

Cabinet Scrutiny Committee

Date: **Tuesday 24 November 2009**
Time: **10am**
Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones

Membership:

Mr T Adams	Mr P Morse
Dr A Boswell	Mr G Nobbs
Mr A Byrne	Mr R Rockcliffe
Mr J Dobson	Mr M Scutter
Mr P Duigan	Mr J Shrimplin
Mr R Hanton	Mr T White
Mr C Jordan	Mr M Wilby
Mr J Joyce	Mr R Wright
Mr M Kiddle-Morris	

Parent Governor Representatives:

Mr P East	Dr L Poliakoff
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Church Representatives:

Mrs J O'Connor	Mr A Mash
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**For further details and general enquiries about this Agenda
please contact the Committee Administrator:**

Vanessa Dobson on 01603 223029
or email vanessa.dobson@norfolk.gov.uk

A g e n d a

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

2. Members to Declare any Interests

Please indicate whether the interest is a personal one only or one that is prejudicial. A declaration of a personal interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. Please note that if you are exempt from declaring a personal interest because it arises solely from your position on a body to which you were nominated by the County Council or a body exercising functions of a public nature (e.g. another local authority), you need only declare your interest if and when you intend to speak on a matter.

If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed unless members of the public are allowed to make representations, give evidence or answer questions about the matter, in which case you may attend the meeting for that purpose. You must immediately leave the room when you have finished or the meeting decides you have finished, if earlier.

These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.

3. Minutes

To confirm the minutes of the meeting of the Cabinet Scrutiny Committee held on 27 October 2009

(Page 1)

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

5. Call-in Item(s)

The deadline for calling-in any other matters for consideration by the Cabinet Scrutiny Committee on 24 November from Cabinet on 9 November is 4.00pm on 16 November. Notification of any call-in items will follow

6. Residual Waste Treatment Project

(i) Suggested approach by the Scrutiny Support Manager

(Page 7)

(ii) Report by the Director of Environment, Transport and Development

(Page 9)

7. Exclusion of the Public

The committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of

the item below on the grounds it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The committee will be presented with the conclusion of the public interest test carried out by the report author and is recommended to confirm the exclusion.

- 8. Residual Waste Treatment Project**
Report by the Director of Environment, Transport and Development (Page 31)
- 9. Return to public session for conclusion of discussion**
- 10. Councillor Call For Action (CCfA) Guidance**
Suggested approach by the Scrutiny Support Manager (Page 21)
- 11. Forward Work Programme**
Suggested approach by the Cabinet Scrutiny Committee Group Leads (Page 28)

Chris Walton
Head of Democratic Services
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Date Agenda Published: 16 November 2009



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The Working Style of the Cabinet Scrutiny Committee

(adopted 31 July 2001 and re-affirmed on 7 June 2005)

Independence: Members of the Scrutiny Committee will not be subject to Group whipping arrangements

Member Leadership: Agendas and meetings will be member led.

A Constructive Atmosphere: Meetings will be constructive, and not judgmental. People giving evidence at a Committee meeting should not feel under attack. Experience has shown that an atmosphere of challenge and constructive enquiry is vital to the success of the scrutiny process.

Respect and Trust: Meetings will be conducted in a spirit of mutual respect and trust.

Openness and Transparency: The Committee's business will be open and transparent. In particular, the minutes of Scrutiny Committee meetings will explain the discussion / debate such that they can be understood by an outside reader.

Consensus: Committee Members will strive to work together and while recognising political allegiances, attempt to achieve consensus and agreed recommendations. However scope for minority reports will be permitted.

Impartial and Independent Officer Advice: Officer advice and support will be impartial and independent, as officers support all members of the Authority (and not just the ruling Administration).

Regular Review: There will be regular reviews of how the process is working, and a willingness to adapt if things are not working well.

Programming and Planning: The Committee will have a programme of work and plans for individual meetings. Before each piece of scrutiny work, the committee will agree about the extent of the work, what information they will need initially and which members and officers they wish to see.

Managing Time: Committee meetings will be kept to a reasonable length of time, up to two hours. Also, where it is possible to conduct the Committee's business by circulating information between meetings, this will be done.



Cabinet Scrutiny Committee

Minutes of the Meeting Held on 27 October 2009

Present:

Mr A Adams	Mr P Morse (Chair)
Dr A Boswell (Vice Chair)	Mr G Nobbs
Mr J Dobson	Mr R Rockcliffe
Mr P Duigan	Mr M Scutter
Mr R Hanton	Mr J Shrimplin
Mr C Jordan	Mr A White
Mr J Joyce	Mr M Wilby
Mr M Kiddle-Morris	Mr R Wright

Substitute Members:

Mr M Langwade for Mr A Byrne

Also Present:

Mr R Bearman
Mrs J Chamberlin
Mr G Jones
Mr D Murphy
Mrs K Haywood, Scrutiny Support Manager
Mr V Muspratt, Economic Programmes Manager
Mr C Walton, Head of Democratic Services

1. Apologies for Absence

Apologies for absence were received from Mr A Byrne.

2. Declarations of Interest

2.1 Members declared the following interests:

- Mr Langwade declared that he was a “twin-hatter” and that he had not received dispensation from the Dispensation Sub-Committee to debate and vote on the issue raised by the member of the public at Item 8. He confirmed that he would leave the room and taken no part in the discussion or decision taken for that item.
- Mr Morse declared a personal interest in Item 3, in relation to paragraph 6 of the minutes, which relates to County Farms, as a friend of his rented a small amount of land from the County Farms Estate.

2.2 The Head of Democratic Services also confirmed that dispensations had been granted for all those permanent Members of the committee who were “twin-hatters” to debate and vote on the issue raised by the member of the public at

Item 8. The Members were listed at paragraph 2.4 of the Cabinet Scrutiny Committee Report at item 8 on the agenda.

3. Minutes

3.1 The minutes of the meeting held 29 September 2009 were confirmed as a correct record and signed by the Chair subject to the following amendment:

- Paragraph 8.4 to read: "With reference to the possible questions for the scrutiny of MEPs and the scrutiny of waste procurement, the Chair confirmed that Committee Members would be able to ask questions additional to those that would be listed in the report."

3.2 The Chair reported that the Cabinet had noted the Committee's comments in relation to the progress of updating the County Council's County Farms policy at its October meeting. He also reported that the Cabinet had deferred discussion about the management of Norfolk County Council's Rural Estate Review of Management Strategy at the same meeting. He was concerned that the points the committee had raised would get overlooked when the Cabinet revisited the discussion.

RESOLVED:

3.3 The Committee agreed that the Chair should write to the Leader of the County Council to ask when the Cabinet would progress the County Farms issues it had already agreed to and request an update report in four months time. It also agreed that the wording of the letter should be agreed by the Cabinet Scrutiny Committee Group Leads.

4. Items of urgent business which the Chair decides should be considered as a matter of urgency

There were no items of urgent business.

5. Call-in Items(s)

No items had been called-in from the 12 October Cabinet meeting.

6. Order of Business – The Committee agreed to take Item 8 as the next item.

7. Forward Work Programme

7.1 Members received the annexed report (8) and noted the forward work programme and additional topics at appendices A and B.

7.2 Mr Langwade and Mr Jones (who was observing the meeting) left the room for this item, as they had not been given dispensation by the Dispensation Sub-Committee to debate and vote on the issue raised by the member of the public. They took no part in the discussion nor the decision taken.

7.3 The Chair referred the committee to the issue raised by Mr Martin at Appendix C of the report and summarised the background that he had detailed at the previous meeting. He then invited views from the committee.

- 7.4 Mr Dobson moved a motion, seconded by Mr Jordan, that the committee should move on from this item without further discussion as he believed that none of the items were appropriate for scrutiny because of the following reasons:
- a) Members allowances – because they had already been looked at by the Remuneration Panel.
 - b) Members ability to commit enough time to their roles – because Members had been elected to those roles by the public.
 - c) Conflicts of interest – because there was already clear statutory guidance for dealing with conflicts of interest.
- 7.5 Members then made the following points opposing the motion:
- Mr Scutter raised concerns that guidance was not clear where a conflict of interest arose between the different bodies which a councillor represented, for example the County Council and a District Council, and that this was not a Standards issue.
 - Mr Boswell raised concerns about the issue of public perception and that as there was some doubt in the public mind the Committee should look into the matter.
 - Mr Joyce commented that the issue should be debated, not stifled, and suggested the Committee might recommend the matter to another body.
 - Mr Nobbs felt this was a legitimate item for discussion.
- 7.6 As proposer of the motion, Mr Dobson then confirmed his view that this was not an appropriate item for scrutiny.
- RESOLVED:**
- 7.7 The Committee, with 11 votes in favour, 4 against and 1 abstention (Mr Morse), voted to move on from the item without further discussion.

8. Meeting with MEPs

- 8.1 Members received the annexed reports (6i and 6ii) which set out a suggested approach together with an introduction to the role of MEPs, an outline of European funding previously received in Norfolk, and an indication of the opportunities open to Norfolk over the next few years.
- 8.2 The Chair reported that Geoffrey Van Orden MEP had confirmed he would attend the Committee's meeting on the 27 November, which meant that all political parties would be represented.
- 8.3 In response to Members' questions, the Economic Programmes Manager provided the following information:
- Objective 2 was measured on levels of deprivation. In the current programme period (2007-2013) Objective 2 funding had been replaced by the Competitiveness fund, administered on a regional basis, which is focussed on low carbon economic growth. There is no separate allocation within the regional framework for Norfolk, but Norfolk is able to bid competitively for this regional funding.

- The EU would increasingly support projects reflecting national priorities. As neither the A47 nor the Norwich Northern Distributor Road (NDR) were regional priorities it was almost certain that they would fail to be included in an EU programme. This was an issue that the committee could ask MEPs about.
- An MEPs role was mainly to debate and vote on EU legislation. The Economic Development Unit's role was to provide support with drawing down EU funding. However, MEPs should be aware of the EU funded projects in their areas.
- The Economic Development Unit did not seek funding from every available funding stream but from those that would support the County Council's priorities.

8.4 The Economic Programmes Manager agreed to provide the Committee with a written response on the following:

- Details of the European Development Fund (ERDF) funding strand that Norfolk had access to.
- Further information about whether the Great Yarmouth Outer Harbour (East Port) had changed the status of the A47.

8.5 Mr Shrimplin reported that he had asked Geoffrey Van Orden MEP at the previous year's meeting whether or not Norfolk had received its fair share of EU funding. He had not yet received a response to the question and would follow it up.

RESOLVED:

8.6 The Committee agreed:

1. The objectives outlined in paragraph 3.1 of the suggested approach.
2. That the usual meeting style should be used.
3. That half an hour should be allowed for public questions with MEPs before the committee meeting.
4. The meeting should be publicised widely asking the public and local organisations to submit questions in advance. District Council Portfolio Holders and Members of the Youth Parliament should be sent specific invitations.
5. The Chair, in consultation with the Cabinet Scrutiny Committee Group Leads, should decide whether a question from a member of the public was appropriate to be put before the MEPs and then either select individual questions or group by theme. If answers were not provided during the question time, the Chair should ensure that questioners receive a written reply.
6. That it should receive biographies from each of the MEPs and details of their interests in advance of the meeting.
7. That it should ask MEPs the questions around the following topics:
Next funding programme 2014-2021
 - What input have our MEPs had to date in the debate regarding the new funding period, and given the value of funding received in recent years, how do MEPs plan to promote Norfolk's access to future funding?
 - What would be useful for NCC to provide to support the MEPs in lobbying on our behalf to maximise our eligibility?

Transport

- How do MEPs see the policies being developed affecting Norfolk?
- What support do MEPs need from us to lobby on relevant issues, and what can we do to obtain funding support to meet our transport priorities, such as the NDR?
- Have MEPs had any success in lobbying to get the A47 reinstated as a designated trans-European network?
- Is there money sitting behind the objective to strengthen modes of transport that are environmentally friendly which could help improve the rail transport system in Norfolk?

Carbon Reduction

- Is there any money available to support the higher carbon reduction target that the Eastern Region had set itself (18% reduction by 2010 instead of the 15% reduction that the UK had signed up to)?

Communication

- How can we communicate better with our MEPs on key issues, both in terms of supporting them and gaining their support on issues of importance to us?

Culture/the Arts

- Why did France receive twice as much arts funding as the UK?

9. Councillor Call for Action (CCfA) Guidance

- 9.1 Members received the annexed report (7) by the Scrutiny Support Manager together with a guide for members and officers which met the requirement to have a scheme in place.
- 9.2 Mr Dobson suggested that the scheme should be legitimised by including it in the Constitution.
- 9.3 The Head of Democratic Services explained that this scheme had originated as a 'Community Call for Action' and had been complicated by two pieces of legislation – the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007. He suggested it would be helpful to include more detail about how it should operate in respect of crime and disorder matters, particularly the role of Norfolk County Council in scrutinising Crime and Disorder Reduction Partnerships which operated at District level.

RESOLVED:

- 9.4 The Committee agreed that it should receive a further report at the 24 November meeting, which should include a recommendation to Cabinet (to recommend to Full Council) that the scheme be included in the Constitution.

[The meeting closed at 12:20]

PAUL MORSE, CHAIR



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Residual Waste Treatment Project

Suggested Approach by the Scrutiny Support Manager

1. Background

- 1.1 At the Cabinet Scrutiny Committee meeting held on 28th July 2009, Councillors Mervyn Scutter, Andrew Boswell and George Nobbs called in the Cabinet decision, taken on 13th July 2009 regarding 'Procurement on Phase One of the Residual Waste Treatment Project – Contract A' on the grounds of cost featured in the Cabinet papers.

It was agreed at this meeting to advise Cabinet that it should maintain the decision to abandon Contract A.

In response to a motion proposed by George Nobbs and seconded by Cliff Jordan the Committee agreed to look at the waste project procurement process in a single agenda item meeting to see what lessons could be learnt to inform other major procurement/ projects across the authority. It was also agreed that all members of the project board should be requested to attend to answer questions.

2. Issues for Consideration

Cabinet Scrutiny Committee added this item onto its Forward Work programme for future consideration. It was agreed that this would be a single agenda item meeting to see what lessons could be learnt to inform other major procurements/projects across the authority. In advance of this meeting the Committee have agreed some areas for possible consideration. These are as follows:

1. The information flows between the County Council and the Contractor. Was the County Council being clear in respect of its price expectations and requirements?
2. Was the Project Board being fully kept informed? Was the level of detail adequate and was it timely to enable its members to make decisions early enough?
3. How and why did costs escalate so dramatically
4. Why was there no alternative plan?
5. Should and could the decision have been made earlier
6. If the decision to cancel had been made earlier would the risks of a compensation claim have been reduced?
7. When was the possibility of cancellation first raised at the Project Board

8. What has been learnt from this exercise and how is that learning going to be applied to Contract B?
9. To examine the part played by the Council's risk assessment function as part of the waste procurement project leading to the cancellation of the contract
10. What were the failings in the system or on the part of individuals and what lessons can be learnt to improve the risk assessment of such major projects in the future

3. Way forward

The attached report from the Director of Environment, Transport and Development outlines initial responses to the above issues. In addition, the following members of the Project Board will attend the meeting to assist the Committee in the scrutiny:

Mark Allen, Head of Environment and Waste Management
Ian Monson, Cabinet Member for Environment and Waste
Victoria McNeill, Head of Law and Monitoring Officer
Joel Hull, Project Manager, Residual Waste Contract

4. Suggested Approach

It is suggested that the Committee:

- considers the report from the Director of Environment, Planning and Transportation in light of the issues raised in paragraph 2 and raises any further issues that it may have
- Considers how it now it wishes to take forward the issues raised to ensure that the lessons learnt from this project are taken forward to inform other major procurement/ projects across the Authority.

Officer Contact: **Karen Haywood**
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Residual Waste Treatment Project – Lessons Learnt from Contract A

Report by the Director of Environment, Transport and Development

Summary

Cabinet Scrutiny Committee on 28 July 2009 agreed to look further at a waste treatment procurement process referred to as Contract A to see whether any lessons could be learnt that could be applied to other major projects.

This report establishes that:

- A decision could not have been made earlier to abandon Contract A and that if a decision to cancel had been made earlier it would have actually increased the risks of a compensation claim.
- As part of the risk assessment process alternative scenarios had been identified including the risk that Contract A may be abandoned.
- That the possibility of cancellation was first raised at the Project Board in July 2007.
- Lessons have already been learnt from Contract A that have been applied to the Waste PFI.
- That the project was incorporated in to departmental and corporate risk assessment functions and lessons to improve the risk assessment of such major projects in the future have been identified.

1. Background

- 1.1. Cabinet Scrutiny on 28 July 2009 considered a decision by Cabinet made on 13 July 2009 to abandon the procurement of a residual waste treatment project referred to as Contract A. This contract was to provide treatment for between 90,000 and 150,000 tonnes of residual waste each year and was abandoned on the grounds that it was too costly and no longer represented value for money.
- 1.2 At its meeting on 28 July Cabinet Scrutiny advised Cabinet that it should maintain the decision to abandon Contract A and asked that members of the Waste Project Board were invited to a future meeting of the committee to see whether lessons could be learnt from the process that could be applied to other major procurements including a waste treatment PFI.

Ten questions that have been asked in advance by members are listed below:

1. In the information flows between the Authority and the bidder was the Authority being clear in respect of its price expectations and requirements? This is addressed in Section A1.
2. Was the Project Board being fully kept informed? Was the level of detail adequate and was it timely to enable its members to make decisions early

enough? This is addressed in Section A2.

3. How and why did costs escalate so dramatically? This is addressed in Section A3.
4. Why was there no alternative plan? This is addressed in Section 2.
5. Should and could the decision have been made earlier? This is addressed in Section 3.
6. If the decision to cancel had been made earlier would the risks of a compensation claim have been reduced? This is addressed in Section 3)
7. When was the possibility of cancellation first raised at the Project Board? This is addressed in Section 2.
8. What has been learnt from this exercise and how is that learning going to be applied to the Waste PFI? This is addressed in Section 4.
9. To examine the part played by the Authority's risk assessment function as part of the waste procurement project leading to the cancellation of the contract, and consider whether changes to the corporate risk assessment process could have led to an earlier decision to abandon Contract A. This is addressed in Section 5.
10. What were the failings in the system or on the part of individuals and what lessons can be learnt to improve the risk assessment of such major projects in the future? This is addressed in Section 6.

1.3 Due to the nature of the information in the responses to some of these questions and with regards to the Local Government Act 1972 (as amended 01 March 2006), Schedule 12A, Part 1, clause 3 ('Information relating to the financial or business affairs of any person (other than the Authority)') some of the responses are exempt (Sections A1, A2 and A3), all other responses are detailed below.

1.4 To assist Members the following additional background information has been included in the Appendices to this report:

1. An outline of the procurement process followed in major projects like Contract A (Appendix A).
2. The role of sub-contractors in major procurements and how the risks with their involvement are mitigated (Appendix B).
3. The terminology of the procurement process (Appendix C).

2. **Alternative Plans and When Cancellation Was First Raised at the Project Board**

2.1 Two linked questions, four and seven, were asked, firstly why there were no alternative plans and secondly when the possibility of cancellation was first raised at the Project Board.

As part of the process of any major project the risk of failure is always considered. In this context alternatives have been looked at as a part of the ongoing risk mitigation processes to ensure simply that viable alternatives do exist. This is not equivalent to looking for better alternatives, as if this had been a part of the process of cancellation it would quite rightly have created real grounds for challenge; to make a decision to follow an alternative is not a part of this process.

The issue of cancelling Contract A was first discussed by the Project Board on

27 July 2007 when the Project Board requested service delivery and funding options were worked up; this was to address a concern that SRM would not respond to a deadline of 31 August 2007. At meetings and workshops involving officers and advisors on 08, 09, 15 and 23 August 2007 options for the replacement of Contract A were refined and these were discussed at a Project Board meeting on 20 September 2007 along with SRM's response to a 31 August 2007 deadline for SRM to optimise its bid in response to increases in costs.

A similar sequence of events was followed in October 2008 when the bid cost increased markedly. Officer and advisor meetings and workshops were held on 09, 16, 21 and 29 October and 06 November 2008 and the issue of the options for replacing Contract A if necessary was discussed at a Project Board meeting on 10 November 2008.

In the light of the decision to abandon Contract A made in July 2009 a range of strategies have been refined for members to consider before any strategies are implemented; this was considered at the Overview and Scrutiny Committee and Cabinet earlier in November 2009. In particular the merit of adopting a framework contract approach to securing a suite of waste transfer, treatment and disposal services has been identified and the PFI contract potential is being maximised to secure around 170,000 tonnes of waste to be treated each year.

3. Could the Decision Have Been Made Earlier

- 3.1 Two linked questions, five and six, were asked, firstly should and could the decision have been made earlier and secondly if the decision to cancel had been made earlier would the risks of a compensation claim have been reduced.

The decision to abandon Contract A in July 2009 was made at the appropriate time following an assessment of updated information provided by the bidder in June 2009. SRM had already been given reasonable opportunity to bring its bid up into an acceptable form and up to and during early 2009 Contract A was progressing within the expectations of the Project Board.

If a decision had been made earlier it would have significantly increased the risk of a compensation claim to a point of almost certainty as it could have been argued that the Authority would have made an apparently unreasonable and groundless decision.

4. Lessons Learnt Applied to the Waste PFI

- 4.1 Question eight asked what has been learnt from Contract A and how is that learning going to be applied to the Waste PFI. The lessons learnt, including the retention of good practice, that have been applied include:
- (a) Ensuring the contribution of Overview and Scrutiny Committee, in addition to the cross party Project Board, in recommendations to Cabinet.
 - (b) Keeping the media briefed accurately and establishing strong relations with local interest and campaign groups and ensuring public consultation clearly contributed to establishing bid evaluation principles.
 - (c) Remaining technology neutral and also providing a site for bidders to use, this extends the range of potential bidders thereby improving competition.

- (d) Revisiting affordability approval at all stages of the project, e.g. the reference project, detailed solution stage, preferred bidder and contract award stages, i.e. a high quality and up to date estimate of the cost of a solution.
- (e) Having a strong, credible and well resourced team with clear ownership of the process, relevant experience and strong links to the industry and Defra.
- (f) Holding an applicants' conference creates an early opportunity to underline the Authority's approach and requirements, thereby reducing bidders to those that understand and are fully committed to the process.
- (g) Using an enhanced pre-qualification process reduces the number of participants quickly which retains bidder interest and reduces considerable costs for the Authority and allows quicker delivery.
- (h) Using minimum thresholds for turnover and assets and previous experience quickly reduced bidders to the strongest and most experienced.
- (i) Not allowing Authority owned companies to bid or be equity partners in a consortium – this addressed Defra's requirements and concerns about the perceived circularity or risk and the potential impact of deterring other bidders.
- (j) Removing the Outline Solutions stage reduced considerable costs for the Authority and bidders and allows quicker delivery.
- (k) Establishing challenging contract targets removed the possibility of sub-optimal solutions being developed by bidders.
- (l) Ensuring that all contract requirements are abundantly clear to be minimum requirements and bidders should seek to improve rather than reduce or remove the Authority's requirements.
- (m) Requiring early involvement of banks removes the possibility of over ambitious bidders developing solutions which are not fundable or commercial positions changing in the later stages of a procurement.
- (n) Ensuring early Authority access to sub-contract documents to ensure that the risk flow is acceptable to all parties and that they are capable of delivering assigned roles with the approval of banks; this reduces the possibility of delays, cost increases or the sub-contractors withdrawing or being replaced.
- (o) Expecting the bidder to lead the planning and permitting processes.
- (p) Ongoing and extensive soft market testing - to inform the Authority's approach.
- (q) Using a Prior Information Notice to alert the market and ensuring that the contract notice is not too restrictive.
- (r) Using a Defra representative as part of the Project Team and Project Board – introduces an extra degree of challenge and guidance.
- (s) Linking to other authorities at a similar stage in the procurement process – allows the sharing of good practice.
- (t) Using standardised contract forms and guidance - reduces considerable costs for the Authority and bidders.
- (u) Using an extranet site, a dedicated and secure website, for the management and distribution of all documents.

5. The Role of Risk Assessment

5.1 Question nine asked to examine the part played by the Authority's risk assessment function as part of the waste procurement project leading to the cancellation of the contract, and to consider whether changes to the corporate risk assessment process could have led to an earlier decision to abandon Contract A. The cancellation was due to the fact that the proposals had become too costly, the role of risk assessment in the project is explained below.

- (a) The project is managed using the Prince2 (Projects in a Controlled Environment, version 2) method which sets out a standardised approach to risk management. This includes a Project Assurance Team which meets fortnightly to challenge the procurement process and help identify and manage risks and develop scenario plans.
- (b) An external gateway review was completed early in the process to identify risk.
- (c) At each stage boundary, e.g. appointing a preferred bidder, lessons learnt workshops were held and the project risk register was updated. The project risk register was a strong part of the expression of interest and outline business case for PFI credits.
- (d) Risk issues are discussed at Project Board meetings.
- (e) A departmental risk register is updated monthly and reported to Overview and Scrutiny committee quarterly.
- (f) The corporate risk register is updated monthly.
- (g) The change programme plan for major projects is updated monthly and reported to a sub-group of the Chief Officer Group.
- (h) To ensure that where positions were not guaranteed the risk was priced in and fully understood.
- (i) The assessment of risks informed the decision that prevented the Authority from entering a contract that had become too costly and did not represent value for money. For instance the fact that there were still significant matters yet to be resolved, including planning permissions, that could have significantly and adversely affected the risk profile and cost of the contract, this assessment included macro economic effects such as foreign exchange rates.
- (j) If the Authority's risk assessment process had been changed Contract A could not have been stopped at an earlier stage. The Authority has a very effective risk reporting process and the Waste Project was fully engaged in this. As outlined in section 3 above, the abandonment was on the grounds that the Contract became too costly and the decision to do this in July 2009 was made at the appropriate time following an assessment of updated information provided by the bidder in June 2009, no change to the risk assessment process could have led to an earlier decision being made.

6. Lessons That Can Be Applied to Other Major Projects

6.1 Questions ten asked what the failings in the system or on the part of individuals were and what lessons can be learnt to improve the risk assessment of such major projects in the future.

There were no apparent system failings; the Authority's corporate governance process worked very well, the abandonment was simply a case of a bidder's proposal getting too costly. The fact that the process and flow of information ensured that the Authority did not enter a contract that was too costly and no longer represented value for money, and did so in a timely manner, is an endorsement of the process. Many lessons learnt have been applied to the Waste PFI already and these are addressed above, lessons of wider relevance include:

- (a) Where decisions are not delegated to a project board there needs to be a continued preparedness for the Authority's members to respond quickly and flexibly as required to contribute to decisions. This is because the Authority's meetings dates, e.g. committees meeting in alternate months, may not be convenient for a major project's timetable, or the projects needs may change at very short notice, and a delay of even one week on a major project may be critical and extremely costly.
- (b) For the Waste Project the Overview and Scrutiny, Cabinet Scrutiny committees and Cabinet made timely and valuable contributions at various key points in the process, including arranging additional meetings and making urgent decisions. However, where merited it should be clearly identified what decisions making powers can be passed down to a project board.
- (c) A strong well informed Project Board with cross party and multi disciplinary membership is an absolute necessity. This has to be convened very early in a process and be supported by a Project Initiation Document that is updated and may require the composition of the board to change for different phases.
- (d) The wider expectation that Project Board's roles extend into the delivery and operational phases of a project is encouraged.
- (e) Board meetings at decision points only rather than routine monthly meetings. Where relevant this extends to reports to committees although there is good sense in having a pre-determined minimum frequency e.g. at least every three, six months or year as appropriate.
- (f) Affordability – to have clear pre-determined and simple financial boundaries, possibly as part of a Project Initiation Document, and an established process for reporting or responding to exceptions to a Project Board and committees.
- (g) Early engagement with the members of Overview and Scrutiny to ensure that the role and requirements of scrutiny are embedded in the project's programme
- (h) Assembling a fully resourced project team with a suitably experienced and credible lead that is dedicated to the project and accepting that resource levels and skill requirements will change. The team should involve that that will oversee the transition to the operational phase of a project.
- (i) Engaging and retaining named advisors (not just companies) early is crucial in specialist projects and can save aborted efforts; the retention of named advisors stops the need for re-developing knowledge of a project. Projects should not rely on advisors – the expert client role is crucial in terms of delivering the expected outcomes and delivering value for money and this includes absorbing knowledge from advisors to be used during the operational phase or on other projects thereby reducing future costs.

- (j) Development of a Project Assurance Team role – to offer ongoing internal challenge and scrutiny on a frequent basis and to complete lessons learnt and risk register updates at key points in the project.
- (k) Using internal or external gateway reviews at all key stages in the process, rather than just at inception, to ensure it is appropriate to proceed to the next stage.
- (l) Participating in the Authority's Project Manager Forum.
- (m) To ensure that risk reporting is accurate and embedded in to all corporate registers and processes.
- (n) For procurement projects an enhanced pre-qualification process and the use of minimum thresholds ensures that bidder numbers are reduced to the strongest and most experienced bidders quickly, thereby saving the Authority time and significant costs and removing risk.
- (o) Ensuring accurate and frequent reporting of the project and delivering the project in as open and accessible manner as possible.

7. **Resource Implications**

7.1 **Finance:** None.

7.2 **Staff:** None.

7.3 **Property:** None.

7.4 **IT:** None.

8. **Other Implications**

8.1 **Legal Implications:** Due to the nature of this information and with regards to the Local Government Act 1972 (as amended 01 March 2006), Schedule 12A, Part 1, clause 3 ('Information relating to the financial or business affairs of any person (other than the Authority)') this information is exempt.

8.2 **Human Rights:** None.

8.3 **Equality Impact Assessment (EqIA):** None.

8.4 **Communications:** None.

9. **Section 17 – Crime and Disorder Act**

9.1 There are no issues arising from this report.

10. **Risk Implications/Assessment**

10.1 There is a risk that relevant lessons learnt will not be shared widely enough or applied in a considered manner.

10.2 There is a residual and diminishing risk of challenge by bidders in relation to the decision to abandon Contract A.

11. **Alternative Options**

11.1 The option of disregarding any lessons learnt from the Contract A process is not recommended as where relevant to other projects they have the ability not just to strengthen processes but also significantly reduce costs and increase the likelihood of the successful delivery of major projects.

12. Conclusion

- 12.1 Lessons learnt from Contract A have already been applied to the Waste PFI process, for instance: providing a site for bidders to use, maintaining technology neutrality, adopting an enhanced pre-qualification process, establishing demanding contract targets and ensuring early engagement with banks.

Wider use of good practice for other major projects include: ensuring a strong Project Board, early engagement of scrutiny committees, ensuring a Project Assurance Team role, learning lessons at stage boundaries, contributing to corporate risk processes, adopting gateway reviews and clear predetermined boundaries of affordability and reporting.

Whilst it is disappointing that Contract A was not concluded by a contract award the process and flow of information was appropriate and ensured that the Authority did not enter a contract that was too costly and no longer represented value for money.

Background Papers

1. 'Procurement of Phase One of the Residual Waste Treatment Project – Contract A', Cabinet 13 July 2009.
2. 'Procurement of Phase One of the Residual Waste Treatment Project – Contract A', Cabinet Scrutiny, 28 July 2009.

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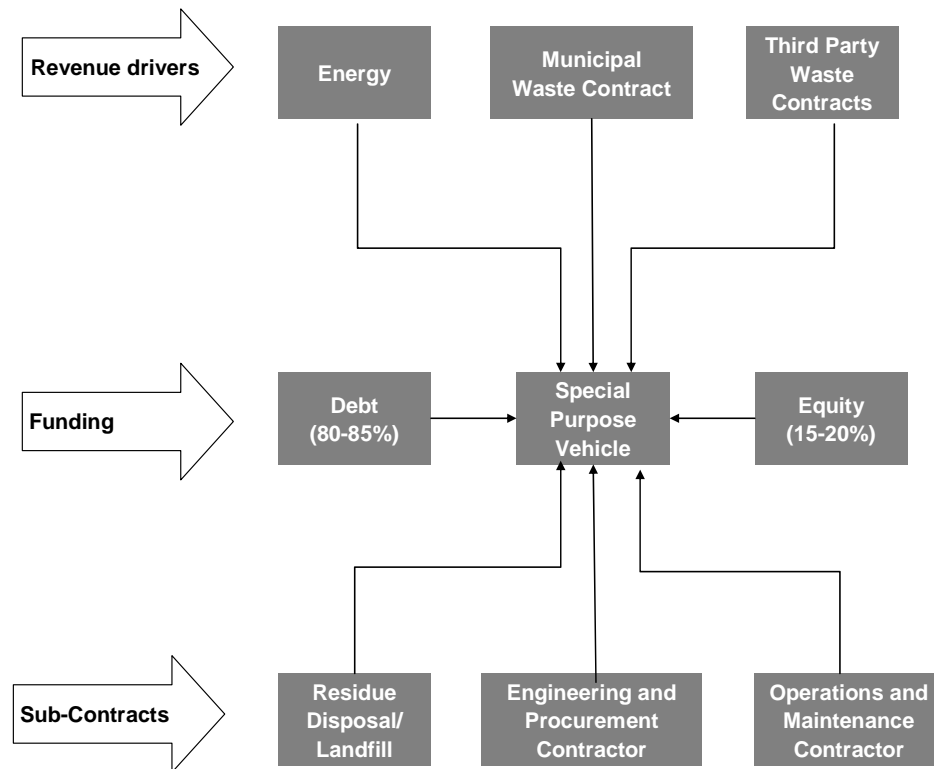
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Appendix A – An Outline Of The Procurement Process for Major Projects, Such As Contract A.

- A.1 The sequence of events, and approach for major procurements have changed as procurement law has introduced the requirement for such contracts to be progressed using competitive dialogue. Previously the negotiated approach was required and this is the approach used for Contract A. The sequence of for negotiated contract such as Contract A are:
- (a) Advertisement – a contract notice is placed in the Official Journal of the European Union (previously Official Journal of the European Community), a local publication and two national publications. European Union procurement law and the Authority's contract standing orders have to be complied with.
 - (b) Pre-Qualification Questionnaire – those that respond to the advertisement submit a completed pre-qualification questionnaire that is assessed to ensure legal and financial requirements have been met.
 - (c) Invitation to Submit Outline Proposals – those bidders that pass the pre-qualification stage are invited to submit outline proposals.
 - (d) Shortlist – the outline proposals assessed to establish a shortlist of the strongest proposals.
 - (e) Invitation to Negotiate – the bidders on the short list are all invited to independently attend negotiation meetings with the Authority before they submit their bids.
 - (f) Preferred Bidder and Reserve Bidder – an assessment of the bids through the application of an evaluation model leads to the establishment of a Preferred Bidder and Reserve Bidder. The commercial points agreed are reflected in a preferred bidder letter that is signed by the Authority, the bidder and its funders.
 - (g) Contract Award – following resolution of any remaining commercial issues a contract is signed by all parties.
 - (h) Financial Close – this may occur at the same time as the contract award or be delayed until some matters, such as planning, are concluded to the funders' satisfaction.
 - (i) Planning – a planning application is submitted by the bidder / contractor, this may be before contract award.
 - (j) Construction and commissioning – the contractor's sub-contractors build and commission the facility.
 - (k) Full Service Commencement – after independent certification the facility is considered to be providing a full service and the full payment, subject to performance, is paid to the contractor by the Authority until the contract is completed or terminated.

Appendix B – The Role Of Sub-Contractors In Major Procurements And How The Risks With Their Involvement Are Mitigated.

B.1 The relationships of sub-contractors in a typical waste project structure are generally considered to be:



B.2 The contract for an authority is the generally a waste contract with a special purpose vehicle (SPV) as shown above. The SPV provides the guarantees to the authority and these are generally significantly supported by the guarantees the SPV acquires from its sub-contractors and possibly the sub-contractors parent companies. The main sub-contracts are generally:

- The Engineer, Procure and Construct (EPC) – this is for the provision of the technology and construction of the facility.
- The Operations and Maintenance – this is for the operation and maintenance of the facility of the contract period.

B.3 The authority will assess the heads of terms of the sub-contracts and other key contracts such as the power purchase agreement for energy off take, to check that the relationships are capable of functioning and that key contract risks are being addressed as expected. For other key contracts such as landfill the provision is generally that such sub-contracts are market tested and the costs are passed through to the authority.

Appendix C –The Terminology of the Procurement Process

C.1	Applicant	An organisation that has responded to a contract notice by submitting a pre-qualification questionnaire.
	Bidder	A participant that has submitted a detailed solution and been placed on a shortlist and invited to submit a final tender.
	Competitive Dialogue	This is the standard procurement process required by EU procurement law for major waste projects and establishes the various stages of the process.
	Contract Award	The date at which the final contracts are signed.
	Contract Targets	The main targets within the contract.
	EPC Contract	The Engineer, Procure and Construct contract is generally a sub-contract from the Special Purpose Vehicle and is about the provision of the technology and the construction of a facility.
	Equity Provider	A company that has invested in to the special purpose vehicle.
	Financial Close	The date at which the final financial documents are signed, this can be the same date as contract award or may be later if certain conditions have to be met by the funders.
	Final Business Case	This is the final document provided to Defra before the PFI credits can be approved.
	Funder	A bank that is providing debt to the special purpose vehicle.
	Local Partnerships	Previously two separate organisations, Partnerships UK and the 4ps, that have been brought together and provide support to major public procurements and liaise with the Treasury.
	Negotiated Process	The previous procurement approach required for major waste procurements, superseded by the competitive dialogue process.
	OBC	The Outline Business Case submitted to Defra to secure the provisional award of PFI credits.
	O&M Contract	The Operations and Maintenance contract is generally a sub-contract from the Special Purpose Vehicle and is about the operations and maintenance of the facility over the life of the contract.
	Ojeu Notice	A contract notice placed in the Official Journal of the European Union.
	Participant	An organisation that has passed the pre-qualification stage and has been asked to submit a detailed solution.
	Payment	An equation that establishes how much the contractor

mechanism	should be paid each month.
Performance regime	A regime of performance indicators that establishes how payments are deducted for poor performance and how continuous poor performance can lead to a contract being terminated.
PPA	Power purchase agreement - a contract between the special purpose vehicle and an energy off-taker that determines the minimum rate of income for energy over a defined period – maybe 10 years or more.
Preferred Bidder	The organisation that has submitted the bid that has been evaluated as the most economically advantageous tender.
PQQ	The pre-qualification process assesses applicants' historical performance and is used to establish an appropriate list of participants.
Project Agreement	The main contract document supported by a large number of schedules.
SOPC4	Standardisation of PFI Contracts Version 4 – the most recent standard PFI contract that is amended for different sectors like waste or building schools for the future.
SPV	A project specific limited company set up to act as a vehicle to deliver a service but with a limited exposure to risk beyond its control. The SPV is funded by a combination of equity, generally invested by the companies setting up the SPV and debt provided by banks. The SPV has sub-contracts and is the company contracted to the authority.
Transactor	A person allocated by Defra to contribute to every major waste procurement, the Transactor is a member of the project board overseeing the procurement.
Term sheet	The banks lending terms, often only valid for a very short period.
Unitary charge	The monthly payment made to the contractor for the service provided, often subject to an annual reconciliation.
Widp	The Waste Infrastructure Delivery Programme – a team within Defra that oversees the national waste PFI process.

Councillor Call for Action (CCfA) Guidance

Suggested approach by the Scrutiny Support Manager

1. Background

- 1.1 With effect from 1 April 2009, the Local Government Act 2000 is amended by section 119 of the Local Government and Public Involvement in Health Act 2007 to require the executive arrangements of local authorities in England to include provision for any member of the authority to refer a local government matter to the relevant overview and scrutiny committee, and to have this matter discussed at a meeting of that committee. This is known as a Councillor Call for Action (CCfA). The amendment also specifies certain “excluded matters” that cannot be the subject of a CCfA.
- 1.2 Section 126 of the same Act also amends the Police and Justice Act 2006 to bring the provision for the referral of local crime and disorder matters by local members to the council’s designated crime and disorder committee into line with the treatment of local government matters, as above.
- 1.3 The Government has generally left Councils to decide how exactly CCfA’s will work in their authority. However, ‘best practice guidance’ has been published jointly by the Improvement and Development Agency and the Centre for Public Scrutiny.
- 1.4 CCfA’s fit well with the existing provisions in the County Council’s constitution, current scrutiny practice at the Council and provision in the Local Government Act 2000 for overview and scrutiny committees to review or scrutinise, and make reports and recommendations about any matter which affects the authority’s area, whether or not it is the responsibility of the authority.
- 1.5 Given the fact that certain matters are excluded from being the subject of a CCfA, and the expectation that CCfA’s will be used as a last resort, it is not anticipated that they will create a significant amount of extra work for the committees involved.
- 1.6 The attached guidance is intended as a straightforward guide for members and officers which meets the requirement to have a scheme in place. It was agreed on an interim basis by Cabinet Scrutiny Committee in March, subject to a request that an update report be brought to the Committee later in the year. This was to allow time for possible revisions to take account of any further relevant regulations or guidance and consideration of developing a joint scheme with the Norfolk Scrutiny Network. In the event, there have been no further regulations or guidance which have necessitated changes to the interim guidance. Similarly, the Norfolk Scrutiny Network has decided that a joint scheme is not necessary and each local authority in Norfolk has produced its own scheme for dealing with CCfA’s.
- 1.7 A protocol outlining good working practice for the scrutiny of community safety issues and external partners has been drafted and is currently being widely consulted on. The consultation period is due to end on 31 December. The draft protocol was considered by the Overview and Scrutiny Strategy Group at its meeting on 22 October.

2. Issues for Consideration

- 2.1 Relevant officers have already been made aware of the attached guidance. However, the Cabinet Scrutiny Committee agreed in March that the issue of Member awareness should not be addressed in advance of the June elections. Once agreed, the attached guidance will be made available to all Members on 'Members Insight', and the Member Support and Development Advisory Group has agreed that CCfA's should be included in the Member training programme for 2010/2011. However, the Committee may have other ideas about how to publicise this within the Council, and possibly more widely.
- 2.2 Members will note that section three of the attached guidance stipulates that the Fire and Community Protection Overview and Scrutiny Panel should also act as the council's designated crime and disorder committee, as required by the Police and Justice Act 2006. This will require an amendment to Article 6 of the Council's Constitution which covers areas of responsibility of Overview and Scrutiny Panels.
- 2.3 This item was discussed briefly by the Committee at its last meeting on 27 October and it was agreed that the guidance should be included as a scheme in the Council's constitution.

3. Suggested Approach

- 3.1 Members are asked to note the attached guidance and:
- Identify any issues on which they would like clarification or expansion
 - Agree the guidance, subject to any changes arising from the above
 - Recommend how best to disseminate the guidance to all members of the Council
 - Decide whether CCfA's should be publicised more widely e.g. among partners in the Local Area Agreement
- 3.2 Given the need to amend the Council's constitution, as identified in paragraphs 2.2 and 2.3 above, Members are also requested to ask Cabinet to recommend the necessary changes to a meeting of the full Council.

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Norfolk County Council

Councillor Call for Action (CCfA) Guidance

1. What is a Councillor Call for Action (CCfA)?

- 1.1 Councillor Calls for Action are introduced by section 119 of the Local Government and Public Involvement in Health Act 2007 ('the Act'). They are one of a number of measures aimed at empowering local people and communities, improving local democracy and accountability and strengthening the role of councillors as community leaders and advocates.
- 1.2 A CCfA gives new powers to councillors to help them tackle local problems on behalf of their constituents by calling for consideration of any issue of concern affecting their division by the appropriate overview and scrutiny committee, including the Health Overview and Scrutiny Committee.
- 1.3 Section 119 of the Act inserts a new section 21A into the Local Government Act 2000 which enables any member of the authority to refer any local government matter to the relevant overview and scrutiny committee of the authority, whether or not he is a member of that committee, and to have this matter discussed at a meeting of the committee. A "local government matter" is defined as a matter which:
 - relates to the discharge of any function of the authority,
 - affects all or part of the electoral area for which the member is elected or any person who lives or works there, and
 - is not an excluded matter (see section 5 below)
- 1.4 Matters concerning the County Council and/or its partners in the delivery of the Local Area Agreement may also be the subject of a CCfA. Where one of the Council's overview and scrutiny committees makes a recommendation or report which concerns a partner authority, that authority has a duty to have regard to such a recommendation or report in exercising its functions, following notice in writing. Section 104 of the Act provides a list of partner authorities.
- 1.5 Section 126 of the Act makes provision for CCfA's on crime and disorder matters – see section 3 below.

2. Existing provisions in the County Council's constitution

- 2.1 The County Council's constitution allows a wide remit for Overview and Scrutiny Panels. Section 6.5(c) provides that:

"Overview and Scrutiny Panels may within their areas of responsibility make reports or recommendations to either the leader, the relevant Cabinet Member, the Executive or the County Council with respect to:

- The discharge of any functions which are the responsibility of the Executive;
- The discharge of any functions which are not the responsibility of the Executive; or
- Matters which affect Norfolk and its residents

- 2.2 Section 6.7 of the constitution adds that each Overview and Scrutiny Panel may within their areas of responsibility review or scrutinise matters which are not the responsibility of the Council but which affect the social, environmental and economic well-being of the inhabitants of Norfolk.
- 2.3 The constitution does not stipulate which Members have the right to propose topics for scrutiny. Appendix 12, however, states that the views of all Members of each Overview and Scrutiny Panel should be taken into account when deciding their work plans. Currently, the majority of the Panels have scrutiny planning meetings, consisting of the Chairman and opposition scrutiny leads, to agree scrutiny work programmes for endorsement by the full Panel.

3. Crime and disorder matters

- 3.1 Section 19 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, requires every local authority to have a crime and disorder committee with the power to review and scrutinise, and make reports and recommendations, regarding decisions made or other action taken by the responsible authorities in connection with the discharge of their crime and disorder functions. For Norfolk, these “responsible authorities” are:
- the County Council
 - District councils
 - the Chief Constable
 - the Police Authority
 - the Fire and Rescue Authority
 - NHS Norfolk and NHS Great Yarmouth and Waveney

In carrying out their crime and disorder functions, responsible authorities are required to act in co-operation with the local probation board and any other body or person prescribed by the Secretary of State.

- 3.2 At the County Council, the Fire and Community Protection Overview and Scrutiny Panel will act as the designated crime and disorder committee.
- 3.3 Section 126 of the Local Government and Public Involvement in Health Act 2007 provides for any member to refer any local crime and disorder matter to the crime and disorder committee and have it discussed at a meeting of the committee. A “local crime and disorder matter” is defined as a matter concerning:
- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour and other behaviour adversely affecting the local environment), or
 - the misuse of drugs, alcohol and other substances, which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.
- 3.4 Where the crime and disorder committee makes a report or recommendations in response to a CCfA, it must provide a copy to any of the responsible authorities for crime and disorder (see section 3.1.above) or any other individuals or bodies as it considers appropriate. Any organisation or individual who is provided with such a

report or recommendations has a duty to:

- consider the report or recommendations
- respond to the crime and disorder committee indicating what (if any) action it proposes to take
- have regard to the report or recommendations in exercising its functions

4. Before making a Councillor Call for Action

- 4.1 Guidance makes it clear that CCfA's are intended as a last resort, to be used when all other means of resolving an issue have proved to be unsuccessful. As a minimum, it is expected that the councillor concerned will have satisfied themselves that the issue is not an excluded matter (see section 5 below), and has approached at least the following to seek a resolution:
- any relevant local service manager
 - any relevant partnership bodies or local groups
 - the relevant Cabinet member
 - the relevant District Councillor(s)

5. What a Councillor Call for Action should NOT be used for

- 5.1 The Act defines certain issues as "excluded matters" that cannot be the subject of a Community Call for Action. These are:
- Any matter relating to a licensing or planning decision
 - A matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Commission for Local Administration in England – otherwise known as the Local Government Ombudsmen)
 - A matter which is vexatious, discriminatory or not reasonable to be on the agenda for, or discussed at, a meeting of an overview and scrutiny committee or any of its sub-committees. ('Best practice guidance' produced jointly by the Centre for Public Scrutiny and the Improvement and Development Agency offers assistance with interpreting these terms. This may be found at <http://www.idea.gov.uk/idk/core/page.do?pagelId=9410176>)
- 5.2 However, the Act also provides that a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to an overview and scrutiny committee, notwithstanding the fact that the allegation specifies matters which are outlined in paragraph 5.1 above.
- #### **6. The CCfA process at Norfolk County Council**
- 6.1 The same process will apply irrespective of whether the CCfA concerns a "local government matter" or "a crime and disorder matter".
- 6.2 Notice of a CCfA should be sent in writing to the Head of Democratic Services. Such notice should include the following information as a minimum:
- A summary of the issue involved
 - What outcomes the local member is hoping to achieve

- Action already taken, including details of people and organisations already contacted and why this has failed to resolve the issue
- Key dates or timescales, if relevant

The CCfA should be accompanied by any other supporting information, having regard to confidentiality and Freedom of Information issues.

- 6.3 On receipt of a CCfA, the Head of Democratic Services will, as appropriate:
- Establish that the subject of the CCfA is not an excluded matter
 - Advise the member concerned of other possible means of resolving the issue or other information requirements
 - Decide which overview and scrutiny committee to refer the matter to.
- 6.4 Legitimate CCfA's will be referred by the Head of Democratic Services to the Chairman of the appropriate overview and scrutiny committee and the supporting officer(s). Where the Head of Democratic Services considers the matter to be urgent, it will also be placed on the agenda for the next meeting of that committee. If the matter is not considered urgent, it will be placed on the scrutiny work programme for the next meeting so a way forward and timescale for its consideration can be agreed by the full committee.
- 6.5 CCfA's concerning crime and disorder issues must be referred to the Fire and Community Protection Overview and Scrutiny Panel. Issues which span the remit of more than one Overview and Scrutiny Panel may be dealt with as 'joint' scrutiny reviews. Where there are differences of opinion, the Overview and Scrutiny Strategy Group will be the arbiter as to which committee should receive the CCfA.
- 6.6 Whilst it is not a requirement, it is expected that the member making the CCfA will attend the committee meeting to introduce the issue and answer any questions. Where scrutiny planning meetings are held for Overview and Scrutiny Panels, the Chairman may consider it helpful to invite the member concerned to this meeting too.
- 6.7 Where a CCfA is listed as a separate agenda item on a committee's agenda, it will be considered as a scrutiny item and the usual processes will be followed e.g. the relevant Cabinet Member(s) and any other internal or external stakeholders will be invited and reports requested, as appropriate.
- 6.8 Copies of any reports or recommendations made by an overview and scrutiny committee in response to a CCfA must be provided to the member who initiated it. Similarly, where a committee decides not to make a report or recommendations, it must notify the member concerned of its decision and the reasons for it.

7. Involvement of external partners

- 7.1 The 2007 Act gives overview and scrutiny committees of the County Council greater powers to scrutinise services outside of the council and to require a response from the providers of those services (see sections 1.4 and 3.1 above). It is important that this scrutiny takes place in an atmosphere of informed trust and co-operation. A protocol has therefore been developed, entitled 'Scrutiny of Community Safety

Issues and External Partners – Good Working Practice between Overview and Scrutiny Committees and Partners in Norfolk’, which should be read in conjunction with this guidance. ***[This is currently in draft form and subject to consultation until 31 December 2009]***

Forward Work Programme

Suggested Approach by the Scrutiny Support Manager

1. Background

- 1.1 At the last Cabinet Scrutiny Committee members agreed to include those issues scored as 'high priority' by Group leads onto the Forward Work programme. Group leads were asked to meet and schedule these topics onto the Forward Work programme for the forthcoming year.

2. Forward Work programme

The attached Appendix A outlines the Forward Work programme as agreed by the Group leads.

3. Suggested Approach

It is suggested that Cabinet Scrutiny Committee agrees the suggested Forward Work programme as outlined at Appendix A.

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APPENDIX A

Cabinet Scrutiny Committee: Forward Work Programme

Meeting date	Topic	Objective	Report from
27 th November.	MEPs	To ask new MEPs what they hope to achieve during their tenure of office for the people of Norfolk.	Scrutiny Support Team and Economic Development
22 December 2009	The Pitt Review – NCC Progress Update	An update on the progress being made within the partnership.	Head of Emergency Planning.
	Supporting People in Difficult Economic Times	An update on the progress of the Committee's recommendations of November 2008.	Head of Trading Standards
19 January 2010	Child Poverty	Update on recommendations of the Working group agreed by Cabinet on 5 th May 2009.	Director of Children's Services and Head of Economic Development
	Abolition of the Learning and Skills Council	To examine: <ul style="list-style-type: none"> How well prepared the County Council is to take on the responsibilities of the LSC. What the County Council is doing to influence other bodies that will be fulfilling the role of the LSC. 	Head of Adult Education and Director of Children's Services
9 th February 2010	Proactively reducing youth crime	To examine the respective roles of Children's Services and partner organisations in early intervention and prevention of youth crime and identify any gaps.	Consultation primarily with members of the Children & Young People's Partnership – representatives will also be invited to attend the meeting
	County Farms Policy	Update regarding the progress of the recommendations of the Cabinet Scrutiny Committee Working Group	Managing Director of NPS Property Consultants and Cabinet member for Corporate and Commercial Services

16 th March 2010	Private Finance Initiative	To examine: <ul style="list-style-type: none"> • How the County Council has benefited from PFIs • If the County Council has been correct in assessing the benefits/risks of PFI • What lessons we have learnt from PFI 	Director of Corporate Resources
20 th April 2010	Scrutiny of large project processes to establish best practice	To examine: <ul style="list-style-type: none"> • What lessons can be learnt from large project processes • How can we establish best practice for future projects 	Director of Corporate Resources
	Contract Monitoring	To examine: <ul style="list-style-type: none"> • How NCC monitors contracts and organisations • What lessons we can learn from best practice across the Council • How we monitor our sub contractors • What the County Council's contract standards are 	Director of Corporate Resources
Following the 2010 General Election	Meeting with MPs	Objectives to be agreed.	Scrutiny Support Team