p> <p>9) Implement Cloud-based business systems with resilient links for key areas</p> <p>10) Replace voice services (contact center / desk phones) with resilient cloud based services</p> <p>11) Review and Implement suitable arrangements to protect against possible cyber / ransomware attacks including</p> <ul style="list-style-type: none"><li>• Carry out recommendations from Cyber Security Audit</li><li>• Carry out recommendations from Phishing Simulation exercise, and repeat</li><li>• Retire Windows 2003</li><li>• Implement new client service security for Windows 10 build</li><li>• Independent IT Health Check for PSN accreditation</li></ul>											
<b>Progress update</b>											
<p>'1) Full power down completed periodically. New Datacentre with resilient power will be implemented by August 2019.</p> <p>6) New Local Area Network equipment has been procured and we are planning the implementation over the next month for delivery Q2 2019</p> <p>8) Access to services if County Hall was lost was tested on during the Disaster Recovery exercise migrating services to the new DR site</p> <p>9) We Implement Cloud-based business systems with resilient links for key areas as they are procured</p> <p>10) Contact services are being migrated to a cloud based system, due to be finished by Q2 2019, Telephony resilience will be improved as part of the Skype for Business project.</p> <p>11) We are working through the cyber audit actions target date for 90% completion Q1 2019</p>											

Risk Number		RM011		Date of update		18 April 2019				
Risk Name		The potential risk of failure to implement and adhere to an effective and robust performance management framework.								
Risk Owner		Fiona McDiarmid		Date entered on risk register		For review May 2019				
Risk Description										
The failure of leadership to adhere to robust corporate performance practice / guidance, resulting in organisational / service performance issues not being identified and addressed. This could have a detrimental impact on future improvement plans and overall performance and reputation of the										
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
3	4	12	2	3	6	1	3	3	Jun-19	Amber
Tasks to mitigate the risk										
<p>The performance development framework was implemented in April 2018.</p> <p>950 managers have been training and an ongoing programme is in place for new managers.</p> <p>A survey was carried out in October and results provided back to employees and Corporate Board.</p> <p>Corporate vital signs for goals, and a target of at least 50% of staff having learning plans. We remain behind plan on 95% of employees reporting that they have written goals. We will restart this measure from May 2019.</p> <p>We are reporting on the following five corporate vital signs relating to performance;</p> <p>Sickness absence - percentage lost time.</p> <p>New employee retention rate</p> <p>Vacancy rates</p> <p>Agency and contract staffing spend as a percentage of pay bill</p> <p>Working to a target of 95% of employees having written goals to works towards.</p> <p>Overall risk treatment: Treat</p>										
Progress update										
Target date amended to June 2019 to reflect a full year of performance development and new governance arrangements being implemented under the new cabinet model which will be accountable for overseeing the NCC performance management framework. The prospect rating of amber remains unchanged reflecting that embedding performance culture takes some time across a complex organisation, and, delivering a performance management framework requires other elements around vision, strategy and plan. Risk definition and mitigation to be reviewed.										

<b>Risk Number</b>	RM013					<b>Date of update</b>		18 April 2019		
<b>Risk Name</b>	The potential risk of failure of the governance protocols for entities controlled by the Council, either their internal governance or the Council's governance as owner. The failure of entities controlled by the Council to follow relevant guidance or share the Council's ambitions.									
<b>Risk Owner</b>	Simon George					<b>Date entered on risk register</b>		For review May 2019		
<b>Risk Description</b>										
The failure of governance leading to controlled entities: Non Compliance with relevant laws (Companies Act or other) Incurring Significant Losses or losing asset value Taking reputational damage from service failures Being mis-aligned with the goals of the Council The financial implications are described in the Council's Annual Statement of Accounts 2018-19.										
<b>Original</b>			<b>Current</b>			<b>Tolerance Target</b>				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
1	4	4	1	4	4	1	4	4	Mar-20	Met
<b>Tasks to mitigate the risk</b>										
<p>1) All controlled entities and subsidiary companies have a system of governance which is the responsibility of their Board of Directors.</p> <p>The Council needs to ensure that it has given clear direction of it's policy, ambitions and expectations of the controlled entities.</p> <p>The NORSE Group objectives are for Business Growth and Diversification of business to spread risks. Risks need to be recorded on the Group's risk register.</p> <p>2) The NORSE board includes a Council Member and is currently chaired by the Executive Director of Communities and Environmental Services of the Council. There is a shareholder committee comprised of six Members. The shareholder committee should meet quarterly and monitor the performance of NORSE. A member of the shareholder board, the shareholder representative, should also attend the NORSE board.</p> <p>3) The Council holds control of the Group of Companies by way of its shareholding, restrictions in the NORSE articles of association and the voting rights of the Directors. The mission, vision and value statements of the individual NORSE companies should be reviewed regularly and included in the annual business plan approved by the Board. NORSE should have its own Memorandum and Articles of Association outlining its powers and procedures, as well as an overarching agreement with the Council which outlines the controls that the Council exercises over NORSE and the actions which require prior approval of the Council.</p> <p>4) To ensure that governance procedures are being discharged appropriately to Independence Matters.</p> <p>5) Approve the Outline Business Case for Repton Property Developments Ltd.</p> <p>6) Provide regular updates to the company Board and to the Business and Property Committee.</p> <p>Risk Treatment: Tolerate</p>										
<b>Progress update</b>										

## Progress update

- 1) There are regular Board meetings, share holder meetings and reporting as required. For NORSE, risks are recorded on the NORSE group risk register. For Norfolk Energy Futures,
- 2) The Norse Group follows the guidance issued by the Institute of Directors for Unlisted Companies where appropriate for a wholly owned local authority company. The shareholder committee meets quarterly and monitors the performance of Norse. A member of the shareholder board, the shareholder representative, also attends the Norse board.
- 3) The Council has reviewed its framework of controls to ensure it is meeting its Teckal requirements in terms of governance and control, and a series of actions has been agreed by the Policy and Resources Committee. The Executive Director of Finance and Commercial Services is responsible for reviewing the ongoing viability of wholly owned entities and regularly reporting the performance of their activities, with a view to ensuring that the County Council's interests are being protected. All County Council subsidiary limited company Directors have been approved by full council. The new Chairman of Norse has initiated change with one Director looking after NCS and NPS, with a view to maximising returns back to NCC. A further strengthening of the Board is proposed with the appointment of two independent Non-Executive Directors with one vote each. As with Repton the appointments would be made through a transparent process of advertisement, interview and appointment.
- 4) The Executive Director of Finance and Commercial Services directs external governance. An external company is undertaking a review of Norse Group's financial performance, discharging the Executive Director for Finance and Commercial Services' responsibility as per the Constitution.
- 5) The Outline Business Case for Repton Property Developments Ltd has been approved.
- 6) Regular updates are being provided.

## Appendix A

Risk Number	RM016					Date of update		18 April 2019		
Risk Name	Failure to adequately prepare for and respond to a major disruption to Norfolk County Council services.									
Risk Owner	Tom McCabe					Date entered on risk register		For review May 2019		
Risk Description										
To ensure disruption is minimised and ensure that we are able to maintain services and respond appropriately to a either a Major or Moderate disruption both within and out of core office hours (N.B. this risk will be scored differently for different departments due to different levels of preparedness).										
Original			Current			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	3	6	Mar-19	Red
Tasks to mitigate the risk						Progress update				
1) All corporately agreed critical activities must have comprehensive Business Continuity plans which are exercised. Plans to be agreed by Senior Managers.						1) 81% of critical services have plans which are up-to-date. The Resilience Team audits all plans as they are received and provides feedback to service managers where changes are required.Next audit due shortly.				
2) To develop the Professional Development Centre (PDC) Norwich, which was agreed as a key corporate Work Area Recovery (WAR) site by CLT. First stage is a planned exercise to take place with the Customer Service Centre, second step is to complete an exercise with the Resilience representatives at the PDC. Also, an exercise with the Resilience Management Board and CLT.						2) Work Area Recovery test - stage 1 to test the CSC has been successfully completed. This exercise tested "loss of access" not "loss of infrastructure" to County Hall. Exercise Sunny, the annual corporate BC exercise successfully took place on 26.07.18. In January 2019, power was cut to County Hall due to work required by UK Power Networks. Feedback for this powerdown was very positive; unlike previous power downs some critical weekend services had to move and worked 24/7 from the PDC over the weekend. Exercise Horseshoe the DR and BC exercise had to be scaled back considerably. There is a lack of confidence in how systems will "behave" when transferred over to the DR facility and without this confidence the risk to live services such as libraries and museums was considered too great. The report has been finalised and circulated to the business, IMT also have a report detailing the actions required of IMT. There were several systems that were not accessible, and some of the issues related to the artificiality of how the exercise was set-up. Exercise to be completed annually. This is a significant milestone for BC and DR, as one year ago there was no Disaster Recovery facility at all.				



Tasks to mitigate the risk	Progress update
<p>3) Embedding Business Continuity - Ensure there is a programme of work to embed BC into the organisation. This includes awareness raising initiatives and training for support staff and resilience representatives. Training also includes the BC e-learning package which needs to be reviewed, relaunched, and the uptake monitored. Departments must ensure staff attend training and complete exercises/tests.</p>	<p>3) The Business Continuity for managers course continues to be run through the year. The Emergency Planning awareness course has been launched. All plans must be exercised once per year. The percentage is increasing gradually. Currently the percentage is 50%. At the corporate board meeting on the 12th March Directors asked for departments to get to 80% of plans having been exercised. Resilience representatives and the Resilience Team are focusing on this.</p>
<p>4) Implement the Business Continuity Framework</p>	<p>4) Every quarter the Resilience Management Board receive an update of where NCC are in implementing the BC Framework, there are no red items. This has been developed further by communicating the position of the departments using the assurance framework and those sections marked as red/amber (where applicable) should be linked to departmental risk registers. These reports have now been completed, with departments receiving a report listing departmental strengths and weaknesses in relation to Resilience.</p>
<p>5) Gain assurance that ICT could be recovered in line with timescales detailed within the BIAs.</p> <p>Overall Risk Treatment: Treat</p>	<p>5) On the 12th March 2019 a paper went to the shadow board to highlight concerns in this area. However IMT had circulated some initial analysis work on the 7th March. Corporate Board requested that a further update was provided in 6-8 weeks. Resilience Team have checked the outstanding queries with the business. IMT have confirmed some Recovery Time Objectives (RTOs) however this is only from the scenario of "loss of county hall", we will need to consider other scenarios in order to develop a reliable RTO to share with the business. The aspiration is that what the Business has documented within the BIAs should be used to help shape IMT infrastructure projects and the DR development. Further work is still required in this area, and an update has been requested at the Corporate Board on the 4th June 2019.</p>

Risk Number	RM022					Date of update			18 April 2019		
Risk Name	Potential changes in laws, regulations, government policy or funding arising from the UK leaving the European Union, which may impact on Council objectives, financial resilience and affected staff ('Brexit').										
Risk Owner	Tom McCabe					Date entered on risk register			For review May 2019		
Risk Description											
Four important implications to the Council: 1) The Council's EU funded programmes supporting the local economy. 2) The legal base – there are many EU laws that affect the day job of local councils. 3) Council services dependent on a migrant workforce – for example nationally, 7% of existing adult social care staff come from other EU nations. 4) Place-based impact – there will be real and varied impacts and opportunities in our local economy. There is a risk that initially, implications for Norfolk County Council of the UK leaving the EU are not known or understood, causing uncertainty in Council business, planning, and service delivery. Uncertainty on both performance delivery and designation of the Council as Managing Authority following the EU referendum result could lead to an inability to draw down the funding required to manage the programme and have a significant reputation impact on the Council leading to an inability to submit payment claims to the EU.											
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	
4	3	12	3	3	9	2	3	6	Oct-19	Amber	
Tasks to mitigate the risk											
1) Norfolk County Council should continue to monitor Brexit developments and developing responses to the four areas in which the council will be affected (EU funding, legal issues, workforce issues, place-based impact). 2) We are members of the LGA Brexit Sounding Board and local authority officer network to keep abreast of local government thinking and influencing of post Brexit policy. We have jointly commissioned work with the LEP and Suffolk County Council to understand the business impact of Brexit within the New Anglia area. 3) We have agreed the principals and framework for regional investment post Brexit to ensure the level of current funding is protected, including asking for funds to be devolved locally, so that the economic benefit of the funding is secured. 4) Human Resources to support managers and staff who may be affected by this issue. 5) Regular meetings are taking place with the Ministry for Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy (BEIS) regarding a managed exit from EU funded programmes to ensure NCC's liabilities are met. 6) Understand the risks and implications of Brexit to service delivery, wider community and business continuity. Overall risk treatment: Tolerate											
Progress update											

## Progress update

1) Brexit Silver Group Meetings are being held to understand how departments are preparing for Brexit, to minimise disruption to their services post 29th March, and feed any info. from the Norfolk Resilience Forum back to NCC and vice versa. In addition, with the Risk Management Officer we are developing a specific and more detailed corporate Brexit risk register to manage risks arising from leaving the European Union that are within our control

2) The NCC website now offers information for businesses and individuals

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/preparing-for-brexit>

2) The Treasury Guarantee provides assurance that funding is assured in the event of a deal for projects committed by 31 December 2020 (rather than 19 March 2019 as had been anticipated). Payment mechanisms to manage this remain to be explored. The European Commission has issued a notice around a no deal Brexit proposing a draft regulation that would allow the UK to continue participating in EU programmes in 2019. The UK Government is currently analysing this proposal and its implications, however there is a risk that project partners may not be able to continue working with their counterparts in other member states. Similarly, UK organisations may also not be able to continue applying to ETC programmes after the UK leaves the EU. If so, the government will provide full details on what to do to individual project partners.

We are in close contact with MHCLG (as the lead for ETC programmes) as this progresses.

3) The Green Paper regarding the Shared Prosperity Fund has still not yet been published and is not expected for some time until the Brexit situation has been clarified: We continue to work with New Anglia and other relevant partners and will in due course prepare a joint response and report the proposals and our response to members when it has been published. NCC is represented on the LGA national Brexit Sounding Board by Vince Muspratt.

4) The Internal Project Board is aware of NCC liabilities; nplaw have drafted a Deed of Guarantee seeking written assurance from Ministry of Housing, Communities & Local Government that they will meet our liabilities in order to close the Programme. The Ministry for Housing, Communities and Local Government have raised the issue with Ministers, as is our MA status after we leave the EU. This will now fall under the detailed work around payment mechanisms following the confirmation of extended programme completion. The renewed Treasury Guarantee supports this approach.

5) We have raised the issue of Trading Standards (their ability to act as a National Body certified by the EU, charging for highway services) with the LGA to play into their negotiations with DExEU.

6) A task force has been set up, asking each Directorate to provide a summary of the risk posed to them and their service provision by Brexit.