



Norfolk County Council at your service

Council

Date: **Monday 25 November 2013**

Time: **10.00a.m**

Venue: **Council Chamber, County Hall, Norwich**

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

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Prayers

To Call the Roll

AGENDA

1. Minutes

To confirm the minutes of the meetings of the Council held on:

16 September 2013 and;

28 October 2013

(Page 5)

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2. To receive any announcements from the Chairman

3. Members to Declare any Interests

If you have a Disclosable Pecuniary Interest in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter. It is recommended that you declare that interest but it is not a legal requirement.

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:

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

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

4. **Questions to the Leader of the Council**
5. **Review of Members Allowances Scheme 2013**
Report by Head of Democratic Services (Page 35)
6. **Report from the Corporate Resources Overview and Scrutiny Panel**
 - i) Annual Review of the Constitution (Page 59)
 - ii) Committee Form of Governance (Page 61)
7. **Localism Act - Pay Policy Statement**
Report by Chair of Personnel Committee (Page 139)
8. **Notice of Motions**
Notices of motions have been given in accordance with Rule 10 of the Council Procedure Rules as follows:-
 - (i) Proposed by Mr G. Nobbs (Page 155)
 - (ii) Proposed by Mr B. Bremner (Page 155)
 - (iii) Proposed by Mr B. Watkins (Page 156)
 - (iv) Proposed by Mr J. Dobson (Page 156)
9. **Cabinet Recommendations**
Meeting held on 4 November 2013 (Page 157)

10. Reports

Cabinet (Questions to Cabinet Members)

Meetings held on 7 and 29 October and 4 November 2013

- Environment, Transport, Development & Waste	(Page 163)
- Finance, Corporate & Personnel	(Page 165)
- Public Protection	(Page 167)
- Safeguarding	(Page 167)
- Schools	(Page 168)
- Adult Social Services	(Page 169)
- Communities	(Page 170)
- Chairman and Economic Development	(Page 171)

Cabinet Scrutiny Committee

Meeting held on 17 September 2013 (Page 173)

Standards Committee

Meeting held on 13 November 2013 (Page 175)

Audit Committee

Meeting held on 26 September 2013 (Page 177)

Norfolk Health Overview and Scrutiny Committee

Meeting held on 5 September 2013 (Page 183)

Meeting held on 10 October 2013 (Page 187)

Planning (Regulatory) Committee

Meeting held on 27 September 2013 (Page 191)

Meeting held on 1 November 2013 (Page 193)

Joint Committees

- Norwich Joint Highways Agency Committee meeting held on 19 September 2013 (Page 195)

Overview and Scrutiny Panels

Items considered by Panels (for information only) (Page 197)

11. Appointments to Committees/Panels etc

(i) To note appointments made by the Chief Executive under delegated powers:-

Mr E. Seward to a vacancy on the Community Services Overview and Scrutiny Panel

- (ii) To consider any proposals from Group Leaders for changes to appointments

12. **To answer Questions on notice under Rule 8.3 of the Council Procedure Rules**

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Norfolk County Council

Minutes of the Meeting Held on 16 September 2013

Present:

Mr S Agnew	Mr J Joyce
Mr C Aldred	Mr M Kiddle-Morris
Mr S Askew	Mr J Law
Mr R Bearman	Mrs J Leggett
Mr R Bird	Mr B Long
Mr B Borrett	Mr I Mackie
Dr A Boswell	Mr I Monson
Mr B Bremner	Mr J Mooney
Mrs J Brociek-Coulton	Mrs E Morgan
Mr A Byrne	Mr S Morphew
Mr M Carttiss	Mr G Nobbs
Mr M Castle	Mr W Northam
Mrs J Chamberlin	Mr R Parkinson-Hare
M Chenery of Horsbrugh	Mr J Perkins
Mr J Childs	Mr A Proctor
Mr S Clancy	Mr D Ramsbotham
Mr R Coke	Mr W Richmond
Mr D Collis	Mr D Roper
Ms E Corlett	Mr M Sands
Mrs H Cox	Mr N Shaw
Mr A Dearnley	Mr M Smith
Mrs M Dewsbury	Mr R Smith
Mr N Dixon	Mr P Smyth
Mr J Dobson	Mrs M Somerville
Mr T East	Mr B Spratt
Mr T FitzPatrick	Mr M Storey
Mr C Foulger	Dr M Strong
Mr T Garrod	Mrs A Thomas
Ms D Gihawi	Mr D Thomas
Mr P Gilmour	Mr J Timewell
Mr A Grey	Miss J Virgo
Mr A Gunson	Mrs C Walker
Mrs S Gurney	Mr J Ward
Mr P Hacon	Mr B Watkins
Mr B Hannah	Ms S Whitaker
Mr H Humphrey	Mr A White
Mr B Iles	Mr M Wilby
Mr T Jermy	Mrs M Wilkinson
Mr C Jordan	

Total present: 77

Apologies for Absence:

Apologies were received from Mr A Adams, Mr M Baker, Mr D Crawford, Mr D Harrison, Mr S Hebborn and Ms A Kemp.

The Chairman also announced that Leader had informed her he had a meeting with the Transport Minister, Stephen Hammond at 1pm and so would need to leave Council at 12 noon.

1 **Minutes**

- 1.1 The minutes from the Council meeting held on 29 July 2013 were agreed as a correct record and signed by the Chairman.

2 **Chairman's Announcements**

- 2.1 The Chairman welcomed Mr Terry Jermy, new member for Thetford West to the meeting. He had been elected following a recent by-election.
- 2.2 She then advised that a further by election would be held on 24 October, following the resignation of Edward Foss, county councillor for North Walsham.
- 2.3 The Chairman announced that two senior officers would shortly be leaving the Council – Paul Brittain, Head of Finance (not present at the meeting) and Mike Jackson, Director of Environment, Transport and Development. All Group Leaders praised the good work and diligence of the two chief officers and wished them well for the future; Paul in retirement and Mike as Chief Executive of North Somerset Council.
- 2.4 She further advised that Council would shortly receive a report and hear from members of the Norfolk In Care Council (NICC). Their presentation would form the 3rd annual presentation to full Council by the NICC and followed a similar format to previous years.

The overarching aim of the presentation was to:

- Heighten awareness amongst members of their statutory role as a corporate parent.
- Give a brief overview of what it is like to be a young person in care in Norfolk.
- Review the work undertaken by the NICC over the previous 12 months.
- Present an outline on how the NICC will be working with Children's Services on the recommendations set out in the Ofsted report.
- Update and explain to members why the current Norfolk pledge to children and young people is being redesigned and relaunched.
- And lastly, how and why elected members should be involved in the promotion and monitoring of the redesigned pledge.

The presentation was designed to highlight the positive changes that had occurred over the past year within corporate parenting. It also sought to support the Cabinet Member for Safeguarding, James Joyce's message to members that the role of corporate parent was a statutory function for all elected members and not just those with a Cabinet responsibility or who sat on a Committee or Panel relating to corporate parenting.

The NICC's key message would be to show elected members what they undertook on behalf of Norfolk County Council and why they felt they were 'value for the money' with regard to Norfolk's investment in them. They also sought, by attending this full Council, to demonstrate that corporate-parented young people were a group that elected members could engage with - with confidence - and that members could take pride in their role as a corporate parent.

3 **Declarations of Interest**

- 3.1 Mr P Hacon declared an interest in item 2 page 35 relating to the creation of a community interest company as a member of his family worked for the Norfolk Fire & Rescue Service.

4 **Corporate Parenting**

- 4.1 The Cabinet Member for Safeguarding addressed the Council to welcome young people from the Norfolk In Care Council. In doing so, he reminded members there were currently 1,113 young people in Norfolk's care and of what corporate parenting meant in Norfolk.

- 4.2 The Chairman then introduced:

Amadu Camara
Stevie Goodman
Jade Knowles
Megan Warnes
Ashlea Clark and
Stephanie Bullock

These young people, ranging from 14 to 22 years of age, represented the In Care Council.

- 4.3 Following the presentation, the Cabinet Member for Safeguarding concluded by referring to the report from OFSTED on Looked after Children Services and its findings. He cited the positive commentary given on the In Care Council and praised their work and the work of officers in supporting this group of young people. He then advised on the numbers of young people in Norfolk's care, 300 of whom are under 7 years of age. There were 94 living in the Breckland Council area, 49 in Broadland, Great Yarmouth had 239, King's Lynn 151, North Norfolk had 78, Norwich almost 300 and South Norfolk had 83 young people spread across the county.
- 4.4 He went on to emphasise that members were directly responsible for influencing the future of Norfolk's looked after children and in meeting their statutory corporate parenting duties. He urged members to keep themselves informed as a group, to challenge and to remember - would this be good enough for my child - and if not to act. He noted that only 15 County Council members had attended a recent training event and urged again, that active engagement by all was essential.

RESOLVED That the report be received.

5 **Questions to the Leader of the Council**

The Chairman explained that she had reviewed the practice in relation to the approach adopted to questions to the Leader at Council meetings and as part of this had looked at how it was done in a number of other councils. Her view was that it was appropriate that each political group should have the opportunity, through Group Leaders, to put a question to the Leader. Accordingly, the process she intended to adopt was as follows:

To invite each opposition Group Leader in turn to ask a question, which they may delegate to a member of their Group if they so wished and Group Leaders would be approached in the following order: Conservative, UKIP and Green.

She would then take a question from the Liberal Democrat Group Leader or delegate, followed by inviting a question from a Labour Non - Cabinet Member. After the first round of questions, if the allocated time of 15 minutes had not expired, she would invite all members to indicate whether they wished to ask a question and would follow her normal principle of selecting questioners as evenly as possible from across all political Groups, assisted in this by the Vice-Chairman. She would also make acknowledgement of the independent member, if he had a question, too.

The following questions and replies were noted:

Question from Mr B Borrett

Mr Borrett asked the Leader to outline the detailed timetable for the senior management review.

The Leader responded that the Acting Managing Director had been conducting a senior management review and it would be presented to the next Cabinet meeting on 7 October.

4.2 **Question by Ms E Morgan**

Could the Leader confirm that no staff are employed on zero hours contracts, unless they have expressly requested this, and that this policy is applied across the Norse Group and will he set a principle that this is also the case for any County Council staff employed from agencies.

The Leader responded to state that this should be the case but that he was unable to confirm this was the case. A decision had been taken at a recent Personnel Committee to not proceed with the living wage. As far as he was concerned the Council should not be employing anyone on zero hours contracts unless it was to the benefit of the employee, e.g. traffic censuses and the like. Zero hours contracts were only defensible if that job was not the person's only main source of income. This was his view but the matter itself was for the Personnel Committee to determine.

4.3 **Question from Dr Strong**

On 24 May the Council had resolved to change the governance of the Council to a committee form of governance. She noted there had been an amendment put forward to look at all possible systems, which was lost, but since the decision to change to a committee system she considered there had been efforts to subvert the will of the Council. She asked the Leader if he was indeed committed to moving towards the more open and transparent method of decision-making that a committee system provided.

The Leader was disappointed to hear that efforts may have been made to seek to subvert a motion which had been passed by the whole Council. He confirmed he was committed to a more open and transparent method of decision-making – it was essential and it was what the public expected and thought was how things were done. He gave an example regarding a unitary authority decision which had seemingly been taken by the previous Council but could find no member who recalled ever having voted on it.

4.4 **Question from Mr Bremner**

He noted that at Cabinet the Leader had made a very clear commitment about possible increases or no increases in the level of Council Tax. Certain members had seemingly not heard the Leader's view and he invited the Leader to restate his commitment.

The Leader responded that at a recent Cabinet Scrutiny Committee he had been asked whether he would increase the Council Tax in the coming year. He had taken his time to explain why neither he nor the Cabinet had any intention of doing so. He explained again that a rise in Council Tax was limited to 1.9%, the limit to be applied without the need to call a referendum but this was a futile exercise as it charged the public double what the Council would receive, due to the government clawing back 1%. An increase of more than 1.9%, firstly triggered a referendum at some considerable cost to Norfolk's Taxpayers, but secondly, anyone considering an increase of the Council Tax to address the deficit being faced over the next three years was deluding themselves. The Tax increase required would be 63% and to do so would require an annual referendum and annual public consent to the rise over three years and his view was that such consent would not be forthcoming. He reiterated that he had no intention of increasing Council Tax; however, as there was a full consultation being conducted with the public about proposals plugging the budget gap and if the public unanimously insisted that Council Tax be increased by 63%, he would give consideration to that view.

4.5 **Question from Mrs Somerville**

Does the Leader agree that Norfolk deserves strong leadership and if so, can he explain why, during the four months of his administration, all the directors who have left have been replaced by interim staff at huge extra cost and no long term strategy? Did this reflect indecision on the part of the Labour administration or was this a result of the Lib, Lab, UKIP, Green, independent pact's indecisiveness?

The Leader confirmed that the Council did get strong Leadership with him as Leader. He suggested the member had confused Leadership with staff and noted that various officers had left the Council; their moves had been planned during the time of the previous administration with one exception. He reminded members of the appalling state of children's services for many years with nothing done about it but now there was a new leader, and the best person Norfolk could get, in Sheila Lock. Sheila was only available as an interim but he did wish she was available to work at Norfolk permanently. It made perfect sense to appoint interims while time was taken to review the best person for the job and they had not been appointed at enormous expense. He then paid tribute to the Acting Managing Director who had done an excellent job in filling the gaps and confirmed that she was an extremely dynamic person who he was very proud of.

4.6 **Question from Mr Watkins**

The Leader was reminded that at the last Cabinet Scrutiny Committee on 20 August a report had been called in by three Conservative members, entitled Service and Financial Planning 2014-17 detailing vision and priorities for the new administration. He noted that this had caused delays in the recruitment of social workers, designed to address OFSTED criticism, and could the Leader assure the Council that the process was now back on track and speculate on how many vulnerable children assessments had been delayed as a result?

The Leader replied that he had been surprised by this action. The call-in was extremely ill advised and he speculated that some of those who had called the report in

may have been those who had presided over the disastrous children's services over previous years. He confirmed that the delay had affected the appointment of interim social workers. He then invited the Cabinet Member for Safeguarding to confirm whether the process was now underway and whether any assessment delayed. The Cabinet Member commented that he hoped things would be happening this month but they would be in post by 7 October.

4.7 **Question from Mr Sands**

He noted that the Leader was certain of the ability of the Council to deliver the savings necessary for the current year. Was the Leader keeping members informed?

The Leader said, in regard to the public consultation on the budget deficit, plans were well advanced and he would be sharing these with all staff later today and later in the week with the people of Norfolk. He had shared the proposals with other parties and political Group Leaders two weeks ago. Finally, just last week he had given the detailed information to all portfolio holders. This was an open and transparent process and he paid tribute to all members for their recognition of the need for confidentiality at this time, until the implications for departments and staff had been communicated internally.

5 **Notice of Motions**

Motion by Mr Smith

5.1 The below motion was proposed by Mr Smith and seconded by Mr Grey, having been altered by the proposer, agreed by the seconder to read:

"We ask that Cabinet considers withdrawing the changes to be made across Norfolk for the provision of bus passes for the Children of Norfolk. We ask that Cabinet considers fully maintaining the level of support that it has done for many years and continue the provision of free travel for those geographical areas that have already been receiving it".

5.2 Mr Borrett proposed an amendment to the above motion, seconded by Mr Jordan, which added a new first paragraph to read:

"The Council notes with concern the possible impact on children affected by the recent review of school transport exemptions. This Council notes the traditionally-applied exemptions were introduced for legitimate reasons including fear for children's safety. For example, children from the villages of Belton and Burgh Castle are being expected to walk along a busy main road with no footpath. This Council deeply regrets the policy's poor implementation which resulted in parents' receiving, in the space of a few days; a bus pass followed by a letter informing them the provision had been rescinded. This is unacceptable. This council feels the limited savings resulting from this policy are insufficient to justify the ongoing reputational damage to the council of proceeding. We therefore ask....."

5.3 The amendment by Mr Borrett was put to the proposer of the substantive motion, Mr Smith, who confirmed his acceptance of this additional paragraph and this was seconded. The Council then proceeded to discuss the new substantive motion.

- 5.4 Following the debate a vote was taken and with 50 votes for, 14 against and 10 abstentions, the motion was **CARRIED**.

Motion by Mr Dobson

- 5.5 The Chairman said that she had been considering Councillor Dobson's motion and then read out the following statement. "The award of the contract is an executive power, not one that can be exercised by the full Council. This also applies to a revised project plan and consequently it is not possible for the full Council to decide whether or not it is to be accepted in the way that your motion proposes. A decision by the full Council on a matter which is an executive matter is challengeable. If Council was to seek to terminate the contract by taking a decision on the revised project plan without a Cabinet or delegated from Cabinet decision it would be acting outside its powers. Cllr Dobson, your motion also seeks to have the independent reports ordered by Cabinet available to inform the proposed debate. As you say these reports were commissioned by the Cabinet at the request of the Cabinet Scrutiny Committee. Those reports have not yet been received. When they are Cabinet will need to consider and decide upon a process for dealing with them. So again I consider that your motion seeks to cover areas that are within the Executive remit. For these reasons and in accordance with paragraph 9.5 of Appendix 9 of the Constitution, I have concluded that the subject of your motion comes substantially within the remit of the Cabinet and will therefore be moved and seconded in formal terms only and thereupon stand referred without discussion to Cabinet for consideration and report." She concluded that, in accordance with the constitution the member had the right to attend and explain his motion at the Cabinet meeting at which the motion is considered. The Chairman then invited Councillor Dobson to formally move the motion.

- 5.6 Mr Dobson then said he was exercising his right under the Constitution at Appendix 9 9, paragraph 10 (p) and Appendix 9 paragraph 20 (1) to move a motion without notice to suspend for this meeting the council procedure rule at Appendix 9 paragraph 9.5. He suggested the Chairman should be consistent in advice to exercise her powers of discretion and allow the motion to be dealt with at the meeting and he invited the Chairman to review her ruling.

- 5.7 The Chairman, having done so, invited a seconder to the proposal by Mr Dobson to suspend the council procedure rule, who was confirmed as Mr East. The matter was then put to a vote and **LOST**.

At this point the Leader left for another meeting, as indicated at the start of the meeting.

Motion by Mr Borrett

- 5.8 The following motion, proposed by Mr B Borrett and seconded by Mr S Clancy was moved:

"With the development of the Council's budget by officers well underway, would the council support the Conservative manifesto commitment to freeze the Council Tax for the forthcoming year, as the previous Administration did for three years running.

Council Tax does not affect people proportionally to their means and any increase will

place an unwelcome burden on the council tax payers of Norfolk during this time of austerity. Therefore, Council **RESOLVES** to direct the Cabinet to urgently consider making a public commitment to freeze Council Tax for the financial year 2014/5”

- 5.9 Mr Roper proposed an amendment which removed the first paragraph of the motion to replace it with:

“Council recognises the considerable financial challenge faced by the administration in preparing a budget for 2014-15 and following years caused by reduction in government grant funding and rising costs. In this climate it is vital that in setting the budget Council takes into account the views of the public and encourages participation in the “Putting People First” consultation. Nevertheless there remains a strong case for freezing Council Tax for the coming year given the pressures on the finances of most households in Norfolk.” This motion was seconded by Mr Ramsbotham.

- 5.10 Following a debate the amendment was put to a vote and **LOST**.

- 5.11 With sufficient members requesting a recorded vote, voting was as follows: 47 in favour, 27 against with 2 abstentions and the motion was **CARRIED** (see voting sheet at Appendix 1).

- 5.12 The following motion, proposed by Mr T East and seconded by Mrs S Gurney was moved, with a variation to the wording contained within the Council papers, to read:

- 5.13 “The Secretary of State for Transportation recently highlighted the importance of the Norwich Northern Distributor Road and confirmed it as a nationally significant infrastructure project. His designation of this route as one of national importance recognises its linkage with the A47 trunk road, which has current TEN-T status. (TENS = Trans European Network Status).

Millions of pounds of public money has already been approved and granted to Norfolk County Council for the construction of the NDR from Postwick to Taverham and we believe that this planned road, as part of the Norwich Area Transport Strategy (NATS), will bring enormous economic benefits to Norfolk.

The long-term aspiration for the public bodies and the business community in Norfolk is to have a road network joining the A47 to the west of the city with the A47 to the east, both to the north and south of the city.

Therefore, Council **RESOLVES** to recommend to Cabinet that they:

1 subject to the outcome of the current consultation, submit an application for a Development Consent Order under the Planning Act 2008 in respect of the NDR as proposed, to allow the scheme to be implemented as soon as possible.

2. commission a report on the feasibility of providing a link across the Wensum Valley from A1067 to the A47 southern bypass.”

- 5.14 Following a debate the amendment was put to a vote and with the following votes, 58 in favour, 15 against and 2 abstentions, the motion was **CARRIED**.

There followed a 20 minute break for lunch with the Council reconvening at 1.30pm.

6 **Cabinet Recommendations**

- 6.1 The Chairman advised the meeting that the recommendation relating to the Waste Site Specific Allocations Development Plan Document, as set out in the Council agenda, was the subject of a Call-In by the Cabinet Scrutiny Committee and therefore no debate would take place at Council until after that meeting had considered it. In the circumstances it was agreed that consideration of the Minerals Site Specific Allocations Development Plan Document be deferred until the November Council meeting so that both documents could be dealt with together.

7 **Reports:**

Reports of Cabinet 5 August and 2 September 2013

7.1 **Questions to the Cabinet Member for Schools**

- 7.1.1 Dr Strong asked if the Cabinet Member could confirm the latest NEET figures. The Cabinet Member confirmed he would provide a written reply.
- 7.1.2 Mr Garrod noted that good quality crossings and local lollipop ladies and men are important for all pedestrians and particularly children on their way to and from school. Our local lollipop ladies and men provide an excellent service helping children across my area to cross the road safely supporting them to develop road safety and independence skills. They provide extra eyes and ears on the road to help children lead an active lifestyle.

Could the Cabinet Member reassure Council that he recognises the immeasurable amount in which they enhance the community and feeling of belonging in a school as well as the safety they provide to our communities and will fight for this service to remain, when discussing the budget with his cabinet colleagues?

In reply the Cabinet Member acknowledged the points made and added his support.

7.2 **Questions to the Cabinet Member for Environment, Transport, Development and Waste**

- 7.2.1 Dr Boswell said he had a question on the NDR NSIP pre-application consultation. The consultation has run from July 8th to September 20th. The consultation started with the NDR being NSIP status as road that would connect to the Strategic Road Network under the Planning Act 2008. However, on July 24th, a statutory instrument completed passage through Parliament which removed the legal basis for the designation of the NDR on this rationale. There then followed what might best be called an interregnum period in which the NDR had no legal basis for being designated an NSIP. This continued until the SoS decision of August 9th for designate the NDR an NSIP under s35 of the Planning Act 2008. However, the public were not told until August 19th, and most of the public would not understand anyway, although the given rationale for the road has changed very significantly by these events. Quite simply, the public have every reason to be very confused by these events, and they are disenfranchised by it - will the Cabinet member re-run the consultation to give the Public a genuine opportunity to consider the application for an NSIP?

In the absence of the relevant Cabinet Member, it was confirmed that a written reply

would be sent.

- 7.2.2 Mr Wilby asked if the Cabinet Member might explain the role of the newly-appointed Part Time Interim Assistant Director of Highways and confirm if he had replaced two full time posts with one on a part-time basis? He also asked if the member had now visited the Belvedere Energy From Waste site and if so would he now be supporting the Willows application in King's Lynn?

In the absence of the relevant Cabinet Member, it was confirmed that a written reply would be sent.

- 7.2.3 Mr Bird noted, in the light of the parking review in Hunstanton which had generated 50 emails and letter per day from constituents, could the Cabinet Member advise if there would be any sales and marketing ideas regarding public relations around such exercises in the future? The benefits of the review had not been sold to the public and it has led to a very divisive consultation exercise.

In the absence of the relevant Cabinet Member, it was confirmed that a written reply would be sent.

- 7.2.4 Mr Garrod commented that he had a resident of Salhouse contact him last month, as in the mist of his summer clearout he went down to his local recycling centre, Mayton Wood near Coltishall, to recycle his waste; only to find that he was told that he had "too much" waste for one deposit. In the end, he had to make several trips to the centre over the next few days to deposit what he could have in one go! This Council currently restricts the amount of DIY waste that residents can dispose of at its recycling centres to the equivalent of one 80 litre sack or one large item per week (for example one door, one kitchen unit, a toilet, a bath tub). DIY waste is classed as anything fixed or fitted to a property, something you wouldn't take with you if you moved house.

Under current government legislation DIY waste is classed as 'construction and demolition' waste which falls under the category of industrial waste and is therefore not something the council has to legally accept.

Does the Cabinet Member agree with me that the Council's policy of limiting the amount of DIY waste people can take to recycling centres needs reviewing, as Norfolk being a rural county is vulnerable to fly tipping and what action will he take?

In the absence of the relevant Cabinet Member, it was confirmed that a written reply would be sent.

7.3 **Questions to the Cabinet Member for Finance, Corporate and Personnel**

- 7.3.1 Mrs Leggett asked about the Community Construction Fund which benefitted small organisations and local firms and whether the member had any plans for the sum of money which was left in the fund. In reply the Cabinet Member confirmed that some £473,000 was remaining in the fund. The maximum allocation in the last round had been a £100,000 grant and that there were a number of outstanding bids. If he were to continue with the current sums and criteria, expectations would be raised which could not be fulfilled and therefore, he was looking at how to get the best out of the money left in this fund and whether more could be put in.

- 7.3.2 Dr Strong wanted to put on record that that staff were very facing unsettling times and she asked the Cabinet Member on behalf of her group to convey her thanks to them for their efforts at this time. In reply, Mr Morphew endorsed her comments and noted that he had spoken to Unison. He was keen that all staff engaged with the public consultation as they were the citizens, employees and experts who could get the most out of proposals. He had attended a JCNC recently where he had congratulated the Trades Unions for their realistic approach to where the Council stood in terms of finances currently.
- 7.3.3 Mr East asked, through the Cabinet Member, a question of the Chairman of CROSP and the Constitution Advisory Group (CAG) - There have been a number of comments and rumours about the approach the Chairman of the Constitution Advisory Group is taking towards this Council's resolution in designing and recommending an alternative system of governance to a committee system. Will the Chairman of CAG now please state the approach his working group is taking and outline the reasons for taking that approach? In reply, the Cabinet Member confirmed he was happy to pass on that request. The Chairman said that Councillor Jordan would reply in writing.
- 7.3.4 Mrs Thomas referred back to the reply given to Mrs Leggett and noted that some parishes did not submit applications to the Community Construction Fund in the last round but held off until they were ready to present a fully worked up submission. Were any bids in the last round held over for reconsideration in a later round, and if so this would be unfair? The Cabinet Member confirmed that he would provide a written response. His understanding was there were some held over but he would clarify the situation. Mr Borrett added that he had chaired the Funding Allocation meeting that meeting and it was not the policy to hold over applications and none had been held over.
- 7.4 **Questions to the Cabinet Member for Public Protection**
- 7.4.1 Dr Boswell asked, in relation to the Community Interest Company, for a guarantee that no frontline fire and protection services would be privatised in the future. In reply, Mr Roper confirmed that there was no link between the Community Interest Company proposals and existing services. This proposal aimed to protect services already being supplied.
- 7.4.2 Mrs Thomas asked about the Fire Brigade planned strike action and whether Norfolk firefighters would be asked to take part in any industrial action. In reply, the Cabinet Member explained that it was premature to disclose any details at this stage but response scenarios were being worked on.
- 7.4.3 Dr Strong flagged that both Fire Services and Public Protection were equally important services but how would the Cabinet Member balance the financial needs of both areas? In reply, the Cabinet Member confirmed it would be difficult. He referred to the range of services which fell under his portfolio and noted that every £1 spent on public protection trading standards benefitted the local economy by £6.
- 7.4.4 Mr D Thomas asked about the highly valued trusted trader scheme and expressed his hope that this scheme would continue in the future. In reply, the Cabinet Member reminded the member that the consultation did not start until later in the week, when the whole range of proposals would be set out. There would be some impact on public protection but it would be wrong to prejudge what the consultation would say.

7.5 **Questions to the Cabinet Member for Safeguarding**

- 7.5.1 Mr Ward referred to the number of looked after children and asked whether this figure was rising or falling in comparison to other nearby counties. In reply, the Cabinet Member said it was high in comparison to nearby counties and above the national average. At the end of the last financial year there were 1077 looked after children and by June this year the figure was 1097. This was a significant number when compared against Suffolk who had around 700 looked after children and work had to begin to bring the number down. However, OFSTED did not say as part of its report that any of the children in care should not be there.
- 7.5.2 Mr Smith noted that in the latest CROSP Briefing, reference was made to the appointment of Don Evans, Looked After Children Commissioner appointed on an Interim basis. Could the Cabinet Member confirm where this appointment had come from and give some details of his background? The Cabinet member confirmed he would provide a written reply with more details about this appointment.
- 7.5.3 Mrs Thomas asked how the looked after figures compared to Norfolk's statistical neighbours, rather than bordering neighbours. In reply, the Cabinet Member explained that Norfolk was still above the national average. Looked after children were kept within the county area and he was proud of what was being done but work was needed to bring the figures down.

7.6 **Questions to the Cabinet Member for Adult Social Services**

- 7.6.1 Mrs Gurney mentioned publicity regarding Care UK and she was grateful for the briefing given by the Cabinet Member at a recent Panel meeting. She asked, was the member aware of the extent of the problem before it became public knowledge. Could she give an assurance that everything was being done to remedy the problems and were robust measures in place should the contract need to be terminated. In reply, the Cabinet Member confirmed that yes she aware, it was not a total shock, and yes she was aware steps were being taken behind the scenes by officers to act swiftly if this was needed. Since the Panel meeting, meetings had been held with Care UK and extra resources had been put in place and an additional office had been put in place in Hellesdon. Daily updates were being given on "missed calls". Around 270 people were receiving this service and Care UK had been issued with a notice to improve. Assurances were being received as to fixing problems and resourcing but she was keen to ensure that remedies were sustainable long term. She confirmed that there would continue to be daily monitoring and, if not up to scratch, there would be no compunction in terminating the contract. The main concern was that customers received the right service and everyone was being contacted over the coming weeks to obtain their views on the contract – it would not be a trial by radio.
- 7.6.2 Ms Corlett asked what would be looked into in all the other care providers, as many people were concerned to know about the standard of care provision by other agencies now. She asked for assurances about what would be done in case this was a wider issue than was known about. The Cabinet Member gave her assurance. She noted that issues had been raised about other care providers, prior to Care UK, and she would be looking across the piece at the contracts currently let, to review the way they operated. She noted that these services were very reliant on staff and she reiterated that good service provision was equally important for those cared for and the staff employed with them.

7.7 Questions to the Cabinet Member for Economic Development

7.7.1 Mr FitzPatrick noted that North Sea oil and gas and offshore wind projects were a vital asset to the security of the nation's energy. He noted that the County was instrumental in setting up the Norfolk and Suffolk Energy Alliance, Chaired by the Economic Development Portfolio Holder at the time. It was hugely important for the promotion of the east of England as an energy zone. Representation was now held by the Cabinet Member for Education and not the Cabinet Member for Economic Development. He suggested this involvement sent out the wrong message and asked the Cabinet Member for Economic Development to reconsider his involvement in this process. In reply, the Cabinet Member for Education and Schools confirmed that he had been asked to take on the role as he was member of Great Yarmouth Borough Council and past Chairman of the Great Yarmouth Port Authority and he understood the needs of this sector. He confirmed that he had the credentials to hold his own. Mr FitzPatrick invited an assurance that the whole of Norfolk would be taken into account, particularly the hinterland from Wells and Fakenham.

7.7.2 Mr Borrett asked for details of the Cabinet Member's attendance at the LEP, given the importance for channelling funding to NCC. He also sought an update on progress he had made on behalf of Norfolk with the LEP.

It was confirmed that a written reply would be provided.

7.7.3 Mr Law asked about cycling and noted the inadequate training at schools which had come to light in response to inadequate pathways, where children were expected to walk or cycle. Until adequate cycle paths existed, he requested that action be taken as a matter of urgency to introduce 20 mph signs outside schools.

It was confirmed that a written reply would be provided.

8 Reports

8.1 Reports of the Cabinet Scrutiny Committee 20 August 2013

RESOLVED to note the report.

8.2 Report of the Personnel Committee Meeting 2 September 2013

8.2.1 Mr Bearman queried the report in relation to the Living Wage item as he recalled that Mrs Walker had abstained from the vote. In addition, he noted that, at the meeting, mention had been made that around 1000 employees of NCC were paid below the living wage, earning just above the minimum wage and to lift them up to this would cost the Council only £90,000. He asked the Leader and Personnel Committee to look at this relatively small sum again, to lift some of Norfolk's lowest paid workers to a level that they could afford to live. In reply, the Chairman, Mr Coke, noted that the knock on effect of such a move would be to incur even higher costs than the £90,000 identified in the report. This was not something to be implemented at this time but he was content to review this again in a year's time.

RESOLVED to note the report.

Joint Committees

8.4 Report of the Norwich Highways Agency Joint Committee on 18 July 2013

RESOLVED to note the report.

8.8 Proportional Allocation of Seats

RESOLVED that re-allocation of 2 committee places from UKIP to Labour and the re-allocation of the ESPO place from UKIP to Labour be agreed as set out in the report.

9 To Answer Questions on notice under rule 8.3 of the Council Procedure Rules

There were none.

The meeting concluded at 2.43pm.

Chairman



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**Norfolk County Council
16 September 2013**

Appendix 1

**Recorded Vote – Minute 5.11 – Mr Borrett Motion
Council Tax**

Name	For	Against	Name	For	Against
Adams Tony		ABSENT	Iles Brian	X	
Agnew Stephen	X		Jermey Terry		X
Aldred Colin	X		Jordan Cliff	X	
Askew Stephen	X		Joyce James		X
Baker Michael		ABSENT	Kemp Alexandra		ABSENT
Bearman Richard		X	Kiddle-Morris Mark	X	
Bird Richard		X	Law Jason	X	
Borrett Bill	X		Leggett Judy	X	
Boswell Andrew		X	Long Brian	X	
Bremmer Bert		X	Mackie Ian	X	
Brociek-Coulton Julie		X	Monson Ian	X	
Byrne Alec	X		Mooney Joe	X	
Carttiss Michael	X		Morgan Elizabeth		X
Castle Mick		X	Morphew Steve		X
Chamberlin Jenny	X		Nobbs George		ABSENT
Chenery of Horsbrugh Michael	X		Northam Wyndham	X	
Childs Jonathon	X		Parkinson-Hare Rex	X	
Clancy Stuart	X		Perkins Jim	X	
Coke Toby		ABSTAIN	Proctor Andrew	X	
Collis David		X	Ramsbotham David		ABSTAIN
Corlett Emma		X	Richmond William	X	
Cox Hilary	X		Roper Daniel		X
Crawford Denis		ABSENT	Sands Mike		X
Dearnley Adrian		X	Shaw Nigel	X	
Dewsbury Margaret	X		Smith Matthew	X	
Dixon Nigel	X		Smith Roger	X	
Dobson John	X		Smyth Paul		X
East Tim		X	Somerville Margaret	X	
FitzPatrick Tom	X		Spratt Bev	X	
Foulger Colin	X		Storey Martin	X	
Garrod Tom	X		Strong Marie		X
Gihawi Deborah		X	Thomas Alison	X	
Gilmour Paul	X		Thomas David		X
Grey Alan	X		Timewell John		X
Gunson Adrian	X		Virgo Judith	X	
Gurney Shalagh	X		Walker Colleen		X
Hacon Pat		X	Ward John	X	
Hannah Brian		X	Watkins Brian		X
Harrison David		ABSENT	Whitaker Sue		X
Hebborn Stan		ABSENT	White Tony	X	
Humphrey Harry	X		Wilby Martin	X	
			Wilkinson Margaret		X

For 47, 27 Against, 2 Abstentions – **CARRIED**

Council Meeting 16 September 2013

Action Note – Written Replies to Questions put to Cabinet Members

Report Title	Question Requiring Written Reply	Raised by:
<p>Questions to Cabinet Member – Schools and Education – (Mick Castle)</p>	<p>Reply by the Relevant Cabinet Member</p> <p>Can you confirm the latest NEET figures?</p> <p>REPLY:</p> <p>At the end of August, 1583 (6.5%) of all Norfolk resident 16-18 year olds were NEET. This is an increase on NEET at the same time last year (6% in August 2012) but represents a small reduction from 6.7% in July 2013 and compares favourably to national NEET at the end of July 2013 of 6.6%.</p> <p>The highest numbers of NEET are in Norwich, Great Yarmouth and King's Lynn and the West. 38% of young people who were NEET at the end of August had one or more personal circumstance such as Looked After or SEN status, supervised by YOT or teenage parent.</p> <p>The expectation from this September is that all 16 year olds will continue to participate in education or training for a further year. In September 2014, the expectation is that 16 year olds will remain in education or training for a further two years.</p> <p>This year we have brought forward our annual tracking processes for young people leaving Year 11 and Year 12 earlier so that we have a more accurate picture of their actual situation. This identifies the young people in need of information and support to access appropriate provision.</p> <p>The 16/17 year old Youth Contract is a government programme aimed at supporting some of the harder to engage NEET young people into sustained education or employment opportunities. In 2013/14 Norfolk County Council will be directly delivering the Youth Contract to 150 young people. It is hoped that this together with our existing Raising Participation, NEET and Apprenticeships strategies will contribute to positive outcomes.</p>	<p>Dr Marie Strong</p>

<p>Questions to Cabinet Member – Schools and Education - (Mick Castle)</p>	<p>Good quality crossings and local lollipop ladies and men are important for all pedestrians and particularly children on their way to and from school. Our local lollipop ladies and men provide an excellent service helping children across my area to cross the road safely supporting them to develop road safety and independence skills. They provide extra eyes and ears on the road to help children lead an active lifestyle.</p> <p>Could the Cabinet Member reassure Council that he recognises the immeasurable amount in which they enhance the community and feeling of belonging in a school as well as the safety they provide to our communities and will fight for this service to remain, when discussing the budget with his cabinet colleagues?</p> <p>REPLY: I know that School Crossing patrols are really important - and they are much loved and appreciated by Norfolk parents. Despite the harsh choices that we are being forced to make I am keen to see how we can make sure that this service can be retained even if it is delivered in a different way.</p>	<p>Mr Tom Garrod</p>
<p>Questions to Cabinet Member – for ETD - (David Harrison)</p>	<p>I have a question on the NSIP pre-application consultation. The consultation has run from July 8th to September 20th. The consultation started with the NDR being NSIP status as road that would connect to the Strategic Road Network under the Planning Act 2008. However, on July 24th, a statutory instrument completed passage through Parliament which removed the legal basis for the designation of the NDR on this rationale. There then followed what might best be called an interregnum period in which the NDR had no legal basis for being designated an NSIP. This continued until the SoS decision of August 9th for designate the NDR an NSIP under s35 of the Planning Act 2008. However, the public were not told until August 19th, and most of the public would not understand anyway, although the given rationale for the road has changed very significantly by these events. Quite simply, the public have every reason to be very confused by these events, and they are disenfranchised by it - will the Cabinet member re-run the consultation to give the Public a genuine opportunity to consider the application for the NDR as an NSIP before it is made?</p> <p>REPLY: The rationale for the road has not changed at all. All that has happened is that the Secretary of State has directed that the NDR is an infrastructure project of national significance, following an application by the County Council. The application included information about the NDR scheme in a national context. This</p>	<p>Dr Andrew Boswell</p>

	<p>information is entirely consistent with the case the Council has always made for the scheme and has been consistently well aired.</p> <p>The County Council's Cabinet decided in December 2012, before the consultation started, to use the NSIP legislation as the basis for taking forward the necessary statutory processes for the NDR project. This has not changed.</p> <p>A new consultation is not necessary as the case and evidence for the scheme has not changed, nor has the published consultation process. The scheme proposals, including connectivity of the NDR with the A47, have also not changed and neither has the basis of the consultation.</p>	
<p>Questions to Cabinet Member – ETD – (David Harrison)</p>	<p>Q1. Can you explain the role of the Part Time Assistant Director of Highways and confirm if he replaces two full time posts while being on a part time basis himself?</p> <p>REPLY: Tom McCabe has been appointed as Interim Assistant Director Highways on a part-time basis from September. This post has been left vacant since John Joyce retired, in anticipation of the senior management review. Tom has been appointed to ensure, in particular, effective leadership in mobilising the new highway contracts, and in taking forward the challenging budget targets for the service, pending the outcome of the senior management review. Tom is a very experienced senior manager in local government, having previously been a director at Shropshire and Cheshire, and in senior transport and highways roles before that. In consultation with Anne Gibson and Mike Jackson, I will keep the situation under review to ensure we have appropriate senior management capacity in ETD until permanent appointments are made.</p> <p>Q2. Has the Cabinet Member visited the Belvedere energy from waste site as he said he was going to at the last Council meeting? If so, has he now made his mind up to support the Willows application in King's Lynn?</p> <p>REPLY: I haven't taken the opportunity to visit that facility yet but I have certainly visited another waste treatment facility and seen waste being landfilled as well.</p>	<p>Mr Martin Wilby</p>

	Regarding the Willows application, that is now in the hands of the Secretary of State. Like everybody else, I have to await his decision. I understand the need for the project and merits of the proposal but I also appreciate the concerns that have been raised and know that the project has to be able to withstand this additional scrutiny before it could go ahead.	
Questions to Cabinet Member – ETD - (David Harrison)	<p>In the light of the parking review in Hunstanton which has generated 50 emails and letter per day from constituents, can the Cabinet Member advise if there will be any sales and marketing ideas regarding public relations around such exercises in the future? The benefits of the review had not been sold to the public and it has led to a very divisive consultation exercise.</p> <p>REPLY: I do not intend to spend money ‘marketing’ parking proposals. Managing traffic, in particular parking is often a matter that attracts a high degree of public comment. The review the Council undertook in Hunstanton was as a result of a local desire to address traffic issues in certain parts of the town and to support the developments that were planned for the town centre. The results of the initial discussions with the Borough and Town Councils and then the wider public show there is support for tackling the parking issues which local people themselves had identified. The fact that the public have rejected the detailed solutions proposed is of regret and there maybe lessons that can be learned. The Norfolk Parking Partnership Joint Committee were going to consider the work undertaken in Hunstanton, and the wider programme for developing Civil Parking Enforcement in Norfolk, at its meeting on 20 September. I expect to receive a report from officers on the Hunstanton scheme to decide what the Council’s next steps are and very much hope that the views of the Joint Committee will help us take forward the management of on-street parking in Norfolk.</p>	Mr Richard Bird
Questions to Cabinet Member – ETD – (David Harrison)	<p>I had a resident of Salhouse contact me last month, as in the mist of his summer clearout he went down to his local recycling centre, Mayton Wood near Coltishall, to recycle his waste; only to find that he was told that he had "too much" waste for one deposit. In the end, he had to make several trips to the centre over the next few days to deposit what he could have in one go!</p> <p>This Council currently restricts the amount of DIY waste that residents can dispose of at its recycling centres to the equivalent of one 80 litre sack or one large item per week (for example one door, one kitchen unit, a toilet, a bath tub). DIY waste is classed as anything fixed or fitted to a property, something you wouldn’t take with you if you moved house.</p>	Mr Tom Garrod

	<p>Under current government legislation DIY waste is classed as ‘construction and demolition’ waste which falls under the category of industrial waste and is therefore not something the council has to legally accept.</p> <p>Does the Cabinet Member agree with me that the councils policy of limiting the amount of DIY waste people can take to recycling centres needs reviewing, as Norfolk being a rural county is vulnerable to fly tipping and what action will he take?</p> <p>REPLY:</p> <p>At the eight Main Recycling Centre Plus sites that Norfolk County Council provides, residents can dispose of large amounts of DIY waste for a charge. This is in addition to the smaller amounts accepted free at all sites. We advise that when carrying out DIY work, residents take into consideration the cost of disposal. This may include re-use (e.g. through on-line facilities such as Freecycle or Freecycle) or by hiring a skip to remove the waste in one load.</p> <p>Flytipping is illegal and the Environment Agency and seven borough, city and district councils can, and do, prosecute offenders. The majority of waste fly-tipped is materials that can be accepted at our main recycling centres free of charge. Recent figures indicate that less than 5% of waste fly-tipped in Norfolk is construction and demolition waste.</p> <p>The Policy was recently reviewed by a cross-party member Board, as part of the Recycling Centre re-procurement. If we were to accept unlimited amounts of DIY waste at our main recycling centres the cost to Norfolk’s council taxpayers could be expected to increase in excess of £1 million. The Board concluded that the policy should not be changed. I do not intend to review this policy again. As part of the “Putting People First” budget consultation I am proposing that we charge for another non-household waste, tyres, for which there are alternative disposal routes (e.g. through garages), to further reduce the cost of the service to taxpayers.</p>	
<p>Questions to Cabinet Member – Finance, Performance and Corporate (Steve Morphew)</p>	<p>There have been a number of comments and rumours about the approach the Chairman of the Constitution Advisory Group is taking towards this Council’s resolution to designing and recommending an alternative system of governance to a committee system. Will the Chairman of CAG now please state the approach his working group is taking and outline the reasons for taking that approach?</p>	<p>Mr Tim East</p>

	<p>REPLY:</p> <p>Firstly I would like to make something clear. It has been suggested to me that the Conservative Group is against the committee system. This is absolutely not true. What the Constitution Advisory Group recommends to CROSP, and CROSP to Council, will be carefully considered by the Conservative Group when it comes to Council, whether it's a Cabinet system, Committee system, Mayoral system, or in Mr Pickles' words, "a choral system with the with various members of the council singing sea shanties". What matters is that we get the system that is going to work best for this Council.</p> <p>We must remember back at the beginning of this process, at the end of May, the Council resolved, in principle, to implement a change to a committee system of governance.</p> <p>The Constitution Advisory Group facilitated a session at the beginning of August run by INLOGOV to support this work, the feedback from which has been circulated with the papers for the last committee meeting.</p> <p>At the last meeting of CAG, we agreed to ask the Officers to consider changes to the existing system, and to how a committee system might operate. This follows directly from the feedback and comments made by both Members of this Council and the facilitators - that it is people that make systems work.</p> <p>What we all need to bear in mind, is that once we have changed our system of governance there is no changing again for 5 years. If we implement a different system of governance, it will outlast this Council and we must be content that we have done everything we can to design the best system with the facts in full view. It is imperative that in addition to considering a committee system we also look at improvements to our current arrangements. That way, if we do not implement a committee system, we do not go back to the current Cabinet system but could possibly have an improved one.</p>	
<p>Questions to Cabinet Member – (Steve Morpew)</p>	<p>Some parishes did not submit applications to the Community Construction Fund in the last round but held off until they were ready to present a fully worked up submission. Were any bids held over for reconsideration in a later round, and if so this would be unfair?</p> <p>REPLY:</p> <p>None of the unsuccessful applications from the second round of the NCC Community Construction Fund were 'held over' for consideration as part of any third round.</p>	<p>Mrs Alison Thomas</p>

	<p>Projects that were unsuccessful at the second round were made aware that there was likely to be a third round of the Community Construction Fund to which they would be able to apply, on the same terms as any other applicant, and that there were also funding opportunities available through the Norfolk Community Foundation.</p> <p>A number of speculative inquiries and applications have been made to the Norfolk Community Foundation, who administer the fund on our behalf, in anticipation of a third round. These will be treated the same as any other application, should a third round go ahead.</p>	
<p>Questions to Cabinet Member – Safeguarding (James Joyce)</p>	<p>In the latest CROSP Briefing, reference was made to the appointment of John Evans, Looked After Children Commissioner appointed on an Interim basis. Can you confirm where this appointment has come from and give some details of his background?</p> <p>REPLY:</p> <p>Don Evans has joined Children's Services on an interim basis as Corporate Parenting Strategy & Commissioning Manager, this is to cover the vacancy left by Justin Rolph while we recruit into the post permanently. His primary focus will be to lead on the development and implementation of a LAC reduction plan and to profile our service offer accordingly, in addition to his responsibilities for the Looked After Children Improvement Plan.</p> <p>Don has considerable experience within the children's social care field at both strategic and operational levels, having held senior posts in the private and voluntary sectors. In addition to his social care experience, he has lead successful change management programmes in social care and housing environments, which will be a key skill-set in delivering the degree of service transformation we will require.</p> <p>Don can be contacted on 01603 223909, mobile 07825 099447. Email – don.evans@norfolk.gov.uk</p>	<p>Mr Roger Smith</p>
<p>Questions to Cabinet Member –Economic Development (George Nobbs)</p>	<p>Mr Borrett asked for details of the Cabinet Member's attendance at the LEP, given the importance for channelling funding to NCC. He also sought an update on progress he had made on behalf of Norfolk with the LEP.</p>	<p>Mr Borrett</p>

	<p>REPLY: Since my election as Leader I have fully engaged with the LEP meeting with the Chair and other Board members as well as attending the formal Board in June and July plus the conference in July.</p> <p>Cllr Borrett is right to identify the LEPs role as a channel of funding. The local growth fund will come into place in 2015 to support the Strategic Economic plan, which I, along with all the public sector partners, will be focusing on between now and the end of the year.</p>	
<p>Questions to Cabinet Member for ETD (David Harrison)</p>	<p>Mr Law asked about cycling and noted the inadequate training at schools which had come to light in response to inadequate pathways, where children were expected to walk or cycle. Until adequate cycle paths existed, he requested that action be taken as a matter of urgency to introduce 20 mph signs outside schools.</p> <p>REPLY: NCC delivers a high quality cyclist training programme to 5,000 children in Norfolk every year. Details are available on the Road Safety Education pages of the NCC website, and Iain Temperton, (Team Manager, Casualty Reduction Education & Development) is more than happy to discuss cycle training and safety with you and all other councillors – Iain is on 07748 933 955 or iain.temperton@norfolk.gov.uk .</p> <p>£50k has been allocated in the County's capital improvements programme to spend on 20mph signed only restrictions outside schools. ETD OSP in September approved a list of priority schools for this funding, and it is expected that 5 or more of the highest priority schools will be treated this year. Beyond the current funding, Panel approved a recommendation to allocate funding for school 20mph restrictions on the basis of value for money in reducing casualties, looking at the full range of speed management measures available. We have a well-established process for monitoring road casualties and treating any sites where a pattern of incidents is occurring. Whilst we would always seek to do more to improve our infrastructure, I refute the assertion that existing pathways are inadequate. Where specific safety concerns have been identified we have made the necessary improvements as part of the Local Safety Schemes programme, and that programme continues.</p> <p>Thankfully, in general in Norfolk it is unusual for casualties to occur outside schools, but your question rightly raises the important issue of community concerns about speeding traffic.</p>	<p>Mr Law</p>

	<p>The updated Speed Management Strategy, which Cabinet will be asked to approve, includes widening the scope for consideration of 20mph schemes to include the encouragement of sustainable travel such as walking and cycling, where funding for such schemes can be identified. Officers therefore work with our partners and stakeholders to ensure that all opportunities for funding are explored, but you will be aware that these are difficult times and this is often dependent on us being able to secure external grants, as was the case with the Cycle City Ambition Grant.</p>	
<p>Question to Cabinet Member for Economic Development</p>	<p>Mr FitzPatrick said that North Sea Oil and Gas together with offshore wind projects are vital for the security of this nation's energy and there are also huge economic opportunities for Norfolk, indeed 30% of UK's gas comes through North Norfolk itself. The County Council was instrumental in setting up the Norfolk & Suffolk energy alliance, which was chaired by the economic development portfolio holder at the time; it's hugely important for the promotion of East of England as an energy zone and a place to do business, but the representation on this group is now held by the Cabinet Member for Education rather than the Cabinet Member for Economic Development and with all due respect to the Cabinet Member for Education, perhaps this level of involvement sent out the wrong message to players in the field, and he asked the Cabinet Member for Economic Development if he would reconsider his own level of involvement in this process.</p> <p>Mr Castle said that he had been asked to take on the role by the Leader, George Nobbs, but probably Mr FitzPatrick was not aware that not only was he a Great Yarmouth Member but he was also a past Chairman of the Great Yarmouth Port Authority and had a pretty good understanding of the sector. So whilst you might think it unusual to have a Schools Cabinet Member in that position he felt he had the right credentials.</p> <p>Mr FitzPatrick said the point he wanted to make was that the whole of Norfolk was taken into account, particularly the hinterland from Wells, Egmore and Fakenham.</p> <p>REPLY: The Norfolk and Suffolk Energy Alliance (NSEA) was established for the very reason Mr FitzPatrick identified – it recognised the County wide impact of the energy sector. Mr Castle's brief included representing the county on all matters relating to energy this was not limited to Great Yarmouth although much of the future development was anticipated to be focussed around Great Yarmouth. In this context, he also represented the County on the East of England Energy Group Board. He would continue to take a close interest in this critical sector for Norfolk, and liaise closely with Mr Castle.</p>	<p>Mr Tom FitzPatrick</p>

Norfolk County Council

Minutes of the Meeting Held on 28 October 2013

Present:

Mr A Adams	Mr T Jermy
Mr S Agnew	Mr C Jordan
Mr C Aldred	Mr J Joyce
Mr S Askew	Miss A Kemp
Mr M Baker	Mr J Law
Mr R Bearman	Mrs J Leggett
Mr R Bird	Mr B Long
Mr B Borrett	Mr I Mackie
Dr A Boswell	Mr I Monson
Mr B Bremner	Mr J Mooney
Mrs J Brociek-Coulton	Mrs E Morgan
Mr A Byrne	Mr G Nobbs
Mr M Carttiss	Mr W Northam
Mr M Castle	Mr R Parkinson-Hare
Mrs J Chamberlin	Mr J Perkins
Mr J Childs	Mr A Proctor
Mr S Clancy	Mr D Ramsbotham
Mr R Coke	Mr W Richmond
Mr D Collis	Mr M Sands
Ms E Corlett	Mr E Seward
Mrs H Cox	Mr N Shaw
Mr D Crawford	Mr M Smith
Mr A Dearnley	Mr R Smith
Mr N Dixon	Mr P Smyth
Mr J Dobson	Mrs M Somerville
Mr T East	Mr B Spratt
Mr T FitzPatrick	Mr M Storey
Mr C Foulger	Dr M Strong
Mr T Garrod	Mrs A Thomas
Ms D Gihawi	Mr D Thomas
Mr P Gilmour	Mr J Timewell
Mr A Grey	Miss J Virgo
Mr A Gunson	Mrs C Walker
Mrs S Gurney	Mr J Ward
Mr P Hacon	Mr B Watkins
Mr B Hannah	Ms S Whitaker
Mr D Harrison	Mr A White
Mr S Hebborn	Mr M Wilby
Mr B Iles	Mrs M Wilkinson

Total present: 78

Apologies for Absence:

Apologies were received from Mr M Chenery of Horsbrugh, Mrs M Dewsbury, Mr H Humphrey, Mr M Kiddle-Morris, Mr S Morphew and Mr D Roper.

1. Chairman's Announcements

- 1.1 The Chairman welcomed Mr Eric Seward, new member for North Walsham East, to the meeting. He had been elected following a recent by-election.
- 1.2 The Chairman welcomed members of the public to the meeting.
- 1.3 The Chairman set out the procedures for the meeting, noting that the only items of business would be those clearly specified by the five members who had called for the meeting, and that proposals to suspend procedure rules to allow substantive motions would not be allowed.

2. Declarations of Interest

- 2.1 Mr M Castle declared an interest in items 3 and 4 relating to the waste treatment contract, and minerals and waste sites, as he represented the County Council on the East of England Energy Group (EEEG) and the Norfolk and Suffolk Energy Alliance (NSEA).

3 Energy from Waste – Revised Project Plan

- 3.1 The Chairman invited the Leader of the UKIP Group to open the debate, followed by speeches by the Group Leaders and open debate by Members.
- 3.2 Following a lengthy debate, a recorded vote was taken, the result of which can be seen at Appendix 1 of these minutes.
- 3.3 **RESOLVED** to accept the Revised Project Plan for the Energy from Waste contract and to recommend to Cabinet that they accept and act on the decision so made.

4 Cabinet Recommendations from Meeting held on 2 September 2013 – Adoption of Minerals and Waste Site Specific Allocations Development Plan Documents

- 4.1 Mr Nobbs moved the recommendation that the Minerals Site Specific Allocations Development Plan and accompanying Policies Map, with the additional modifications, be formally adopted (with the Director of Environment, Transport and Development authorised to make any minor formatting, layout and/or page numbering changes judged necessary prior to printing and publication of the final document).

4.2 The recommendation was **CARRIED**.

Resolved: that the Minerals Site Specific Allocations Development Plan and accompanying Policies Map, with the additional modifications, be formally adopted (with the Director of Environment, Transport and Development authorised to make any minor formatting, layout and/or page numbering changes judged necessary prior to printing and publication of the final document).

4.3 Mr Nobbs moved the recommendation that the Waste Site Specific Allocations Development Plan and accompanying Policies Map, with the additional modifications, be formally adopted (with the Director of Environment, Transport and Development authorised to make any minor formatting, layout and/or page numbering changes judged necessary prior to printing and publication of the final document).

4.4 Mr Dobson moved an amendment under Appendix 9, Paragraph 11.6 of the Constitution, to amend the resolution to:

“that the Waste Site Specific Allocations Development Plan and accompanying Policies Map, with the additional modifications to include provisional exclusion of the Willows Site WAS 65 until after the Section 77 Saddlebow Appeals Inspector had published her report, be formally adopted (with the Director of Environment, Transport and Development authorised to make any minor formatting, layout and/or page numbering changes judged necessary prior to printing and publication of the final document).”

This amendment was seconded by Mr Long, who reserved his right to speak.

4.5 The Head of Law advised that the document was required to be accepted as a whole, or not at all. The Chairman ruled that the proposed amendment could not be accepted.

4.6 Mr Dobson moved a procedural motion under Appendix 9 Paragraph 11.10 to postpone a decision on the recommendation. This motion was seconded by Mr Long.

4.7 The Cabinet Member for Environment, Transport, Development and Waste reported that the Chief Planning Officer had written to Norfolk County Council requesting adoption of the Waste Site Allocations, therefore the Council needed to proceed with this matter.

4.8 The procedural motion to postpone a decision on the Waste Site Specific Allocations Development Plan and accompanying Policies Map was put to the vote and **FELL**, with 27 votes in favour, 41 against and 5 abstentions.

4.9 The original recommendation was put to the Council. A recorded vote was requested but did not carry enough support. The original recommendation was put to the vote and **CARRIED**.

Resolved: that the Waste Site Specific Allocations Development Plan and accompanying Policies Map, with the additional modifications, be formally adopted (with the Director of Environment, Transport and Development authorised to make any minor formatting, layout and/or page numbering changes judged necessary prior to printing and publication of the final document).

The meeting concluded at 2.43pm.

Chairman

Norfolk County Council- 28 October 2013

Appendix 1

Recorded Vote – Minute 3.2
Energy from Waste – Revised Project Plan

Name	Accept	Reject	Abstain	Name	Accept	Reject	Abstain
Adams Tony	x			Jermy Terry		x	
Agnew Stephen		x		Jordan Cliff	x		
Aldred Colin		x		Joyce James	x		
Askew Stephen	x			Kemp Alexandra		x	
Baker Michael		x		Law Jason		x	
Bearman Richard		x		Leggett Judy	x		
Bird Richard		x		Long Brian		x	
Borrett Bill	x			Mackie Ian	x		
Boswell Andrew		x		Monson Ian	x		
Bremmer Bert		x		Mooney Joe	x		
Brociek-Coulton Julie		x		Morgan Elizabeth		x	
Byrne Alec	x			Nobbs George	x		
Cartiss Michael	x			Northam Wyndham	x		
Castle Mick	x			Parkinson-Hare Rex		x	
Chamberlin Jenny	x			Perkins Jim		x	
Childs Jonathon		x		Proctor Andrew	x		
Clancy Stuart	x			Ramsbotham David		x	
Coke Toby		x		Richmond William	x		
Collis David		x		Sands Mike		x	
Corlett Emma		x		Seward Eric		x	
Cox Hilary	x			Shaw Nigel	x		
Crawford Denis		x		Smith Matthew		x	
Dearnley Adrian		x		Smith Roger	x		
Dixon Nigel	x			Smyth Paul		x	
Dobson John		x		Somerville Margaret	x		
East Tim		x		Spratt Bev	x		
FitzPatrick Tom	x			Storey Martin		x	
Foulger Colin	x			Strong Marie		x	
Garrod Tom	x			Thomas Alison	x		
Gihawi Deborah		x		Thomas David		x	
Gilmour Paul		x		Timewell John	x		
Grey Alan		x		Virgo Judith	x		
Gunson Adrian	x			Walker Colleen	x		
Gurney Shalagh	x			Ward John	x		
Hacon Pat	x			Watkins Brian		x	
Hannah Brian		x		Whitaker Sue	x		
Harrison David	x			White Tony	x		
Hebborn Stan		x		Wilby Martin	x		
Iles Brian	x			Wilkinson Margaret		x	

Accept 40, Reject 38, Abstentions 0 – **ACCEPTED**

Review of Members Allowances Scheme 2013

Report by Head of Democratic Services

1.0 INTRODUCTION

- 1.1 It is for the County Council to determine its members' allowances scheme and the amounts to be paid under the scheme. Councils are required to establish and maintain an independent remuneration panel with the role of making recommendations to the Council about the allowances to be paid to its members. Councils must have regard to those recommendations when they are determining the scheme of allowances.
- 1.2 The last full review of members' allowances was carried out in 2009. In recommending a scheme, the Panel recommended that the next full review take place in 2013. The Panel has consequently carried out and now completed that review and its report is attached.

2.0 PANEL OBJECTIVES AND TERMS OF REFERENCE

- 2.1 The Panel has re-affirmed its previously agreed objective as being to make recommendations to the County Council on:-
- (i) The level of Basic Allowance to be paid to all Norfolk County Councillors;
 - (ii) The posts for which Special Responsibility Allowances (SRAs) should be paid and the level of those SRAs.
 - (iii) The appropriateness of paying a Carers' Allowance and the rate at which it should be paid.
 - (iv) Whether Members should be eligible to join the Local Government Pension Scheme.
 - (v) Whether allowances should be paid to co-opted Members and if so, at what levels.
 - (vi) The terms of travel and subsistence allowances for Members
- 2.2 The Panel's agreed terms of reference are:-

To make recommendations on a scheme of payments to councillors which:-

- (i) conforms with legislation;
- (ii) recognises that the work of a councillor is undertaken for the sake of public service and not for private gain;
- (iii) recognises the demands placed upon councillors by their differing roles and responsibilities within the Council and fairly and equitably

- compensates them for the time and effort they devote to their work as a member of the Council;
- (iv) is simple to administer and easy to explain and justify to the public.

3.0 PANEL'S APPROACH

- 3.1 The Panel has met 4 times since July 2013. Group Leaders were invited to meet with the Panel in order to make representations on behalf of their groups and 4 of the 5 leaders have met individually with the Panel.
- 3.2 The Panel has now agreed its final recommendations for submission to the Council. The Panel's conclusions and recommendations are set out in the attached report and Council is invited to consider and reach decisions on those recommendations.

4.0 FINANCIAL IMPLICATIONS

The Panel's recommendations involve no additional expenditure in 2014/15 in respect of the Basic Allowance. In respect of Special Responsibility Allowances, the only financial implications of the Panel's recommendations are an additional cost of £6,594 per annum, in relation to the payment of an SRA to the Leader of the Liberal Democrat Group. The Panel has recommended that this SRA be payable with immediate effect. There is also a recommendation that the 2 Independent Members of the Police and Crime Panel receive a co-optees allowance of £1,010 per annum, backdated to the start of the current financial year.

5.0 CONCLUSION

Council is required to consider the Panel recommendations relating to the scheme of allowances. Council is able to disagree with the recommendations and decide upon alternative actions, but it must have regard to the recommendations before taking its decisions.

6.0 RECOMMENDATION

That Council considers the Independent Remuneration Panel's report and reaches decisions upon the Panel's recommendations as set out in that report.

Officer Contact

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Independent Remuneration Panel

Review of Norfolk County Council Members' Allowances Scheme

PANEL MEMBERS

Jonathan Barclay (Chairman)
Richard Curtis
Alan Howard
John Murfitt

November 2013

BASIC ALLOWANCE

1.0 BACKGROUND

- 1.1 The requirement and basis for a Basic Allowance is set out in Government Guidance. Local Authorities must include in their schemes of allowances a basic, flat rate allowance, payable to all their elected members. It must be the same for each member.
- 1.2 The guidance advises reaching a conclusion as to the number of hours that members need in order to carry out the role expected of them. The guidance also advises that some element of members' work be regarded as voluntary and consequently that not all their time should be remunerated. However the guidance advises this be balanced against the need to ensure that financial loss is not suffered by members, and to ensure that despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained. Finally the guidance advises that independent remuneration panels consider rates at which it would be appropriate for remunerated time to be paid.

2.0 2009 REVIEW OF ALLOWANCES SCHEME

- 2.1 In considering the Basic Allowance in its last full review in 2009, the Panel's approach was:-
- (i) To reach a view as to the number of hours needed to carry out the basic role of a county councillor;
 - (ii) To reach a conclusion on the number of hours that should not be remunerated on the basis that they represent an appropriate element of the work of councillors that should be regarded as voluntary;
 - (iii) To look at comparative information from other local authorities relating to the setting of their Basic Allowance;
 - (iv) To consider pay rate indicators, both national, regional and local
- 2.2 An Improvement and Development Agency (IDeA) Census in the autumn of 2008 found that the figure for County Councillors for the basic role was 21.2 hours per week.
- 2.3 The position in relation to other County Councils at the time of the review in 2009 was that Norfolk's Basic Allowance was £8,928 compared to an average of £9,803 for all county councils.
- 2.4 On the basis of the evidence gathered, the Panel concluded in 2009 that there was a need to recognise a time commitment of 20 hours, slightly below the level in the IDeA census. This was on the basis that the hours figure used previously by the Panel was 20 and that it received no evidence that the

extent of the basic role had changed significantly. The Panel confirmed its view that a 30% voluntary discount element was appropriate. The Panel also felt that the average hourly rate for full-time employees in Norfolk identified in the Annual Survey of Hours and Earnings (ASHE) was the appropriate rate to use in calculating the Basic Allowance. The figure was £12.22 per hour. Applying the formula resulted in a figure of £8,930, just £1 higher than the figure already in place at that time. Consequently the Panel recommended that the Basic Allowance remain at £8,929 and that it be increased annually in line with the local authority employee pay award (if made), recommendations that were subsequently approved by full Council.

- 2.5 In April 2013, the Basic Allowance was increased in line with the employee pay award of 1%, taking the Allowance to its current level of £9,018

3.0 PRESENT POSITION

- 3.1 In terms of some of the key indicators which the guidance advises be considered, the present position is as follows:-

Time Commitment of Members

- 3.2 The Improvement and Development Agency (IDeA) carried out its last Councillor census in 2010. This found that on average, County Councillors spend 26.7 hours per week on Council duties, compared to 26.8 in 2008. However, in terms of relevance to the Basic Allowance this is a little misleading as it relates to members with and without additional special responsibilities. In terms of the basic role, i.e. without having any additional special responsibilities, the figure was 21.2 hours, unchanged from 2008.

Pay Rate Indicators

- 3.3 The latest data available to the Panel was from the Annual Survey of Hours and Earnings (ASHE) in 2012. The survey shows that the average gross hourly rate for all full-time employee jobs was as follows:-

<u>Area</u>	<u>Average</u>
UK	£15.55
England	£15.78
East Region	£14.66
Norfolk	£13.59

Comparisons with other County Councils

- 3.4 Comparative figures were obtained from County Councils and are set out in Appendix 1. They compare by level of basic allowance, by population size, and by gross hourly pay rates in the ASHE Survey.

- 3.5 From these figures it can be seen that Norfolk's present basic allowance (£9,018) is at a rate of 91% of the average of county councils (£9,924). The Panel has had regard to the comparison figures but does not consider that it is appropriate to set the Basic Allowance based solely on how Norfolk's current level compares with other county councils.

Other Information

- 3.6 The numbers of candidates standing at the last four County Council Elections were as follows:-

June 2001	-	316 candidates
May 2005	-	312 candidates
June 2009	-	322 candidates
May 2013	-	358 candidates

- 3.7 At each of the above Elections all 84 divisions were contested, so a fair comparison can be made. It can be seen that over the last 3 elections there has been a steady increase in the number of candidates.

Political Group Representations

- 3.8 The political group leaders were invited to make representations to the Panel regarding the Basic Allowance. In addition the group leaders were asked if they wished to meet the Panel in order to support their representations. Four of the five group leaders took up the invitation and met the Panel.

- 3.9. The following representations were made that related to the Basic Allowance.

- (i) That consideration be given to offering an additional allowance to members fulfilling certain criteria, such as having young children under a specified age, in order to recognise the demands upon their time and to give an encouragement to younger people to stand for office;
- (ii) There should not be an increase in the Basic Allowance but neither should there be a decrease as it might discourage people from standing as candidates;
- (iii) The Basic Allowance should not be reduced, as for some councillors it is their only income;
- (iv) There should be no increase to any elements of the allowances scheme;
- (v) All the allowances should be frozen at their present levels

4.0 CONCLUSIONS

- 4.1 There is a requirement to review the level of Basic Allowance.

- 4.2 When the Basic Allowance was set by the Council at £8,929 in 2009, this compared to a county council average of £9,803. This put Norfolk's allowance at a rate of 91% of the county council average. The current rate (£9,018) remains at 91% of the average of all county councils (£9,921).
- 4.3 The Panel considers that it is important to be consistent in its approach to setting the level of Basic Allowance and that this should be done initially by applying the formula calculation and only then considering whether the resulting figure is appropriate given all the relevant factors.
- 4.4 The Panel considered that the position on hours necessary should link to the 21.2 hours per week identified in the IDeA survey. The Panel recognises that some members will spend more time than others in carrying out their role but the Panel has an expectation that members should generally not be spending less than the IDeA average of 21.2 hours per week on their basic county council duties.
- 4.5 The Panel reflected carefully on what proportion of the 21.2 hours should not be remunerated to reflect a public service element. On balance, the Panel considered that the 30% reduction it has recommended previously is a fair and reasonable assessment and one that members of the council and the general public would be satisfied with.
- 4.6 In terms of the hourly rate to be applied, the Panel believes that the ASHE survey of average gross hourly rate for all full-time employee jobs in Norfolk remains an appropriate one to use for considering an indicator. The rate is currently £13.59.
- 4.7 Making a formula calculation based on the present relevant ASHE hourly rate indicator (£13.59) and retaining the previous position on hours necessary for the role (21.2) and voluntary discount element (30%) would set the allowance at £10,570, which would be an increase of £1,552 (17%) on the present level (£9,018). The Panel concluded that it could not recommend an increase of that magnitude in the prevailing economic circumstances facing local authorities and taking account of the restrictions on pay increases to local authority employees over the past 3 years.
- 4.8 The Panel then considered varying the formula by using the hourly rate of £12.22 used in the 2009 review and inflating it by 1%. This takes the hourly rate to £12.34 and would increase the formula calculation to £9,597. This would represent an increase of 6.4% on the current allowance.
- 4.9 After careful consideration, the Panel remained of the view that in the current time of austerity, such an increase would be excessive. It concluded that the present arrangement of linking any Basic Allowance increase to the increase awarded to employees was appropriate and should remain in place and that there should therefore be no additional rise in Basic Allowance in 2014/15. It reached this conclusion having taken into account the representations

received from the group leaders and particular the generally held support for no increase.

- 4.10. The Panel looked carefully at the suggestion for an additional allowance for councillors with young children but could see no evidence that this would achieve the desired effect of encouraging more young people to stand for election. The Panel also questioned the logic for giving an extra allowance to people with young children, when the same argument could apply to other groups who were under represented on the Council. In addition, the Panel noted that the Basic Allowance had to be the same for all members of the Council and it was not legally possible to vary the allowance.
- 4.11 The Panel suggests that the next full review takes place during 2017, after the next County Council elections, with any resulting changes to be implemented in 2018. This will enable the Panel to have regard to any changes to the Council's political structures that might follow those elections. The Panel is required to consider whether there should be an index-linked arrangement in place in order to set the level of the Basic Allowance in the years before the next formal review. The Panel concluded that it was appropriate to retain the existing linking arrangement, which is to the pay award for local authority employees. This would be effective from the 2014/15 pay award, should one be made.
- 4.12 The Panel recognises that it has chosen on this occasion not to apply the present ASHE hourly rate, for the reason set out in paragraph 4.7. The Panel is very aware that if local authority employee pay awards continue to be settled at the levels of recent years, this may mean that in the next review in 2017, applying the ASHE rate that exists at that time could result in a very significant increase in the Basic Allowance and consequently, to other allowances. The Panel therefore anticipates that the Panel which carries out the next review may wish to look at whether the ASHE rate is the most appropriate or whether there are other rates that are more suitable.

5.0 RECOMMENDATIONS

1. That the Basic Allowance remains at £9,018 for the financial year 2014/15, subject to the same percentage increase, if any, that is awarded to local authority employees for that year;
2. That in 2015/16, 2016/17 and 2017/18, the Basic Allowance be increased at the same percentage rate as the local authority employee pay award (if one is paid);
3. That the next review be undertaken by the Panel in 2017, with any resulting changes to be implemented in 2018

SPECIAL RESPONSIBILITY ALLOWANCES (SRAs)

1.0 BACKGROUND

- 1.1 In considering SRAs, the Panel must have regard to Government Guidance, in particular the following key issues:-
- (i) there must be significant additional responsibilities if an SRA is to be paid;
 - (ii) there is no limit on the number of SRAs and a member can receive more than one SRA, although in Norfolk the practice is that a member can hold more than one SRA post but is only paid for one (the highest);
 - (iii) if the majority of members receive an SRA the local electorate may question whether this is justified;
 - (iv) not all responsibilities given to particular members may involve significant additional responsibility.
- 1.2 In its previous review, the Panel followed the Guidance by first agreeing the SRA for the Leader and then grading as a percentage of the Leader figure, those posts it considered merited the payment of SRAs.

2.0 PRESENT POSITION

- 2.1 The Panel has noted that the Council has given its support in principle for a switch to a committee system of governance and is in the process of drawing up detailed options for consideration by the full Council. The Panel has also noted that a committee system, if formally approved by the council, could come into effect in May 2014, shortly after a new Allowances Scheme is scheduled to come into operation following this review of the Scheme. A change in governance arrangements has significant implications for the Allowances Scheme, particularly in relation to Special Responsibility Allowances. The present Scheme is based on a Cabinet with Leader system of governance and the special responsibility posts reflect that system. A new system of governance, if introduced, would have different special responsibility posts and in the context of this review of the Allowances Scheme it is obviously not possible to anticipate what those posts would be.
- 2.2 The Panel has therefore decided that rather than spend potentially wasted time reviewing the existing SRA regime, it will defer that part of the allowances review until the position is clearer as to the system of governance that will operate from May 2014. The Panel hopes that if there is a change to the system of governance it will be able to carry out its review in time to enable a new SRA regime to be introduced at the same time as the change of governance. If there is to be no change to the current system, then the allowances review will be carried out in time to enable any revised SRA

arrangements to be introduced at the same time as any changes to the Basic Allowance, at the start of the 2014/15 financial year.

3.0 IMMEDIATE ISSUES

- 3.1 Notwithstanding the decision to defer the review of SRAs, the Panel invited the group leaders to identify if there were any particular SRA issues that had arisen as a consequence of the new political structures in place following the May 2013 election and which they wanted the Panel to consider as a matter of urgency.
- 3.2 The Panel has considered only one such issue, which is the position of group leaders. In the current Scheme, SRAs are payable to the Leader of the Council and to the Leaders of Opposition Groups, subject to the proviso that SRAs are only payable to those whose political group consists of at least 9 members. In the present political structures, this means that SRAs are paid to the Leader of the Council (and Labour Group), and to the Leader of the Conservative and UKIP Groups. SRAs are not paid to the Leaders of the Liberal Democrat and Green Groups. The reason that the Leader of the Green Group does not receive an SRA is that the group comprises 4 members and therefore does not meet the threshold of 9.
- 3.3 The Liberal Democrat Group has 10 members and under normal circumstances its Group Leader would be entitled to an Opposition Group Leader SRA. However, the Council is governed by a Labour/Liberal Democrat Administration, with a Cabinet comprising 5 Labour and 3 Liberal Democrat members. Consequently the Liberal Democrat group cannot be considered to be an opposition group and its Leader is not entitled to an SRA under the existing Scheme.
- 3.4 The Panel has considered this issue carefully and has also taken into account the position of the group spokespersons for both the Liberal Democrat and Green Groups, who for the same reasons as in 3.2 and 3.3 above do not receive SRAs. The Panel noted that the threshold of 9 was set to put it in line with the legal requirement for a group to have that many members before it was entitled to have a political assistant. On balance, the Panel concluded that the threshold of 9 provided an important reflection of electoral mandate and that it remained an appropriate one to use. The Panel was also concerned at the potential knock-on effects on the total number of SRAs that would be payable if the threshold were to be removed, particularly given the need to keep them below 50% of the total number of members. Consequently it does not wish to recommend that the threshold be removed or that an exception be made in respect of the Leader and Spokespersons of the Green Group.
- 3.5 The Panel does consider it to be an unfortunate anomaly that the Leader of the Liberal Democrat Group is not entitled to an SRA by virtue of not being deemed an "Opposition Group" leader even though the Group has more than the threshold of 9 members. The Panel considers that this anomaly should be corrected and it proposes that this be achieved by removing the requirement

for group leaders to be “Opposition” group leaders in order to be entitled to receive an SRA. This would mean that all group leaders would be entitled to an SRA provided that their group meets the threshold of 9 members. The Panel considers that this change should be implemented by the Council with immediate effect. However, the Panel remains concerned about a possible proliferation of SRAs and consequently does not wish to recommend that the proposed change to the group leaders’ SRA arrangements be extended to cover deputy group leaders and group spokespersons. Consequently, the position would remain as it is now – that deputy group leaders and group spokespersons cannot receive SRAs unless they are part of an opposition group which has more than 9 members. The Panel intends to fully review the issue of SRAs to group spokespersons as part of its forthcoming review of SRAs.

- 3.6 In terms of the level of SRAs to group leaders, the Panel recommends as follows:-

Leader of Council - £26,373 (as now)

Leader of largest opposition group - £13,186 (as now)

Leaders of all other political groups - £6,594 (as currently paid to leaders of minority opposition groups)

Group leader SRAs to be payable only if the group has at least 9 members.

4.0 RECOMMENDATIONS

1. To note that a full review of SRAs has been deferred pending clarification of the Council’s intentions with regard to its system of governance.
2. To amend the Scheme by removing the requirement for group Leaders to be “Opposition” group leaders in order to be entitled to an SRA and to implement this amendment with immediate effect.
3. That the revised SRA arrangements for group leaders be as follows:-
 - Leader of Council - £26,373 (as now)
 - Leader of the largest non-Administration group - £13,186 (as now)
 - Leaders of all other political groups - £6,594 (as currently paid to leaders of minority opposition groups)

and that this be implemented with immediate effect. Group leader SRAs to be payable only if the group has at least 9 members.

4. That no change be made to the stipulation that SRAs can only be paid to members of groups that have at least 9 members, nor to the requirement that deputy group leader and group spokesperson SRAs be payable only to opposition groups.

DEPENDENT CARERS' ALLOWANCE

1.0 BACKGROUND

- 1.1 One of the Panel's responsibilities is to consider whether a Carers' Allowance should be paid and if so, at what rate.
- 1.2 The Carers' Allowance is payable towards the cost of care of dependent relatives (be they children, elderly people or people with disabilities). It is designed to enable a councillor to carry out their County Council work. A carer is any responsible adult who does not normally live with the councillor as part of that councillor's family.
- 1.3 It has been agreed previously that an allowance should be paid and as first recommended by the Panel in 2007, it is maintained at a rate of 10% above the national minimum wage. With effect from 1 October 2013 (date of the annual review of the national minimum wage), the County Council's rate is £6.94 per hour, subject to a limit of £2,961 for any individual Councillor in a single year.
- 1.4 Take-up of the allowance has been very low in Norfolk County Council and during the financial year 2012/13, claims were made by only two members, at an overall cost of £1,417.

2.0 COMPARISON OF RATES

- 2.1 Accurate direct comparisons with other Councils are complicated by the fact that some have differing rates depending upon whether the dependent relative is a child or an adult. Within Norfolk, other hourly rates are:-

Norwich City -	£10 per hour per child
North Norfolk -	National minimum wage for child dependents, minimum wage plus £3.00 for non-child dependents
South Norfolk -	£6.69
Breckland -	£7.50
Broadland -	National minimum wage plus £3.00

3.0 CONCLUSION

- 3.1 The Panel considered whether there should be any increase in the rate of the allowance. However, in the absence of any representations from group leaders that the current rate was causing any difficulties for carers, the Panel concluded that retaining the present link to the national minimum wage rate is appropriate. The Panel is prepared to reconsider this in future if the Council considers that the rate is causing problems for councillors in employing carers.

3.2 The only issue raised with the Panel was that many residents were facing “means testing” for their benefits and that it might be seen to be inappropriate for a Leader of the Council, Deputy Leader or Cabinet Member to receive Carer’s Allowance. The Panel noted this observation but did not consider that a means test approach could be introduced to any of the allowances in the Scheme.

4.0 RECOMMENDATION

That no change is made to the current rate for the Carers’ Allowance and that it continues to be maintained at a rate of 10% above the national minimum wage.

PENSIONS FOR COUNCILLORS

1.0 ELIGIBILITY OF MEMBERS TO JOIN THE LOCAL GOVERNMENT PENSION SCHEME (LGPS)

- 1.1 Since 2003, elected members of local authorities have been entitled to join the LGPS at any age prior to 75. The Panel is able to make recommendations as to which elected members of the Council should be entitled to membership of the LGPS and whether the basic allowance or special responsibility allowance, or both should be pensionable.
- 1.2 The Council's scheme of allowances must set out which members of the authority are entitled to membership of the LGPS together with what part of their allowances are to be pensionable. The Council can only make membership of the LGPS available to elected members who have been recommended for membership of the LGPS by the Panel. The Council can however decide not to offer membership to some or all councillors even if the Panel makes a recommendation in favour of eligibility.
- 1.3 Where the Council offers membership of the LGPS to an elected member, it will be for that member to decide whether or not he/she wishes to join the LGPS
- 1.4 An "eligible" councillor is entitled to join the LGPS at any age prior to 75 and to remain as an active member in the LGPS until age 75, whilst he/she remains an eligible councillor.

2.0 PRESENT POSITION

- 2.1 The Panel has considered this issue during its previous reviews. The Panel felt unable to recommend that members be made eligible to join the LGPS because it did not feel it was appropriate for the County Council as employer to contribute towards the pension funds of Councillors. Consequently, members of Norfolk County Council are not eligible to join the LGPS.

3.0 FINANCIAL IMPLICATIONS

A full cost scenario would be if all Members decided to join the LGPS and both basic and special responsibilities were made pensionable. Based on the allowances totals for 20012/13 and a Council contribution of 17.3%, this would have cost £174,000 in 2012/13. However it is unlikely that this would be the reality given that some members would inevitably decide not to join the scheme. It is impossible to know what the level of take-up would be.

4.0 CONCLUSION

The Panel received no representations on this issue and has decided to re-affirm its view that it will not recommend that Members be eligible to join the Local Government Pension Scheme. In the absence of such a

recommendation, the Council is not able to make membership of the LGPS available to its members.

CO-OPTees ALLOWANCE

1.0 BACKGROUND

1.1 Legislation enables local authorities to pay an annual co-optees allowance to people who are not members of the authority but who are members of a committee of the authority. In Norfolk County Council, the following posts are potentially eligible for payment:-

- Parent Governor Representatives (2)
- Person representing the Roman Catholic Diocese
- Person representing the Church of England Diocesan Board of Education
- Local Government Association nominees on the Pensions Committee
- Independent Members on the Police and Crime Panel

2.0 ROLE OF CO-OPTees

Parent Governor Representatives (PGRs)

2.1 Local Authorities must provide places for PGRs on their Overview and Scrutiny Committees which deal with education matters. Authorities can have between 2 and 5 PGRs.

2.2 In Norfolk County Council, there are 2 PGRs, each having places on the Cabinet Scrutiny Committee and the Children's Services Overview and Scrutiny Panel. PGRs can take part in all discussions at meetings of those committees but are only eligible to vote on matters relating to education functions of the Authority. Cabinet Scrutiny Committee meets monthly. The Overview and Scrutiny Panel meets about 6 times per year.

2.3 These arrangements were established with the intention of enabling parents to have a direct input to the LEA's policies for the provision of education for pupils of school age. The Department for Education has drawn up a model role as follows:-

- Act as an apolitical voice for parents in the area, representing to the LEA the main education issues which concern parents;
- Attend and contribute to the committees to which they are appointed;
- Establish good relations with other members and officers;
- Feed back the LEA's discussions of and decisions on education to parents;
- Abide by the LEA's rules on committee procedures;
- Act with due propriety according to the standards laid down for conduct in local government.
- Liaise with other PGRs on the LEA;

2.4 PGRs are elected by a constituency consisting of all parent governors at schools in Norfolk. At the last 4 PGR elections, the number of candidates was:-

2002	-	7
2005	-	3
2009	-	10
2013	-	3

2.5 The PGRs receive a co-optees allowance of £1,010 per annum.

Church Representatives

2.6 The Church of England and the Roman Catholic Church Diocesan Boards have a right to membership of local authority overview and scrutiny committees dealing with education matters. This is in recognition of the important contribution which the organisations they represent make to education at a local level. In Norfolk, each Diocesan Board has one representative and they each serve on the Cabinet Scrutiny Committee and the Children's Services Overview and Scrutiny Panel. As with PGRs, they are entitled to speak on all matters by the committees but only to vote on matters which relates to education functions. The Church representatives do not receive a co-optees allowance.

Independent Members on the Police and Crime Panel

2.7 Norfolk Police and Crime Panel is a joint committee of the county and district councils in Norfolk. Its role is to hold to account the Norfolk Police and Crime Commissioner (PCC) who was elected last year. The Panel scrutinises the actions and decisions of the PCC and supports and challenges the PCC in the exercise of his functions.

2.7 The Panel comprises 3 county and 7 district councillors, but is required by legislation to co-opt 2 independent persons (non-councillors). The independent persons are identified through an open recruitment process. They were co-opted for respective terms of 3 and 4 years, after which the terms of office will be 4 years. The appointments were made on the basis of those with the skills, experience and qualities considered best to secure the effective functioning of the Panel

2.8 The Panel's specific roles include:

- Scrutinise and report on the Commissioner's proposed annual precept;
- Conduct confirmatory hearings to review the proposed appointment by the commissioner of a new Chief Constable, Deputy PCC, Chief Executive, Chief Finance Officer;
- Review the Commissioner's draft Police and Crime Plan;
- Review the Commissioner's Annual Report;
- Consider and respond to a proposal by the PCC to call upon the Chief Constable to retire or resign.

- 2.9 The Panel meets approximately 4 times per year although this will, increase as and when the PCC seeks to change his senior staff or to appoint a new Chief Constable. The independent members do not receive a co-optees allowance but this is the first time that the IRP has had the opportunity to consider their position.

Local Government Association Representatives on the Pensions Committee

- 2.10 The Pensions Committee exercises the County Council's functions relating to local government pensions. Although administered by the County Council, access to the Norfolk County Superannuation Fund is available to district council staff in Norfolk. Consequently, the Committee includes 2 additional voting members who are nominated by the Local Government Association to represent the interests of the district councils and other authorities which are admitted to the Norfolk County Fund. The persons nominated are district councillors. The Pensions Committee meets about 4 times per year. The 2 representatives do not receive a co-optees allowance.

3.0 ISSUES CONSIDERED BY THE PANEL

- PGRs are effectively volunteers putting themselves forward for the role. If they are working, they have to fit the role of PGR in with their work commitments unless they are able to reach an agreement with their employer. They also need to put in time outside of committee meetings if they are to effectively communicate with their constituency. The Panel has previously recommended that a co-optees allowance be paid. This was accepted by the Council and is currently paid at the rate of £1,010 per annum. It was noted that the number of candidates at the last election decreased significantly on the previous one, although there can be no certainty that this was related to the level of the allowance.
- The independent members on the Police and Crime Panel are, like PGRs, volunteers who put themselves forward for the role, albeit unlike PGRs, they are appointed and not elected. The independent members were recruited in August 2012 following a recruitment process which resulted in 21 applications for the positions. The members are able to have their travel costs reimbursed but there is currently no remuneration to reflect the time commitment they make. Representations have been made by both of the independent members that the payment of a small co-optees allowance would be an appropriate recognition of the significant contribution they make to the work of the PCP. The independent members feel that an allowance at the same level as to the PGRs would be a fair and reasonable provision.
- Church Representatives are employees of their respective Diocesan Boards. The Panel has previously considered that serving on the

LEA's Overview and Scrutiny Committees is effectively part of their employment responsibilities and that separate remuneration is inappropriate.

- The Panel has previously concluded that the position of the additional members of the Pensions Committee is no different to that of the County Councillors who also serve on the Committee, and who receive no special responsibility allowance for doing so. No allowance has therefore been recommended at previous reviews.

4.0 CONCLUSION

4.1 The Panel believes that the allowance to PGRs is appropriate and should continue at the existing rate of £1,010 per annum

4.2 The Panel considers that the present arrangements for the Co-Optees Allowance in respect of the Church Representatives and the Local Government Association nominees on Pensions Committee be retained, i.e that no allowance be payable.

4.3 The Panel considers that for allowances purposes, the independent members of the Police and Crime Panel should receive an allowance to recognise their time commitment and as a contribution towards any associated non-travel costs they incur in carrying out their role, such as providing IT equipment, stationery etc.

5.0 RECOMMENDATIONS

1. That the PGRs continue to receive a co-optees allowance of £1,010 per annum, subject to an annual increase in line with any pay award to local government employees
2. That the independent members of the Police and Crime Panel be given a co-optees allowance of £1,010 per annum and that it be backdated to 1 April 2013 in recognition of their having carried out the role on a non-remunerated basis since August 2012. The allowance to be subject to an annual increase in line with any pay award to local government employees
3. That no co-optees allowance be paid to the Church representatives, nor to the district councillors co-opted onto the Pensions Committee.

TRAVEL AND SUBSISTENCE ALLOWANCE

1.0 BACKGROUND

- 1.1 An allowances scheme may provide for the payment to members of an allowance in respect of travelling and subsistence undertaken in connection with or relating to such duties as are specified in the scheme.
- 1.2 The Panel has previously recommended that the travel and subsistence arrangements for members be the same as those in place for officers of the Council. This was subsequently agreed by the Council and is reflected in the current scheme and the rates are adjusted accordingly, as and when the officer rates change.
- 1.3 The Scheme also sets out a list of the duties that are approved for the purpose of travel, subsistence and carers' allowances. For a member to claim any of these allowances, the duty to which the claim relates must fall within the approved list.

2.0 REPRESENTATIONS

- 2.1 The Panel received some representations from group leaders in relation to travel and subsistence allowance, as follows:-

Subsistence Allowance

- 2.2 During 2012, the Council carried out a review of a number of staff conditions including subsistence allowance. A decision was taken to end officers' entitlement to subsistence allowance, other than in exceptional circumstances. Consequently, as the member arrangements must be the same as those for officers, the entitlement of members to subsistence was similarly ended. The Panel received a representation that the Scheme's requirement that subsistence arrangements for members be the same as those for officers be removed in order to allow the resumption of the members' subsistence scheme. It was put to the Panel that the ending of subsistence was a disincentive for members to give up their time. A separate representation was received that meal allowances be reinstated but only for extended distance from home.
- 2.3 The Panel felt that distance from home was not a relevant consideration in the payment of subsistence allowance. The Panel noted that the Scheme does provide for subsistence to be paid to members in exceptional circumstances, defined as:-
- Attending a conference or training event when the councillor is required to purchase a meal at the event
 - Attending an event that necessitates an overnight stay where meals have not been included

- 2.4 The Panel was satisfied that these exceptions were reasonable, for both officers and members. The Panel did not support a break in the link between officer and member subsistence arrangements, being concerned that breaking the link would set a precedent that might undermine the wider link between officer pay awards and members allowances. The Panel concluded that no change should be made to the subsistence arrangements.

Travel Allowance

- 2.5 The Panel received a representation expressing concern that shadow cabinet members are not able to claim travel allowance for attending shadow cabinet meetings/briefings or briefings on their areas of expertise. The point was made to the Panel that in the current “no overall control” environment, the role of the shadow cabinet was critical to the operation of the Council and that it was frequently asked for opinions as the main opposition and that this necessitated separate meetings.
- 2.6 The Panel noted that the Scheme sets out the approved duties for which travel allowance may be claimed and that it provides for shadow spokesmen to claim travel costs when attending pre-arranged pre-agenda meetings/briefings with Chief Officers/Senior Officers. It also covers councillors’ attendance at seminars, briefing meetings and training events which are convened by Chief Officers and Heads of Service. However, the list of approved duties does not cover a meeting of all the shadow spokesmen in any particular political group and the Scheme specifically excludes travel claims for attendance at political group meetings.
- 2.7 The Panel noted that the Allowances Scheme does not include any concept of a shadow cabinet, but in the context in which this issue has been raised, the term clearly refers to a meeting of all the shadow spokespersons in a political group, in this case the largest opposition group, although it could apply to any of the opposition groups. The Panel recognised the importance of opposition groups being able to function effectively so that the Executive can be held to account, but was concerned at the potential proliferation of travel claims if there were to be a facility for all meetings of shadow spokespersons to be eligible, whether this were only for the largest opposition group or for all opposition groups. The Panel also felt that there are sufficient opportunities for shadow spokespersons to arrange their meetings to coincide with other occasions when they can all attend, such as meetings of full Council, Cabinet, Cabinet Scrutiny Committee, which are approved duties and their own political group meetings. On balance therefore the Panel concluded that meetings of shadow spokesmen should not be added to the list of approved duties

Bicycle mileage rate

- 2.8 The Panel received a representation that the bicycle mileage rate be increased to above that of the car rate, in order to incentivise cycling as a means of transport. A rate of 50p per mile was suggested and that it should apply to staff as well as members. The Panel felt that travel allowance was

there to reimburse the cost to the individual of the mode of transport used, and not to incentivise a particular method of transport. The Panel also noted that it did not have a role in determining or recommending officer mileage rates. The Panel concluded that it could not recommend an increase to the bicycle mileage rate

3.0 RECOMMENDATIONS

That no changes be made to the present arrangements for travel and subsistence allowance.

APPENDIX 1

Basic Allowance 2013 – by level of Basic Allowance in ascending order

County	Basic (£) 1	Population 2	Hourly Pay Rate (£) 3
Northamptonshire	7,086	700.5	13.65
Herefordshire	7,244	184.9	12.05
Camb	7,610	628.3	16.13
Cumbria	8,030	499.1	13.96
Worcestershire	8,515	569.0	13.06
Gloucestershire	8,800	602.1	15.08
Oxfordshire	8,925	660.7	15.82
Norfolk	9,018	865.3	13.59
Warwickshire	8,975	548.9	14.75
North Yorks	8,994	602.6	13.07
Staffs	9,244	852.1	13.08
Hertfordshire	9,588	1,129.0	16.18
Wiltshire	9,875	476.8	13.99
Somerset	9,880	534.9	13.17
Derbyshire	9,948	773.5	13.39
Lincolnshire	10,000	719.0	12.40
Lancashire	10,139	1,175.9	13.79
Leicestershire	10,152	656.5	13.77
Suffolk	10,172	732.3	13.15
Dorset	10,185	414.9	13.40
Buckinghamshire	10,718	511.4	17.36
East Sussex	10,842	531.2	13.75
Devon	10,970	753.1	12.35
West Sussex	11,030	815.1	14.86
Essex	11,500	1,406.5	14.64
Shropshire	11,514	308.2	12.33
Surrey	11,791	1,143.5	18.43
Hampshire	12,003	1,330.1	16.23
Cornwall	12,128	537.9	11.82
Northumberland	12,625	316.1	12.94
Kent	12,805	1,480.1	14.48
Nottinghamshire	12,906	790.1	13.09
Durham	13,300	514.3	13.33
Average	9,924	720.1	14.03

1. Figures as per each council's website on 28 June 2013.
2. Office of National Statistics Mid 2012 Estimates.
3. Full time employees average gross hourly pay rate – Annual Survey on Hours and Earnings 2012.

Report of the Corporate Resources Overview and Scrutiny Panel on:

- **Annual Review of the Constitution**
- **Committee Form of Governance**

Report of the Chairman of Corporate Resources Overview and Scrutiny Panel

1 Background

1.1 The Corporate Resources Overview and Scrutiny Panel met on 12 November 2013 to consider the final report of the Constitution Advisory Group (CAG) on its annual review of the Constitution and also into a possible form of Committee governance for Norfolk County Council. A copy of the full report considered by the Panel is attached as Part 1 (Annual Review) and Part 2 (Committee form of Governance).

2. Annual Review of the Constitution

2.1 The Panel received the attached report (Part 1) from the Chairman of the CAG which had considered a number of issues which had been raised in relation to the annual review of the Constitution and made **recommendations to the Council** as follows:-

(i) Position of Chairman of Council as Ex-Officio member of the Standards Committee

CAG does not wish to propose any change

(ii) Officer Code of Conduct

Recommends that the current Appendix 19 be deleted and instead be retained as a spare appendix in case additions need to be made to the Constitution at a later stage

(iii) Procedure Rules for Full Council meetings (Council budget meeting - stipulation that that business at that meeting will be limited to the budget and its associated items.)

Recommends that the Procedure Rules be amended to include such a stipulation, with a caveat that the Chairman has discretion to accept additional items other than those relating to the budget, but only in exceptional or urgent circumstances.

(iv) Contract Standing Orders

Recommends that the changes proposed in Annex 1 of the report be approved.

(v) Delegation of Non-Executive Powers to Head of Law and Director of Environment, Transport and Development

Recommends that the changes proposed in (i) to (iii) in the report be made.

(vi) Chief Fire Officer Delegations – Appendix 6

Recommends that the Leader be asked to approve this change to Appendix 6.

(vii) Article 12 - Officers

Recommends the extension of the description of the role of the Chief Fire Officer to include “regulatory fire safety” and “Integrated Risk Management Planning

(viii) Public Questions – Supplementary

CAG does not wish to recommend any change to the Procedure Rules.

(ix) Standards Regime - Appendices 18A, 18B

Recommends that the proposed amendments be approved shown as track changes at Annex 2.

(x) Public Protection

Recommends that the proposals set out in the attached report at Annex 3 be approved

(xi) Flood and Water Management Act 2010 – Delegation to Director of ETD

Recommends that the Leader be asked to approve the proposed amendment to Appendix 6.

Note: the above recommendations agreed by the Panel are presented to Full Council for consideration and approval, apart from those recommendations that relate to matters that are for the Leader to determine. Those are the recommendations 6, 10 and 11 above) regarding changes to Appendix 6 (Scheme of Delegation of Executive

Powers to Officers) as documented within sections 7, 11 and 12 of this report.

3. Committee Form of Governance

3.1 The Panel considered the report of the Chairman of the Constitution Advisory Group (Part 2). The report of the CAG sets out the background to the work of the Panel, the process it has followed, and the results of its deliberations.

3.2 At the meeting of CROSP on 12 November 2013, the Chairman of the Panel reminded members that the debate on the merits or otherwise of the possible scheme set out in the report was for the Council meeting on 25 November 2013, and therefore the issue for the Panel to consider was simply whether the Constitution Advisory Group had made sufficient progress for their deliberations to be forwarded to the Council for a full debate.

3.3 The Panel made one additional recommendation to those set out in part 10 of the report in that it was agreed (nem con) to add an additional bullet point in 10.i:

- **That any decisions taken by committee should be through a recorded vote to ensure public accountability**

3.4 With the above amendment, the Panel resolved, with 14 members voting in favour, 0 against and with 2 abstentions, that there was sufficient information set out in the report to allow members to make an informed decision and therefore to refer the report (as amended) to the Council for its consideration.

3.5. Recommendation

Council is recommended to consider the contents of the attached report at Part 2 concerning a Committee form of governance.

Cllr Cliff Jordan
Chairman of Corporate Resources Overview and Scrutiny Panel
November 2013

PART 1

Corporate Resources Overview and Scrutiny Panel 12 November 2013

Report of the Constitution Advisory Group (CAG) Part 1 - Annual Review of the Constitution - 2013

Report of the Chairman

This report sets out the recommendations of the Constitution Advisory Group (CAG), which has carried out its annual review of the Council Constitution.

After consideration of a wide range of issues, CAG has reached a number of conclusions as to changes to the Constitution it wishes to recommend. These recommendations are presented to the Corporate Resources Overview and Scrutiny Panel for consideration prior to submission to full Council on 25 November 2013, alongside the separate report on a Committee Structure form of governance.

Action required

The Panel is asked to consider the CAG recommendations detailed in this report and its appendices and decide which should be submitted to Full Council and the Leader for approval.

1. Introduction

1.1 CAG has considered a number of issues which have been raised in relation to the annual review of the Constitution as follows:-

- (i) Position of Chairman of Council as Ex-Officio member of the Standards Committee
- (ii) Officer Code of Conduct
- (iii) Procedure Rules for Full Council meetings
- (iv) Contract Standing Orders
- (v) Delegation of Executive Powers to Head of Law and Director of ETD
- (vi) Chief Fire Officer Delegation
- (vii) Article 12 - Officers
- (viii) Public Questions – Supplementaries
- (ix) Standards Regime - Appendices 18A, 18B
- (x) Public Protection
- (xi) Flood and Water Management Act 2010 – Delegation to Director of ETD

1.2 These issues are explained in detail within this report and the appendices attached to it. The timetable for consideration is:-

- Corporate Resources OSP - 12 November 2013
- Full Council - 25 November 2013

- 1.3 If any of the issues require further research and consideration before decisions can be taken, the timetable for changes relating to those issues may consequently be delayed.
- 2.0 Position of Chairman of Council as Ex-Officio member of the Standards Committee
- 2.1 When the Standards Committee was first established in 2000, it was on a non-Widdecombe basis, as required under the Local Government Act 2000. In establishing the Committee, Council decided that the Chairman of the Council would chair the Committee and that position continued until 2003, when Council agreed that it would be chaired by one of its Independent Members. The Chairman of Council remained as an ex-officio member of the Committee. In 2005 the Committee was reconstituted with only 3 County Council members (1 from each of the 3 main political groups) and 5 Independent Members. Council did however agree that the Chairman of the Council would be entitled to attend meetings of the Committee on an ex-officio, non-voting basis. That position is set out in Article 5 of the Constitution (Chairing the Council)
- 2.2 This composition remained the position until last year when the Localism Act 2011 removed the requirement to have a Standards Committee but stipulated that if a local authority decided to maintain a Standards Committee, it had to appoint to it on a politically balanced basis. This Council decided to have a committee of 7 and the composition is currently 4 Conservative, 1 Labour, 1 UKIP and 1 Liberal Democrat. This raised an issue of whether it is appropriate for the Council Chairman to continue to be able to attend meetings as an ex-officio, non-voting member. Although that position is non-voting, the perception might be that this gives the political group to which the Chairman belongs a level of influence that does not reflect the political balance requirement. CAG has therefore reviewed this particular element of role of the Chairman of the Council. However, CAG has concluded that as the Chairman's position on the Committee is a non-voting one, there is no inappropriate effect upon the political balance and that the involvement of the Chairman is a useful provision. CAG does not therefore wish to propose any change.
- 3.0 **Officers Code of Conduct**
- 3.1 Appendix 19 of the Constitution is titled "Officers' Code of Conduct". This Appendix was included in the Constitution originally approved by Council in 2001 but it has no content – it simply states "To be issued by Central Government." Its inclusion in the Constitution was on the basis that the Local Government Act 2000 stipulated that the Secretary of

State may by order issue a code as regards the conduct which is expected of employees of relevant authorities in England.

- 3.2 No such code has ever been issued by the Secretary of State. As a consequence of the Government's changes to the local authority standards regime, the relevant section of the Local Government Act 2000 has been disapplied as regards England and the reference to an Officers' Code of Conduct could be removed from the Constitution. CAG was pleased to note that an officer statement of standards of conduct and behaviour is in place and that the requirements of the 2000 LG Act have been superseded by the changes to the standards regime. Consequently CAG **Recommends** that the current Appendix 19 be deleted and instead be retained as a spare appendix in case additions need to be made to the Constitution at a later stage.

4.0 **Procedure Rules for Full Council Meetings**

- 4.1 The Procedure Rules for Full Council meetings are set out in Appendix 9 of the Constitution.
- 4.2 These have been reviewed and one issue has arisen, which CAG has considered.

Council Budget Meeting

- 4.3 It is custom and practice that the agenda for the Council meeting in February each year is limited to consideration of the Council Plan, Budget and the Annual Investment and Treasury Strategy for the next financial year. However, although the Procedure Rules state that a full Council meeting will be held in February each year to determine the Council's budget, they do not stipulate that business at that meeting will be limited to the budget and its associated items.
- 4.4 The omission of any such stipulation leaves open the possibility that a Member could give notice of a motion or a question, putting the officers in the difficult situation of having no constitutional authority to reject them. It would appear to be the clear will of Council that there should be no other items considered at the February meeting and therefore **Recommends** that the Procedure Rules be amended to include such a stipulation, with a caveat that the Chairman has discretion to accept additional items other than those relating to the budget, but only in exceptional or urgent circumstances.

5.0 **Contract Standing Orders**

- 5.1 Contract Standing Orders are set out in Appendix 17 of the Constitution. These have been reviewed by the Head of Procurement, who wishes to recommend some relatively minor amendments which he considers to be necessary. These are set out in the attached report

at Annex 1, which CAG has considered and CAG **Recommends** that the changes proposed in the report be approved.

6.0 **Delegation of Non-Executive Powers to Head of Law and Director of Environment, Transport and Development**

6.1 Appendix 7 of the Constitution sets out the Scheme of Delegated Powers to Officers (Non-Executive Functions).

6.2 There are some minor changes considered necessary to the Head of Law and the Director of Environment, Transport and Development delegations to reflect changed circumstances. These are as follows:

(i) Director of ETD –

(a) “To divert, stop up and extinguish footpaths and bridleways”.

(b) “To create footpaths and bridleways by agreement or by order”

(c) “ To authorise temporary disturbance of the surface of footpaths or bridleways”

(d) “To temporarily divert footpaths and bridleways”

Restricted byways can now also be created/diverted/extinguished under the Highways Act 1980 and so they should be added to the specific delegations in (a) to (d) above;

(ii) Head of Law – “To reclassify roads used as public paths”. This delegation is no longer relevant as the power to make these orders has been repealed and so should be deleted;

(iii) Head of Law – “To register common land or town and village greens and to register variation of rights of common”. This delegation should be amended to make clear that it also includes the power to determine applications for the registration of land as new Town or Village Green.

CAG has considered this issue and **Recommends** that the changes proposed in (i) to (iii) above be made.

7.0 **Chief Fire Officer Delegations – Appendix 6**

7.1 Appendix 6 sets out the Scheme of Delegated Powers to Officers (Executive Functions). Determination of the Scheme is a matter reserved to the Leader of the Council but it is open as part of the Constitution review process for recommendations to be made to the Leader for changes.

7.3 The Scheme currently includes the appointment of certain postholders as Inspectors under Section 19(1) of the Health and Safety at work Act 1974 and authorises the postholders to exercise certain powers under the Act. The postholders are the Chief Fire Officer, the Deputy Chief

Fire Officer and Area Managers. The Chief Fire Officer has requested that the list of postholders be extended to include Brigade Managers and CAG **Recommends** that the Leader be asked to approve this change to Appendix 6.

8.0 **Article 12 – Officers**

8.1 Article 12 describes the role of the Council’s Chief Officers. The Chief Fire Officer’s role is currently described as fire prevention and operational fire fighting but he has suggested that this be extended to include “regulatory fire safety” and “Integrated Risk Management Planning”. It is the duty of the Authority to determine the emergency response for its area, in terms of the role, responsibilities, resources and performance standards of the fire and rescue service it provides. It is required to do this via a formalised process of “Integrated Risk Management Planning”. The Chief Fire Officer is also required to exercise the Council’s functions under the Regulatory Reform (Fire Safety) Order 2005

CAG **Recommends** that this change be made.

9.0 **Public Questions**

9.1 Public questions can be asked at meetings of the Cabinet and Overview and Scrutiny Panels. The rules governing public questions are set out in Appendices 10 and 11 of the Constitution.

9.2 Representations have been received from a member of the public expressing concern about the procedure regarding supplementary questions. The concern expressed is that the current procedure gives the questioner an opportunity to pose a supplementary question but not to challenge the answer to that question. The member of the public considered that he received an inadequate reply to his supplementary question and that he should have had an opportunity to challenge the reply. He therefore would like the procedure to be changed to provide for members of the public to have the opportunity to challenge the verbal response to their supplementary question. CAG has considered this suggestion.

9.3 CAG did not consider that there needed to be a change to the process, being concerned that the proposal could change the nature of the process from being one of public questions into the area of public debate. Members of the public were able to challenge responses by emailing the Member concerned after the meeting CAG felt that the key to managing public questions effectively was good chairmanship but that it would be a useful addition to provide questioners with a guidance note to explain their options if they are not satisfied with the answer they receive. CAG therefore does not wish to recommend any change to the Procedure Rules.

10.0 **Standards Regime - Appendices 18A, 18B**

10.1 In May 2012, following the implementation of the Localism Act 2011, the County Council agreed revisions to the Standards regime, including a new Code of Conduct for Members, new remit for the Standards Committee and new arrangements for dealing with standards complaints. The resulting changes were incorporated into the relevant parts of the Constitution as per the Council's decisions – these being:-

- Article 3 – The Public and the Council
- Article 9 – The Standards Committee
- Appendix 9 – Council Procedure Rules
- Appendix 18 – Members Code of Conduct
- Appendix 26 – Monitoring Officer Protocol

10.2 Then in July 2012, Council was advised of the Government's new regulations relating to Disclosable Pecuniary Interests and agreed to amend its Code of Conduct accordingly. There are some amendments that need to be made to other parts of the Constitution to reflect all the changes to the Standards Regime. These are:-

- Appendix 18A – Planning Procedures Code of Best Practice
- Appendix 18B – Gifts and Hospitality – A Code of Conduct for Members

10.3 These documents are attached at Annex 2 with the proposed amendments shown as track changes. CAG **Recommends** that the proposed amendments be approved.

11.0 **Public Protection**

11.1 The Public Protection section of Environment, Transport and Development delivers Trading Standards, Town and County Planning and Resilience functions of the Council. The Director of ETD has reviewed the provisions within the Constitution relating to the Public Protection Service and wishes to recommend a number of constitutional changes. The issues and recommendations are set out in the attached report at Annex 3. CAG has considered the report and **Recommends** that the proposals within it be approved

12.0 **Flood and Water Management Act 2010 – Delegation to Director of ETD**

12.1 Under the Flood and Water Management Act (FWMA) 2010 a number of statutory duties and functions now fall on the County Council in its role as a Lead Local Flood Authority. To reflect the need to carry out these functions an amendment is proposed to Appendix 6 of the Constitution. Full details are set out in the attached report at Annex 4

CAG **Recommends** that the Leader be asked to approve the proposed amendment to Appendix 6.

13.0 **Conclusions**

13.1 CAG considers that the changes to the Constitution proposed in this report will lead to improvements in the way in which the Council conducts its decision making processes.

13.2 Recommendations agreed by the Panel will need to go to Full Council for consideration and approval, apart from those recommendations that relate to matters that are for the Leader to determine. Those are the recommendations regarding changes to Appendix 6 (Scheme of Delegation of Executive Powers to Officers) as documented within sections 7, 11 and 12 of this report.

14.0 **Action for the CROSP**

14.1 The Panel is asked to consider the CAG recommendations detailed in this report and its appendices and decide which should be submitted to Full Council and the Leader for approval.

Officer Contact: Greg Insull, Assistant Head of Democratic Services – tel 01603 223100 – email: greg.insull@norfolk.gov.uk

Gsi/reviewnov2013

Constitution Advisory Group

**Revised Template
Minor Amendments to Contract Standing Orders (CSO)**

Report by the Head of Procurement

Summary

This report highlights some relatively minor changes to Contract Standing Orders (CSO) - Appendix 17 of the Council Constitution - that have arisen from misunderstandings, or misinterpretation, of the listed paragraphs and sections.

There is also a request to change authorisation personnel from Head of Finance to Head of Procurement in the case of Single Quote Exemptions to CSO.

Recommendation:

That the Constitution Advisory Group supports the recommended changes to Contract Standing Orders (CSO)

1. Background

- 1.1 Contract Standing Orders were last revised in September 2011. Occasionally there is a need to amend parts of CSO when it becomes apparent that users are not understanding, or misinterpreting, particular items.

2. Proposed Changes

- 2.1 The remaining paragraphs in this section outline the changes proposed to CSO, along with a brief reason for the change, where applicable. Text and items to be replaced in CSO are shown in italics to separate them from other text.

- 2.2 CSO Paragraph 9.11 - Replace with:

In exceptional circumstances, any requirement to seek more than one tender or quotation may be disappplied, subject to the relevant law. In these circumstances, with the prior written approval of the Head of Procurement and Head of Law, goods and services may be procured by single tender or quotation, or by negotiating with one or more suppliers without prior advertisement. Exemptions resulting in the letting of contracts valued at more than £100,000 must be made in consultation with the Cabinet Member.

Reason: Users misunderstood the previous references to exemptions allowed under the Public Contract Regulations

- 2.3 CSO Paragraph 19.1 - Replace current table with:

Process to be used	Estimated Total Value (excl VAT)	Higher Limit if approved by Head of Procurement	Additional Requirements
Single Quote <i>May be used with a select list</i>	Up to £1,000 (or £5,000 if approved by Head of Service)	£75,000 for Part A services. £200,000 for Part B Services and concessions. £100,000 for Works	N/A
Three or more quotes <i>May be used with a select list</i>	Up to £50,000	Up to EU Threshold	In these cases the requirement should be subjected to the "Wider Interest Test" as outlined in Section Error! Reference source not found.
Tender Process Advertised via Contracts Finder <i>May be used with a select list</i>	Up to EU threshold		
EU Tender Process Advertised via Official Journal of the European Union (OJEU)	Over EU threshold see http://www.ojec.com/Threshholds.aspx ¹		

Reason: Users previously found the different people who could authorise Single Quote Exemptions (for different circumstances) confusing. The number of options has decreased to simplify matters, and moved from Head of Finance to Head of Procurement. There is also requested increase to the Part B Single Quote Exemption, in line with forthcoming changes to EU procurement law regarding Part B Services.

- 2.4 CSO Paragraph 20.4 - Delete this paragraph. This will also require deletion of paragraph 10.5, an amendment to paragraph 20.5 and the deletion of the entry in the Summary of Main Responsibilities, Chief Officers - that refers to paragraph 20.4.

Reason: The changes to the process table above have negated the need for paragraph 20.4.

- 2.5 CSO Section 22 - Add new paragraph at 22.1 (subsequent paragraph numbers will also change) to give definition of a Select List as follows:

A Select List is a list of pre-qualified suppliers used for running quotations or non-EU tenders.

¹ Please note the additional "h" in threshold is not a spelling error this is the actual web address of the OJEU threshold site.

- 2.6 CSO Paragraph 23.1 - Replace “its tender point” with “*the tender point.*”
- 2.7 CSO Paragraph 23.2 (b) - Delete paragraph as no longer required due to changes to authorisation table highlighted earlier in this report.
- 2.8 CSO Paragraph 26 - Replace “relevant threshold” with “*tender point*”
- 2.9 In CSO Glossary section - Add definition of Aggregated Value as follows:

*The **aggregated** value refers to the total cost for the requirement, over the whole life of the contract. It is a breach of English and EU Law to artificially dis-aggregate a requirement, so that the total value falls below EU Thresholds.*

Reason: The term “aggregated value” is referred to several times in the main text of CSO without being defined. Thus a new entry is required in the glossary.

3. **Resource Implications**

Minor level of administrative resource required to make the amendments to the master constitution document, if changes are approved.

4. **Recommendation**

- 4.1 That the Constitution Advisory Group endorses the changes to Appendix 17 of the Council Constitution, as outlined in Section 2 of this report.

Background Papers

Council Constitution - Appendix 17, Contract Standing Orders.

Officer Contact

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

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APPENDIX 18A

PLANNING PROCEDURES - CODE OF BEST PRACTICE

1. Introduction

- 1.1 At its meeting on 12th May 2003 the County Council adopted this Code of Best Practice for dealing with planning applications and related matters. It takes account of the recommendations of the Third Report of the Nolan Committee and the guidance produced by the Local Government Association as well as drawing on the County Council's own experience in these areas including the views of the Standards and Planning Regulatory Committees.
- 1.2 The aim of the Code is to give clear guidance to County Council members and officers on how they deal with planning matters. In doing so, it should also seek to ensure that the public have confidence that the decision making of the County Council is open and fair.
- 1.3 Planning matters are normally decided through the County Council's Planning Regulatory Committee. In addition, non-controversial planning matters are usually dealt with by officers under delegated powers. This Code applies whoever takes the decision.
- 1.4 This Code applies to appointed members of the Planning Regulatory Committee and substitutes drawn from the nominated panel. References in the Code to Committee members therefore include substitutes and even the full Council if they take the planning decision.
- 1.5 The Code applies to the full range of planning applications determined by the County Council and enforcement matters considered by the Planning Regulatory Committee and to the work of the Planning and Highways Delegations Committee.
- 1.6 Failure to follow recommendations contained in this code could be taken into account in investigations into allegations of maladministration and might also indicate a breach of the Members Code of Conduct

2. Declaration of Interests

- 2.1 The provisions of the Members Code of Conduct relating to interests are in Appendix 18 to the Council's Constitution.

- 2.2 All interests in a matter before the Planning Regulatory Committee must be disclosed to the meeting in accordance with the Members' Code of Conduct.
- 2.3 A member who has such disclosable pecuniary interest must not participate in a discussion or vote on the matter and must withdraw from the room and must not seek improperly to influence a decision on the matter.
- 2.4 A member who has an "Other Interest", that is to say, an interest that that member feels may be connected in some way to the matter under discussion but is not a disclosable pecuniary interest, may declare that interest and give thought to whether it would be appropriate to participate in the discussion and vote.

Although there is no legal obligation to declare the interest or withdraw from participation and voting the member may nevertheless feel that the public interest requires it – would a member of the public think that the interest is so significant that it may skew your view of the public interest?

- 2.5 There will be a standing item on the Agenda of all Committees to facilitate the declarations of interest.
- 2.6 To assist Councillors in this difficult area training will be provided in accordance with this code.

3. Predetermination

- 3.1 It is a well understood principle that judicial and quasi judicial decisions must not only be taken in a fair and unbiased way, but must be seen to be so. Although planning committees are not quasi judicial but administrative, the tendency of the courts in recent years has been to apply similar principles to planning committees.
- 3.2 Where applications are considered for County Council development or development on County Council Land those members of the Committee who have participated in the decision to apply for permission, whether on a Review Panel or in Cabinet, will declare that fact and not take part in the determination.
- 3.3 Where an external body, including a school, makes, initiates or is closely involved with an application for planning permission and members of the Committee (or their family members) serve on that body then the Committee member must declare an interest and not take part in the determination.

- 3.4.1 Where a member of the Committee serves on a Parish, Town or District Council which has commented on an application before the Committee, provided the member has not come to a final view on all the relevant matters before the Committee then they will declare an interest but may take part in the determination. If they have participated in a meeting on the application at Parish, Town or District level they should have it minuted at that meeting that they have not come to a final conclusion on the application.
- 3.4.2 Where however in the situation referred to in paragraph 3.4.1 such members have already decided in their own minds how the application should be decided then they must not take part in the determination.
- 3.4.3 In this context the Localism Act 2011 has stipulated that a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because –
- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
 - (b) the matter was relevant to the decision.

This does not mean that it is acceptable to have a “closed mind” – just that the law now says that your statements and actions do not necessarily constitute sufficient evidence to show that you do have such a closed mind.

As a decision taker it is always better to reserve or qualify any opinions on a forthcoming decision so as to show that you intend to listen to the evidence and representations and then make up your mind.

4. Development Proposals Submitted by Councillors and Officers

- 4.1 The County Council fully recognise that proposals by serving Councillors and officers and their close friends and relations can easily give rise to suspicion of impropriety. In order to ensure that they are handled in a way which gives no grounds for accusations of favouritism:
- a) the Head of Law will be informed of such proposals.
 - b) such proposals will be reported to the Planning Regulatory Committee for decision and not dealt with by officers under delegated powers. As part of the report the Head of Law will confirm whether the proposal has been processed normally.

- c) serving Councillors who act as agents for people pursuing a planning matter or who submit planning proposals in their own right must play no part in the decision making process for that proposal.
- d) Persons who are employed as planning agents should not serve as members of the Committee.

4.2 An application on the agenda relating to development by a member is likely to be a disclosable pecuniary interest or “other interest” and the member needs to consider whether he or she should to declare the interest and withdraw from the room during consideration of the matter. The Members Code of Conduct also provides that a councillor must not seek to improperly influence a decision about any matter, which is applicable to this situation.

4.3 However, this does not mean that a councillor should have any fewer rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of the committee meeting, but that there should be no suspicion of undue influence. Therefore where there is any substantial communication between a councillor applicant and planning officers on the application, apart from requests for information and progress reports, **the Council's Independent Person** should be present and a note taken of the meeting by an officer of the Managing Directors Department .

5. County Council Development

Proposals for the County Council's own development and that of wholly owned companies will be treated in the same way as those of a private developer particularly in relation to officers advice which must be impartial.

6. Lobbying of and by Councillors

6.1 The County Council recognise that lobbying is a normal and perfectly proper part of the political process. The third report of the Nolan Committee noted that it was essential for local concerns to be properly ventilated and the best way to do this was through the local elected representative. However, lobbying can lead to the impartiality and integrity of a Councillor being called into question and in a number of cases lobbying has caused considerable public mistrust of Councils. As a result:-

- a) when being lobbied, Councillors, and members of the Planning Regulatory Committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before it has been exposed to all the evidence and arguments.

- b) rather, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant Planning Officer in order that their views can be reported to the Planning Regulatory Committee.
- c) if Committee members do express an opinion then they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Planning Regulatory Committee.
- d) members of the Committee other than those who are Councillors for the affected Division(s) - for which see paragraph (e) - should not openly declare which way they intend to vote in advance of the Committee meeting and of hearing the evidence and arguments on both sides.
- e) a Planning Regulatory Committee member who represents a Division affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the member decides to go public in support of a particular outcome - or even campaigns actively for it - it will be very difficult for that member to argue convincingly when the Committee comes to take its decision that he/she has carefully weighed the evidence and arguments presented. In those circumstances, because of the issue of predetermination the proper course of action would be for the member to declare an interest and not vote. The arrangements for public speaking include an opportunity for the Division Member to make representations.
- f) Similarly, a Planning Regulatory Committee member who decides to go public in support of a particular outcome for a planning matter which does not affect that member's Division should not speak or vote on that matter when it comes before the Committee.

6.2 In addition:

- a) Councillors should not put pressure on officers for a particular recommendation.
- b) Councillors should not mutually agree with one another on how to vote on particular planning matters.
- a) Councillors should pass any relevant written information which they receive to officers so that it can be reported or responded to.

6.3 The essential point is that decisions on planning applications should be taken in a fair and open manner, in the meeting and on the evidence presented to the meeting.

7. Group Meetings

A protocol for group meetings is attached as Annex 1 to this code

8. Pre-Application Discussions

8.1 The County Council recognise that discussions between a potential Applicant and the County Council prior to the submission of a planning application - and even after its submission - can be of considerable benefit to both parties. However, it would be easy for such discussions to be seen to become part of the lobbying process. To avoid this, the County Council have agreed that all pre-application discussions should take place within the following guidelines:

- a) It should always be made clear at the outset that the discussions will not bind the County Council to making a particular decision and that any views expressed are personal and provisional.
- b) Any advice should be consistent and based upon the Development Plan and material considerations. In addition, all officers taking part in such discussions should make it clear whether or not they are the decision maker.
- c) A written note should be made of all pre-application discussions. At least one officer should attend such meetings and a follow up letter is advisable at least when documentary material has been left with the County Council. A note should also be taken of pre-application telephone discussions. However information shared at pre-application discussions should only be placed on the planning if it is not considered to be confidential.
- d) Care must be taken to ensure that advice is, and is seen to be, impartial; otherwise a subsequent report could appear to be advocacy of a particular case.

8.2 Councillors and officers should avoid indicating the likely outcome of a decision. However, an officer whilst clearly making no commitment may on the basis of the structure and local plans and policy documents give information on the likely planning issues that would need to be addressed.

8.3 These guidelines apply equally to meetings called by third parties, such as Parish Councils, to discuss planning applications.

9. Officer Reports to Committee

9.1 Committee reports on planning proposals will comply with the following guidelines:

- a) Reports should be accurate and cover, amongst other things, the substance of objections and the views of consultees. (There will be an Agenda note to say where full copies of third party representations and views of consultees may be inspected).
- b) Relevant points will include a clear exposition of the development plan, the site or related history and any other material considerations.
- c) The report should have a clear recommendation; oral reporting (except to update a report or to report on late response from Committees) should be extremely rare and carefully minuted when it does occur.
- d) Reports should contain a technical appraisal which clearly justifies a recommendation.
- e) If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

9.2 Applicants or third parties who wish to bring matters to the attention of the Committee should do so in good time so that they can be incorporated in the written Committee Report. Where new information arises without sufficient time for consideration officers will consider making a recommendation that the item be deferred.

10. Public Speaking at Planning Committees

The County Council has a scheme for public speaking which is annexed at Annex2.

11. Decisions Contrary to Officer Recommendation and/or The Development Plan

- 11.1 The Law requires that where the Development Plan [i.e. the approved Structure Plan and relevant Local Plan(s)] is relevant, decisions must be taken in accordance with it, unless material considerations indicate otherwise. The personal circumstances of an Applicant will very rarely be a relevant consideration.
- 11.2 It follows that if the Officer's Report recommends approval of a departure, the justification for this should be included in full within the Report.
- 11.3 In addition, where the Planning Regulatory Committee is minded to take a decision contrary to the Officer's recommendation, they should first give the Officer the opportunity to explain the implications of the contrary decision.
- 11.4 If the Committee then makes a decision contrary to the Officer's recommendation, the minutes should clearly state the reason(s) why, and a copy placed on the application file.
- 11.5 A Senior Legal Officer will always attend meetings of the Planning Regulatory Committee to ensure procedures are properly followed.

12. Committee Site Visits

- 12.1 Site Visits can cause delay and should therefore only be used where the expected benefit is substantial, e.g. where the visit will significantly assist the Committee's understanding of the issues or in controversial cases or where it will demonstrate to the public or the applicant that members have listened to their argument. The reason for the site visit should be minuted.
- 12.2 The purpose of a visit is to make a 'tour of inspection' by Members accompanied by an officer(s) who will point out any relevant issues and areas of interests/importance. It is not a meeting where any decisions will be made or a formal minute written. Decisions will be taken at the next appropriate formal meeting of the Planning Regulatory Committee. However, a note will be drafted, and placed on file of salient issues and points such as:

Date, Venue, Attendance, Duration, Locations Inspected, Issues Addressed

12.3 Invitations to the visit will be extended to other parties as appropriate, e.g.:

The District Council

Parish Council

Local Member (where not a Member of the Committee)

The Applicant

Representatives of the objector(s)/supporters (where relevant)

Appropriate Consultees

These invitations will be sent out by the Head of Democratic Services.

12.4 The visit will be chaired by the Chairperson (agreed or substitute) of the Planning Regulatory Committee. It will be at his/her discretion whether to allow those invited to the site visit to address the Members and this will be on the basis of speaking on specific issues previously raised in writing. The Chair will need to ensure that parties are each treated fairly and equitably and the appropriate standards of propriety are seen to be adhered to.

12.5 Members should avoid separate discussions with objectors or applicants during the visit and should not make unaccompanied site visits.

12.6 A substitute who attends the site visit should, if not substituting at the subsequent committee meeting when the application is determined, fully brief the committee member attending the committee meeting. The observations made by the substitute to the sitting member should be recorded in the minutes.

12.7 If a substitute who attended the site visit attends the subsequent committee with the sitting member (but is not voting) then the substitute should be given the opportunity to make comments to the meeting on the site visit.

13. Regular Review of Decisions

13.1 As part of the members training programme the Planning Regulatory Committee will from time to time visit the sites of implemented planning permissions to assess the quality of decisions made.

13.2 Training for new members of the Committee will also include visits to permitted sites.

14. Training

14.1 The Nolan Report states (paragraph 292) that the planning system is complex and it is essential that Councillors have adequate training. It recommends:

R34 All members of an authority`s planning committee should receive training in the planning system either before serving on the committee, or as soon as possible after their appointment to the committee.

14.2 Training for members of the Committee (and substitutes) will take the form of half day sessions and as much notice will be given as possible. The training programme will be the responsibility of the Director of Planning and Transportation in consultation with the Head of Law.

14.3 Training is regarded as essential and Members of the Committee and those on the Panel of Substitutes must receive training on the planning process before they are eligible to serve on the Committee.

15. Complaints and Record Keeping

15.1 If a member of the public or an applicant wishes to complain about the County Council's treatment of a planning application then in the first instance he should contact the Director of Environment, Transport and Development in County Council. The complaint will be investigated and an answer given. If the complainant is not satisfied with the answer, the complaint should be put in writing to the Director of Environment, Transport and Development, if possible using the County Council's customer complaint form. He will investigate the complaint and provide a written response. If this is still unsatisfactory, the complainant should write to the County Council's Managing Director who will carry out an internal review independent of the Planning and Transportation Department.

15.2 So that complaints can be fully investigated and, in any case, as a matter of general good practice, record keeping will be complete and accurate. Every planning application file should contain an accurate account of events throughout its life, with particular care being taken with regard to applications that are likely to be determined under Officers' delegated powers. Such decisions should be as well documented and recorded as those taken by members.

15.3 Decisions taken by officers under delegated powers will be exercised in an accountable way which will include placing on the file written justification for the exercise of the powers in a particular way. Periodic reports will be made to the Planning Regulatory Committee of cases dealt with under delegated powers.

Protocol for Group Meetings

1. Political Groups represented on the County Council may wish to hold pre-meetings prior to meetings of the Planning (Regulatory) Committee. In principle there is nothing wrong with this but it is important that Members understand their purpose and that there must be no grounds for those interested in planning applications, be they the applicants or objectors, to misunderstand what happens in them.

2. This protocol therefore affirms that the purpose of the Group Meetings is for Group Spokespersons to feed back to the members of their Group on the Committee (or their official substitutes for that meeting) on relevant issues arising from their own briefings with Officers. On this basis, the only persons who may be present at them are members of the Committee (or their official substitutes for that meeting) who will be attending the Committee Meeting which immediately follows. In particular, Local Members and those on the Panel of Substitutes who will not be substituting at that particular meeting will not attend except that substitutes may attend for training purposes.

3. There are existing procedures for Local Members to feed into the Committee any comments which they may have on an application. Provided these comments are received before the finalising of the Committee Report, normally 2 weeks before the meeting, they will be incorporated in it. In addition, there is an opportunity for Local Members to speak at the Committee Meeting itself. However, Local Members may occasionally wish to make their additional comments in writing and to deal with this it is proposed that a note be circulated to all Members of the Committee in time for any Group meetings incorporating any additional views from the Local Member together with details of any further written representations received from other interested parties. The Chairman or one of the Officers will also refer to these additional comments during the introduction of the report.

Public Speaking

Any body who wishes to object to or support a planning application which will be decided by the Committee may speak before decisions are made on planning applications.

Any person wishing to speak must give written notice to Democratic Services at least 48 hours before the Committee meets together with a short note of the points to be raised.

At the start of the meeting the Chair will ask members of the public to indicate if they wish to speak and if so, on what items and whether they are in support of or opposition to the application. Consideration can be given to changing the order of the agenda items if this is helpful in cases of exceptional public interest.

On each report where the public or local members wish to speak, the order will be -

1. Officer presentation of the report.
2. Objectors to the Application.
3. Statutory Consultees, District and Parish/Town Councils.
4. The Applicant or agent.
5. The local Member.

Each group will be allocated five minutes each and should if possible nominate one person to speak on their behalf. If this is not possible or there are members of each group both objecting and in support of the application the time allocated will be at the discretion of the Chairman. The Chairman may in complex cases extend the time allocated for speaking.

6. Members of the Committee may seek clarification after each speaker through the Chair and can seek guidance from officers. This is NOT a debating session.
7. Speakers will not be allowed to question other speakers, officers or members.

8. Officers will be given an opportunity to comment on any points raised if necessary.
9. Public speaking then ends and members proceed to debate the recommendation.
10. Members resolve on the recommendation.

APPENDIX 18B

Gifts and Hospitality - A Code of Conduct for Councillors

1. Introduction

1.1 The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the County Council as acting in the public interest or as acting for the personal advantage or friends and for what personal benefit Councillors can get out of their position.

~~1.2 The members' Code of Conduct therefore provides that-~~

~~1.2 "A member must within 28 days of receiving any gift or hospitality over the value of £25 in their capacity as a County Councillor, provide written notification to the County Council's Monitoring Officer of the existence and nature of that gift or hospitality."~~

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~~Failure to comply with this requirement is a breach of the Code reportable to the Standards Committee.~~

1.3 In addition, the Bribery Act 2010 creates offences relating to the act of bribing or being bribed.

1.4 Against this background, the purpose of this Code is to set out -

- (a) the principles which a Councillor should apply whenever he/she has to decide whether it would be proper to accept any gift or hospitality;
- (b) a procedure for obtaining consent to accept a gift or hospitality, when a Councillor considers that it would be proper to accept it;
- (c) a procedure for declaring any gift or hospitality which a Councillor receives and for accounting for any gift to the authority.

This Code does not apply to the acceptance of any facilities or hospitality which may be provided by the County Council itself.

In addition the Code only applies to offers of gifts or hospitality made to a Councillor in their role as such. However, in this respect, there may be circumstances where a Councillor needs to be cautious as to the basis on which an offer is made.

2. General Principles

In deciding whether it is proper to accept any gift or hospitality, the following principles should be applied. Even if the gift or hospitality comes within one of the general consents set out below, it should not be accepted if to do so would be in breach of one or more of these principles:

(a) **Never accept a gift or hospitality as an inducement or reward for anything done as a Councillor.**

A Councillor must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

As already explained the acceptance of such an offer amounts to a criminal offence.

~~Further, the Council's Code of Conduct provides that~~ Councillors must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, ~~and that it~~ It is a breach of the Code improperly to confer any advantage or disadvantage on any person, including oneself.

(b) **A gift or hospitality should only be accepted if there is a commensurate benefit to the authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for Councillor's personal benefit.

~~As set out above, the Council's Code of Conduct provides that~~ Councillors must not improperly confer any advantage on anyone, including themselves. Acceptance as a Councillor of a gift or hospitality for their own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Council's Code of Conduct.

(c) **Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the authority and to a Councillor as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. Councillors must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that they or the authority favours any particular person, company or section of the community or as placing themselves under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, a Councillor must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:-

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality if that places a Councillor under an improper obligation.

It is important to recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If a Councillor accepts a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade the Councillor to determine an issue in their favour. Equally, if others note that a Councillor has been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

(e) Never solicit a gift or hospitality.

Councillors must never solicit or invite an offer of a gift or hospitality in connection with their position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. Councillors should also take care to avoid giving any indication that they might be open to such an improper offer.

3. Consent Regimes

(a) General consent provisions

For clarity, the authority has agreed that Councillors may accept gifts and hospitality in the following circumstances:-

- (i) civic hospitality provided by another public authority;
- (ii) modest refreshment in connection with any meeting in the ordinary course of their work, such as tea, coffee, soft drinks and biscuits;
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority;
- (iv) small gifts of low intrinsic value of £25 or less, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, care should be taken not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise;
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom a Councillor has done business on behalf of the Council if that person is met accidentally in a public house, café or bar. In such cases, reasonable efforts should be made to return the offer where this is practicable;
- (vi) a modest working lunch not exceeding £25 a head in the course of a meeting in the offices of a party with whom the Council has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £25 a head;
- (vii) modest souvenir gifts with a value of £25 or less from another public authority given on the occasion of a visit by or to the authority;
- (viii) hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit;

- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Chairman's Officer together with a written statement identifying the information set out in Paragraph 3(b) below. The Chairman's Officer will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that the Councillor has donated the gift to the [Chairman's Charity Fund], on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

(b) Special consent provisions

Councillors who wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 2, but is not within any of the general consents set out in Paragraph 3(a), may only do so if they have previously obtained specific consent in accordance with the following procedure:

A written application must be made to the Monitoring Officer, setting out:

- (i) the nature and an estimate of the market value of the gift or hospitality;
- (ii) who the invitation or offer has been made by or on behalf of;
- (iii) the connection which the Councillor has with the person or organisation making the offer or invitation, such as any work which the Councillor has undertaken for the authority in which they have been involved;
- (iv) any work, permission, concession or facility which the Councillor is aware that the person or organisation making the offer or invitation may seek from the authority;
- (v) any special circumstances which lead the Councillor to believe that acceptance of the gift or hospitality will not be improper.

The gift or hospitality must not be accepted until consent has been given by or on behalf of the Standards Committee.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve the Councillor of the obligation to register the receipt of gift or hospitality in accordance with Paragraph 4 below.

4. Reporting

Where a Councillor accepts any gift or hospitality which is estimated to have a market value or cost of provision of more than £25, the member must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraph 3(b) above. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is £25 or less, if the recipient is concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, he/she may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

5. Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. A Councillor should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances developers' contributions under Section 106 Agreements. A Councillor who receives such an offer on behalf of the authority, must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). A Councillor who does not have delegated authority to accept the gift, should report the offer directly to the Monitoring Officer who has such delegated authority, together with a recommendation as to whether the gift should be accepted. The Monitoring Officer will then write back to the person or organisation making the offer, to record the

acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. A Councillor who has concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

6. Refused Offers

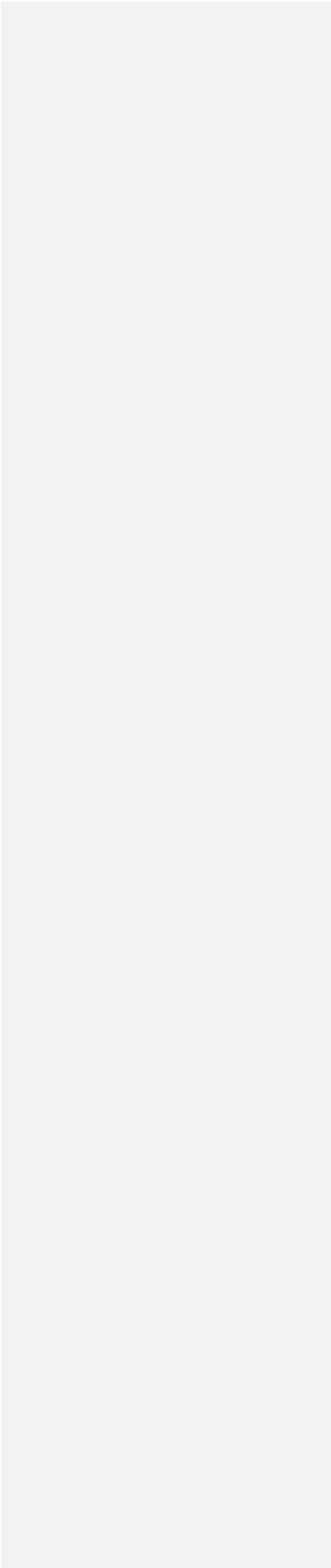
As a result of this protocol, there will be a number of circumstances when offers of gifts and hospitality must be refused. In addition, there will be circumstances where a member wishes to refuse an offer even though the protocol allows its acceptance. Whilst it is not considered necessary in every case that such offers are recorded there will be circumstances when it is in the public interest that they should be. These are:-

- (a) when the offer appears to be an inducement or reward for something expected from the Councillor (see paragraph 2(a))
- (b) offers from commercial organisations or private individuals over £25 in value.

In these circumstances, details should be passed to the Monitoring Officer within 28 days of the offer being made.

7. Definitions

- (a) "Councillor" includes outside appointments to Committees and Review Panels.
- (b) "Gift or hospitality" includes:
 - (i) the free gift of any goods or services;
 - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;
 - (iii) the opportunity to obtain any goods or services which are not available to the general public;
 - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (c) References to the "value" or "cost" of any gift or hospitality are references to the higher of:
 - (i) the estimate of the cost to the person or organisation of providing the gift or consideration;
 - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which the Councillor would be required to make towards that price to the person or organisation providing or offering the gift or hospitality.



Public Protection Revision of the County Council Constitution

Report by the Director of Environment, Transport and Development

Summary

Public Protection delivers Statutory Trading Standards, Town & Country Planning and Resilience functions for the County Council. The changes proposed to the Constitution fall into four broad categories. Changes to reflect organisational changes either to this organisation service providers, for example appointment of public analysts, changes to resolve anomalies, such as the appointment of Counsel by the Director of Environment, Transport and Development, , changes to address current omissions, such as the inclusion of specific duties of the Council under the Habits Directive and finally redrafting to provide greater clarity,

Recommendation / Action Required

That the County Council Constitution is amended as detailed in Appendix 1 to this report. To include authorisation of the Director of Environment, Transport and Development to appoint, Public Analysts, Agricultural Analysts/Deputy Agricultural Analysts and legal Counsel. That the Terms of reference for the Planning (Regulatory) Committee are redrafted to provide greater clarity and the Powers delegated to the Director amended accordingly with specific reference to the Duties imposed upon the Authority by virtue of The Conservation of Habitats and Species Regulations 2010, as amended

1. Background

- 1.1. This paper makes a number of recommendations for changes to the current constitution as it relates to the tasks carried out by the Public Protection Service. Changes that relate to the function of County Council as the County Planning Authority are largely matters of house keeping. Such as changes to the Council policy framework to reflect the current Local Development scheme. It is also recommended that specific delegations are made to cover the role of the Authority as the Competent Authority under the Habitats Regulations. Revised wording is proposed to take advantage of the National Regulations but it is not proposed to changes to the current split between Planning applications that can be dealt with at an Officer level and that which must be determined by elected Members. Regarding Trading standards delegation is sought to allow officers to appoint Public Analysts and where necessary appoint Counsel to represent the Service in Court.

2. Trading Standards

- 2.1. The Food Safety Act 1990, Section 27(1), requires every food authority in England and Wales to appoint one or more persons to act as analysts for the purposes of the Act within the authority's area. The Agriculture Act 1970, Section 67(3)(b), requires the County Council (the enforcement authority) to appoint an agricultural analyst and, if required, one or more deputy agricultural analysts for the purposes of our law enforcement function.
- 2.2. Prior to 2008 public analyst services were provided to the County Council by Lincolne Sutton & Wood (LSW), a business based in Norwich, and the Public/(Deputy) Agricultural Analyst appointments were held by the two partners in the business and had been for a number of years. These pre-existing appointments were reconfirmed as a consequence of the contract between Norfolk County Council Trading Standards and Eurofins Laboratories Ltd (incorporating LSW), which took effect from 1 April 2008. Due to the retirement of the Public/Agricultural Analyst it was necessary to review this arrangement in July 2012.
- 2.3. Eurofins Laboratories Ltd operates a different business model to the traditional "one-stop shop" provided by LSW in that they conduct public analyst services at a number of laboratories across the country, specialising in different analyses. It was therefore agreed that Cabinet would appoint eight named individuals, based at each of the laboratories, as Public/(Deputy) Agricultural Analysts to oversee the analysis of food and animal feed samples submitted by the authority, to determine if the samples meet statutory requirements, to provide written reports on their findings and, if required, attend court as an expert witness to assist in the prosecution process for cases taken by the authority.
- 2.4. This arrangement provides much greater flexibility and resilience to both the Trading Standards Service and the company than was possible under the traditional arrangements but it also means that, with turnover in staff at Eurofins Laboratories Ltd, it is likely that appointments will need to be made on a more frequent basis than in the past. Indeed we received a request from the company to appoint a further Public/Deputy Agricultural Analyst later in 2012, to which we did not agree as it would have required another decision to be taken by Cabinet. We therefore recommend that, to enable the Trading Standards Service and the company to benefit fully from the greater flexibility on offer and to reduce the call on Cabinet time, the power to appoint Public/(Deputy) Agricultural Analysts should be delegated to the director of Environment, Transport and Development Assistant Director Public Protection (Appendix 1 MOD4,MOD5,MOD6)

3. **Planning Service**

- 3.1 Town and Country Planning functions are largely prescribed through legislation as non executive functions. Executive functions are limited to the role of the County Council as a Consultee to plans and schemes proposed by other organisations. Changes proposed are to the powers delegated to officers they do not seek to change the range and scope of actions undertaken by officers, they merely reflect changes that have been made since the last review to organisational structures and individual roles. (Appendix 1 MOD7,MOD8)

- 3.2 The Council Policy Framework as it relates to the Authority's' roles as a County Planning Authority currently refers to four policy documents, This needs to be amended to reflect the merger of the core Strategy⁷ and Development management policy documents previously adopted by Full Council. (Appendix 1 MOD1)
- 3.3 Maximising the number of decisions made under delegated powers is promoted as good practice and encouraged by Central Government. Effective schemes of delegation are seen as a key tool to delivering a fast and efficient planning service whilst at the same time allowing Councillors to focus on applications that by virtue of their complex or contentious nature require additional scrutiny. For this reason in 2011 we reviewed the scheme of delegation which at that time required all applications that had received at least one letter of objection to go before committee, to one where, subject to a number of minor caveats, only those which generated five or more objections on planning matters required consideration by Councillors. We are not proposing to change this situation, however we have recommended revisions to the wording, which we believe makes the delegation easier to understand and which also takes advantage of the legal drafting contained in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (As amended). It is also proposed to change the wording for the terms of reference to the Planning (Regulatory) Committee to reflect this change in approach. The existing and proposed wording are detailed in (Appendix 1 MOD2) to this report.
- 3.4 In addition to determining a planning application against the policies contained within the development plan and any other relevant material considerations, the Authority must also make a number of other decisions in relation applications lodged with it. In the first instance it must assess whether or not the application should be accompanied by an Environmental Statement, and if so, what the scope of the Environmental statement should be. These assessments take place either prior to, or upon receipt of the planning application. In accordance with guidance these decisions are delegated to Officers and it is not suggested that this position should be changed. During the processing of the application the Authority must also as the "Competent Authority" under The Conservation of Habitats and Species Regulations 2010, as amended, determine whether or not the proposal is likely to have a significant effect upon a European site (often referred to as a stage 1 assessment) and if considered likely, to carry out an "appropriate assessment" (stage 2 assessment) to determine whether or not there would be an adverse impact upon the integrity of the site. In addition to the technical assessment where an Appropriate Assessment is undertaken the authority is also required to decide whether to consult the general public and if so how.
- 3.5 In practice very few applications require an appropriate assessment. However , by making specific provisions for such decisions within the scheme of delegation for developments that do, Officers will be able to process these applications to a point where members of the Planning (Regulatory) Committee are able to determine applications on the planning merits of the case.

4 **Resource Implications**

4.1 **Finance** : There are additional resource implications envisaged by the proposed changes.

4.2 **Staff** : No Staffing implications

4.3 **Property** : No Property implications

4.4 **IT** : No IT implications

5. **Other Implications**

5.1 **Legal Implications** : There are no legal implications subject to a correctly amended Constitution.

5.2 **Human Rights** : There are no human rights implications

5.3 **Equality Impact Assessment (EqIA)** : No changes are proposed that will change the basis upon which decision are made and are not considered to impact upon equality issues.

5.4 **Health and Safety Implications** : There are no direct health and safety implications arising from the proposed changes.

5.5 **Environmental Implications** : No changes are proposed that will directly effect the environment.

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

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

6.1 There are no identified implications for crime and disorder

7. **Risk Implications/Assessment**

7.1 By endorsing those amendments that improve the drafting of the existing constitution and reflect changes to the structure.

7. **Alternative Options**

7.1 The Constitution is a matter for the Council to determine. No changes are required by law.

8. **Reason for Decision**

8.1 The changes identified will allow Officers to respond to the efficiently to address operational needs. Specifically with regard to the changes in personnel at our public and Agricultural Analyst providers, and the need to appoint Counsel. With regards to Town and Country Planning, the changes proposed provide for greater clarity address organisational changes and in the case of Habitats Regulation Assessment will ensure a speedier determination of proposals which require ans appropriate

assessment. (Appendix 1 MOD3)

9.0 Recommendation

It is recommended that the changes proposed in Appendix 1 to this report are made to the Council constitution.

Officer Contact

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Annex 3 Appendix 1

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
MOD1. Article 4. Section 4.1.i Meaning of Policy Framework	<p>Development Plan Documents</p> <ul style="list-style-type: none"> • Minerals and Waste Core Strategy • Waste Allocations • Minerals Allocations • Minerals and Waste Development Control Policies 	<p>Development Plan Documents</p> <ul style="list-style-type: none"> • Core Strategy and Minerals and Waste Development Management Policies • Waste Site Allocations • Minerals Site Allocations 	<p>This is to reflect the changes previously adopted by Full Council to the Local development scheme. Namely the merger of the core strategy document with the development management document.</p>
MOD2. Appendix 02, Planning (Regulatory) Committee Terms of Reference	<p>To deal with the following matters</p> <ol style="list-style-type: none"> 1. Planning Applications for which the County Council are the determining Authority 2. Development Control 3. Mineral Workings 4. Preservation of trees 5. Listed Buildings 	<p>To exercise the Council's powers and duties in respect of Town and Country Planning and Development Control as specified in paragraphs 5-31 of Schedule 1A of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any amendments to them) which are not the responsibility of the Council's Cabinet:</p> <p>To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990;</p> <p>To exercise the Council's powers and duties in respect of obtaining of particulars of persons interested in</p>	<p>To take advantage of the legal drafting contained within the relevant Statutory Instrument. The proposed change does not alter the remit of the committee which is namely to determine applications for planning permission which are lodged with the county council.</p>

Annex 3 Appendix 1

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
		land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	
MOD3. Appendix 07. Non Executive Powers Delegated to the Director of Environment, Transport and Development	<p>To determine, where there is no objection from a statutory consultee, and less than 5 formal objections on material planning grounds, and where the application is not accompanied by an Environmental Impact Assessment Statement and where the Director in consultation with Chairman of the Planning (Regulatory) Committee has not consented to a written request by a member made within 21 days of the commencement of consultation, for the application to be determined by the Planning (Regulatory) Committee, in accordance with the County Councils approved policies:</p> <ul style="list-style-type: none"> • Applications for planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 (including applications to develop land without complying with the conditions previously attached and applications for 	<p>To exercise all functions of the Council relating to Town and Country Planning and Development Control as specified in Schedule 1A paragraphs 5-7, 9-23 of the Regulations except for:</p> <p>(a) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by Statutory Consultees or / and have more than four individual representations raising planning related objections;</p> <p>(b) approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>(c) approval of applications for County Matter and County Council development where no more than four individual representations raising planning-related objections are received and the Chairman of the :Planning (Regulatory) Committee determines, in consultation with the Head of Environment, Transport and</p>	<p>To take advantage of the legal drafting contained within the relevant Statutory Instrument. The proposed change does not alter the scope of delegated powers in relation to planning applications.</p> <p>The current Scheme of Delegation makes no specific reference to the duties of the County Council as the competent Authority under the Conservation of Habitats and Species Regulations 2010. By making specific reference to these duties officers can properly process applications which require an appropriate assessment to the point that members of the Planning (Regulatory) Committee can determine them promptly.</p>

Annex 3 Appendix 1

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
	<p>development previously carried out) other than those relating to the Department of Environment, Transport and Development.</p> <ul style="list-style-type: none"> • Applications for planning permission for County Matters (including applications to develop land without complying with the conditions previously attached and applications for development previously carried out). <p>To determine that planning applications be refused on the sole ground that insufficient information has been provided with the application for it to be determined.</p> <p>To exercise duties relating to the making of determinations of planning applications under Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10-13, 15-22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 and directions made under that Order.</p>	<p>Development, that the application should be determined by the Committee; and</p> <p>(d) approval of major departures from Development Plans arising from planning applications and proposals.</p> <p>To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).</p> <p>To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990;</p> <p>To exercise the Council's powers and duties in respect of obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>To exercise the functions of the Council as the Competent Authority</p>	

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
	<p>To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.</p> <p>To impose detailed conditions on planning permissions granted by the County Council and determining the appropriate grounds of refusal where planning permission is refused.</p> <p>To determine whether an Environmental Assessment should be provided.</p> <p>6. To issue enforcement notices and to serve stop, breach of condition and planning contravention notices.</p> <p>7. To apply for an injunction restraining breaches of planning control.</p> <p>8. To enter into agreements regulating the development or use of land.</p> <p>9. To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990.</p>	<p>under The Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including</p> <ul style="list-style-type: none"> • Determine whether or not an appropriate assessment is required • Where it considered that an appropriate assessment is required <ul style="list-style-type: none"> ○ Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken, and ○ In the light of an appropriate assessment determine whether the Plan or Project will or will not adversely affect the integrity of the European site. 	

Annex 3 Appendix 1

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
	No current specific reference	○	
MOD4. Appendix 6 Executive Powers delegated to the Director of Environment, Transport and Development	Not currently included. To be added as items (j) and (k) to the Officer's Scheme of Delegated Powers for the Director of Environment, Transport and Development.	To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) To appoint Agricultural/Deputy Agricultural Analysts in accordance with the Agriculture Act 1970, Section 67,3(b)	To allow the service to respond quickly to changes in the availability of Analysts.
MOD5. Appendix 6 Section B – Specific Delegation under the Director of Environment, Transport and Development	No Current text	To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) Assistant Director – Public Protection	To reflect proposed changes to the overall delegation identified as necessary in proposed amendment 4
MOD6. Appendix 6 Section B – Specific Delegation under the Director of Environment,	No Current text	To appoint Agricultural/Deputy Agricultural Analysts in accordance with the Agriculture Act 1970, Section 67,3(b) Assistant Director – Public Protection	To reflect proposed changes to the overall delegation identified as necessary in proposed amendment 4

Annex 3 Appendix 1

Schedule of Proposed changes to the Constitution for Public Protection

Reference No.	Current Wording	Proposed Wording	Reason for Change
Transport and Development			
MOD7.Appendix 6 Section B – Specific Delegation under the Director of Environment, Transport and Development	<p>(a) approving minor or uncontroversial changes to the County Council’s planning policies and plans and minor uncontroversial comments on other organisations’ plans and policies.</p> <p>Assistant Minerals and Waste Planning Officer (Policy)</p>	Principal Planner (Planning services)	Changes to reflect changes in the structure of planning services and job descriptions which have taken place since the last review of the Scheme of delegation.
MOD8.Appendix 6 Section B – Specific Delegation under the Director of Environment, Transport and Development	(b) responding to District Council consultations on planning applications	Principal Planner (Planning services)	Changes to reflect changes in the structure of planning services and job descriptions which have taken place since the last review of the Scheme of delegation.

**Proposed amendment to the Norfolk County Council
Constitution to reflect new statutory functions under
the Flood and Water Management Act 2010.**

Report by the Director of Environment, Transport and Development

Summary

This report recommends an amendment to the Norfolk County Council (NCC) Constitution to reflect the commencement of new statutory functions under the Flood and Water Management Act 2010.

Recommendation

It is recommended that an amendment is made (as set out in 2.1) to Appendix 6 of the Norfolk County Council Constitution to reflect the commencement of new functions under the Flood and Water Management Act 2010.

1. **Lead Local Flood Authority Functions**
- 1.1. Under the Flood and Water Management Act (FWMA) 2010 a number of statutory duties and functions now fall on the County Council in its role as a Lead Local Flood Authority. These functions are briefly outlined below;
- 1.2. **Duty to develop, maintain, apply and monitor a strategy for local flood risk management** under Sections 9 & 11, FWMA. - This strategy has to go through consultation with all Risk Management Authorities (RMAs) that cover Norfolk and that may be affected by the strategy as well as consultation with the wider public. The FWMA defines RMAs as the Environment Agency (EA), Lead Local Flood Authorities (LLFAs), District Councils, Water Companies, Highway Authorities and Internal Drainage Boards (IDBs). RMAs, except in the case of a water company, are required to act consistently with the Local Flood Risk Management Strategy (LFRMS).
- 1.3. **Power to request information and to delegate functions** under Section 13, FWMA – This allows NCC to request information in connection with risk management authorities flood risk management functions and to delegate flood risk management functions to other risk management authorities.
- 1.4. **Local authorities investigations** under Section 19, FWMA – On becoming aware of a flood in its area, NCC must, where necessary or appropriate, investigate the role and response of Risk Management Authorities (RMAs). Where a LLFA carries out an investigation it must publish the results of its investigation and notify any relevant RMA.
- 1.5. **LLFA duty to maintain a register** under Section 21, FWMA – NCC must establish and maintain a register of structures or features which, in the opinion of the authority, are likely to have a significant effect on a flood risk in its area and a record of information about each of those structures or features, including information about ownership and state of repair. This duty requires certain aspects of the

information to be made available for public viewing.

- 1.6. **Powers to designate structures or natural or man-made features of the environment** where their existence or location affects a flood risk under Schedule 1, FWMA. These functions include the following activities;
- Designating, provisionally designating or cancelling designation by giving notice under Sections 7, 8 and 9 of Schedule 1, FWMA.
 - Issuing consent by notice to alterations to a structure or feature designated under Section 6 of Schedule 1, FWMA.
 - Giving notice under Section 11 of Schedule 1, FWMA to direct the recipient to remedy a contravention.
 - Power to enter onto land in pursuance of activities under Schedule 1, FWMA. This is authorised under Section 13 of Schedule 1, FWMA.
- 1.7. Other functions such as Ordinary Watercourse regulation under the Land Drainage Act 1991 are already covered by an existing delegation set out in Appendix 6, Section B, Page 7 under the heading Director of Environment, Transport and Development. This delegation is point (f) and states “to exercise the Council’s functions relating to land drainage.”

2. **Proposed Amendment**

- 2.1. To reflect the need to carry out the functions outlined above an amendment is proposed to Appendix 6, Section B of the Norfolk County Council Constitution. This amendment would be to include a new entry (set out below) under the heading Director of Environment, Transport and Development on page 7:-
- (j) To exercise the Council’s functions as a Lead Local Flood Authority under the Flood and Water Management Act 2010
- 2.2. This amendment is sought to ensure that the Councils Constitution is accurate and that it reflects the need to fulfil Lead Local Flood Authority statutory duties and functions.

3. **Member Involvement**

- 3.1. Whilst we are seeking the appropriate delegation for functions under the Flood and Water Management Act 2010 it is worth noting that members are currently involved in the following processes and activities;
- **Approving and endorsing protocols** – Currently protocols have been approved by Cabinet and/or endorsed by the Environment, Transport and Development Overview and Scrutiny Panel (ETD OSP). Protocols have been produced to establish when County Council officers should exercise their powers and to set out the thresholds that are used trigger the need for involvement by the authority. These protocols cover;
 - Ordinary Watercourse Enforcement
 - Ordinary Watercourse Consenting
 - Flood Investigations

- **Scrutinising risk management authorities.** – Currently the scrutiny of risk management authorities as defined by the Localism Act 2011 is carried out by ETD OSP. Risk Management Authorities have to comply with a request by this committee.
- **Attendance at Regional Flood and Coastal Committees** – there are three County Council members on two (Eastern and Central) Regional Flood and Coastal Committees (RFCCs). These seats are in recognition of the levy that is raised from the County Council and that is based on council tax base. For Norfolk this is approximately £700,000. The RFCCs meet quarterly and have a role in endorsing the regional programme of flood mitigation schemes.
- **Adoption of studies and strategies.** Members have a role in scrutinising, endorsing and adopting both the Local Flood Risk Management Strategy as well as the evidence base that is developed to support it. This includes Surface Water Management Plans (SWMPs) that have been produced for the Norwich Urban Area, King’s Lynn and West Norfolk Settlements and Great Yarmouth Borough.

4. **Conclusion**

- 4.1. Amendments to Appendix 6 of the County Council’s Constitution are for the Leader of the Council to determine. The Constitution Advisory Group is asked to consider this report and recommend the proposed amendments (set out in 2.1) to the Leader.

5. **Resource Implications**

- 5.1. **Finance** : No direct financial implications.
- 5.2. **Staff** : There are no immediate staff implications.

6. **Other Implications**

- 6.1. **Legal Implications** : See Section 8.1
- 6.2. **Human Rights** : None at this stage
- 6.3. **Equality Impact Assessment (EqIA)** : None at this stage however it is worth noting that Equality Impact Assessments are carried out for Section 19, FWMA Flood Investigations.
- 6.4. **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

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

- 7.1. There are no immediate implications.

8. **Risk Implications/Assessment**

- 8.1. The County Council is a Lead Local Flood Authority with many statutory duties as well as a range of permissive powers. Failure to include these provisions in the constitution would affect officers ability to comply with these duties or to exercise

appropriate powers and would potentially expose the authority to legal challenge.

9. **Alternative Options**

9.1. An alternative option would be to not include the suggested provision outlined in the recommendation. This would potentially expose the authority to legal challenge and has the potential to incur reputational harm.

10. **Reason for Decision**

10.1. The reasons for agreeing the recommendation below is that these are statutory duties and functions that require appropriate delegations to ensure the authority is legally compliant.

Recommendation

It is recommended that:

- (i) An amendment is made (as set out in 2.1) to Appendix 6 of the Norfolk County Council Constitution to reflect the commencement of new functions under the Flood and Water Management Act 2010.

Background Papers

The Flood and Water Management Act 2010

Officer Contact

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

Name	Telephone Number	Email address
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Report of the Constitution Advisory Group (CAG)
Part 2 – Committee Form of Governance

Report of the Chairman of the Advisory Group

Summary/Action Required

This report sets out the work undertaken by CAG and asks the Panel to consider CAG's conclusions and recommendations.

1. Background

1.1 On 24 May 2013, Council agreed the following motion:

- “In principle to change the Council's form of governance in accordance with Section 9K and 9KC of the Local Government Act 2000 to a committee form of governance as provided in Section 9B (1) (b) of that Act and
- In furtherance of that objective, to instruct the Corporate Resources Overview and Scrutiny Panel (CROSP) to constitute and make appointments to the Constitution Advisory Group (CAG) and to further instruct CROSP to receive CAG's deliberations and prepare an urgent report to the Council concerning a change to the committee system of governance.”

1.2 On 13 June 2013, Corporate Resources OSP received a report which set out the decision of the Council. The Panel resolved:

- That the Constitution Advisory Group be made up of 6 members - 3 Conservative (Cllrs Jordan, Proctor and Thomas), 1 UKIP (Cllr Parkinson-Hare), 1 Labour (Cllr Walker), 1 Liberal Democrat (Cllr Strong).
- That a quorum of 3 would apply for meetings.
- That named substitutes would be appointed to the Group.
- That the Chairman of the Corporate Resources Overview and Scrutiny Panel would Chair the Constitution Advisory Group.

2. Governance Options

In law, the only governance arrangements the Council could adopt are:

a. Executive Arrangements

(Strong Leader and Cabinet or Elected Mayor and Cabinet). The hybrid model (or the Kent Model as it is sometimes known) comes under this category, as it is still an executive arrangement.

The main features of this system are as follows:

- A local authority which has adopted executive arrangements must ensure that its executive takes the form specified in section 9C (2) of the Local Government Act 2000. An executive is responsible for certain functions of a local authority and executive arrangements require a division between the making of a decision and the scrutiny of that decision.
- An executive can be either a:

Mayor and cabinet executive (an elected mayor of the authority and two or more councillors of a local authority appointed by the elected mayor).

or

A leader and cabinet executive - a councillor of the authority (executive leader) elected as leader of the executive by full council and two or more councillors of the authority appointed by the executive leader.

- A local authority executive can only have up to a maximum of ten members unless an alternative number has been specified by the Secretary of State in regulations.
- An executive does not have to be politically balanced – it can be a single party body if the Leader so chooses.
- The Executive is responsible for most day to day management of the authority's functions. It may take those decisions collectively as a cabinet, by delegating to a cabinet committee, cabinet member or to an officer.
- The Full Council sets the budget and major policy framework. Some functions of a planning and licensing nature are also non-executive.
- A Scrutiny Committee must be established and non executive councillors appointed to it. Its role is to hold the executive to account. It can under certain circumstances delay the implementation of executive decisions but it cannot overturn them.

b. A Committee System

The main features of this system are as follows:

- There is no “executive” set up to carry out day to day management of the authority.
- The Full Council sets up committees to deal with different functions and delegates decision making to these committees and / or to officers.
- There is therefore no split between executive and non-executive functions – all functions are council functions.
- Under the committee system no delegations to individual councillors are possible.
- Each committee and sub-committee must be politically balanced unless the Council decides “nem con” otherwise.
- There is no legal requirement to set up a scrutiny committee although the Council may if it wishes set up a committee with scrutiny type or similar functions.

3. The Review Process So Far

- 3.1 CROSP received a progress report from CAG at its meeting on 15 October 2013. At that meeting, CROSP asked CAG to continue with its deliberations and to work towards being able to propose a Committee system of governance to CROSP at its November meeting.
- 3.2 CROSP also recognised that CAG’s work on an improved Cabinet system would be a valuable proposition if the Council decides not to resolve to move to a Committee style of governance when it considers the issue at its meeting on 25 November 2013.
- 3.3 As previously reported, if the Council passes a formal resolution to move to a Committee form of governance, then there is a window of opportunity that opens at the next AGM. Therefore, any formal resolution would need to be to that effect. In order to meet the 2014 AGM timetable, the following process was agreed at the first meeting of CAG:-

First Meeting of CAG	28 August 2013
Second meeting of CAG	11 September
Third Meeting of CAG	27 September
Interim Report to Corporate Resources OSP	15 October 2013
Fourth meeting of CAG	22 October
Fifth Meeting of CAG	31 October
Full report to CROSP	12 November 2013
Report from CROSP to Council	25 November 2013

- 3.4 If Council on 25 November 2013 resolves to move to a committee system of Governance, then detailed work will need to be undertaken on changes to the Constitution, which will be brought to Council for consideration in March 2014, with a view to any new form of governance coming into effect from the AGM in May 2014.
- 3.5 In passing a resolution to move to a committee system of governance, it is open to full Council to specify in the resolution that the change will take place at a later annual meeting than the next scheduled one. If it does not specify this, the change must be at the next annual meeting.

4. Progress since the last CROSP meeting

4.1 CAG has met on two occasions since the last meeting of CROSP and has focussed on trying to identify principles that should apply to any Committee system that is introduced at Norfolk County Council, recognising that much more detailed work will be required should the full Council take a decision on 25 November to move to such a system.

4.2 In carrying out its work CAG has focussed on a range of key areas, as follows:-

- Type of Committees – Thematic or Programme/Service Based
- Whether there should be a cross-cutting Policy and Resources Committee
- Role of Full Council and balance of responsibilities between Council and Committees
- Frequency of Meetings
- Size of Committees
- Whether there should be a scrutiny function
- Contested Business Arrangements
- Urgent Business Arrangements
- Area Based Decision Making
- Arrangements for Delegations to Officers
- Costs

4.3 These are now addressed in turn.

Type of Committees

4.4 Committees will comprise of councillors, reflecting the political balance of the Council (Widdecombed) unless the Council decided “nem con” (i.e. with no member voting against) that it should not do so. The decision we take on a committee system will need to reflect the needs of the approach the Council wishes to take to governance, i.e the form (structure, processes etc) will need to reflect the function.

4.5 In terms of configuring the structure, there are a number of options:

- Thematic – i.e. Committee that cut across services
- Programme/Service based, i.e. aligned to directorates or covering specific areas of activity, such as Children’s Services
- Any other model that may be appropriate for local circumstances, e.g to reflect the Council’s strategic ambitions.

4.6 One option would be to align the committees to the current structure, at least initially. This would give a decision-making committee system that might look like:

Childrens’ Services
 Community Services (including Adult Social Services)
 Fire and Rescue
 Environment, Planning and Transportation, including Economic Development
 Corporate Resources

4.7 Another option would be to configure the structure on a thematic basis, so that the committees could address cross-cutting issues such as “People Services”, “Place”, “The Environment”, “Norfolk’s Economy”. This could allow greater join up and may also be more facilitative of partnership working. It might also address the danger of silos developing. There are a number of ways of structuring such a system and it could be aligned to the priorities set out in “Putting People First” or any other cross-cutting strategic objectives. CAG noted that once a committee system of governance was in place, the precise structure of the system could be changed by the Council at any time in the future.

4.8 CAG has looked carefully at the options and has consistently agreed that it would prefer to see a programme/service based structure of committees. At its final meeting, CAG received and considered a detailed proposal that the structure should consist of 10 service based committees, these being as follows:-

Adult Social Services
 Children’s Services
 Corporate Resources
 Cultural Services
 Development of the Economy
 Finance
 Fire and Protection
 Schools
 Transport
 Waste and Environment

4.9 The principal rationale for the suggested structure was a perceived benefit of specialisation and a better distribution of workload, which could be achieved by avoiding committees with very wide remits. CAG generally supported the proposal although there was some discussion as to whether it would be better if Finance and Corporate Resources

were combined in a single committee rather than be separate. The possible combining of Children's Services and Schools was also discussed but it was generally felt that given the major challenges currently facing these areas, it would be better to keep them separate and thereby ensure greater focus on each.

CAG agreed that it wished to put forward this proposal, as set out in paragraph 4.8 above, as a recommendation to CROSP.

Whether there should be a cross-cutting committee (a Policy and Resources Committee)

4.10 In addition to whatever structure is decided upon for the main committees, there is an option to have a Policy and Resources Committee sitting above them. CAG has looked at the structure at Nottinghamshire County Council, which has already moved to a committee structure. It has a small number of statutory policies and plans (6) reserved to the full Council and a Policy Committee with responsibility for taking decisions on the following issues:-

- Policy development and approval except on matters reserved for the full Council
- Review of performance
- Review of day to day operational matters taken by officers
- Approving staffing structures

It is also responsible for deciding specified issues that cut across service committees. Where it is not clear which is the most appropriate committee to consider an issue, the report is discussed and determined by the Policy Committee. Therefore the Policy Committee takes most policy decisions and considers cross-cutting issues.

4.11 CAG has considered whether there is a need for a cross-cutting Policy and Resources Committee and has concluded that provided the balance of responsibilities between full Council and the service committees is set appropriately, such a committee is not necessary. **CAG therefore recommends that a new committee structure does not include a policy and Resources Committee.**

Role of Full Council and balance of responsibilities between Council and Committees

4.12 Having concluded that there should not be a Policy and Resources Committee, CAG has considered the role of the full Council and has looked at options for the balance of responsibilities between Council and its service committees.

4.13 One option is to have a "Strong Council", which in addition to the functions reserved to it by statute, would retain responsibility for approving a Policy Framework, as currently happens. The current

Framework includes 33 plans and strategies covering all service areas. In the absence of a Policy and Resources Committee, the Council would also be responsible for cross-cutting functions. The service committees would be responsible for taking day to day decisions for the area for which they are responsible, other than any decisions delegated to officers.

- 4.14 Another option is to have “Strong Committees”. In this system, the service committees would approve service related policies and strategies, including financial decisions, as well as taking day to day decisions. The full Council would only be responsible for its statutory functions.
- 4.15 CAG’s preference is for a “Strong Council” model, which it considers will provide for a greater number of members to be involved in making key policy and strategic decisions. The full Council would be responsible for:-
- Deciding matters reserved to Council by statute, plus the Policy Framework and cross-cutting matters
 - Budget-setting
 - Appointing committees
 - Setting delegations to committees and officers
- 4.16 The service committees’ responsibility would be to take day to day decisions, other than those delegated to officers. **CAG recommends that the structure of a committee system should reflect the “Strong Council” model.**

Frequency of Meetings

- 4.17 CAG has considered what frequency of meetings a committee system would require. There has been an acceptance that whilst any new system of governance should allow improved member engagement, it must also seek to retain as far as possible the efficient decision-making which is a feature of the Cabinet system.
- 4.18 Currently, the Cabinet meets and takes its decisions on a monthly basis. There is of course the possibility that its decisions are called in for scrutiny but for the most part, the vast majority of Cabinet’s decisions can be implemented very soon after they are made. If that benefit is to be retained in a new system in which service committees take the decisions currently taken by Cabinet, CAG considers that there would be a need for each Committee to have scheduled monthly meetings. It may be the case that some of the meetings can be cancelled if on occasions there is no business that requires decisions to be taken but CAG considers that monthly meetings must be scheduled, including for the full Council.

- 4.19 The overall effect on the number of meetings of Council and the service committees, if all meetings went ahead, is that there would be 11 bodies meeting monthly, making 132 meetings in total. This compares to the current position whereby the equivalent bodies – Cabinet, Cabinet Scrutiny, Overview and Scrutiny Panels and full Council are scheduled to have 62 meetings per annum. If the new committees and the full Council met only every other month, the number of meetings would be 66, a slight increase on the current system.
- 4.20 **CAG recommends that in a committee system of governance, each service committee and the full Council should have meetings scheduled monthly in order that the desired speed of decision making can be achieved.**

Size of Committees

- 4.21 CAG has discussed the relative merits of different sized committees. A suggestion was made that a range of between 8 to 10 members was a reasonable size for a decision-making committee to operate speedily and effectively. However, it was also noted that with the current political balance situation on the Council, some political groups would have very little representation on committees of that size and that it is only when larger committees are in place, as exists currently, that all the political groups have what they would regard as reasonable representation.
- 4.22 Another view was that whilst there is a need to strike a balance between being politically fair and being functional, any system of governance must be designed principally so that the Council can function effectively and not to reflect the interests of particular individuals and political groups that happen to make up the Council at a particular time.
- 4.23 **On balance, CAG did not wish to be prescriptive about the size of committees and recommends that this is a matter best left to the group charged with drawing up a new Constitution.**
- 4.24 However, CAG agreed that it would be helpful to draw up a schedule showing the political balance arrangements that would be in place for the 10 committees, for a range of committee sizes and based upon the current political group numbers. This information has been prepared for committees of 10, 13 and 17 and is set out in Appendix 1 (attached). The figures are indicative only for the 10 service committees. The actual figures would depend upon what other, non-service committees are established and their size and what effect that would have on the overall allocations.

Whether or not there should be a scrutiny function

- 4.25 CAG has considered overview and scrutiny and whether there should be a role for it in a committee system of governance. The purpose of scrutiny in the existing system of governance is to hold to account the Executive, which has a high level of autonomy in terms of its decision-making role. The Cabinet is responsible for the overwhelming majority of decision-making and as has been clear in recent years, the full Council does not have the power to overrule the Cabinet. Consequently, there is a need to have a strong system to hold the Cabinet to account and that is the role carried out principally by the Cabinet Scrutiny Committee and also by the service based overview and scrutiny panels.
- 4.26 In a committee system, the committees will have decision-making powers, but derive those powers from the full Council, which will have the authority to take those powers back if it considers they are being misused. Nevertheless, there have been views expressed within CAG that there ought to be some mechanism whereby committees can be challenged and held to account for their decisions. **On balance, CAG has concluded that in a committee system, apart from those areas where the Council will still be required by statute to arrange for scrutiny to be carried out, there should not be a general scrutiny function and recommends accordingly.** The areas where scrutiny will still need to be carried out are:-

Health Scrutiny
Flood Risk Management
Community Safety Partnership
Police and Crime Panel

and the Council will have to ensure that arrangements are in place to carry out these functions.

- 4.27 However, in reaching this conclusion, CAG considers that there needs to be in place a mechanism for decisions to be contested. This is covered in the next section of this report.

Contested Business

- 4.28 CAG considers that a committee system of governance should have some facility and process for committee decisions to be contested and referred to the full Council for determination. In reaching this conclusion, CAG is aware of the risk that such a facility could be abused and that decisions might be contested and delayed for inappropriate reasons. It is felt however, that it should be possible to design a process that sets out very clear and reasonable criteria by which committee decisions can be contested and that the criteria could ensure that no abuse of the system is possible. The criteria might also limit the number of occasions on which decisions can be contested.

- 4.29 CAG does not wish to prescribe how such a system might be framed and considers that this is a task for the group which will be charged with preparing a new Constitution. **CAG does however wish to recommend that one of the principles on which a committee system should be based is that it includes a facility for decisions made by service committees to be contested and reviewed by Council**

Urgent Business

- 4.30 CAG recognises that whatever system of governance is in place, there will be times when, for reasons of urgency, there will need to be a process for taking account of the need for a decision to be taken quickly. Under the current system there is a clear provision for this. The Leader of the Council may exercise all the powers of the Cabinet in a case of urgency. In addition, the Managing Director may decide that a decision to be taken by Cabinet is unable to be called in for reasons of urgency.
- 4.31 CAG accepts that in a committee system, there will be times when it is not possible to build wider member involvement into a decision, simply because of the need for urgency. CAG has discussed various options, including having a small urgent business sub-committee for each service committee and having a single urgent business committee appointed by full Council. CAG does not however wish to seek to prescribe what the urgency arrangement should be and that this is best left to the group which will be responsible for drawing up a new constitution.
- 4.32 **CAG recommends that any committee system of governance should include provision for urgent decisions to be taken should the need arise in between scheduled service committee meetings.**

Area Based Decision Making

- 4.33 Although not having them now, this Council has in the past had a system of area based committees. There were at one time 7 committees, each covering a district council area. The committees comprised the county councillors whose divisions were in the relevant district council area and although they had no decision-making powers, they provided an opportunity to debate local issues with local stakeholders.
- 4.34 The ones that were based in the more rural areas of the county did not last very long, although the ones for Norwich and Great Yarmouth were more successful and did continue for longer, until they themselves were abolished several years ago. Whilst the area committees in Norfolk had no decision-making powers, under a committee system, it

would be possible for area committees to have powers delegated to them.

- 4.35 CAG has considered whether a new committee system should include provision for Area Committees and has concluded that this is a feature that should not be introduced initially, but which might be subject to review once the new system has had time to bed in. **CAG therefore recommends that no area committees be established at this stage.**

Arrangements for Delegations to Officers

- 4.36 Any system of governance must recognise that it will not be possible for all decisions to be taken by committees. It must also be noted that in a committee system, unlike the current system, it is not legally possible to delegate decisions to individual members of the Council. Consequently, any system needs to set the level of delegation to officers at an appropriate level. Too much delegation to officers could negate the reason to implement a committee system whereas too little risks agendas having to be packed with operational matters.
- 4.37 In the present system, there is little delegation to individual members. Consequently, CAG considers that the most appropriate level of delegation of powers to officers, at least for the initial stage of a new committee system, would be the present delegation arrangements, as set out in the Constitution. This is something that Council might wish to review in due course.
- 4.38 **CAG recommends that in a new committee system of governance, the existing scheme of delegations to officers should be retained.**

Costs

- 4.39 Whether or not and the extent to which a committee system will lead to additional costs mainly depends upon the effect on the number of meetings that will take place.

The figures detailed below reflect the approximate cost of servicing a single NCC Cabinet meeting at present:

Preparation of an agenda pdf for publishing (average two hours)
including uploading of documents to website £30

Committee Officer support @£15 per hour x 5 days - £550

(Reminders of forthcoming deadlines and management of Cabinet Business Workplan, draft agenda collation, preparation and despatch, management of member and public questions deadline and collation of replies to questions, dealing with meeting arrangements e.g. room set

up, speakers, petitioners, Local Members, attending Chairman's briefing, attendance at meeting, writing minutes and co-ordinating follow up action including writing reports to full Council)

IT Support for each meeting (electronic display of agendas)
@ £12 per hour x 3 hours including preparation - £36

Members Travel Costs £126
Based on an average of a 35 mile round trip and a Cabinet of 8 members. Would obviously be more for committees with more than 8 members

[Service involvement £3,430
Report writing – preparing, drafting, consulting
[Senior Officer attendance at briefings and meetings

Total Approximate Cost **£4,172**

- 4.40 Apart from Member travel, the above costs all relate to officer time. As already indicated in paragraph 4.19, the overall effect of the proposed structure on the number of meetings of full Council and the service committees, if all meetings went ahead, is that there would be 11 bodies meeting monthly, making 132 meetings in total. This compares to the current position whereby the equivalent bodies – Cabinet, Cabinet Scrutiny Committee, Overview and Scrutiny Panels and full Council are scheduled to have 62 meetings per annum. If the new committees and the full Council met only every other month, the number of meetings would be 66, a slight increase on the current system.
- 4.41 Based on the above figures, at a cost of £4,172 per meeting, an additional 70 meetings (assuming monthly meetings) would cost approximately an additional £292,000. If meetings were only every other month (additional 4 meetings) , the additional cost would be £16,688. These figures make an assumption that the cost of a committee meeting in a new system would equate to the cost of a Cabinet meeting in the existing system. It is possible that committee meetings would be less demanding upon officer time than Cabinet meetings but this is something that will only be known when the system is in operation. Whilst it might be envisaged that an individual committee meeting will require less decision-making than a Cabinet meeting, it is likely that committee meetings will involve more debate and experience shows that committees will look to include on their agenda, items that do not necessarily involve taking decisions but which they nevertheless consider need to be discussed in a public forum. It is likely however that the extent of senior officer attendance at

Committee meetings would be significantly less than for Cabinet, which is always attended by the Acting Managing Director and usually by most of the Chief Officer Group.

- 4.42 An additional consideration is that if there is a significant increase in the number of meetings, such as the additional 70 referred to in paragraph 4.41 above, there would need to be additional resource in the committee support section. It would not be possible for that section to absorb such an increase if those meetings are to be adequately serviced. It is estimated that an additional 2 committee officer posts would be needed at an approximate cost of £60,000. Some (but not all) of the additional support could be delivered by reallocating that element of the present Scrutiny function that members have concluded would no longer be necessary under a committee system. However, it should be noted that a scrutiny resource would still be needed in respect of the statutory scrutiny responsibilities that the Council would retain in a committee system (4.26 refers).
- 4.43 Finally, additional meetings would result in additional travel costs for members attending those meetings. Based on an average 35 mile round trip, the cost per member would be £15.75 per attendance. The overall additional cost would depend upon how many extra meetings and the size of the committees. If there were an additional 70 meetings (based on each committee and full Council meeting monthly) the additional cost would be approximately £11,000 if the committees had 10 members; £14,000 for committees with 13 members and £19,000 for committees of 17. If committees met every other month, there would be an additional 4 meetings and the respective additional costs would be £600, £800 and £1,071.

5. Other Issues

Sub-Committees

- 5.1 CAG considered whether in addition to appointing committees, the full Council should also be responsible for appointing and setting the terms of reference for sub-committees. CAG concluded that decisions regarding the establishment of sub-committees were best left to the service committee themselves, having regard to their own circumstances.

Training

- 5.2 CAG is keen to emphasise that a move to a new system of governance will involve a major cultural shift for many members and that effective training in the new systems and procedures will be a key element in helping to achieve as smooth as possible a transition. It has been suggested that such training should be regarded as compulsory for all members but CAG has recognised that there is no authority to make

training compulsory and that it will be important that political group leaders try to lead by example and encouragement.

Remuneration

- 5.3 CAG has briefly discussed the issue of remuneration arrangements under a committee system. It has been advised that if a new system is introduced, the Council's Independent Remuneration Panel will be convened and will review the Special Responsibility Allowance arrangements. The Panel will review the new political structure and decide which posts within that structure should be eligible for a special responsibility allowance. Where it considers that an SRA should be paid for a post, it will arrive at an appropriate level of remuneration. The Panel will then make recommendations to the full Council, which will be responsible for taking a decision on what posts will attract SRAs and on the level of those SRAs.

Other Parts of the Structure

- 5.4 CAG wished to draw CROSP's attention to the other parts of the structure that would remain under a new committee system. This was so that members are aware of the complete range of commitments that many members would have in terms of serving on committees and outside bodies.
- 5.5 Firstly, there are the following public committees that would need to continue in some form:-
- Health Overview and Scrutiny Committee (unless function carried out by one of the service committees)
 - Health and Wellbeing Board
 - Planning (Regulatory) Committee
 - Norfolk Police and Crime Panel
 - General Purposes Committee
 - Community Safety Partnership Scrutiny
 - Audit Committee
 - Standards Committee
 - Personnel Committee
 - Joint Museums Committee

- Records Committee
- Pensions Committee
- Norwich Highways Agency Joint Committee
- Norfolk Parking Partnership
- Emergency Committee
- Eastern Inshore Fisheries Conservation Authority
- Eastern Shires Purchasing Organisation

5.6 Next there are a wide range of internal committees, panels, boards, working groups as follows:-

1. Adoption Panels (1 member for each of the 2 Adoption Panels)

2. Area Museums Committees:

Breckland – 5

Great Yarmouth – 4

King's Lynn & West Norfolk – 5

North Norfolk – 5

Norwich – 6

3. Capital Priorities Group - 5

4. Community Construction Fund Advisory Panel – 8

5. Community Engagement Steering Group – 3

6. Corporate Parenting Strategic Board – 4

7. Employment Appeals Panel – 10

When the Panel meets for any particular case, it has a membership of 3, drawn from the Panel of 10.

8. ESCO (Energy Saving Company) Board/Investment Panel – 1 Cabinet Member

9. Fire Joint Consultative Forum – 7

10. Independence Matters Enterprise Development Board - 2

11. Joint Casualty Reduction Partnership – 2

12. Joint Consultative & Negotiating Committee – 7
13. LEA Appointments Group – 5
14. Member Champions
 - Armed Forces (1)
 - Carers (1)
 - Child Poverty (1)
 - Historic Environment (1)
 - Learning Difficulties (1)
 - Mental Health (1)
 - Older People (1)
 - Physical Disability & Sensory Impairment (1)
 - Rail (1)
 - Restorative Approach (1)

Member Development Champions – 1 from each Group
15. Member Support & Development Advisory Group – 9
16. Norfolk Foster Panels – 1 for each Panel
 - Central Norfolk
 - West
 - East
17. Norfolk Local Access Forum – 3
18. Norfolk Minerals and Waste Local Plan Member Reference Group – 10
19. Norfolk Museums & Archaeological Service Board – 1
20. Norfolk Parking Partnership Joint Committee – 1 plus a named substitute
21. Norse Commercial Services – 2 Directors plus Shareholders' representative (Observer).
22. Norse Group – 2 Directors plus Shareholders' representative (Observer).
23. NORSE Member/Officer Shareholder Committee – 6
24. NPS Property Consultants Ltd – 2 Directors plus Shareholders' representative (Observer).
25. Parking and Traffic Regulation Outside London Joint Committee – (1)
26. Property Reference Panel – 6

27. RAF Coltishall Working Group
Cabinet Member
Local Members for the Divisions of Aylsham, Hoveton & Stalham,
South Smallburgh, Wroxham
 28. School Admissions Forum – 6
 29. Sponsor Group for Establishing a Personal & Community Support
Services Social Enterprise – 2
 30. Strategic Equality Group – 6
 31. Teachers Joint Consultative Committee – 11
 32. Tenants' Advisory Board (East) – 2
- 5.7 Finally, the Council appoints representatives to a wide range of outside
bodies, as set out in Appendix 2 (attached)

Ongoing Arrangements

- 5.8 CAG wished to make it clear that if the Council does move to a new
committee system of governance in May 2014, the precise structure of
that system can still be changed by the Council at any time in the
future. It will not however be possible to revert to a Cabinet system until
after 5 years of the committee system being in operation.

6. Alternative Options

- 6.1 Whilst not all members of CAG agreed that it should be considering
alternative options to a committee system, CAG concluded that it would
be helpful to all Members to provide information on whether an
enhanced Cabinet system might address some of the concerns which
had led to the call for a change of system, firstly that strategic decisions
should be taken where possible at Council and secondly, greater
member involvement in decision making.
- 6.2 CAG looked at possible ways of enhancing the role of Council by
enabling it to have a debate before certain key strategic decisions are
taken by the Cabinet and making a recommendation to Cabinet as to
the decision to be taken (similar to what has occurred recently
regarding The Willows). This would require clear processes and
definitions. Firstly, to develop a definition of "strategic issues"; secondly
to be clear as to how a pre-Cabinet Council debate could be triggered
and thirdly, who would have the power to trigger such a debate.

- 6.3 These would need to be worked up in the context of not slowing down decisions. Using a Cabinet business plan as a document from which to identify strategic issues would allow potential Council debate issue to be identified. However, issues would have to be identified much further in advance than happens with the current notice of key decisions (28 days) in order to allow the full process to be followed through. Once relevant issues have been identified, the process could be a long one, but could possibly be slightly reduced by scheduling meetings of the Council just for the purpose of pre-Cabinet debates and then cancelling them if there are no issues to consider. It should be recognised that although such a system would provide for increased member involvement in the decision-making process, the final decisions would still be reserved to the Cabinet.
- 6.4 CAG has also looked at possible greater member involvement through the introduction of Cabinet Policy Advisory Committees. These have been established at Kent County Council with its hybrid model and one of the roles of these committees is to consider issues before they are taken to Cabinet or to a Cabinet Member for decision. They are only advisory and consequently would not overcome the issue of member involvement in decision-taking but they could in theory be developed so that there is a strong presumption that the Cabinet/Cabinet Member would accept the advice of a Policy Advisory Committee. However, in a Cabinet system, there could be no legal undertaking by the Cabinet/Cabinet Members to accept the advice given to them and so this again may fall short in terms of addressing the concerns of those who wish to move away from the Cabinet system.
- 6.5 CAG does not wish to recommend or advocate any particular form of enhanced Cabinet system. It does suggest, however, that if Council decides not to move to a committee system of governance, it might wish to consider whether further work should be carried out to explore how the existing system could be enhanced to address the concerns that some Members have about the existing system. CAG also wishes to point out however, that unlike a move to a committee system, which can only be introduced at an AGM of the Council, there is no time-limited element in respect of an enhancement to the current system.

7. Conclusions

- 7.1 Following full Council's in-principle decision in May 2013 to change the Council's form of governance to a committee form of governance, CROSP was instructed to task CAG with preparing a report to the Council concerning a change.
- 7.2 CAG has been considering the issues relating to the proposed move to a committee system of governance. It has sought to identify and explore a range of key principles upon which a committee system should be based, if Council decides on 25 November 2013 to approve

a change to this form of governance. In doing so it has reached conclusions on those areas of principle and has presented those conclusions in this report.

- 7.3 CAG has also looked at whether it might be possible to find ways to enhance the current Cabinet system that might address the concerns of those who believe that the current system excludes most Members from the decision-making process. CAG believes that Council should consider commissioning further work on this if it decides not to adopt a committee system of governance.

8. Implications

- 8.1 **Section 17 - Crime and Disorder:** None arising directly from this report
- 8.2 **Financial Implications :** Financial implications are set out in paragraphs 4.39 – 4.43
- 8.3 **Any other implications:** Officers have considered all the implications which members should be aware of. There are no other direct implications to take into account as this report simply sets out the results of the deliberations of CAG for members to consider

9. Equality Impact Assessment

- 9.1 This report is not making proposals which will have an impact on equality of access or outcomes for diverse groups.

10. Recommendations

- (i) That CROSP recommends to Full Council that a change to a committee system of governance should have the following features:-
- That there be 10 service committees as follows:-
 - Adult Social Services
 - Children's Services
 - Corporate Resources
 - Cultural Services
 - Development of the Economy
 - Finance
 - Fire and Protection
 - Schools
 - Transport
 - Waste and Environment
 - That the structure does not include a Policy and Resources Committee.

- That the structure of the committee system reflect the “Strong Council” model as set out in paragraph 4.15
 - That each service committee and the full Council have meetings scheduled monthly in order that the desired speed of decision making can be achieved.
 - That the size of committees be left for consideration by the group charged with drawing up a new Constitution should Council decide to move to a committee system of governance.
 - That apart from those areas where the Council will still be required by statute to arrange for scrutiny to be carried out, there will not be a general scrutiny function.
 - That the system include provision for decisions made by service committees to be contested and reviewed by full Council
 - That system include provision for urgent decisions to be taken should the need arise in between scheduled service committee meetings
 - That the system does not include area committees initially but that this be reviewed in the future.
 - That the existing scheme of delegations to officers be retained
- (ii) That CROSP recommends to full Council that if it decides not to move to a committee system of governance, it considers whether it would wish to direct that further work be carried out to look at possible enhancements to the existing Cabinet system

Councillor Cliff Jordan
Chairman of the Constitution Advisory Group

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Appendix 1

Committees of 10 seats

This would give a total of 100 seats, which allocated on a politically balanced basis, would give each political group an overall entitlement of:

Conservative – 48 seats

Labour – 18

UKIP – 17

Lib Dem - 12

Green – 5

However, applying the political balance across the 10 committees gives an allocation of:-

Cttees (10 seats)	Cons	Lab	UKIP	Lib Dem	Green
Adult SS	5	2	2	1	0
Children's Services	5	2	2	1	0
Corporate Rscs	5	2	2	1	0
Cult Svces	5	2	2	1	0
Economy	5	2	2	1	0
Finance	5	2	2	1	0
Fire & Prot	5	2	2	1	0
Schools	5	2	2	1	0
Transport	5	2	2	1	0
Waste & Env	5	2	2	1	0
TOTAL (100)	50	20	20	10	0

As can be seen from the table, this results in the total number of seats for each group being out of line with the overall entitlement as set out above There would need to be a realignment of the committee allocations in the table as follows:

Conservatives – Lose 2 places, i.e on 2 of the committees, they will reduce to 4 places

Labour – Lose 2 places

UKIP – Lose 3 places

Lib Dem – Gain 2 places

Green – Gain 5 places

Committees of 13 seats

This would give a total of 130 seats, which allocated on a politically balanced basis, would give each political group an overall entitlement of:

Of the total of 130 seats, allocated on a politically balanced basis, gives an entitlement for each Group of:

Conservative – 63 seats

Labour – 23

UKIP – 22

Lib Dem - 16

Green – 6

However, applying the political balance across the 13 committees gives an allocation of:-

Ctees (13 seats)	Cons	Lab	UKIP	Lib Dem	Green
Adult SS	6	2	2	2	1
Children's Services	6	2	2	2	1
Corporate Rscs	6	2	2	2	1
Cult Svces	6	2	2	2	1
Economy	6	2	2	2	1
Finance	6	2	2	2	1
Fire & Prot	6	2	2	2	1
Schools	6	2	2	2	1
Transport	6	2	2	2	1
Waste & Env	6	2	2	2	1
TOTAL (130)	60	20	20	20	10

As can be seen from the table, this results in the total number of seats for each group being out of line with the overall entitlement as set out above. There would need to be a realignment of the committee allocations in the table as follows:

Conservatives – Gain 3 places, i.e. on 3 of the committees, they will increase to 7 places

Labour – Gain 3 places

UKIP – Gain 2 places

Lib Dem – Lose 4 places

Green – Lose 4 places

Committees of 17 seats

This would give a total of 170 seats, which allocated on a politically balanced basis, would give each political group an overall entitlement of:

Conservative – 82 seats

Labour –31

UKIP – 29

Lib Dem - 20

Green – 8

However, applying the political balance across the 10 committees gives an allocation of:-

Cttees (17 seats)	Cons	Lab	UKIP	Lib Dem	Green
Adult SS	8	3	3	2	1
Children's Services	8	3	3	2	1
Corporate Rscs	8	3	3	2	1
Cult Svces	8	3	3	2	1
Economy	8	3	3	2	1
Finance	8	3	3	2	1
Fire & Prot	8	3	3	2	1
Schools	8	3	3	2	1
Transport	8	3	3	2	1
Waste & Env	8	3	3	2	1
TOTAL (170)	80	30	30	20	10

As can be seen from the table, this results in the total number of seats for each group being out of line with the overall entitlement as set out above There would need to be a realignment of the committee allocations in the table as follows:

:

Conservatives – Gain 2 places, i.e on 2 of the committees, they will increase to 9 places

Labour – Gain 1 place

UKIP – Lose 1 place

Lib Dem – No change

Green – Lose 2 places

APPOINTMENTS TO OUTSIDE BODIES 2013/14

LOCAL GOVERNMENT ASSOCIATION APPOINTMENTS

LGA General Assembly (4)
Fire Services Commission (1)
Urban Commission (2)
Rural Commission (2) and 1 substitute
County Council Network (4)
East of England Local Government Association (1) and 1 substitute
LGA Coastal Issues Special Interest Group (1) and 1 officer

1. Active Norfolk Board (1)
2. A47 Alliance (5)
3. Aylsham Forum (1 The Local Member)
4. BID (Business Improvement District) (1)
5. Brecks Countryside Joint Advisory Panel (1)
6. Broads Authority (2)
7. Broads Tourism (1)
8. Caistor Roman Town Joint Advisory Board (1)
9. Catton Park Management Trust (1)
10. Diss and District Community Transport Association Ltd (Borderhoppa) (1)
11. Earthsea & Merrywood Houses (1)
12. East of England Energy Group
13. East of England Fire Forum (1 plus substitute)
14. East of England Trading Standards Association Member Group (1)
15. Environment Agency
Anglian (Eastern) Regional Flood and Coastal Committee (2)
Anglian (Central) Regional Flood & Coastal Committee (1)

- North Norfolk Catchment Flood Management Plan Steering Group (1)
16. E.U. Projects
- France (Channel) - England Cross Border Programme Monitoring Committee (1)
- Two Seas Cross-Border Programme Monitoring Committee (1)
17. Friends of Gressenhall Committee (1)
18. Green Britain Centre, Swaffham (1)
19. Green Quay/Marriotts Warehouse Trust
20. Great Yarmouth Area Board
21. Great Yarmouth Car Parking Strategy Steering Group (2)
22. Great Yarmouth College Corporation (1)
23. Great Yarmouth Economic Forum (1)
24. Great Yarmouth Port Authority (1)
25. Great Yarmouth Port Company – Community and Marine Liaison Committee (1)
26. Great Yarmouth Sports and Leisure Trust (1)
27. Great Yarmouth Town Centre Partnership Company (Gt. Yarmouth) Ltd (1)
28. Greater Norwich Development Partnership (4)
29. Heritage Economic & Regeneration Trust (1)
30. Hethel Innovation Ltd (2)
31. H.M.P. Bure Liaison Group (3 local members)
32. Hunstanton Convalescent Trust (1)
33. Governors Council of James Paget University Hospitals NHS Foundation Trust (1)
34. King's Lynn Conservancy Board (1)
35. King's Lynn Festival – Vice President (1)

36. King's Lynn Town Centre Management Partnership (1)
37. Local Enterprise Partnership (LEP) (1)
38. Moving Thetford Forward Board (3)
39. Moving Thetford Forward Programme Delivery Panel (2)
40. Norfolk and Norwich Association for the Blind (1)
41. Norfolk and Norwich University Hospital Trust – Council of Governors (1)
42. Norfolk and Norwich Novi Sad Association
43. Norfolk Arts Forum (2)
44. Norfolk Chamber of Commerce and Industry (1)
45. Norfolk Can Inspire (1)
46. Norfolk Coastal Centre for Independent Life Board (1)
47. Norfolk Coast Partnership (2 plus 2 substitutes)
48. Norfolk Community Health and Care NHS Trust (2)
49. Norfolk Council on Ageing (1)
50. Norfolk Association of Local Councils Executive Committee (1)
51. Norfolk Flood and Water Strategic Forum (1)
52. Norfolk Playing Fields Association (2)
53. Norfolk Rail Group (4)
54. Norfolk Rural Community Council (1)
55. Norfolk and Suffolk Energy Alliance
56. Norfolk and Suffolk NHS Foundation Trust – Partner Governor (1)
57. Norwich Airport Consultative Committee (1)
58. Norwich Airport Board (Non-Executive Director) (1)
59. Norwich Urban Fringe Project Advisory Panel (1)
60. Pride in Norfolk Award (4)

61. Queen Elizabeth Hospital Trust – Governors’ Council (1)
62. Royal Norfolk Agricultural Association (1)
63. Rev Active (1)
64. South Norfolk Safer Neighbourhood Panels (5) (1 member per Panel)
65. South Norfolk Alliance (1)
66. South Norfolk Partnership for Older People’s Services (1)
67. Standing Advisory Council for Religious Education (4)
68. St. George’s Trust (1)
69. Sutton Bridge Power Station Liaison Group (1)
70. The Forum Trust Ltd (1)
71. Theatre Royal Trust – The Board (1)
72. Thetford Municipal & United Charities (1)
73. University of East Anglia - The Court (4)
74. Virtual School Governing Body (1)
75. Visit Norwich Limited (1)
76. Wash and North Norfolk Coast European Marine Site Management Scheme (2)
77. Waste Management Strategic Board (2)
78. West Norfolk Partnership (1 plus 1 substitute)
79. West Norwich Partnership (1 plus 1 substitute)
80. Whitlingham Outdoor Education Centre Partnership (1)

Localism Act - Pay Policy Statement

Report by Chair of Personnel Committee

The Personnel Committee on 10 June 2013 approved a draft revised Norfolk County Council Pay Policy Statement for 2013/14, to take account of supplementary statutory guidance. The County Council is recommended to approve the revised Statement.

1. Background

- 1.1. The Personnel Committee on 10 June approved a revised draft Pay Policy Statement, and recommended it for approval by full council. It was considered by council in July, and Members asked that the background to the matter be fully set out in a further report to be brought to a future meeting of the council. This report therefore sets out that background, and recommends the revised Statement to council.
- 1.2. The Localism Act 2011 requires local authorities to publish annually a Pay Policy Statement, which must be approved by full council. The purpose is to ensure openness and accountability in local pay, and statutory guidance has been issued which must be taken into account. The current Statement is published on the council's website.
- 1.3. The Statement now requires amendment, to take account of supplementary statutory guidance issued by the Department for Community and Local Government in February 2013.
- 1.4. It should be noted that the original 2012 statutory guidance, which is still in force, provides that:

"Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions in the Act do not seek to change this or to determine what decisions on pay should be taken or what policies that individual employing authorities should have in place. Rather, they only require that authorities are more open about their own local policies and how their local decisions are made."

2. The 2013 Guidance and the Pay Policy Statement

- 2.1. The intention of the 2013 Guidance is to clarify how local authorities should interpret and apply the earlier 2012 Guidance, to ensure openness and accountability in senior pay matters. Norfolk's Pay Policy Statement already complies with the 2013 Guidance in most respects, but in two areas some review was indicated.

- 2.2. In respect of salary packages on appointment to senior posts, the Personnel Committee considered that a high level of openness and Member accountability is provided by the council's existing arrangements, which are set out in the Pay Policy Statement. Those arrangements include:
- cross-party involvement of Members in appointments to Chief and Deputy Chief Officers (in general terms, this covers posts with salaries of £77,232 and above). This is as set out in the council's Constitution.
 - the responsibility of the Personnel Committee in setting salary grades of senior posts, and in determining all other pay policies and pay frameworks. Most day to day decisions in employment matters are delegated to officers under the council's Constitution, but within defined limits as set out in the policies and the council's constitution.
 - publishing of senior pay.
- 2.3. In respect of large severance packages being considered for staff leaving the organisation, the Personnel Committee considered that our arrangements could be more robust, and amended the Statement so that:
- “where severance payments over £100,000 are considered, the Managing Director will consult the members of the Personnel Committee. If requested by any of the committee members, the proposed severance payment will be considered at a meeting of the Personnel Committee.”
(para 34 of the draft Statement at Appendix A).
- 2.4. The Guidance suggests that full council should vote both on senior appointment salaries (over a defined threshold), and on large severance payments. However, since the Committee considered that the arrangements in the revised Pay Policy Statement would provide high levels of transparency and accountability, votes by full council were considered to be an inefficient process in such cases. In the case of appointment salaries, arranging for a vote by full council could delay appointments to senior positions.
- 2.5. The Personnel Committee therefore approved a draft revised Pay Policy Statement (Appendix A) to be recommended to full council. The revised wording is highlighted. The document has hyperlinks to the various pay policies referred to.
- 2.6. Also attached at Appendix B is the 2013 Guidance.

3. Section 17 – Crime and Disorder Act

- 3.1. There are no identified Crime and Disorder implications.

4. Equality Impact Assessment

- 4.1. There are no identified equality implications.

5. Other Implications

- 5.1. .No implications have been identified other than those set out above.

6. Recommendations

- 6.1. The Council is recommended to approve the revised Pay Policy Statement at Appendix A.

Officer Contact

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

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NORFOLK COUNTY COUNCIL
Pay Policy Statement 2013–2014
Revised by Personnel Committee 10 June 2013

Inserted text shown thus: *Inserted text*

1. Introduction and Scope

- 1.1. Norfolk County Council is committed to accountability, transparency, equity and fairness in pay, reward and remuneration. This Pay Policy Statement outlines the Council's pay and reward policies for 2013-2014. These ensure that pay and rewards policies are appropriate for the Council's aims, are competitive and affordable, and are consistently and equitably applied.
- 1.2. The policies referred to in this Statement are relevant to Council employees generally. However the scope of this Statement does not include all pay policies relating to certain categories of employees, including:
 - a) Firefighters (covered by the National Conditions for Local Authorities' Fire Brigades)
 - b) Teachers (covered by statutory School Teachers' Pay and Conditions)
 - c) Employees in schools
 - d) Employees paid on national pay rates determined by the Soulbury Committee covering Education Improvement Professionals and Educational Psychologists
 - e) Employees in Public Health on NHS conditions of employment.*
- 1.3. The Pay Policy Statement fulfils the Council's statutory requirements under Chapter 8 of the Localism Act 2011.

2. Definitions

- 2.1. The Council defines the total employment package as consisting of both tangible and intangible elements. The pay policy statement focuses on the tangible pay and reward elements, including salary, allowances, benefits in kind, pension enhancement and payments relating to the ceasing of employment.
- 2.2. The Council defines "lowest paid employees" as staff paid on the first spinal column point of the County Council's pay grades for National Joint Council (NJC) for Local Government Services staff, as this is the lowest pay rate generally applied to NCC roles.
- 2.3. The Council employs some apprentices under the national Apprenticeship framework, who are paid at less than the Council's minimum salary point, in line with the National Minimum Wage for apprentices set by the Department for Business, Innovation and Skills. The rate at 31st March 2013 is £2.65 per hour (equivalent to £5,112 per annum for a 37 hour week).

3. The Council's Pay and Rewards Strategy

- 3.1. The Council's overall approach to pay and reward is set out in its [Pay and Rewards Strategy](#). The objectives set out in that document are to:
- 3.2. Attract and retain people with the skills and talent the County Council needs to deliver excellent services in Norfolk.
- 3.3. Encourage and reward high levels of contribution, new ways of working, and relevant skills acquisition through experience and development, by employees at all levels.
- 3.4. Provide a fair system of reward for employees.
- 3.5. The Council's pay policies are designed to achieve those objectives within the Principles and Core Standards set out in the strategy. Pay policies, and strategy, are kept under review and updated from time to time as necessary.

4. Governance Arrangements

- 4.1. The Council's Personnel Committee determines the terms and conditions of employment for all staff within the scope of this statement, including the application of any discretions available under the Local government Pension Scheme. The full remit of the Personnel Committee is detailed in the [Council's Constitution](#).
- 4.2. The Officer Employment Procedure Rules of the [Council's Constitution \(Appendix 15\)](#) provide for designated Senior Officers to take certain delegated decisions in relation to employment matters, within the policy framework approved by the Personnel Committee.

5. Publication of and access to information relating to pay

- 5.1. The Council publishes information about pay in accordance with statutory requirements, and the guidance of the Information Commissioner's Office and the Department of Communities and Local Government. Information is published on the [Council's website](#) and in the [Council's Statement of Accounts](#).

6. Basic Pay Determination

Pay levels for all employees are determined by the following:

- 6.1. The Council uses the Hay Job Evaluation Scheme to establish the relative "sizes" of jobs within the organisation. An evaluation results in an overall job evaluation score, which is used to rank jobs within the organisation. The overall job evaluation score for a job is used to allocate that job to the appropriate pay grade of the Council's [grade structure](#). For jobs at Scale P and above (£77,232+ as at 31st March 2013), external evaluation specialists will be commissioned to independently review and validate the job evaluation rationale. The outcome is subject to approval by the Personnel Committee.
- 6.2. Appointment - The incremental point at which an individual will be appointed to within the grade will normally be the minimum of the scale. However appointment may be

at a higher point within the scale where necessary to appoint the best candidate. In the case of the appointment of Chief Officers and Deputy Chief Officers, views of Members of the Appointments Panel will inform the decision.

- 6.3. *As the existing arrangements for determining senior salaries are robust and transparent, the County Council has decided that a vote on salary packages above a defined threshold prior to appointment would not add to democratic accountability, would cause delay in recruitment, and would not be an efficient process.***
- 6.4. Progression – all employees are eligible to receive annual incremental increases within the grade structure until they reach the top increment of the grade. There is no further base pay progression once the employee reaches the maximum spinal column point, or maximum of the grade range, for the role. Incremental progression is subject to satisfactory performance as defined by the Council's [performance appraisal policy](#). An increment may be withheld from an individual where a satisfactory rating is not achieved. New starters must complete a 6-month period before becoming eligible for incremental increases.
- 6.5. The Council's pay scale values are subject to annual review. For Norfolk grades from Scale A to Scale M, the Council applies the annual pay award agreed by the National Joint Council for local government services. For grades Scales N and above, the County Council locally reviews pay levels annually having regard to national settlements covering local government and local affordability.
- 6.6. General Review - Pay levels are set with reference to a number of internal and external factors and market forces. Where a need is identified to review the levels of basic pay at all or some pay grades (for example in the light of sustained recruitment and retention difficulties), the Council will commission research into market levels. Any decision on changes as a result of this research would be considered by the Personnel Committee, taking account of affordability.

7. Additional Pay Determination

In addition to basic pay the Council's reward package may include additional pay elements.

- 7.1. The Council will consider the payment of salary supplements in the event of external market pressures for recruitment and retention. Payments must be based on genuine objective grounds and driven by business requirements and not individual circumstances. Payments must be applied consistently based on sound, recognised and robust pay data in accordance with Equal Pay legislation and the [Equal Opportunities in Employment Policy](#). Market supplements are applied, reviewed and withdrawn in accordance with the Council's [Policy and Procedure for Market Supplements \(recruitment and retention\)](#).
- 7.2. There will be occasions where, due to the service needs, employees will temporarily be required to undertake work or perform beyond the normal remit of their substantive role (for example working to a higher level role, or undertaking additional responsibilities). Payment for these extra duties will be made in accordance with the [Acting Up and Honoraria Policy and Procedure](#). All payments are regularly monitored and reviewed as outlined in the policy.

- 7.3. The County Council does not operate a performance pay scheme outside the incremental grading structure that determines basic pay and therefore there are no performance or bonus payments paid to employees of the Council.
- 7.4. Employees that are redeployed, due to redundancy or disability, to a post at a lower grade may be eligible for a redeployment compensation payment. This will be paid in accordance with the Redeployment Policy and Procedure.
- 7.5. The Council employs the use of a number of additional allowances and enhancements to reflect and recompense for additional responsibilities, duties and working patterns. The eligibility to these enhancements varies depending upon the nature of the allowance or enhancement. The applicable principles, scope, eligibility, process and rates are detailed in the respective policy documents. These are kept under review and changes or additional policies would be approved by the Personnel Committee.
- 7.6. The Council operates a Car Provision Scheme, which provides lease cars to employees on a contributory basis. This is restricted to employees that have to travel on a regular basis to fulfil the duties of their role.

8. Termination of Employment

- 8.1. The Council's policy on redundancy is contained within the [Staffing Adjustment Policy](#), which details the conditions under which redundancy payments can be made. Where an employee is made redundant, severance benefits will be based on the number of weeks in the statutory Redundancy Pay Table based on actual weekly earnings. Where full time weekly earnings are less than the statutory cap, employees will receive a rate equivalent to the statutory cap per week, pro rata for part time staff.
- 8.2. Membership of a pension scheme is determined by the relevant conditions of service and is subject to the rules of the specific scheme. The Council operates the [Local Government Pension Scheme \(LGPS\)](#) for most employees within the scope of this statement. Some employees may be members of the Teachers Pension Scheme (TPS), the Fire Fighters Pension Scheme (now closed to new entrants) (FPS) and the New Fire Fighters Pension Scheme (NFPS).
- 8.3. The Council's practice for early termination of employment arrangements (for reasons other than redundancy) are detailed in the [Retirement of Members of Local Government Pension Scheme Policy and Procedure](#); and any additional discretions under the pensions regulations for the LGPS are detailed in [Employers Statement of Exercise of Discretionary Powers](#).
- 8.4. Only in very exceptional circumstances and where the business case supports it might the Council agree to any arrangements in relation to termination of employment outside those referred to above, to avoid or settle a legal claim.
- 8.5. The Council's policy on the employment of people retired on redundancy grounds from Norfolk County Council, or on ill-health or efficiency grounds from any local authority employment, is that any such case must show clear organisational and financial benefits to the Authority. Each case must be considered by the Head of HR and Organisational Development. The remuneration on employment would be determined in the same way as for any other appointment.

8.6. Where severance payments over £100,000 are considered, the Managing Director will consult the members of the Personnel Committee. If requested by any of the committee members, the proposed severance payment will be considered at a meeting of the Personnel Committee.

8.7. The arrangements for approving severance payments are robust and transparent, and the County Council has decided that a vote by full Council on severance payments above a defined threshold would not add to democratic accountability and would not be an efficient process.

9. Remuneration of staff on a Contract for Services

9.1. In common with any large organisation in the public or private sector, from time to time and on a temporary basis the Council needs to use interim staff who are not directly employed. In such cases the Council would not incur the costs of national insurance, pension contributions, annual leave or sick pay.

9.2. This happens where we have a short term need for particular skills or where we are experiencing recruitment and retention difficulties. When we use interim staff they are usually sourced through specialist agencies.

9.3. In line with the Agency Workers Directive, the Council will aim to pay staff on a Contract for Services at a rate consistent with the pay and reward of the Council's directly employed staff performing a role of comparable responsibility. However, as with the employed workforce the Council retains the discretion to take into account market factors in determining the appropriate pay level, whilst demonstrating value for money for the remuneration offered.

9.4. The Council's guide to [Recruiting to Temporary Appointments](#) outlines the actions required when there is a requirement for interims or consultants. This confirms the financial threshold at which a business case will need to be submitted for Chief Officer approval and Cabinet Member endorsement, prior to any contractual commitment.

10. Fairness in pay

10.1. As already stated, the Council recognises the importance of fairness in pay and utilises the following approaches to maintain this:

- a) the Council's pay and reward policies are applied equally to all employees, except where there are good reasons reflecting genuine factors which apply only to certain employee categories;
- b) the Council's Personnel Committee is responsible for setting the pay and conditions policies of all employees within the scope of this statement;
- c) the Council involves the workforce and trades unions in any proposals to change pay and rewards policies and practices. Regular consultation and negotiation take place on all employment matters, including pay and reward;
- d) all categories of employees are covered by recognised trades unions;
- e) the Council's approach to publishing information on pay is set out in paragraph 5.1 to ensure that pay policies are open to scrutiny.

10.2. The current ratio of the Chief Executive's salary to the median salary in the organisation is published as set out in paragraph 5.1. The Council intends to move to publishing more comprehensive information on the relationship of senior pay to that of other employees, including non basic pay elements. Over time, this will enable changes in these relationships to be clearly seen, and reasons for any changes will be explained.

11. Review

11.1. The pay policy statement is reviewed by the Personnel Committee and is recommended to Full Council for annual approval. The statement for 2014-15 will be submitted to Full Council for approval by 31 March 2014.



Department for
Communities and
Local Government

Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011

Supplementary Guidance

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Openness and Accountability in Local Pay: Supplementary Guidance

1. Sections 38 to 43 of the Localism Act 2011 require relevant authorities to prepare a pay policy statement for the financial year 2012-13 and each subsequent financial year. Section 40 of the Act includes provision for the Secretary of State to issue guidance on the content and application of senior pay statements. Relevant authorities must have regard to this guidance in the exercise of their functions under the pay accountability provisions.
2. *Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act* was published in February 2012 and can be accessed here: [Pay Accountability Guidance](#)¹. That Guidance still stands. This note supplements that Guidance and authorities in England must take account of when preparing their pay policy statements for 2013-14 and each subsequent financial year.
3. If a relevant authority has concluded that a particular section(s) of the Guidance is not applicable to their local circumstances, the relevant authority should set out clearly in their pay policy statements why they consider this to be the case.

Presentation and accessibility

4. Pay policy statements are public documents to be used as an information source to enable local taxpayers to hold their councillors to account on pay matters.
5. The Localism Act 2011 requires that as soon as is reasonably practicable after approving or amending a pay policy statement, authorities must publish the statement or the amended statement in such manner as they see fit which must include publication on the authority's website. In addition, section 38 (4) requires authorities to set out in their pay policy statements their approach to the publication of and access to information relating to the remuneration of chief officers.
6. Once approved, authorities should ensure their pay policy statement is published as soon as is reasonably practicable. Evidence suggests that, while authorities had prepared their pay policy statements and published them online for 2012-13, a significant number of statements were not easily accessible and readily available to the public.² Authorities should

¹ Link to *Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act* published in February 2012

² One Society published a report: *Leading the way on fair pay – which is an assessment of principal local authorities in England & Wales using local authorities' pay policy statements as source of information. On availability and accessibility of pay policy statement it found that the statements in the majority of cases could not easily be found.*
<http://www.onesociety.helencross.co.uk/wp-content/uploads/2012/09/FairPayReport2012.pdf>

ensure that statements can be easily found, for example, by a simple search on their website. The statement itself should be published as a stand alone document in its final form, perhaps within the website's transparency section or with other pay and workforce information.

7. The information within pay policy statements should be presented in a clear and accessible format. Evidence suggests that authorities should do more to ensure that that jargon is kept to a minimum, any acronyms used are explained, and that any hyperlinks used to access other documents or websites work properly.³ In addition, authorities should set out clearly and separately their policies against each of the requirements listed in the relevant sections of the Localism Act 2011. Where this is done effectively, it will help enable taxpayers to decide whether they are getting value for money in the way that public money is spent on local authority pay and reward.

Accountability

Salaries on appointment

8. The existing Guidance makes clear that full council (or a meeting of members for fire authorities) should be given the opportunity to vote before large salary packages offered in respect of a new appointment. The Guidance states that the Secretary of State considers that £100,000 is the right level for that threshold to be set and that figure remains the same.
9. For 2012-13, it appears that not all authorities chose to articulate in their statement if this was being done. Local taxpayers should know what their authority's policy is on senior appointments and, specifically, have a right to expect that decisions about the most senior - and most costly - appointments are being taken by those who are directly accountable to local communities. As with all aspects of this Guidance, authorities should address this issue within their policy statements and make clear how they have taken account of this policy.
10. There will be some authorities whose salary structures do not include posts or appointments over £100,000. Where this is the case, those authorities should seek to achieve a similar degree of openness and accountability. Specifically, such authorities should set their own salary threshold which is more suited to their local circumstances and should allow full council an opportunity to vote on salary packages for new appointments above that level.⁴

Severance payments

11. There has been a great deal of public scrutiny of the level of severance payments awarded to senior local government staff and rightly so. Authorities should ensure that they manage their workforces in a way that best delivers best value for money for local taxpayers and sets the right

³ One Society report: Leading the way on Fair Pay

<http://www.onesociety.helencross.co.uk/wp-content/uploads/2012/09/FairPayReport2012.pdf>

⁴ Salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.

example on restraint. This includes any payments offered to staff leaving the authority.

12. Authorities are already required to publish their policies on severance for chief officers⁵ and their policy on discretionary compensation for relevant staff in the event of redundancy.⁶ In addition, other regulations provide for disclosure of remuneration of senior employees including details of severance payments within authorities' annual statement of accounts.⁷
13. Taken together, these measures enable greater scrutiny of the money spent by authorities on severance. However, given continuing public concern about the level and frequency of such payments, there is a case for going further to ensure that decisions to spend local taxpayers' money on large pay-offs are subject to appropriate levels of accountability. Authorities should, therefore, offer full council (or a meeting of members in the case of fire authorities) the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the organisation. As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set.
14. In presenting information to full council, authorities should set out clearly the components of relevant severance packages. These components may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.
15. This follows on from the Secretary of State's announcement⁸ that he intends to remove the costly and bureaucratic requirement for a designated independent person to investigate allegations of misconduct by senior officers from the Local Authorities (Standing Orders) (England) Regulations 2001. We are currently consulting with the Local Government Association and others on the draft regulations to give effect to these changes.

Role of Mayors

16. The Localism Act requires that pay policy statements must be approved by full council. Our expectation would be that where councils have directly elected mayors, they would involve the directly elected mayor and have regard to any proposals the mayor may have before the statement is considered and approved.

⁵ The Localism Act 2011, s.38 (4) (f)

⁶ Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

⁷ Accounts and Audit (England) Regulations 2011

⁸ Press Notice 9 November 2012 <https://www.gov.uk/government/news/eric-pickles-acts-to-limit-town-hall-chiefs-golden-goodbyes>

Queries

17. If you have any queries on this guidance, please submit them using the details below.

Workforce and Pay Team
Department of Communities and Local Government
Zone 5/F5 Eland House
Bressenden Place
London
SW1E 5DU
payaccountability@communities.gsi.gov.uk

Notice of Motions

Notices of the following motions have been given in accordance with Rule 10 of the Council Procedure Rules:-

(i) Proposed by Mr G. Nobbs

“This Council RESOLVES to oppose the introduction of tolling on either A14 or A47.

Council calls on Cabinet to work closely with our colleagues in local government across East Anglia to ensure that roads here remain free at the point of use.”

(ii) Proposed by Mr B. Bremner

“Norfolk has lost a number of community pubs in recent years. It is possible through the Sustainable Communities Act for councils to be given more power to determine if pubs should be demolished or converted into other uses and this could save many valued community pubs.

Council RESOLVES to ask Cabinet to:-

- 1) Submit a proposal to the government under the Sustainable Communities Act that the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets, pay-day loan stores or other uses, or are allowed to be demolished; and;
- 2) Work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.
- 3) Include in its response to the government's consultation on greater flexibilities in planning regulations a request for controls to prevent pub buildings being transferred to shops and banks and then to residential use with no requirement for planning permission.”

(iii) Proposed by Mr B. Watkins

“This Council agrees to compile a pool of inspirational speakers from across a range of backgrounds who would visit schools and provide motivational lectures to the pupils.”

(iv) Proposed by Mr J. Dobson

"This Council recognises that this Motion is concerned exclusively with procedure and as such is a proper subject for the Council to discuss, given the importance of the issue which it addresses. This Council notes that at the full Council meeting of 17th June 2013 a motion proposed by Mr Bird and seconded by Mr Coke was passed by 72 votes in favour, 0 against and 2 abstentions, which included the words "Full Council recognises that Cabinet will be drawing up contingency arrangements, involving officers, including looking at alternatives to Energy from Waste (including exploring funding options from Central Government)." This Council draws the Cabinet's attention to the specific wording ".....including (officers) looking at alternatives to Energy from Waste....." and asks Cabinet at its next routine meeting to discuss publicly whether that study by officers has begun, if so what has been holding up its progress given the urgency of the matter then and now, and when may we expect it to be completed and reported on in a transparent way for all Councillors to see".

**RECOMMENDATIONS FROM THE CABINET MEETING
HELD ON 4 NOVEMBER 2013.**

1) Norfolk – Putting People First Transformation Programme. Implementing an accelerated programme of organisational change for Norfolk County Council.

The Cabinet has received a report setting out the revised organisational (public service delivery) model, proposed senior management arrangements, the job description for the most senior role, the establishment of a refreshed organisational change programme for the County Council following a review of senior management arrangements by the Acting Managing Director.

RESOLVED TO RECOMMEND TO COUNCIL:-

- That the job description for the role of Chief Executive as set out in Appendix D of the Cabinet report, attached as Appendix A to this report, be confirmed by County Council at its meeting on 25 November 2013.
- That the proposed senior management arrangements be endorsed as follows:-

To endorse the changes to Chief Officer posts outlined in the report, and agree that amendments be made to Articles 6 and 12 and Appendices 6, 7, 15 and 23 of the Constitution in line with these proposals and delegate authority to the Head of Democratic Services and Monitoring Officer to make the necessary amendments and any other consequential changes to the Constitution, the proposals being:

- The post of Director of Economic Development, Infrastructure and Skills (formerly designated as Director of Environment, Transport and Development) will have management responsibility for:
 - Economic Development and Skills
 - Highways
 - Transport
 - Planning and Development Control
 - Trading Standards
 - Waste and Environment
 - Strategic ICT and Information Management
- The post of Chief Fire Officer and Head of Community Safety (formerly designated as Chief Fire Officer) will have management responsibility for:
 - Fire and Rescue Services
 - Emergency Planning

- The post of Director of Children’s Services will continue to have management responsibility for services for children and young people encompassing:
 - Safeguarding
 - Early Help
 - Education and School Improvement
- The post of Director of Services for Adults and Communities (formerly designated as Director of Community Services) will have management responsibility for:
 - Adult Social Care Services
 - Enabling Communities
 - Integrated Commissioning Development
- The post of Director of Public Health will continue to have management responsibility for:
 - Health Protection
 - Health Improvement
 - Healthcare Public Health
 - Health Intelligence
- A new post Head of Customer Services, at the indicative Grade of Q, will have management responsibility for functions brought together from several present departments as follows:
 - Customer Access and Complaints
 - Cultural Services
 - Registrars
 - Internal transactional support
 - Traded Services
- The Head of Law, at the indicative Grade of Q, will have management responsibility for:
 - Legal Services (nplaw)
 - Democratic Services
- The Chief Finance Officer (formerly designated as Head of Finance) will continue to have management responsibility for:
 - Pensions
 - Risk
 - Audit
 - Procurement
 - Property
- A new post the Head of Performance, at the indicative Grade of Q, will have management responsibility for:
 - Strategy and performance

- Programme Management Office
- Human Resources & Organisational Development
- Public affairs and media management
- Marketing and internal communications
- Business intelligence

A revised Appendix 23 of the Constitution, of the proposed corporate management structure, is attached as Appendix B to this report for ease of reference.

Note from Head of Democratic Services

A copy of the report (at item 13 of the November Cabinet agenda) can be viewed on the committee papers pages of the County Council's website. Please contact Greg Insull on 01603 223100 if you would like a hard copy. A full copy will also be placed in the Members' Room.



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

Appendix A

CHIEF EXECUTIVE JOB DESCRIPTION

PURPOSE OF POST

- (a) Be the County Council's principal adviser on policy, strategy and planning.
- (b) Provide strategic leadership to the management team, ensuring that the workforce delivers the Council's objectives and priorities in a businesslike, innovative and adaptable organisation focused on outcomes for Norfolk people.
- (c) Deliver, within a politically-led environment, a prominent role for the Council in community leadership for Norfolk, to achieve improved outcomes and better public services for Norfolk people.

Statutory Responsibility

Head of Paid Service

Other Responsibilities

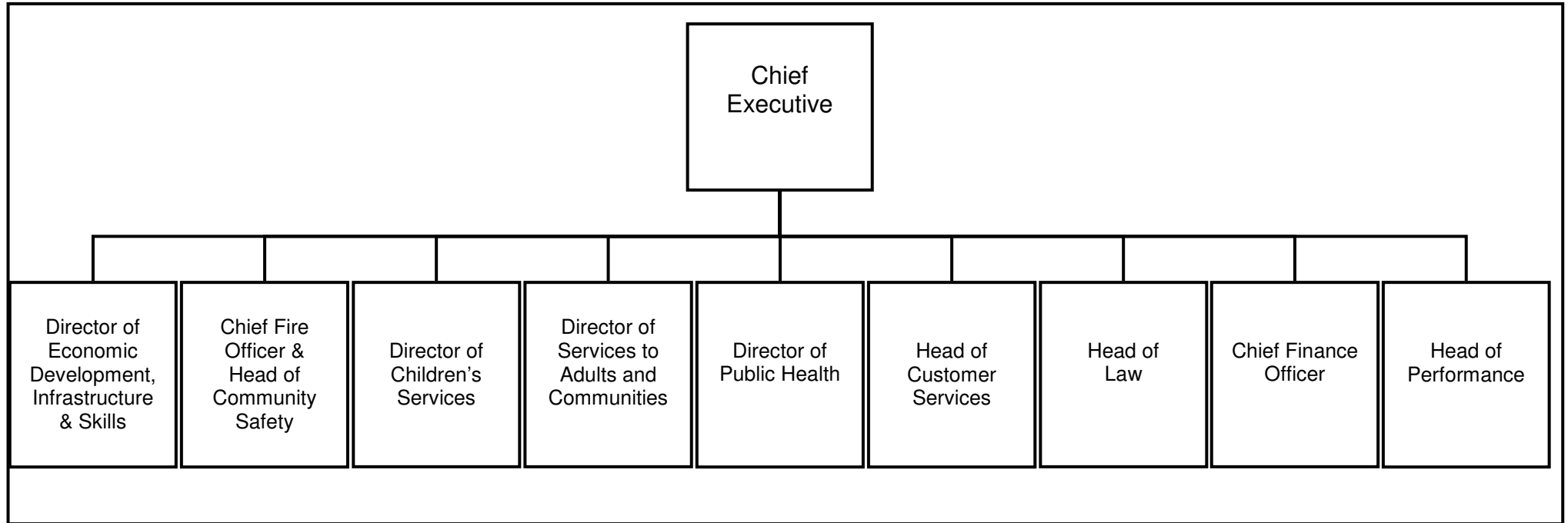
Clerk to the Lieutenancy

PRINCIPAL ACCOUNTABILITIES

1. Ensure that the Council oversees excellent public services that make a difference to Norfolk's communities.
2. Work with Cabinet to lead and develop relationships with key stakeholders in Government, and across all sectors and communities in Norfolk, creating partnership working to influence views and decisions for the benefit of Norfolk communities. In particular to shape and influence public sector spend and best use of resources in Norfolk.
3. Lead fundamental reviews of the County Council's services to secure efficiency, economy and effectiveness in service provision; encourage businesslike thinking, innovation and the adoption of appropriate commercial practices to reduce costs and increase income while managing demand.
4. Develop and sustain organisational arrangements that harness the capacity and resources in Norfolk's communities to improve quality of life.
5. Sustain and develop a management culture, ways of working and processes that facilitate meeting the objectives and priorities of the Council in the most effective way.
6. Provide effective arrangements for a closely aligned political and managerial partnership focused tightly on delivery and strategic outreach.

Appendix B

PROPOSED CORPORATE MANAGEMENT STRUCTURE



**REPORT OF THE CABINET MEETINGS
HELD ON 7 OCTOBER, 29 OCTOBER and 4 NOVEMBER 2013.**

Cabinet Member for Environment, Transport, Development and Waste

7 October 2013

1. Overview and Scrutiny Panel Issues

The Cabinet Member for Environment, Transport, Development and Waste announced that, due to the success of last years Parish Partnership scheme, this would be run again this year. Parish Councils could apply for highways works and if successful the costs would be equally split with the County Council.

2. Recommendations of the Greater Norwich Development Partnership Board

Cabinet has **RESOLVED** that:-

- a) The current Board be dissolved and that a new Growth Board be set up, with further discussion/negotiation to develop detailed proposals (which would come back to Cabinet for approval) being delegated to the Leader of the Council
- b) Responsibility be delegated to the Director of Environment, Transport and Development, in consultation with the Cabinet Member for Environment, Transport, Development and Waste, to agree a joint response from the GNDP to the Inspector's proposed modifications to the Joint Core Strategy.

29 October 2013

3. Residual Waste Treatment Contract - Revised Project Plan

Cabinet has **RESOLVED** that:-

1. The Revised Project Plan for the Residual Waste Treatment Contract be accepted and to proceed with the project notwithstanding the decision by Defra to withdraw the Waste Infrastructure Grant.
2. The Director be authorised to enter into a Deed of Variation and any other necessary instruments to give effect to the Revised Project Plan.
3. The provision of an indemnity be authorised to the Practice Director of nplaw and Acting Head of Finance or another appropriate officer who will sign the Local Government (Contracts) Act 1997 certificate as to the County Council's vires to accept the Revised Project Plan.

4. The previous affordability approval made by Cabinet on 07 March 2011 be confirmed as relevant to the delivery of the Revised Project Plan.
5. All portfolio responsibilities for waste services and decisions relating to the waste service, including the responsibility of delegated decisions in relation to the Residual Waste Treatment Contract are the responsibility of the Cabinet Member for Environment, Transport, Development and Waste and that this passes to any future Cabinet Member with responsibility for the waste service within their portfolio.
6. Confirmation be approved that, in relation to the role of Director of Environment, Transport and Development in the delegated decision making process, the responsibility be fulfilled by the Director or in the absence of a Director the Assistant Director, with the responsibility for the waste service.

4 November 2013

4. Norwich Area Transportation Strategy (NATS) Implementation Plan and Norwich Northern Distributor Route (NDR) Update

Cabinet has **RESOLVED** that:-

- The updated NATS Implementation Plan be adopted.
- The revised NDR cost profile be agreed.
- The Development Consent Order for the finalised NDR scheme be submitted.

5. Carbon and Energy Reduction Programme Report 2012/13

Cabinet has **RESOLVED** that:-

- The reductions in non-schools building, and Traffic and Street Lighting energy use and the continued delivery of the Carbon & Energy Reduction Programme be supported, to meet obligations and address ongoing energy costs.
- The marketing to schools of other options to finance energy improvements, including considering the package developed by Norse Energy Ltd as an alternative approach to carbon reduction, be agreed.
- Further delivery improvements, in the areas identified in Section 6 of the Cabinet report, be agreed.

6. Energy and Carbon Management Programme 2014-2020

Cabinet has **RESOLVED** that:-

- The expansion of the programme and the adoption of an increased stretch target to a 50% reduction from the 2008/9 baseline be supported, with the focus on the corporate estate only.
- The separate tracking of the school estate performance be supported, but not within a corporate target, with the Children's Services Department reporting this

performance directly to either Corporate Resources Overview and Scrutiny Panel or Children's Services Overview and Scrutiny Panel on a quarterly basis.

- The Children's Services Department provide all schools with information regarding the changes to energy management delivery, outlined in the Cabinet report, to enable them to implement energy efficiency and saving measures and monitor these independently, and to ensure that this publicity is also promoted to the wider public and School Governors.
- The exploration of external, alternative financing arrangements of the Programme be supported, particularly with respect to the school estate.

7. **Review of Norwich Highways Agency Agreement**

Cabinet has **RESOLVED** that:-

- The proposed key changes be approved, following which the agreement would be finalised
- Action by the Director of Environment, Transport and Development to agree any change to the value of the existing fee be approved, in consultation with the Cabinet Member for Environment, Transport, Development and Waste.

Cabinet Member for Finance, Corporate and Personnel
--

7 October 2013

1. **Overview and Scrutiny Panel Issues**

The Cabinet Member for Finance, Corporate and Personnel advised that the Corporate Resources Overview and Scrutiny Panel was monitoring the scope, impact and costs of the ongoing building work at County Hall to ensure that it was being properly controlled in order to achieve the expected outcomes. He also reported that the senior management review would be taken to both Cabinet and Full Council in November.

2. **2013/14 Financial Monitoring Report**

Cabinet has **RESOLVED** that:-

- a) The latest 2013-14 information be noted.
- b) The accounting recognition of a closed landfill long term impairment provision as described in Appendix 3 paragraph 2.2 of the Cabinet report be noted.
- c) The write-off of one debt of £11,915.06 (Appendix 4, Annex B of the Cabinet report) be approved.
- d) Dissolution of the Norfolk County Council and Broadland District Council business rates pool be agreed in principle and subject to the negotiation of the detailed financial and governance arrangements from April 2014 and the creation of an expanded business rates pool for 2014-15 with Norfolk district councils as described in paragraphs 3.1-3.6 of the Cabinet report.

- e) That authority be delegated to the Acting Managing Director and interim Head of Finance, in conjunction with the Cabinet Member for Finance, Corporate and Personnel to agree and authorise the financial and governance arrangements for a business rates pooling arrangement for Norfolk and submit this to the Department of Communities and Local Government by 31 October 2013.

3. **Digital Norfolk Ambition (DNA) Programme - update**

Cabinet has **RESOLVED** that:-

- a) The decision of award of contract for a strategic supplier be delegated to the acting Managing Director, in consultation with the Head of ICT and Information Management, and the Cabinet Member for Finance, Corporate and Personnel.
- b) In order to fully exploit opportunities for further organisational savings, £3m of unallocated funds from the existing organisational change reserve be allocated to address the requirements and opportunities detailed in the Cabinet report.

.29 October

No issues were raised.

4 November 2013

4. **2013/14 Integrated Performance and Finance Monitoring Report**

Cabinet has **RESOLVED** that:-

- The information contained within the Cabinet report be noted
- The use of £1.851m from the Modern Reward Strategy Reserve be approved for the purchase of equipment and vehicles at 19 Main Household Waste Recycling Centres under the invest to save proposal detailed in paragraphs 3.8 to 3.12 of the Cabinet report.
- The recommendations in the addendum report be agreed, namely:
 - That the Government and MPs be engaged with.
 - That an earmarked reserve be gathered.
 - That ways to generate savings in 2013-14 be explored, including a temporary freeze.
 - That the savings target for 2014-15 be increased by £15m.
 - The 2013-14 savings be delivered immediately and that the 2014-15 additional savings be considered at the next meeting of the Cabinet.

Note by Head of Democratic Services

The addendum report referred to above was called-in for discussion at the Cabinet Scrutiny Committee meeting on 19 November 2013

Cabinet Member for Public Protection

7 October 2013

1. Overview and Scrutiny Panel Issues

The Cabinet Member for Public Protection stated that industrial action had been taken by the Fire Brigade Union on 25 September 2013 regarding changes to the pension scheme. Robust contingency plans had been put in place in Norfolk. Only one call out had taken place which demonstrated that the public had taken safety messages from the County Council onboard. No advice had been received on whether there would be further industrial action.

The Cabinet Member for Public Protection also noted that two Member workshops had been held around the integrated risk management plan, which had been well attended. One more workshop was planned for 28 October and he urged all Members to attend to learn how the fire safety plan for Norfolk would be implemented.

2. Regulation of Investigatory Powers Act 2000

Cabinet has **RESOLVED** that:-

- a) The use of RIPA by the Council for 2012/2013 be noted.
- b) The changes to the use of RIPA by local authorities be noted.
- c) The current policy and guidance document for RIPA be approved.

29 October

No issues were raised.

4 November 2013

3. Overview and Scrutiny Panel Issues

The Cabinet Member for Public Protection also referred to the pioneer bid and stated that he had already raised with Norman Lamb MP how the Department of Health could support Norfolk. The Cabinet Member also reported that two additional short periods of industrial action had been held by the Fire Service within the past week. A contingency plan had been put in place but this had barely been put to use, thanks to a low number of call outs from the residents of Norfolk.

Cabinet Member for Safeguarding
--

7 October 2013

Overview and Scrutiny Panel Issues

- 1. The Cabinet Member for Safeguarding advised that the Children's Services Overview and Scrutiny Panel was moving forward with scrutiny work and with holding the Cabinet

Members and officers to account. A Care Pathway Working Group would be held on 8 October 2013.

29 October 2013

No issues were raised.

4 November 2013

2. The Cabinet Member for Safeguarding advised that the multi-agency Improvement Board had met within the last week and had held a very productive meeting. Safeguarding work was now moving forward and efforts were beginning to pay off.

Parenting Support Services

3. **RESOLVED:** - that the exemption to Contract Standing Orders be extended for a three year period for all four contracts. The renewal of existing contracts would be conditional on acceptance by the contractors of revised performance measures to evidence improved outcomes for the families being supported – this is in line with improvements to be made against core areas identified post OFSTED. These improvements will be in line with the early help offer.

Cabinet Member for Schools

7 October 2013

No issues were raised.

29 October

No issues were raised.

4 November 2013

Overview and Scrutiny Panel Issues

1. The Cabinet Member for Schools announced that further to the Cabinet meeting on 7th October 2013 it had been agreed that discretionary free bus passes for pupils in Belton and Burgh Castle would continue until February 2014 pending completion of the Budget public consultation process. This consultation would seek the views of the public on future provision of discretionary travel for those pupils living closer to school than the statutory 2 and 3 mile qualifying distances for free travel. The Cabinet Member had also written to Brandon Lewis MP to see if Government was minded to provide additional monies to the County to fund such discretionary bus journeys.
2. **Dedicated Schools Grant Funding Formula (Schools Block)**
Cabinet has **RESOLVED** that the proposed changes to the distribution formula of the schools block of the Dedicated Schools Grant be approved.
3. **Outcome of Schools Fair Funding Consultation on the future of Specialist Resource Bases (SRBs)**

Cabinet has **RESOLVED** that a hybrid of Option A and Option B2 from the Cabinet report be adopted.

Commissioners would undertake not to decommission any specialism as a whole. However, each SRB will be considered in the context of its effectiveness, value for money, geographic location and strategic fit.

4. **Proposals for Allocating the £10million Funding Agreed by Cabinet in August 2013 for Supporting Children with Special Educational Needs.**

Cabinet has **RESOLVED** that:-

- Monies be used across three broad areas:
 - Building capacity in mainstream schools and clusters
 - Building capacity in Norfolk's own specialist provision
 - Supporting early identification, provision and transition to school for learners with SEN with Early Years settings
- Further work with a range of stakeholders be undertaken, to detail a methodology for the distribution of this funding.

Cabinet Member for Adult Social Services

7 October 2013

1. **Overview and Scrutiny Panel Issues**

The Cabinet Member for Adult Social Services noted that she had several items to draw to Members attention:-

1. The Cabinet Member was pleased to report that Sarah Stock had been appointed as the Managing Director of Independence Matters, the new social enterprise, which would commence in November 2013.
2. A series of interviews with Cabinet Members regarding the Putting People First consultation had been held with the EDP and would run from 7 October.
3. Care UK, a health and social care provider, had been given notice to improve in September, which ran out on 7 October. A series of meetings had been held with them over the previous four weeks. It had been decided that the contract would continue as improvements had been made but it was still being closely monitored. Fortnightly meetings would be held. Care UK was currently not in a position to take on any additional work. A decision had also been taken to look at the domiciliary care market as a whole across Norfolk.
4. Further to recent press reports regarding 15 minute care calls taking place with service users, the Cabinet Member assured Members that the County Council's policy was that 15 minute visits were for welfare calls only, such as checking medication had been taken or making a drink for the service user. Care calls, where longer visits were required to provide care rather than just welfare checks, were provided when necessary and would be longer than 15 minutes.
5. Finally, the Cabinet Member stated her disappointment that the report on respite services, which had been agreed by Cabinet in August, had been called in by the Cabinet Scrutiny Committee as it had resulted in the County Council incurring £100,000 additional expenditure.

2. **Respite Provision – Update Paper**

Cabinet has **RESOLVED** that the exempt recommendations be agreed.

29 October

No issues were raised.

4 November 2013

3. **Overview and Scrutiny Panel Issues**

The Cabinet Member for Adult Social Services reported the following matters:-

- The Social Enterprise, Independence Matters, had come into existence on Friday 1 November 2013. This had involved the transfer of 700 members of staff.
- The Cabinet Member was currently holding consultation meetings around the county regarding proposed cuts. Many people were attending and making their views known which was very positive.
- A conference call had been held with Care UK prior to the Cabinet meeting commencing. They were now operating at 75% capacity and issues with them had stabilised but had not yet been completely solved. They had implemented a new way of tracking workers which would ensure missed calls and visits could be monitored much more easily.
- The County Council had been shortlisted by the Department of Health for a pioneer bid. It had not been successful on this occasion but the Department of Health had indicated that they were keen to work with the County Council at a later stage.

Cabinet Member for Communities

7 October 2013

Overview and Scrutiny Panel Issues

1. The Cabinet Member for Communities noted she hoped to make an announcement shortly regarding the Museums Service foundation. She also announced that the Future Museums event had been an excellent event, which had been attended by the Chairman.

29 October

No issues were raised.

4 November 2013

Overview and Scrutiny Panel Issues

2. The Cabinet Member for Communities reported that she had been visiting libraries and museums in order to see the excellent exhibitions currently available around the county.

7 October 2013

Overview and Scrutiny Panel Issues

1. The Chairman advised that, with regards to his Economic Development portfolio, he had held a meeting with the Norwich International Airport Board regarding developments. He had also held an industry meeting with employers in the Great Yarmouth area; there were employment prospects coming from this but more local training would be required. Hethel Engineering Centre was currently having an extension built. Finally, he had attended the launch of the Rural Development Strategy which outlined how rural communities could be supported.

Items of Urgent Business

2. The Chairman advised that he would be adding an additional item to the agenda to discuss holding an extraordinary meeting of the Full Council.

The Chairman announced that Mrs Colleen Walker had been appointed as Member Champion for young carers. Mrs Walker had been involved with working for young carers for some time and it was important that young carers had a champion as they did a tremendous amount of work.

3. Matters Arising from Council Meeting held on 16 September 2013

Cabinet has **RESOLVED** that:-

1. An urgent review of the financial implications and merits of changing the school transport policy be carried out.
2. The Cabinet Member for Safeguarding would ascertain whether it was possible to postpone implementation of the school transport policy in the village of Belton, until February 2014.
3. It be confirmed that council tax in Norfolk would not be increased for the next three years.
4. A scoping report on the feasibility of providing a link across the Wensum Valley from the A1067 – A47 be written once consultation work was completed.

29 October

No issues were raised.

4 November 2013

4. The Chairman made the following announcements:-
 - The County Council would seek Counsel's opinion on the Government's withdrawal of the waste PFI credits. Meetings would also be organised with Ministers to point out the consequences of their actions on the residents of Norfolk. In addition plans had been drawn up on how to budget for the potential cuts required if planning consent was not obtained.

- As reported in the local press, meetings had been held with the Leader of Suffolk County Council to hold explorative talks around working more cooperatively together. This was a natural move for the two authorities as they shared the same functions. A full announcement would be made on 20 November 2013.
5. The Chairman reported that he hoped that the first planning applications would be received for the former RAF Coltishall site during November 2013, though this was dependent on Broadland District Council and South Norfolk Council. The Chairman also advised that he would be visiting Great Yarmouth on 5 November 2013 in order to announce a £3m package to be spent on an economic regeneration of the area.
6. **Norfolk – Putting People First Transformation Programme. Implementing an accelerated programme of organisational change for Norfolk County Council.**

Cabinet has **RESOLVED** that:-

- The revised organisational (the public service delivery) model be endorsed.
- Any significant alterations to the recommendations on senior management arrangements going to County Council for decision that arise from the consultation process, be delegated for agreement by the Acting Managing Director in consultation with the Leader and the Cabinet Member for Finance, Corporate and Personnel.
- The proposals for a refreshed organisational change programme be endorsed.

**CHAIRMAN
GEORGE NOBBS**



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**Report of the Cabinet Scrutiny Committee meeting held on
17 September 2013**

- 1 Call-in item(s)**
Norfolk Waste Site Specific Allocations Development Plan Document (DPD): Adoption
- 1.1 Cllrs John Dobson, Brian Long and Jason Law called-in the item featured in the Cabinet papers of 2 September, under the report entitled 'Norfolk Waste Site Specific Allocations Development Plan Document (DPD): Adoption' (Item 13).

Cllrs Toby Coke, Michael Baker and Stan Hebborn also called-in the item featured in the Cabinet papers of 2 September, under the report entitled 'Norfolk Waste Site Specific Allocations Development Plan Document (DPD): Adoption' (Item 13).
- 1.2 The Vice-Chairman welcomed Cllr Dobson and Cllr Coke to the meeting who introduced the reasons for the item being called-in. He also welcomed Cllr James Joyce, who had chaired the Cabinet meeting on 2 September, Mr M Jackson, Director of Environment, Transport and Development and Mr D Collinson, Assistant Director – Public Protection.
- 1.3 Mr Coke proposed, seconded by Ms Kemp, that the Waste Site Specific Allocations Development Plan document be reconsidered by Cabinet as there was no evidence that Cabinet at their meeting took into account the important recommendations made by the Minerals and Waste LDF Member Reference Group.
- 1.4 With 5 votes for, 8 votes against and 4 abstentions, the motion was **lost**.
- 2 Cabinet Scrutiny Committee: Forward Work Programme**
- 2.1 The Committee received a report by the Scrutiny Support Manager setting out the suggested approach and asking the Committee to consider whether there were any additional scrutiny issues to add to the forward work programme.
- 2.2 **RESOLVED** to note the Forward Work Programme.

CHAIRMAN



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**REPORT OF THE STANDARDS COMMITTEE MEETING
HELD ON 13 NOVEMBER 2013.**

1. Election of Chairman and Vice-Chairman

The Committee has elected Ian Monson as Chairman and Mark Kiddle-Morris as Vice-Chairman of the Standards Committee.

2. Standards and Conduct: Performance and Monitoring Report

2.1 The Committee has received and noted a report updating them on standards and conduct matters from March 2013 to October 2013. In considering the report the Head of Law explained to the new Committee the statutory role of the Independent Person and the agreed approach which had been taken by the previous Committee with regard to his relationship with the Standards Committee. Members confirmed they were content to continue with the approach taken to date and to invite the Independent Person to Committee meetings for his commentary and advice on an as and when basis. It was also noted that there was a training workshop being arranged currently for Independent Persons across Norfolk. Details would be circulated to Committee members for those who might be interested in participating.

2.2 The Committee also agreed that it would be helpful to arrange a training event on procedural standards and conduct matters to coincide with the next Standards Committee meeting on 19 March 2014.

3. Register of Councillors' Interests

The Committee has received and noted a report advising them that all members had completed a record of their interests following the May 2013 elections. The Head of Law reminded members that it was now a criminal offence to fail to notify Discloseable Pecuniary Interests. Work was currently ongoing to upload the information provided regarding Councillors' Interests onto the Council's website.

4. Review of Standards Regime Following the Localism Act 2011

The Committee has noted a report from the Head of Law setting out a review of recent changes to the Standards regime, following introduction of the Localism Act 2011 and accompanying regulations; and in particular they welcomed the House of Commons Library note reviewing the operation of the new provisions.

**CHAIRMAN
IAN MONSON**



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Report of the Audit Committee Meeting held on 26 September 2013

1 Urgent Business

- 1.1 The Chairman acknowledged that it was the last meeting of the Head of Finance and thanked him for the support he had offered all Members during his time with the County Council.
- 1.2 The Chairman noted that a report into the remuneration package of the former Chief Executive when he had left the County Council had been published. This had covered all points which the Audit Committee had planned to investigate. Members confirmed that they were content with the published report.

2 Norfolk Audit Services Quarterly Report for the quarter ended 30 June 2013

- 2.1 The Committee received the report by the Head of Finance which summarised the results of recent work by Norfolk Audit Services (NAS) and gave assurances that, where improvements were required, remedial action had been taken by Chief Officers.

2.2 **RESOLVED** to note:

- That the effectiveness of risk management and internal control be considered sound.
- The effectiveness of the management processes and corporate control functions being provided by self assessment, customer feedback and any existing external performance reviews, including periodic independent assurance on the application of the relevant internal audit standards, thus developing the approach agreed in April 2007 and January 2009.
- Internal Audit's policy to include unannounced 'spot' checking in the audit planning process and its promotion to all staff and managers across the Council as agreed by Chief Officers
- That satisfactory progress had been made with the preparations for an Audit Authority for the France Channel England Interreg Operational Programme
- the changes to the approved 2013-14 internal audit plan, described in Appendix D of the report.

RESOLVED that the schools audit offering described in paragraph 4.5 of the report be approved.

3 Work Programme

- 3.1 The Committee received a report by the Head of Finance setting out the work programme for the Audit Committee until June 2013.
- 3.2 Members noted that they would monitor the frequency of meetings and consider whether the Committee should meet on a bi-monthly basis in future.

RESOLVED to note the report.

4 Norfolk Pension Fund Governance Arrangements and Management of Market Fluctuations

- 4.1 The Head of the Norfolk Pension Fund and the Investment Manager were welcomed to the meeting in order to answer questions about the governance arrangements and market fluctuations of the pension fund.

4.2 **RESOLVED** to note the report.

5 Governance, Control and Risk Management of Treasury Management

- 5.1 The Committee received a report by the Head of Finance which reported on the County Council's treasury management operations.
- 5.2 The Investment Manager advised that this was an annual report which looked at the governance of the treasury management function. Regular monitoring reports were presented to the Treasury Management Panel, Cabinet and full Council throughout the year.

5.3 **RESOLVED** to note the report.

6 Ernst and Young – Annual Governance Report Audit 2012/13

- 6.1 The Committee received the Annual Governance Report Audit for 2012/13
- 6.2 The external auditor advised that he expected to issue an unqualified audit opinion by the statutory deadline of 30 September 2013. One small amendment had been made to the whole of government accounts which meant that they could not close the audit until 4 October, instead of 30 September. This was an administration issue; the accounts would not be late, they would just be confirmed later that usual.
- 6.3 **RESOLVED** that the report be noted and that the Chairman should write to the Managing Director of Norse regarding the year-end date.

7 Norfolk County Council Annual Statement of Accounts 2012/13

- 7.1 The Committee received the Annual Statement of Accounts and Annual Governance Statement 2012.13 which summarised the statement of accounts for the County Council, which had been subject to external audit by Ernst and Young.

7.2 **RESOLVED** that:-

- The report be noted.
- The annual governance statement be approved.
- The Council's 2012/13 Statement of Accounts be approved.

8 Letter of Representation

8.1 The Committee received the report which detailed the letters of representation in connection with the audit of financial statements 2012/13. This was required in order to confirm that all relevant matters had been disclosed to the external auditors for their opinion.

8.2 **RESOLVED** that the letter be endorsed and signed by the Chairman.

9 Risk Management Report – 2nd Quarter 2013/14

9.1 The Committee received the report which provided an update on the corporate risk register and other related matters, following a quarterly review. The update included details of 19 risks which were proposed for inclusion within the corporate risk register.

9.2 **RESOLVED:-**

- To note the changes to the risk register.
- To note the nineteen corporate risks.
- To note that the arrangements for risk management were acceptable and complied with the County Councils "Management of Risk Framework"
- That risk management training throughout the County Council be endorsed.

RESOLVED that a letter would be sent by the Chairman to the Chairmen of Overview and Scrutiny panels regarding the use of the corporate risk register at meetings.

10 Internal Audit Plan 2013-14 for Quarter 4

10.1 The Committee received the report which documented the proposed internal audit plan for quarter four 2013-14.

10.2 **RESOLVED** to:-

- Note that there had been a reduction in the overall plan from 1,840 audit days (plus £25,000 contractor allowance) in the total strategy, down to 1,543. As a result of some changes in planned audits for Quarter 3 and 4, there were 575 overall audit days proposed for quarter 4 (up from 554 in the previous plan)
- Note that the proposed audit plan met the legislative requirements of the

Accounts and Audit (England) Regulations (2011)

- Note that the allocation of days set out in Appendix A met the various elements of the strategy approved by the Audit Committee on 31st January 2013
- Note that it did not wish to amend the schedule of audits, for 419 days, set out in Appendix B1 of the report to deliver the audit work to support the opinion
- Note that the internal audit plan for Quarter 4 of 2013-14 made adequate provision for the risks arising from organisational change, the economic downturn and that resources were sufficient to accomplish the plan.

11 Audit Committee Terms of Reference

- 11.1 The Committee received the report which proposed changes to the Audit Committee's responsibilities in relation to the Norfolk Pension Fund and changes to the terms of reference.
- 11.2 **RESOLVED** that the changes to the terms of reference (Appendix A) be **recommended** to full Council for agreement.

CHAIRMAN



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TERMS OF REFERENCE FOR THE AUDIT COMMITTEE

A Governance

- 1 Consider the Annual Governance Statement, and be satisfied that that this statement is comprehensive, properly reflects the risk and internal control environment, including the System of Internal Audit, and includes an agreed action plan for improvements where necessary.

B Internal Audit and Internal Control

- 1 With Chief Officers, to provide proactive leadership and direction on audit governance issues and champion audit and internal control throughout the Council.
- 2 Consider annually the effectiveness of the system of internal audit including internal audit's strategy, plan and performance and that those arrangements are compliant with all applicable statutes and regulations and other relevant statements of best practice
- 3 Consider an annual report and quarterly summaries of internal audit reports and activities which include an opinion on the adequacy and effectiveness of the Council's internal controls including risk management , any corporately significant issues arising, and receive assurance that action has been taken as necessary.
- 4 Consider reports showing progress against the audit plan and proposed amendments to the audit plan.
- 5 Ensure there are effective relationships between internal audit and external audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.

C Risk Management

- 1 Provide proactive leadership and direction on risk management governance issues and champion risk management throughout the council and ensure that the full Council is kept sufficiently informed to enable it to approve the Council's risk management Policy and Framework and that proper insurance exists where appropriate.
- 2 Consider the effectiveness of the system of risk management arrangements
- 3 Consider an annual report and quarterly reports with respect to risk management including, an opinion on the adequacy and effectiveness of the Council's risk management, any corporately significant issues arising, and receive assurance that action has been taken as necessary.
- 4 Receive assurances that action is being taken on risk related issues identified by both internal and external auditors and other inspectors.
- 5 Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk.
- 6 Report annually to full Council as per the Financial Regulations.

D Anti-Fraud and Corruption

- 1 Consider the effectiveness of the Council's anti-fraud and corruption arrangements.
- 2 Consider an annual report on activity with respect to Anti-Fraud and Corruption performance and receive assurances that action is being taken where necessary.

E Annual Statement of Accounts

- 1 Consider the external auditor's reports and opinions, relevant requirements of International Standards on Auditing and any other reports to members with respect to the Accounts, including the Norfolk Pension Fund and Norfolk Fire-fighter's Pension Fund, and approve the Accounts on behalf of the Council and report required actions to the Council. Monitor management action in response to issues raised by the external auditor.
- 2 Consider the External Auditor's Annual Governance Report and approve the Letter of Representation with respect to the Accounts and endorse the action plan contained in this Report.

F External Audit

- 1 Consider reports of external audit and inspection agencies
- 2 Ensure there are effective relationships between external audit and internal audit
- 3 Consider the scope and fees of the external auditors for audit, inspection and other work.
- 4 Liaise with the Audit Commission over the appointment of the Council's external auditor

G Norfolk Pension Fund

- 1 Following presentation to the Pensions Committee and with due regard to any comments and observations made, consider the relevant Governance reports of the Norfolk Pension Fund. ~~draft Accounts of the Norfolk Pension Fund and authorise the publication and release of these accounts to the external auditors for the audit by the statutory deadline.~~

H Treasury Management

- 1 Consider the effectiveness of the governance, control and risk management arrangements for Treasury management and ensure that they meet best practice.

I Administration

- 1 Review the committee's own terms of reference no less frequently than annually and where appropriate make recommendations to the Council for changes.
- 2 Ensure members of the committee have sufficient training to effectively undertake the duties of this committee.
- 3 Consider the six monthly and Annual Reports of the Chairman of the Committee.

**Report of the Meeting of the
Norfolk Health Overview and Scrutiny Committee
Held on 5 September 2013**

1 Access to NHS Dentistry

1.1 The Committee received a suggested approach from the Scrutiny Support Manager (Health) to a report from NHS England and to written comments from the Norfolk Local Dental Committee about access to dentistry in Norfolk, an issue which had last been considered in January 2012. The Committee received evidence from Fiona Theadom, Contract manager, NHS England East Anglia Area Team, Linda Hillman, Consultant in Dental Public Health, Anglia and Essex Team – Public Health England and Nick Stolls, Secretary of the Norfolk Local Dental Committee.

1.2 In the course of discussion, the following key points were noted:

- From 1 April 2013 commissioning responsibility for all NHS dental services had passed from the former Primary Care Trusts to NHS England. This function was discharged by NHS England's Local Area Teams and Norfolk was covered by the East Anglia Area Team based at Fulbourn in Cambridgeshire.
- Fiona Theadom said that the next step for the Area Team was to put together an oral health needs assessment for East Anglia which was due to be completed by the end of 2013. She said that the aim of this document would be to support and inform decision making in the next round of Dental Service Commissioning and to provide the basis for the comprehensive strategy of local oral health improvement.
- Nick Stolls said that the Area Team had been slow in putting together its organisational arrangements for Norfolk, and the Norfolk Local Dental Committee had been unable to have any meaningful links with the fledgling Area Team from its inception in October 2012 until it had been formally established in April 2013. He said that during that time there had been significant staffing concerns for Norfolk, and that two key posts had not been filled. In the opinion of Mr. Stolls, the changes and the way in which they had been introduced had put back improvements in NHS Dentistry in Norfolk by at least 12 months.
- Mr Stolls said that there were no guarantees that when the East Anglia Area Team completed its oral health needs assessment that funding for NHS Dental Services in Norfolk would not be lost to Dental Health Services elsewhere in East Anglia. Members expressed concern about any potential loss of funding for meeting Norfolk's Dental Health needs.
- Fiona Theadom said that those members of staff who had been taken on by the East Anglia Team were for the most part very experienced and that there were still some vacancies to be filled. She said that by taking on an area based approach there could be benefits in terms of training for dental staff and the provision of some specialised dental services. Fiona Theadom added that the Area Team recognised that there were a number of issues

around the provision of NHS Dental Services in the King's Lynn area that had to be carefully addressed.

- Members spoke about the importance of the Area Team building up a good working relationship with Norfolk Healthwatch. Members also spoke about the importance of maintaining and monitoring good dental services for children of all ages, and in particular for Looked After Children, as well as for vulnerable people generally.

w It was agreed that NHS England East Anglia Area Team (EAAT) should be asked to provide information as to what happens to EAAT financial surpluses in the year and whether these were retained by EAAT for use in the following year or were returned to NHS England in Leeds. It was noted that there had been surpluses in the annual dentistry budget in Norfolk for several years. It was further agreed that Linda Hillman and Fiona Theadom should be asked to provide a copy of the work done on dental health for Looked After Children and of the information presented to the Task and Finish Group on dental health services for vulnerable people that had recently been established nationally (which then could be forwarded to Jenny Chamberlin as Chairman of Children's Service Overview & Scrutiny Panel and elsewhere in the County Council as deemed appropriate).

1.4 EAAT was also asked to provide a copy of the East Anglia oral health needs assessment when it was ready. The Committee agreed to look at access to NHS dentistry again sometime in 2014.

2 Radical Redesign of Mental Health Services

2.1 The Committee received a suggested approach from the Scrutiny Support Manager (Health) to an update report from NHS North Norfolk Clinical Commissioning Group (CCG) (currently the Lead Commissioner for Mental Health Service in Norfolk) and Norfolk and Suffolk NHS Foundation Trust setting out a timetable for decision-making regarding changes to mental health services that were outlined in the Trust's Service Strategy for 2012/16, along with a timetable for consultation regarding substantial changes. The Committee received evidence from Mark Taylor, Chief Executive, North Norfolk Clinical Commissioning Group (Lead CCG for Mental Health Commissioning), Dr Penny Ayling, Clinical Lead in Mental Health Commissioning for North Norfolk CCG; Andrew Hopkins, Acting Chief Executive, Norfolk and Suffolk NHS Foundation Trust; Dr Jonathon Wilson, Deputy Medical Director and one of the Clinical Leads for the Service Strategy, North and Suffolk NHS Foundation Trust and Kevin James, Chair of Norfolk and Suffolk NHS Foundation Trust. The Committee also heard from a long term service user and from Ann Baker of the Norfolk Older People's Strategic Partnership.

2.2 During the course of discussion, the following key points were noted:

- Members expressed concern about the impact changes in Mental Health Services was having on staff morale and asked what steps were being taken by the NHS to address this issue.
- In reply, Andrew Hopkins said that the NSFT was well aware of the importance of maintaining staff morale at a time of significant organisational change. He said that the NSFT was planning to introduce a new staff well being strategy which would be locally based. The NSFT was working with the CCG to ensure that any areas of concern about quality and performance

were properly addressed.

- Mark Taylor said that the CCG and the NSFT intended to consult about changes to Mental Health Service in the West and East localities.
- In West Norfolk a new community based service model for older people would be piloted which aimed to reduce the use of traditional in-patient beds and to provide more care and assessment in people's own homes.
- The new strategy aimed to avoid dementia sufferers being moved to care homes when they could still be treated in their own surroundings.
- There were beds in the Swaffham area that could be accessed where necessary.
- Andrew Hopkins said that the changes were likely to see a 20% reduction in staffing levels. He also said that there were areas of excellence in mental health services in Norfolk: patient recovery from mental illness and the provision of youth service were areas of delivery that were being examined nationally as best practice for use elsewhere in the country.
- It was pointed out that an increase in the number of unexpected deaths in the West Norfolk community was being examined by the CCG and the NSFT. The number of serious incidents had risen from 3 in 2012 to 5 in 2013, however, no noticeable trends in the causes of these incidents had been detected.
- Kevin James said that the User Council made sure that the views of patients, their carers, and of others were sought and taken into account in the planning of mental health services. He said that one of the issues that was being closely examined was that of establishing a Recovery College where (using an education model, aimed at getting service users back into the community) courses were provided for service users.
- Andrew Hopkins agreed to provide information about any proposals or plans to change the location of the services that were currently based at 80 St Stephens, Norwich, including Outreach Services.

2.3 It was noted that the Committee would receive consultation by the CCGs and the NSFT on proposed changes to Mental Health Services in West Norfolk in Spring 2014. It was also noted that the Committee would receive an update on changes to services in the Central Norfolk area at a future meeting.

3 Stroke Services in Norfolk

3.1 The Committee received information regarding Stroke Services in East, Central, and West Norfolk and were asked to consider whether to establish a Scrutiny Task and Finish Group to examine County-wide services in detail. The Committee received evidence from Jonathan Fagge, Chief Executive, Norwich Clinical Commissioning Group (the Lead Commissioner for Acute Services from the N&N), Professor Krishna Sethia, Medical Director, Norfolk and Norwich University Hospital NHS Foundation Trust and Chris Cobb, Director of Medicine and Emergency Services, Norfolk and Norwich University Hospital NHS Foundation Trust.

3.2 All the witnesses spoke in favour of the Committee setting up a Task and Finish Group to examine the issue of Stroke Services in Norfolk. It was agreed that the following Members should be appointed to serve on the Group:

- Mr John Bracey
- Michael Chenery of Horsbrugh
- Dr Nigel Legg
- Mrs Margaret Somerville
- Mr Tony Wright

3.3 It was also agreed there should be one co-opted Member from Healthwatch Norfolk (in a non-voting capacity).

**Michael Carttiss
Chairman**



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**Report of the Meeting of the
Norfolk Health Overview and Scrutiny Committee
Held on 10 October 2013**

1 Election of a Chairman for the Meeting

- 1.1 In the absence of the Chairman, Mr M Carttiss, and the Vice Chairman, Mr J Bracey, (who had both given their apologies for the meeting) Dr N Legg was elected Chairman for the meeting.

2 Appointment of a Norfolk Health Overview and Scrutiny Committee Link Member with Norfolk and Suffolk NHS Foundation Trust

- 2.1 Michael Chenery of Horsbrugh was appointed as the Committee Link Member with Norfolk and Suffolk NHS Foundation Trust (the vacancy had arisen because Mr D Crawford was no longer a Member of the Committee).

3 Wheelchair Provision by the NHS

- 3.1 The Committee received a suggested approach from the Scrutiny Support Manager (Health) to update reports from the South Norfolk CCG, the West Norfolk CCG, Great Yarmouth and Waveney CCG and Family Voice concerning the new commissioning arrangements for NHS wheelchair services and the performances of the wheelchair services across Norfolk.

- 3.2 The Committee received evidence from Dr Sue Crossman, Chief Officer, West Norfolk Clinical Commissioning Group; Chris Coath, Assistant Director, Commissioning (Out of Hospital Care), South Norfolk Clinical Commissioning Group; Yvonne Srinivasan, Supplier Manager, Specialised Mental Health Commissioning, NHS England East Anglia Area Team; Carolyn Young, Programme of Care Manager – Trauma, NHS England (Midlands and East); Tanya Clarke, Operational Manager for Wheelchair Services, Norfolk Community Health and Care; Nina Melville, Service Manager for Specialist Rehabilitation, Norfolk Community Health and Care and Dr Trevor Wang, Family Voice.

3.3 In the course of discussion, the following key points were made:

- From 1 April 2013 NHS England had taken on responsibility for highly complex specialist wheelchair provision. NHS England had a contract worth £1.4m with Norfolk Community Health and Care for wheelchair provision in Norfolk.
- Feedback showed that people were generally happy with the wheelchair service that they had received from the NHS and that there was no shortage of available wheelchairs in the county.
- Where necessary, a specialist team could provide assessments for people with severe physical disabilities who could not use standard wheelchairs or controls.
- Where there were delays in people having to wait for a wheelchair this could usually be attributed to the design of the wheelchair that was required; there was more work involved in the design and production of specialist wheelchairs.
- Wheelchairs for adults were often less complex than those for children.
- On average, children did not have to wait as long as adults did for their initial assessment.
- Where children did have to wait, this was usually where they had outgrown an existing wheelchair, rather than having to wait to receive their first wheelchair.
- It was a requirement for all children to have received their first wheelchair within 18 weeks of their initial assessment.
- A voucher system was in place to allow wheelchair users to have more choice in relation to the kind of wheelchair they wanted. A voucher was available to the value of the chair the service user would have been offered after an assessment.
- The wheelchair repair service was usually available between 8am and 4pm, Monday to Friday. The out of hours wheelchair repair service was available for powered wheelchairs only between 4pm and 9pm. Repairs and services were usually carried out at a mutually convenient time and place.
- Norfolk Community Health and Care planned to set up and hold the first meeting of a new Wheelchair Services User Group by the end of January 2014.
- Dr Wang commented that the wheelchair services had not made sufficient progress on the issues that Family Voice had raised the last time that they had given evidence to the Committee, particularly round the need for user engagement, so that service managers were better able to identify problems, test ideas and communicate effectively with users.

3.4 The Committee asked for a further update from the commissioners of wheelchair services, to provide details of the new service specifications in Central and West Norfolk and an assurance that users' views were being heard and acted upon on an ongoing basis. Dr Sue Crossman was asked to check with the Queen Elizabeth Hospital Service on whether a multi disciplinary approach was currently being taken to deciding when a child was ready to operate an electric wheelchair. It was agreed that the answer provided by Dr Crossman would be made available to Members in the Internal Member Briefing.

4 Terms of Reference for Scrutiny of Stroke Services in Norfolk

- 4.1 The Committee agreed to approve the terms of reference for the Stroke Services Task and Finish Group.

5 Quality of Service at the Queen Elizabeth Hospital, Kings Lynn

- 5.1 The Committee received a suggested approach from the Scrutiny Support Manager (Health), for a report on action taken by the Queen Elizabeth Hospital (QEH) to address concerns raised by the Care Quality Commission (CQC) and Monitor.

- 5.2 The Committee received evidence from Patricia Wright, Chief Executive at the QEH; David Stonehouse, Director of Resources at the QEH and Dr Sue Crossman, Chief Officer at West Norfolk Clinical Commissioning Group.

- 5.3 In the course of discussion, the following key points were noted:

- The QEH had planned to make a £1.6m surplus in 2012/13, but had delivered a £800,000 deficit.
- The QEH was working with a firm of consultants to identify efficiencies in the operation of the hospital. This did not mean that there were plans to close hospital services. Short term financial support for the QEH was in place.
- A number of other small District hospitals in the country were facing similar problems.
- The QEH was working closely with the Department of Health to achieve a surplus financial position, and was discussing with the West Norfolk CCG the way in which services were configured.
- In West Norfolk, the NHS had a history of working closely with providers of social care and had put in place a memorandum of undertaking with service providers.
- A system-wide review was currently being undertaken.
- The Senior Management Structure at the QEH had been reviewed within the last 12 months and there were now four clinical directors where there had been eight clinical directors.
- The main concern for the hospital was to address a shortage of nursing staff. In April 2013, there had been 70 nursing vacancies. There were currently 17 nursing vacancies at the hospital and this number was expected to be reduced to less than 10 nursing vacancies by the end of December 2013.
- Due to difficulties in recruiting nurses in the UK, the hospital recruited 36 nurses from Portugal in June and July 2013 and another 35 nurses were expected to join the hospital in November and December 2013. An additional 40 healthcare assistants had been recruited from the local area and a nurse consultant had been appointed for A & E.
- No nursing posts had been frozen in order to achieve efficiency savings.
- Since 2008, the hospital had taken on over 200 additional staff most of whom were nursing staff. The hospital had a staffing ratio of 1 nurse to every 8 patients on a ward during the day, 1 nurse to every 11 patients on a ward at night.

5.4 The Committee noted that a system-wide review was currently underway in West Norfolk (i.e. involving not only the Queen Elizabeth Hospital but all other relevant healthcare providers under a memorandum of agreement with the CCG). It was agreed to receive an update about the system-wide review and the QEH action plans at the next meeting of the Committee on 28 November 2013.

6 Care Quality Commission – New Approach to Hospital Inspections

6.1 The Committee received a report from the Scrutiny Support Manager (Health) which considered the Care Quality Commission's new approach to hospital inspections and asked Members to consider the Committee's involvement.

6.2 The Committee agreed the following response to the CQC's new style hospital inspection process:

- (a) Scrutiny Task and Finish Group reports – continue the current practice of routinely sending copies of detailed scrutiny reports to the CQC whenever they are published.
- (b) Invitation to give views in advance of CQC inspections – authorise the Chairman to provide the CQC with a summary of the Committee's recent scrutiny activity in relation to the hospital, based on the reports received by the Committee and the minutes of its meeting.
- (c) Public listening events in advance of inspections – Committee Link Members with the hospital concerned to attend the listening event, if possible, and give views based on the summary provided for (b) above where relevant.
- (d) Quality summit after the inspection – the Committee's Link Member for the hospital, or another Member of the Committee, to attend the summit where possible.

The NHOSC also agreed that information on a number of complaints and the nature of complaints should be included in reports to the Committee on each of the subjects it examined.

7 Forward Work Programme

7.1 The Committee agreed the list of items on the current Forward Work Programme with the addition of an update on the system-wide review in West Norfolk, to be received at the meeting on 28 November 2013. The Committee asked for information about various issues relating to Access to GP Services to be sought from NHS England East Anglia Area Team and included in NHOSC's internal Member briefing.

Dr Nigel Legg
Chairman for the Meeting



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**Report of the Planning Regulatory Committee
Meeting held on 27 September 2013**

1 Election of Chairman

Mr B Bremner was elected Chairman of the Planning (Regulatory) Committee for the ensuing year.

2 Election of Vice-Chairman

Mr A Grey was elected Vice-Chairman of the Planning (Regulatory) Committee for the ensuing year.

3 Nominations to serve on the Planning (Regulatory) Urgent Business Sub-Committee.

The Committee nominated the following members to serve on the Planning (Regulatory) Urgent Business Sub-Committee:

Conservative:	Mr B Iles, Mr B Long
Labour:	Mr B Bremner
UKIP:	Mr A Grey
Liberal Democrat	Mr B Hannah

4 Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 King's Lynn & West Norfolk Borough Council

Y/2/2012/2022: Erection of 2 CCTV cameras on a 6.5 metre high steel column. Site office, Saddlebow Caravan Park, Saddlebow Road, King's Lynn, Norfolk, PE34 3RA.

The Director of Environment, Transport and Development was authorised to:

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted, or at any other period; and

iii) Deal with any non-material amendments to the application that may be submitted.

6 Breckland District

C/3/2013/3005:Land adjoining Six Acres, Stone Road, Hockering, Dereham, NR20 3PZ. Change of use of plant hire depot to waste recycling centre including the erection of a profiled metal recycling building.

The Director of Environment, Transport and Development was authorised to:

- i) Grant planning permission subject to conditions outlined in Section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted or at any other period.
- iii) Deal with any non-material amendments to the application that may be submitted.

CHAIRMAN



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**Report of the Planning Regulatory Committee
Meeting held on 1 November 2013**

- 1 Broadland District: Frettenham: C/5/2013/5007: Installation of a lined filtration basin and associated pipe work for the treatment and discharge of surface water from the HWRC, erection of a 1.8 metre high security fence and safety barrier: Mayton Wood Recycling Centre, Little Hautbois, Nr Coltishall: Director of Environment Transport & Development**
- 1.1 The Director of Environment, Transport and Development was authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted, or at any other period; and
 - iii) Deal with any non-material amendments to the application that may be submitted.

Chairman

**Norwich Highways Agency Committee
Report of the meeting held on 19 September 2013**

1 Petitions

The Committee received two petitions.

2 Push the Pedalways – Successful Cycle City Ambition Grant.

RESOLVED, unanimously, to:

- (1) welcome the award of the cycle city ambition grant and the opportunity it brings to improve critical cycling infrastructure;
- (2) note that further reports on key elements of the proposals will be presented to the committee for approval in due course.

3 Push the Pedalways – North Park Avenue to UEA Crossing.

RESOLVED, unanimously, to:

- (1) note the results of the consultation;
- (2) ask the head of city development to complete the statutory processes associated with the traffic and speed regulation orders as shown on plan number 13HD 034 05 and arrange for the scheme to be implemented.

4 Proposed Hall Road Zebra Crossing

RESOLVED, unanimously, to:

- (1) note the results of the consultation;
- (2) ask the head of city development to complete the necessary statutory processes associated with the installation of the zebra crossing as shown on plan number 13/HD/35/02/B and arrange for the scheme to be implemented;
- (3) note that Councillor Gayton will liaise with the chief executive of the Norfolk and Norwich Association for the Blind to facilitate discussion on proposed zebra crossings.

5 Norwich Area Transportation Strategy (NATS) Implementation Plan

RESOLVED:

- (1) to endorse the updated implementation plan, subject to noting Councillor Shaw's reservations in regard to the proposed closure of Westlegate and comments in relation to improvements at Wymondham station;
- (2) unanimously, to recommend the updated NATS implementation plan to the county council's cabinet for adoption.

6 Agency Agreement – Review

RESOLVED, unanimously, to:

- (1) agree the proposed changes to the agency agreement as set out in the report;
- (2) recommend the proposed changes to the county and city councils' respective cabinets for approval.

7 Proposed Car Park Fees and Charges

RESOLVED, unanimously, to agree and recommend the proposed revised fees and charges as set out in appendices C and D of the report, to take effect from 18 November 2013, to the city council's cabinet for adoption.

8 Major Road Works – Regular Monitoring

RESOLVED to note the report.

**Tony Adams
Chairman**

Matters Considered by Overview & Scrutiny Panels

**Children's Services
19 September 2013**

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 Presentation by Sheila Lock, Interim Director of Children's services including update on Children's Social Care Improvement.
- 5 Support for School Improvement.
- 6 Norfolk Schools Fair Funding Consultation.
- 7 Statement of Purpose: Norfolk County Council Adoption Agency Annual Review.
- 8 Statement of Purpose of Norfolk's Fostering Services Annual Review.
- 9 Annual Approval of the Statement of Purpose of Norfolk's Residential Children's Homes and a Summary Review of the Year.
- 10 Update for Children Missing from care.
- 11 Expenditure on 'out of county' specialist education placements.
- 12 Scrutiny Forward Work Programme.

**Children's Services
24 October 2013**

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 Children's Services Integrated Performance and Finance Monitoring Draft Report for 2013-14.
- 5 Support for School Improvement.
- 6 Update for Children Missing from Care.
- 7 Norfolk Schools Fair Funding Consultation Responses
- 8 Statement of Purpose: Norfolk County Council Adoption Agency Annual Review.
- 9 Statement of Purpose of Norfolk's Fostering Service Annual Review.
- 10 Annual Approval of the Statement of Purpose of Norfolk's Residential Children's Homes and a Summary Review of the Year.

Community Services 10 September 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 Blue Disabled Parking Badge.
- 5 All Party Working Group on Quality in Home Care (2010-12) – Review of Identified Options.
- 6 Reports Relating to Recommendations from the Remodelling of Care Working Group.
- 6a Remodelling of Care (ROC): Establishing the Independence Matters Social Enterprise – Customer Engagement.
- 6b Remodelling of Care (ROC): Establishing the Independence Matters Social Enterprise – Staff Engagement and Support.
- 6c Transport and the changing Pattern of Day Care.
- 7 Community Services Integrated performance and Finance Monitoring Report.
- 8 Forward Work Programme: Scrutiny.

Community Services 8 October 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Election of Vice-Chairman
- 4 Cabinet Member Feedback
- 5 Changes to Adult Social Care Funding: Norfolk's Response to the Government's Consultation – "Caring for our future – reforming what and how people pay for their care and support".
- 6 Review of Adult Education.
- 7 Forward Work Programme: Scrutiny.

Community Services 5 November 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 Mental Health Services: Report on Section 75 Agreement with Norfolk and Suffolk Foundation Trust and the proposal for 2014 onwards.
- 5 Community Services Integrated Performance and Finance Monitoring Report for 2013-4.
- 6 Service and Budget Planning 2014-17.
- 7 Warm and Well Evaluation Report.
- 8 All Party Member Working Group on Quality in Home Care.
- 9 Forward Work Programme: Scrutiny.

Corporate Resources 3 September 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 2013-14 Resources Integrated Performance, Finance and Risk Monitoring Report.
- 5 Scrutiny Forward Work programme.
- 6 Norfolk County Council's Usage of Water – Update Report.
- 7 Norfolk County Council Workforce Profile.
- 8 County Hall Maintenance programme.
- 9 Update on delivery of the Norfolk Community Engagement Framework Action Plan.

Corporate Resources 15 October 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 2013/14 Resources Finance Monitoring Report.
- 5 Scrutiny Forward Work programme.
- 6 Opportunities for Income Generation.
- 7 Report of the Constitution Advisory Group.
- 8 Carbon and Energy Reduction Programme Report for 2012/13.
- 9 Energy and Carbon Management Programme 2014-2020.

Corporate Resources 12 November 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Cabinet Member Feedback
- 4 Scrutiny Forward Work programme
- 5 Report of the Constitution Advisory Group.
- 6 Norfolk Energy Futures Ltd Annual Report.
- 7 County Hall Maintenance Programme.
- 8 Service and Financial Planning 2014/17.
- 9 2013/14 Resources Integrated Performance, Finance and Risk Monitoring Report.
- 10 Customer Services Strategy – Six Month Progress Report.
- 11 Recruitment of Senior Managers at NCC

Environment, Transport & Development 23 July 2013

- 1 Election of Chairman
- 2 Election of Vice-Chairman
- 3 Public Question Time.
- 4 Member Questions
- 5 Forward Work Programme: Scrutiny
- 6 ETD Integrated performance and Finance Monitoring Report 2012/13.
- 7 Highway Asset Performance.
- 8 Lead Local Flood authority Flood Investigation Duty.
- 9 County Council's Economic Growth Strategy – End of Year 1 Progress Report.
- 10 Norfolk Economic Growth Strategy: Future of the ex-RAF Coltishall site – Update on Future Plan.
- 11 Local Major Transport Schemes.

Environment, Transport & Development 26 September 2013

- 1 Public Question Time.
- 2 Member Questions
- 3 Forward Work Programme: Scrutiny.
- 4 ETD Integrated performance and Finance Monitoring Report 2013/14.
- 5 Norwich Area Transportation Strategy (NATS) Implementation Plan
- 6 Review of Norfolk Speed Management Strategy.
- 7 Better Broadband for Norfolk.
- 8 1st Annual Review of the Equality Assessment of ETD Services.

Fire & Rescue Services 11 September 2013

- 1 Election of Chairman
- 2 Election of Vice-Chairman
- 3 Public Question Time
- 4 Member Questions
- 5 Cabinet Member Feedback of previous Review Panel Comments (if any)
- 6 Fire and Rescue Integrated performance, Finance and Risk Monitoring Report for 2013/14.
- 7 Scrutiny Forward Work programme.
- 8 Emergency response Performance Review in the Great Yarmouth Area.
- 9 Retained Availability Report.