

# Norfolk County Council

## Extraordinary Meeting

Date: **Monday 28 April 2014**

Time: **10.00 a.m**

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

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

This meeting may be recorded for subsequent publication via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded. You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's Records Management Policy.

### **Prayers**

### **To Call the Roll**

### **AGENDA**

1. **To receive any announcements from the Chairman**
2. **Members to Declare any Interests**

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

3. **Proposed Model of Committee Governance for Norfolk County Council**

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Report by the Head of Law and Monitoring Officer

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## Proposed model of Committee Governance for Norfolk County Council

### Report from the Head of Law and Monitoring Officer

#### 1. Background

At its meeting on 25 November 2013, Norfolk County Council resolved to change its system from one of Cabinet governance to a Committee system of governance. The Council established a cross-party working group, the Committee Governance Steering Group (the "Steering Group") of 11 Members – two from each party, plus the Independent Member to draw up proposals for the new Committee system. \*

The Group's remit was to develop a system of governance for the Council based on decision making by Committees and Full Council as opposed to a Cabinet system and to report to the Council in April 2014. The new structure will then come into effect at the Council's Annual General Meeting (AGM) on 27 May 2014.

#### Recommendation

Full Council is asked to consider the proposals of the Committee Governance Steering Group and the comments of the Constitution Advisory Group (CAG) and

- (i) adopt the New Governance Model for Norfolk County Council set out at Appendix 1 with or without any of the variations proposed by the Conservative Group as set out in Appendix 2 (page 12), to come into effect from the AGM on 27 May 2014; and
- (ii) adopt the new Constitution set out at Appendix 3 (page 37) and delegate to the Head of Law and Monitoring Officer the authority to make changes required as a result of any changes agreed by CAG and/or any of the Conservative Group's proposals being adopted.

#### 2. The Steering Group

The Steering Group, with advice from a team of officers, has met on 15 occasions. Its work has encompassed:

- Comparative desk-top research on other committee systems
- A workshop for members with the Institute of Local Government Studies examining different forms of governance and their advantages and disadvantages
- Consideration and evaluation of an effective hierarchy of decision-making which is open, transparent and timely
- Checks and balances which ensure proper consideration of advice and evidence, and allow for constructive challenge and debate
- Consideration of an effective arrangements for service committees, taking into account a reasonable balance of work between different service groupings
- Consideration of the role of Policy and Resources

- Consideration of arrangements for Area Committees
- A Full Review of the 15 articles and 26 protocols/appendices to form a new Constitution
- Effective timetabling of the new arrangements – a new committee cycle
- Transition arrangements
- A programme of training and development for Members and Officers to scenario test and understand the new ways of working.

The summary of the proposed New Model of Governance from the Steering Group is attached at Appendix 1 (page 6). The full re-written Constitution reflecting the new model is attached at Appendix 3

### **3. Role of the Constitution Advisory Group**

In line with the existing Constitution, all proposals to amend the Council's Constitution must be considered by CAG. CAG is politically balanced and has 6 members.

CAG's role is to consider the proposals and report its views to Full Council. Full Council takes the decision about any changes to the Council's Constitution. CAG has met twice. On the first occasion it considered the proposals from the Steering Group attached at Appendix 1. CAG also received a proposal from the Conservative Group, attached at Appendix 2 for a form of Committee system and this was considered at the second meeting. CAG's comments on those proposals are set out below

### **4. Comments of the Constitution Advisory Group**

4.1 CAG considered the proposal of the Steering Group and the proposal of the Conservative Group.

4.2 The following amendments were agreed unanimously by CAG and with the Steering Group's agreement have been incorporated into the Steering Group's proposal attached at Appendix 1:-

Paragraph 3: - Public Health was expressly incorporated into the description of the Communities Committee

Paragraph 3: – The proposal was amended to clarify that the Policy and Resources Committee would include neither the chairs nor the vice-chairs of the Service Committees

Paragraph 5: - The proposal was amended so that it no longer precluded a reporting arrangement between the Economic Development Sub-Committee and its parent Committee, the Environment, Development and Transport Committee

Paragraph 9: - The words "good decisions" were replaced with "democratic decisions"

Paragraph 10: - The proposal was extended to make it clear that, in relation to the election of a Deputy Leader of the Council, the Leader of the Council would be invited to make the first nomination of a Deputy Leader

Paragraph 12: - The proposal was clarified to ensure that the six month review of the Constitution would be carried out in accordance with the provisions of the Constitution.

4.3 The following comments were made by CAG on the Steering Group's Proposal

- Economic Development Sub- Committee : some members (3) thought that Economic Development should be elevated to full Committee, as opposed to Sub-Committee, status with the same number of members and terms of reference as the Service

Committees. Other members (3) thought the Steering Group proposal should remain as drafted to be reviewed at the six month review commencing in November

- Area Arrangements: all Members agreed that consideration of the concept of these arrangements be postponed until the six month review commencing in November
- Checks and balances in the Committee Governance Model : some Members (3) took the view that there were insufficient checks and balances in the Steering Group's proposals and that a process to contest decisions should be incorporated. Other members (3) thought the Steering Group proposal should remain as drafted
- Chairmen and Vice-Chairmen of Committees : although no change was required to the proposal members of the Steering Group agreed that in order to vote on Chairmen and Vice-Chairmen at the AGM, membership of each Committee would first have to be agreed at the AGM
- Six Month Review : Members agreed that the six month review commencing in November would be carried out by a Constitution Advisory Group appointed for that purpose by the Policy and Resources Committee.

4.4 In relation to the Conservative Group's proposal no vote was taken on any particular provision. CAG noted the following differences:

- One additional Committee, Public Protection
- Policy and Resources to have 9 members (Steering Group proposes 17 members), each member to have a 'Special Responsibility' and to carry out policy development
- Existing delegations to a single Cabinet Member would be delegated to a Chief Officer in consultation with the relevant Policy and Resources Member. (Steering Group proposed it be in consultation with the relevant Committee Chairmen)
- Urgent business would be delegated to a Chief Officer or the Managing Director in consultation with the relevant Policy and Resources Committee Member and the Chairman of the relevant Committee. (Steering Group proposal: just Chief Officer in consultation with Chairman of the relevant Committee).

## 5. **Recommendation**

Full Council is asked to consider the proposals of the Committee Governance Steering Group and the comments of the Constitution Advisory Group (CAG) and

- (i) adopt the New Governance Model for Norfolk County Council set out at Appendix 1 with or without any of the variations proposed by the Conservative Group as set out in Appendix 2, to come into effect from the AGM on 27 May 2014; and
- (ii) adopt the new Constitution set out at Appendix 3 and delegate to the Head of Law and Monitoring Officer the authority to make changes required as a result of any changes agreed by CAG and/or any of the Conservative Group's proposals being adopted.

\*Note - The Independent Member subsequently formed an Independent Group with another Member

# New Governance Model for Norfolk County Council

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## 1. Background

The Localism Act (the Act) was introduced on 15<sup>th</sup> November 2011. The aim of the Act is to improve freedoms and flexibility for local government and to allow power to be exercised at the lowest practical level, close to the people who are affected by decisions.

The Act specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another (e.g. from a committee system back to a leader and cabinet system) for 5 years unless a referendum is held on the issue which supports such a change.

At its meeting on 25 November 2013, the Council agreed under the provisions of the Localism Act 2011:

- a) To change its governance arrangements and start to operate a committee system form of governance
- b) To request a Steering Group to work up detailed proposals for the operation of the committee system

Below is a summary of the outcome of the deliberations of the Steering Group.

## Summary of proposed new Committee Governance model for Norfolk County Council

### Overview

The new system sees a **strong Council**, taking major decisions that affect the people of Norfolk.

Underpinning Full Council there will be **five committees** which have executive decision making powers. These committees will be taking decisions on matters within their remit and all will be politically balanced.

One of the five committees will be a **Policy and Resources Committee**. This will work alongside the service committees. It will have a role in developing and monitoring the overall budget and objectives of the Council, as well as having executive decision making authority on some cross-cutting shared services, such as ICT and HR. Policy and Resources should be seen as being on a par with service committees.

The model includes the provision for **issues of significance** to be referred to Full Council for decision. This will require an effective and robust forward plan. Given the inherent scrutiny and cross party engagement in decision making, there is **no post-decision 'call-in'** once a committee has taken a decision.

**Urgent decisions** will be delegated to Chief Officers in consultation with Committee Chairs and Vice-chairs. There is no change to the current scheme of delegation.

There is no change to other established committees.

# New Governance Model for Norfolk County Council

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## Key elements of the Steering Group's proposed model

### 2. Role of Full Council (Section 3.1 of the draft constitution)

Full Council retains its statutory decision making responsibilities for:

- Council Budget
- Changes to the Constitution
- Members' Allowances
- Appointment of Head of Paid Service
- Policies and statutory plans
- Establishing committees and sub committees and deciding their terms of reference

In addition, Full Council retains decision making over the agreed Policy Framework (including the County Council Plan). (See section 3.1 of the draft constitution)

Full Council will meet 7 times a year, as at present.

### 3. Service committees (section 4.1 of the draft constitution)

There will be 5 service committees, covering the following functions:

<b>Adult Social Care Committee</b>	Incorporating those services under the remit of adult social care
<b>Children's services Committee</b>	Incorporating those services under the remit of Children's social care and education functions
<b>Environment, Development and Transport Committee</b>	Incorporating those services under the remit of the Director of these services
<b>Communities Committee</b>	Incorporating services which provide services across and within the county's communities, including libraries, museums, Norfolk Fire and Rescue, Adult education, community safety and Public Health.
<b>Policy and Resources Committee</b>	<p>This committee will have a co-ordination role around the budget development process and the County Council's business plan; it will monitor the overall council budget and overall council performance.</p> <p>In addition, the Policy and Resources Committee will have executive responsibilities for enabling corporate services including ICT, finance, human resources and procurement.</p>

# New Governance Model for Norfolk County Council

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Each committee will have **17 Members** and will be politically balanced. The Policy and Resources Committee will not include Chairs or Vice chairs of other service committees.

Service committees will have executive decision making over functions that fall within their scope. These will effectively be the decisions that have previously been taken by Cabinet.

Service committees will be responsible for standards and achievement against objectives set out in the County Council's agreed plan.

Service committees will also be responsible for monitoring spend and outcomes against the allocated budget.

Chairs and Vice-chairs of the service committees will be the Lead Members for the Council on those services and will represent the views of the Council on issues within their Committee's remit to the public, media and other external stakeholders.

Chairs and Vice-chairs of the service committees will be elected by Full Council at the AGM. They will be elected for one year.

The Committees will meet 6 times a year, although for the first year an additional cycle will be included to ensure smooth transition.

All other regulatory and joint committees will remain unchanged at this stage.

## **4. Policy and Resources Committee**

The Policy and Resources Committee has two main areas of responsibility. It leads the process for developing the County Council Plan and the Medium Term Financial Plan for approval by the Council and so fulfils a co-ordinating role across all other service committees. It provides a 'whole-council' view of performance, budget monitoring and risk. The Leader and Deputy Leader of the Council will be Chair and Vice chair of the Committee respectively.

In developing the Council's budget, the Committee will work with Chairs and Vice-chairs of service committees to ensure full engagement of Committees, and a robust approach based on evidence and priorities. Policy and Resources will recommend the budget to Full Council where the budget is determined.

In addition, the Policy and Resources Committee has responsibility for developing and monitoring the specific enabling corporate services including, ICT, finance and risk management, property and asset management, human resources and organisational development, legal and governance, communications and public affairs and business continuity.

The Chairs and Vice-chairs of service committees will not sit on Policy and Resources.

## **5. Sub Committees**

There will be one sub-committee - Economic Development. It will make its own executive decisions. It will be a sub-committee of the Environment, Development and Transport Committee and will have 9 members (politically balanced). The Leader of the Council will be an ex-officio non-voting member of the sub-committee.



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In addition, in June 2014, Adult Social Care Committee and Children's Services Committee will be considering arrangements for a member body to oversee the Council's responsibilities for safeguarding of children and adults.

## **6. Area Arrangements**

There will be an Area Committee consisting of Members with electoral divisions in the Great Yarmouth Borough Council area. This Committee is responsible for considering County Council issues within the Great Yarmouth Borough Council area. It has no decision-making powers but can make recommendations to the appropriate Committee of the Council. Consideration of the establishment of a second Area Committee will be given as part of the six month review of the structure.

## **7. Urgent decisions**

Where there is a need for an urgent decision, there is provision for the respective Chief Officer (or Managing Director) to take a decision normally reserved for the Committee, seeking the views of the Chair and Vice-chair of the relevant committee.

## **8. Delegated decisions**

There will be no change to the current scheme of delegation to officers. Where previously decisions have been delegated to a Cabinet Member, the decision will be delegated to the relevant Chief Officer in consultation with the Committee Chair and Vice-chair.

## **9. Checks and balances in the committee governance model**

An important principle of the new system is the engagement and contribution of a wide range of Members to reach democratic decisions informed by debates and consideration of relevant evidence and officer advice. Therefore the new committee system will not have any arrangements for 'calling-in' any decisions once they have been taken.

There will be safeguards to allow Full Council to take decisions, instead of service committees.

This will work through a robust forward plan which identifies decisions coming up for service committees. The following safeguards will be available to allow the matter to be referred to Full Council for a decision:

- The service committee itself decides to refer the decision to Full Council; or
- The Leader of the Council and the Head of Paid Service (Managing Director) considers the issue to be of such significance that it should be made by Full Council.
- The decision commits the County Council to spending over £100m

## **10. Leader of the Council**

The Leader and Deputy Leader of the Council will be elected by the Full Council at its AGM, (with the Leader being invited to make the first nomination for a Deputy Leader) and will be the Chair and Vice-chair respectively of the Policy and Resources Committee.

## **11. Transitional arrangements**

As part of its current way of working, Cabinet makes delegations to individual Cabinet members in consultation with the relevant officer(s). For delegations to individual Cabinet members still outstanding at this time, it is proposed that the delegations be transferred to the relevant Chief

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Officer following consultation with the Committee Chair and Vice-chair. This is a transitional arrangement and would apply only to any delegations identified as outstanding at the change of governance.

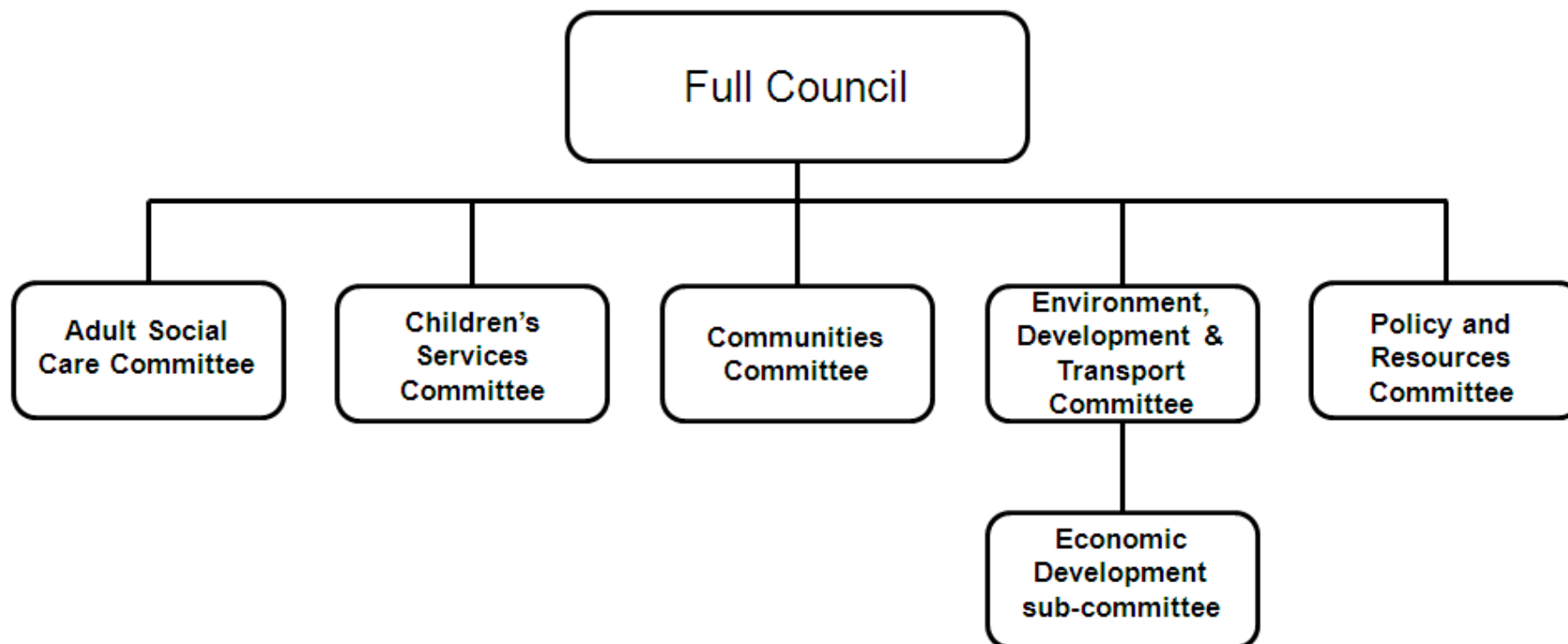
## **12. Six month review**

There will be a formal review, conducted in accordance with the constitution of how well the proposed arrangements operate in practice in November 2014. This will enable the model to be refined and enhanced based on practical experience.

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## 13. Appendix A



## **Changing to a Committee System of Governance**

A Report by the Conservative Group  
of Norfolk County Council

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### **1. Background**

- 1.1. On 25th November 2013 the County Council passed a resolution to change its system of governance to a committee system, as permitted by the Local Government Act 2000.
- 1.2. A cross-party working group of 11 members, 2 from each party plus the Independent Member, met on Thursday, 12th December to discuss and agree a system of governance for the Council, based on a committee structure. This group will report to Council in April 2014 and any decisions on the new structure will come into effect at the Council's AGM in May 2014.
- 1.3. Once a resolution to move to a new system of governance has been taken by Council, it must be implemented by the following AGM of the Council unless the resolution gave a later date for implementation. Further resolutions to change the system of governance of the Council cannot be taken for 5 years after the binding resolution was taken. The Council has

taken external legal advice which has confirmed the binding resolution was taken on 25<sup>th</sup> November 2013.

- 1.4. The Conservative Group remains concerned about the ability of some manifestations of committee systems to deliver clear, accountable, political leadership with both the speed and the quality of decision-making that is possible in the Cabinet System.
- 1.5. The rationale for Parliament changing local government's system of governance is effectively summarised in 'In Touch with the People', a 1998 publication which is included at Appendix I. It provides a useful summary of some of the major hurdles that must be overcome in designing and implementing a committee system fit for the changing landscape in which local government finds itself.

## **2. Committee System Outline**

- 2.1. The Conservative Group has drawn up a proposal for a model of governance in the committee system.
- 2.2. The outline for this system is set out in diagrammatic form in Appendix II. Examples of decisions taking using such a system are set out in Appendix III. It is proposed that all committees will apply the Widdecombe rules for political balance; a move away from this would require a *nem con* vote at Council, which the Conservative Group will not support.
- 2.3. The scope of the Service Committees and the Policy and Resources Members with Special Responsibility is set out in Appendices IV & V.

## **3. County Council**

- 3.1. This proposal is based upon the model of a 'strong Council', rather than strong committees or a strong Policy & Resources Committee. Under this proposal, County Council will retain all of its current functions, including setting the budget, agreeing policy for the Council, dealing with motions, reports to note from committees, etc.
- 3.2. The County Council will also elect the Chairman of the Policy and Resources Committee (who will also be Leader of the Council), annually at its AGM.

- 3.3. However, it is also proposed that Council alone will have the power to take certain decisions, termed 'major decisions' for the purposes of this proposal. The intention of this constitutional rule is to prevent any body of the County Council from being able to take a decision affecting all of Norfolk, without the opportunity for all Members to be involved; for example, the decision to award a contract for an Energy from Waste Plant would come to Council to make the final decision under the terms of this proposal. The detailed criteria of what constitutes an 'major decision' are set out in ['major decisions'](#) below.
- 3.4. This measure is intended to address the 'democratic deficit', and provide an opportunity for all Members to be involved in taking these important decisions.
- 3.5. What are the limits of the powers of the County Council?
- 3.5.1. Unlike in the current Cabinet system, it is not proposed to restrict the powers of full Council, although some decisions will be beyond its power due to legal reasons, for example, a second motion to change the Council's system of governance prior to 25/11/2018. As the Monitoring Officer made clear at the meeting of the steering group on 23rd December 2013, once a decision has been taken, unless it becomes [contested business](#) (see below), the decision stands and it cannot be changed by another decision-making body. Therefore, Council will not be able to override the decisions of the Service Committees where the Service Committee is the proper decision-maker<sup>1</sup>.
- 4. Service Committees**
- 4.1. The Service Committees will be the predominant decision-making bodies of the Council: each Service Committee will have executive power to make decisions in its service area.
- 4.2. Each Service Committee will be responsible for monitoring its own budget and performance and ensuring that it remains within budget for the

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<sup>1</sup> This does not affect the Council's ability to deviate from recommendations made to Council for a decision, such as decisions on policy which may have been recommended by a particular committee.

financial year - the Policy & Resources Committee will deal with issues of additional resourcing.

- 4.3. Each Service Committee will elect its Chairman and Vice-Chairman annually at its AGM.
- 4.4. Where an issue may affect more than one committee, the Monitoring Officer shall determine in which committee's remit an issue sits, as currently happens when issues present in different Cabinet portfolios.
- 4.5. It is proposed that on '[major decisions](#)', each Service Committee will only be able to make a recommendation to Council, rather than reach a final decision. This is to address any perceived 'democratic deficit' of the Service Committees. Further, Service Committees will not be overruled by the Policy & Resources Committee, which will not have the power to do so.
- 4.6. Each Service Committee will be able to set its own forward work plan and agenda, though the Policy & Resources Committee may request consideration of a particular issue. The committees will be responsible for their own performance and policy review and will be able to review the effect of its own decisions, either through the main committee or through task and finish groups. Service Committees will be responsible for the administration of their own task and finish groups.
- 4.7. It is intended to keep the Service Committees separate from the Policy & Resources Committee so it cannot be said that a narrow group of people are making all the decisions: it is intended to prevent any perception of a 'democratic deficit'. As a result, Policy & Resources Committee members will not be able to sit on any of the Service Committees<sup>2</sup>.
- 4.8. It is important to devolve executive powers to the Service Committees, rather than each panel recommending to the Policy and Resources Committee, to avoid creating a powerful, quasi-Cabinet, which is the very antithesis of this proposal.
- 4.9. What limits are there on the powers of the Service Committees?

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<sup>2</sup> See 8.5 below for further information.

- 4.9.1. It is intended that Service Committees will not be able to take '[major decisions](#)' but only make recommendations to County Council on '[major decisions](#)'. Similarly, each Service Committee will have an opportunity to review its proposed budget in the budget setting process and make recommendations to the Policy & Resources Committee and/or Council, but it will not be able to set its own budget: this needs to be done centrally to ensure a corporate budget can be set.
- 4.9.2. Committees will be able to refer their own items to Council to be decided, if they feel the decision is one which should not be taken in committee. In such cases, it is envisaged the Service Committee will still make a recommendation to Council following consideration of the item, though this will be for each committee to decide at the time.
- 4.9.3. By providing the Service Committees with executive power the decision-making pool is widened. It ensures Service Committees are the proper decision making bodies and cannot, therefore, be overridden by the Policy & and Resources Committee<sup>3</sup>. This will prevent the creation of a powerful, quasi-Cabinet and is intended to negate perceptions of a democratic deficit.
- 4.9.4. The decisions of Service Committees may be subject to further scrutiny through the '[contested business](#)' process, which though it will not override the decision of a Service Committee, will cause it to be scrutinised to a greater extent and may cause it to be returned to the Service Committee to be reconsidered. Further detail on [contested business](#) is provided below.
- 4.10. It is proposed there will be five Service Committees meeting seven times a year, approximately every six weeks, in line with the current schedule of meetings for the Overview and Scrutiny panels. Except where noted, it is proposed the Service Committees will reflect the current Overview & Scrutiny Panels' scope, though their powers will be greater. The proposed committees are:

- 4.10.1. Children's Services;

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<sup>3</sup> See 3.4.1 above.



- 4.10.2. Community Services (without Public Protection);
- 4.10.3. Corporate Resources;
- 4.10.4. Environment, Transport and Development;
- 4.10.5. Public Protection, incorporating trading standards, public health, fire and rescue.
- 4.11. The proposed Service Committees are set out in diagrammatic form in Appendix II.
- 4.12. The proposal to largely retain the same committee structure is to help with the transition to a new system. Further, the existing scope of the current Overview & Scrutiny Panels has worked well and there is a clear and distinct desire not to disrupt the work of the Children's Services Overview and Scrutiny Panel in the improvement work in the Children's Services department.
- 4.13. The role of Public Health and Public Protection is likely to increase in the future, with both services undertaking work that has the potential to reduce demand and/or budgetary pressures in other services. For this reason it is felt they would benefit from their own Service Committee developing detailed knowledge, rather than being a series of smaller, additional parts of larger committees and their workloads.
- 4.14. In line with the conclusions of the steering group that met on 23<sup>rd</sup> December, each Service Committee has been allocated 17 members. In addition, also in line with the Steering Group's previous decision, there are no proposals to alter the form, scope or remit of the statutory/regulatory committees, such as HOSC, Planning (Regulatory) etc.

## **5. Policy & Resources Committee**

- 5.1. The Policy & Resources Committee, is intended to interpret a more-detailed Council plan, deal with cross-cutting issues (by recommending a mechanism for them to be decided, rather than to take the decision itself), develop the budget proposals and identify strategic issues.

- 5.2. The Policy and Resources Committee is the political interface between Members and Officers: where Cabinet Members currently have delegated powers to make a decision in consultation with an Officer, it is proposed the delegation will be to Officers in consultation with the Policy and Resources Committee member (see also [7.2](#) above about delegation to officers and members).
- 5.3. The Policy and Resources Committee will not make decisions as a committee and has no power to override a Service Committee, although it is proposed it will make recommendations to Council on policy, the budget et cetera, following consultation with the Service Committees. In providing recommendations on policy changes, or on recommending items for a panel's work plan, it may ask the Chairman & Vice Chairman to return an item to the Service Committee to consider specific points, but there shall be no power to force a panel to do so.
- 5.4. Why have a Policy & Resources Committee?
  - 5.4.1. The Committee System pre-LGA 2000 had a number of weaknesses that a Policy and Resources Committee, and later the Cabinet system, was intended to overcome. In moving to a committee system of governance it is important to address any possible shortcomings, one of which is the potential for silo working.
  - 5.4.2. Norfolk County Council runs as a corporate body: it has centralised revenue and capital budgets and a corporate asset register. In brief, services and directorates work together as part of a larger authority. If decision-making and policy formation is to happen in Service Committees with Members developing specialist knowledge, it is important there is a body providing a corporate, strategic view for the Council in order to cancel the potential for silo working.
- 5.5. Members sitting on the Policy and Resources Committee shall not be members of a Service Committee: this is intended to reflect the time commitment required of all members in a new system of governance but also to maintain a separation of powers between those recommending the strategic direction of the Council and those making the decisions -

again, this is intended to prevent any perception of a democratic deficit, whereby a small number of people take all or the majority of the decisions. This will further entrench the idea that decisions should be taken by as wide a pool of Members as possible.

- 5.6. The composition of the Policy & Resources Committee is set out in Appendix IV.
  - 5.7. Limits on Policy & Resources Committee Powers
    - 5.7.1. It is not proposed that either the Policy & Resources Committee as a whole, or its individual members, shall have any power to decide anything, except to move money within the budget framework set by the Council and any delegated powers which are assigned to them by Council<sup>4</sup>. However, it is intended Policy and Resources shall work to determine strategic priorities, based upon the Leader's Vision and Council Plan (as agreed by Council), and may make recommendations to Service Committees or to Council, on strategic/corporate priorities and/or policy.
  - 5.8. This proposal presents a different manifestation of a committee system of governance and Policy & Resources Committee to the Policy and Resources Committee and model of governance found in the pre-2001 committee system in force at Norfolk County Council. In particular, it is important to note the Policy & Resources Committee cannot overturn any decision of a committee but instead acts as a procedural check and balance and makes recommendations to other decision-making bodies.
- 6. Major decisions**
- 6.1. Any decisions classified as 'major decisions' shall go to Service Committees for discussion, but Council alone shall be the decision-maker of 'major decisions'.
  - 6.2. It is proposed an major decision shall be any decision:
    - with a cost or benefit equivalent to £100m, or

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<sup>4</sup> See 7.2 above

- which the Managing Director and Leader of the Council believe should be so classified.

6.3. The above does not preclude other Leaders or Members lobbying for an item to be designated an 'major decision'.

## **7. Contested Business**

7.1. Under the Cabinet system there is a call in structure. 3 members can call in a Cabinet decision within a week. This system has worked very well and has provided an opportunity for Members of the Council and members of the public to scrutinise and hear detailed justifications for a particular course of action.

7.2. This system could be equally effective in a committee system of governance. It stops people trying to mess about in committees because there is a chance decisions will be further scrutinised. To maximise the opportunity for democratic participation, it is very important Members of the Council have the ability to question a decision on behalf of their constituents that has been made at the committee of which they are not a member. Under the cabinet system this process was never over-used but it has been important in certain circumstances across a range of issues.

7.3. It is proposed that if 3 Members "call-in" a decision of a Service Committee, within 7 calendar days of the panel making the decision, the item of business that has been "called-in" will become contested business.

7.4. Items that have become contested business will be referred to a committee for scrutiny, as with the current Cabinet Scrutiny call-in function. This committee will be able to make a recommendation that the decision-making body reconsiders its decision or that the decision is sound and no further action should be taken. It is not possible to create a power to override the decision-making body as this would be unlawful<sup>5</sup>.

7.5. While there are several options for the proper place for a 'call-in' to be heard, it is proposed these will take place in a contested business

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<sup>5</sup> See 3.4.1 above.

committee of 20 members drawing 4 members from each Service Committee, sitting as a committee of 10 on a rotational basis.

- 7.6. Another option is for each committee to have a designated scrutiny committee to consider its call-ins. For example, Children's Services' call-ins may be considered by Adult Social Services Committee, though it is felt this will be cumbersome and could lead to some Service Committees' decisions not being considered for six weeks without calling additional meetings.

## **8. Urgent Business**

- 8.1. It is proposed that 'left of field' urgent business, which has not and could not have been anticipated shall be decided by the Managing Director (or relevant Chief Officer), in consultation with:
- 8.2. the Leader of the Council;
- 8.3. the Policy & Resources Committee Portfolio Holder, and
- 8.4. the Chairman or Vice-Chairman of the relevant Service Committee.
- 8.5. Any such urgent business decisions shall be the first substantive item at the following meeting of the Service Committee to allow the decision to be scrutinised/reviewed and those involved in the decision to be held to account. There cannot be an opportunity to reverse that decision but the Service Committee would be able to scrutinise it<sup>6</sup>.
- 8.6. It is proposed that any other 'urgent decisions' will be decisions that need to be made within the constraints of a tight timetable, but are decisions that the Council will be aware are likely to be needed between Service Committee meetings. In these circumstances, it is proposed the relevant Service Committee will receive a paper to either make a decision in advance, or delegate the decision to an Officer (or Officer in consultation with a Member). If such a decision can be made at the next committee meeting, it is expected this will be done instead.
- 8.7. Urgent business will be defined as decisions that need consideration, or re-consideration, because the circumstances have changed.

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<sup>6</sup> See 3.4.1 above.

**9. Scheme of Delegation**

- 9.1. There are no changes proposed to the current scheme of delegation. However, one of the first items on the agenda for each of the Service Committees should be to consider the level of delegation to both Officers and to Officers in consultation with Members, for their service area.
- 9.2. It is proposed that there will be a formal review of the scheme of delegation at the 6-month review to consider whether the scheme of delegation represents both an effective mechanism for decision-making and offers clear and accountable decision-making also.

**10. Conclusion**

- 10.1. This proposal offers a distinct difference to the proposal drawn up by the steering group. One of the difficulties in articulating the differences between the two proposals is the requirements to use the term “Policy and Resources”, which is a consequence of the resolution passed at Council.
- 10.2. It is unfortunate the term was used because it has caused confusion.
- 10.3. The committee termed ‘Policy and Resources’ in this proposal is in fact a committee of Members with Special Responsibility, working with officers with their delegated powers in running the Council; it is very similar to the cabinet system with portfolio holders but the difference is the Members with Special Responsibility under this scheme will have no powers. Instead, all committee decisions are made at their relevant committees.
- 10.4. It is very easy to create confusion over these issues when the proposal developed by the steering group uses the same terminology, but the steering group’s Policy & Resources is a committee of 17 members with powers to make decisions. The Conservative proposal for a Policy and Resources Committee has 9 members including the Leader of the Council and has no powers to make any decisions as a committee. It is done this way to promote transparency and allow Members with Special Responsibility to be held to account through their Service Committees.

- 10.5. In the system devised by the steering group, the Chairmen and Vice-Chairmen will become *de facto* portfolio holders but there will not be the same separation of powers between the Chairmen & Vice-Chairmen and the decisions of the Service Committees – the Chairmen & Vice-Chairmen will become a quasi-Cabinet

## **11. Appendix I: Modern Local Government: In Touch with the People**

*Modern Local Government: In Touch With the People* was produced by the Government in July 1998 and set out its new programme of local government 'modernisation' which aimed to create a "radical refocusing of councils' traditional roles". Set out below is an extract which explains the need for change to political structures

### **Modernisation and new political structures**

3.1 New political structures are fundamental to the modernisation process. The right structures are crucial if councils are to be responsive to their local communities, and are to tap the interest and enthusiasm of local people. Councils need to put in place structures which guarantee openness and accountability, and which are best suited to their roles today of leading communities and securing the efficient delivery of quality local services.

3.2 Councils need new structures which create a clear and well known focus for local leadership. Local people should know who takes decisions, who to hold to account, and who to complain to when things go wrong. And a council's structures must not discourage people from seeking to become involved with their council, in particular as councillors.

3.3 There is no one right political structure. There is today already considerable diversity in councils' political structures, reflecting local choice and circumstances, within the current framework. In future there will be greater diversity as councils innovate and introduce new structures to meet the challenges they face.

### **Political management structures**

#### **Why change political management structures?**

3.4 Traditional committee structures, still used by almost all councils, lead to inefficient and opaque decision making. Significant decisions are, in many councils, taken behind closed doors by political groups or even a small group of key people within the majority group. Consequently, many councillors, even those in the majority group, have little influence over council decisions.

3.5 Councillors also spend too much time in committee meetings which, because the decisions have already effectively been taken, are unproductive. Councillors attend too many council meetings. The evidence is that many wish to spend much more time in direct contact with those they represent. They may have had little say in the decisions taken, but they are required to explain the actions of the council, or their party group, to the people they represent. The emphasis ought to be on bringing the views of their community to bear on the council's decisions, and on scrutinising their performance.



3.6 Equally, there is little clear political leadership. This is not a reflection on the qualities of council leaders. It is caused by the structures in which they work.

3.7 People often do not know who is really taking the decisions. They do not know who to praise, who to blame or who to contact with their problems. People identify most readily with an individual, yet there is rarely any identifiable figure leading the local community.

3.8 This is no basis for modern, effective and responsive local government.

### **What can be done?**

3.9 Many councils have taken up the challenge of making their decision-taking structures more efficient and effective. The Government is keen to encourage all councils to shake up and reinvent the way they take decisions.

3.10 Some have taken an axe to the number of committees, the number of councillors involved in each meeting and the number of meetings. This streamlining can reduce councillors' attendance at meetings by 40% or more. This leaves more time for councillors to engage directly with those they represent, conducting consultation exercises or playing a part in local neighbourhood forums, for example.

3.11 Different forms of decentralisation can also open up the decision making process and help local communities identify with those who serve and represent them. They can help make councils easier to understand and easier to access. Both decentralisation and streamlining committee structures can play their part in the Government's general aim of bringing government closer to the people.

### **Separation of roles**

3.12 Both the executive and backbench roles of councillors are vital to the health of local democracy and to effective community leadership. Each role can only be fully effective when it is separated from the other. These roles therefore need to be separated and each given its rightful place and powers.

3.13 The executive role would be to propose the policy framework and implement policies within the agreed framework. The role of backbench councillors would be to represent their constituents, share in the policy and budget decisions of the full council, suggest policy improvements, and scrutinise the executive's policy proposals and their implementation. The precise balance between the roles of the executive and backbench councillors in initiating policies will depend on the detail of the arrangements in place.

3.14 The separation of the executive has advantages in terms of efficiency, transparency, and most importantly, accountability.

- **Efficiency:** A small executive, particularly where individuals have executive powers, can act more quickly, responsively and accurately to meet the needs and aspirations of the community.
- **Transparency:** It will be clear to the public who is responsible for decisions. The scrutiny process will help to clarify the reasons for decisions and the facts and analysis on which policy and actions are based.
- **Accountability:** Increased transparency will enable people to measure the executive's actions against the policies on which it was elected. Councillors will no longer have to accept responsibility for decisions in which they took no part. That should sharpen local political debate and increase interest in elections to the council.

3.15 For these reasons, separation of the executive is common to many systems of local government throughout the world. Those areas of the world whose local government systems remained until recently based on ours, such as New Zealand or the Land of North Rhine- Westphalia in the Federal Republic of Germany, have moved away from it. When the new democracies were emerging in Central and Eastern Europe and South Africa, none chose to emulate the British local government system with its lack of distinction between the executive and the backbench.

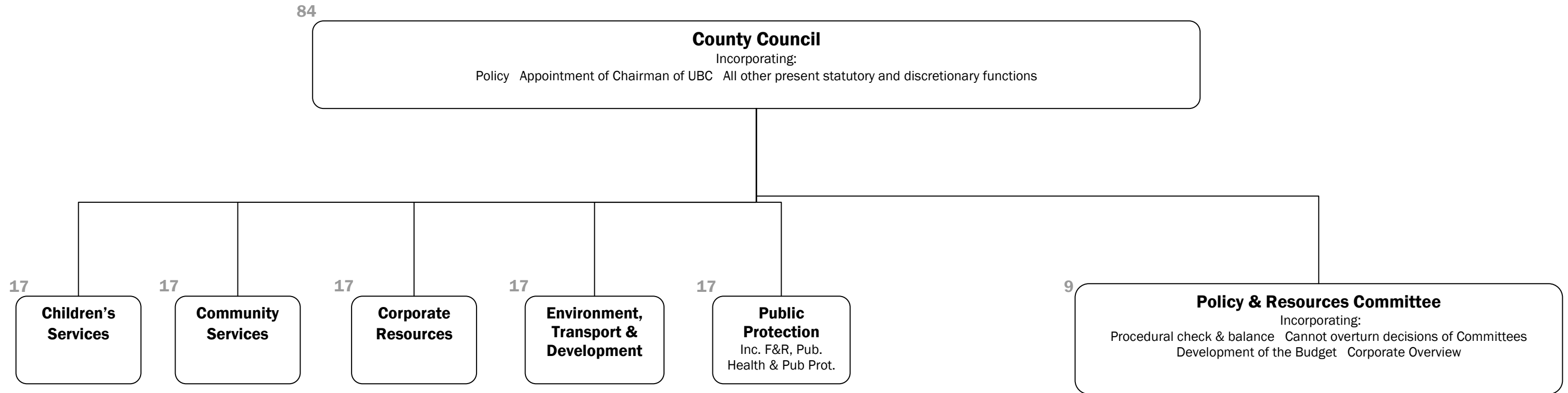
3.16 English councils can already take some steps to separate these roles. But there is a limit to what can be achieved under current legislation which generally requires decisions to be taken formally by the full council, officers or politically balanced committees.

### **New models**

3.17 The Government has therefore decided to enable and encourage councils to move permanently to new political management structures, based on this separation of the executive role. The Government will introduce legislation to make a number of options available. However, the Government does not believe that these structures are generally appropriate to parish councils who typically have much more constrained functions and a much smaller membership. The options will include:

- A directly elected mayor with a cabinet;
- A cabinet with a leader; and
- A directly elected mayor and council manager.

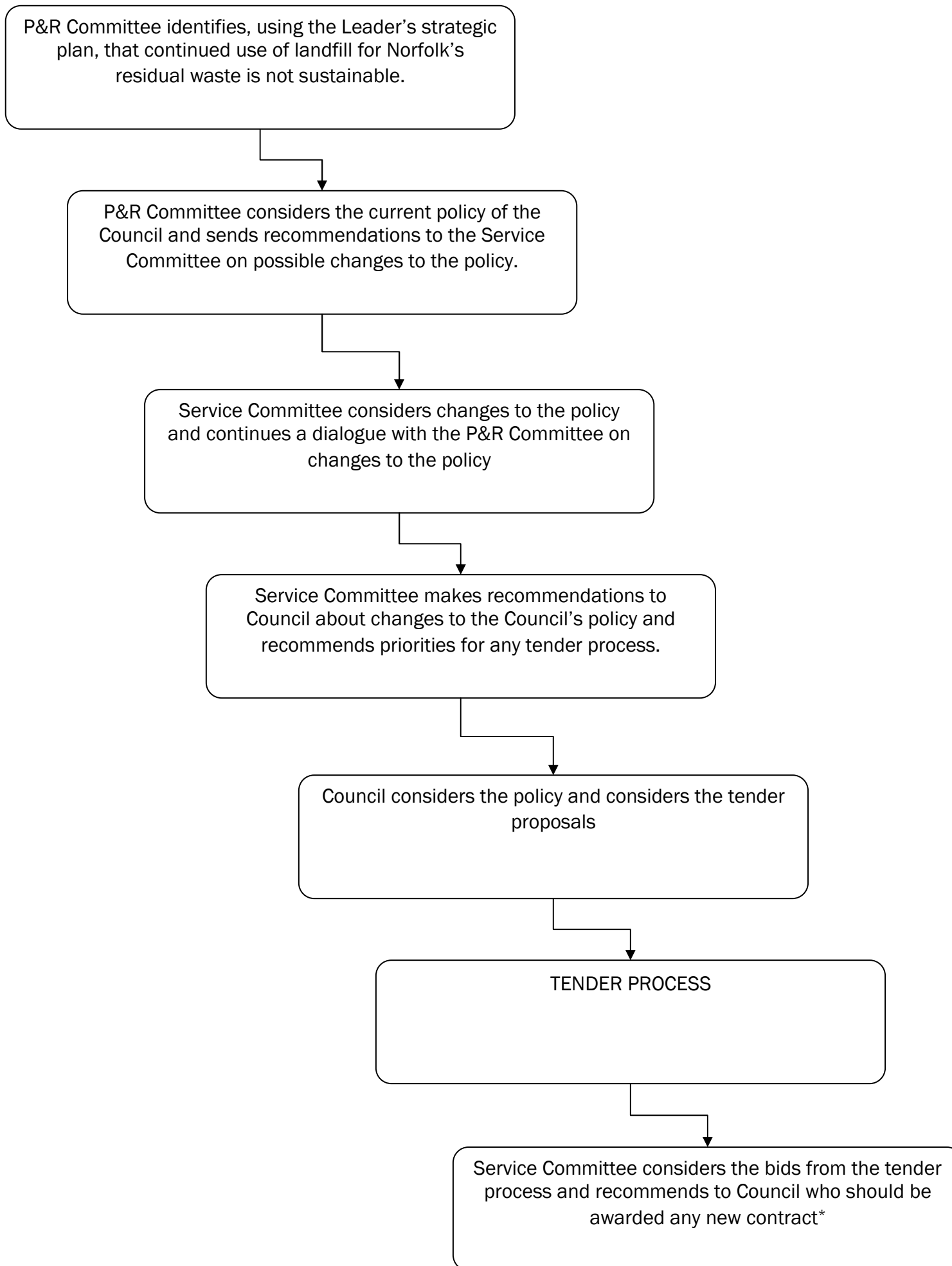
**12. Appendix II: Committee System Outline**



**Notes:**

- This system retains a 'strong council' model to mitigate the 'democratic deficit'.
- All votes shall be conducted by recorded vote, in Council as well as Service Committees.
- The only Council-appointed Chairman shall be Chairman of the Policy & Resources Committee.
- All other Chairman to be appointed by the individual committees, as with Parliamentary select committees.
- Members of Policy & Resources Committee will not sit on other panels to maintain a separation of powers.
- Service Committees to retain some elements of their scrutiny function: not the scrutiny of their own decisions, but the impact of those decisions; performance of their service area etc.

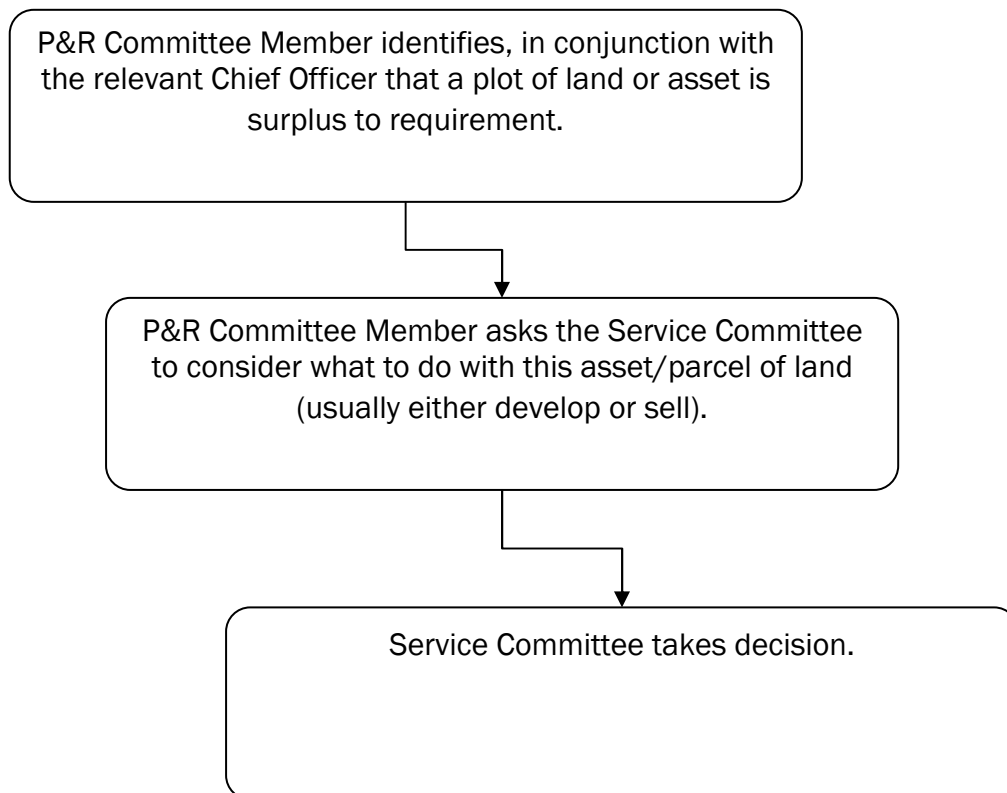
**13. Appendix III: Example Policy Decision**



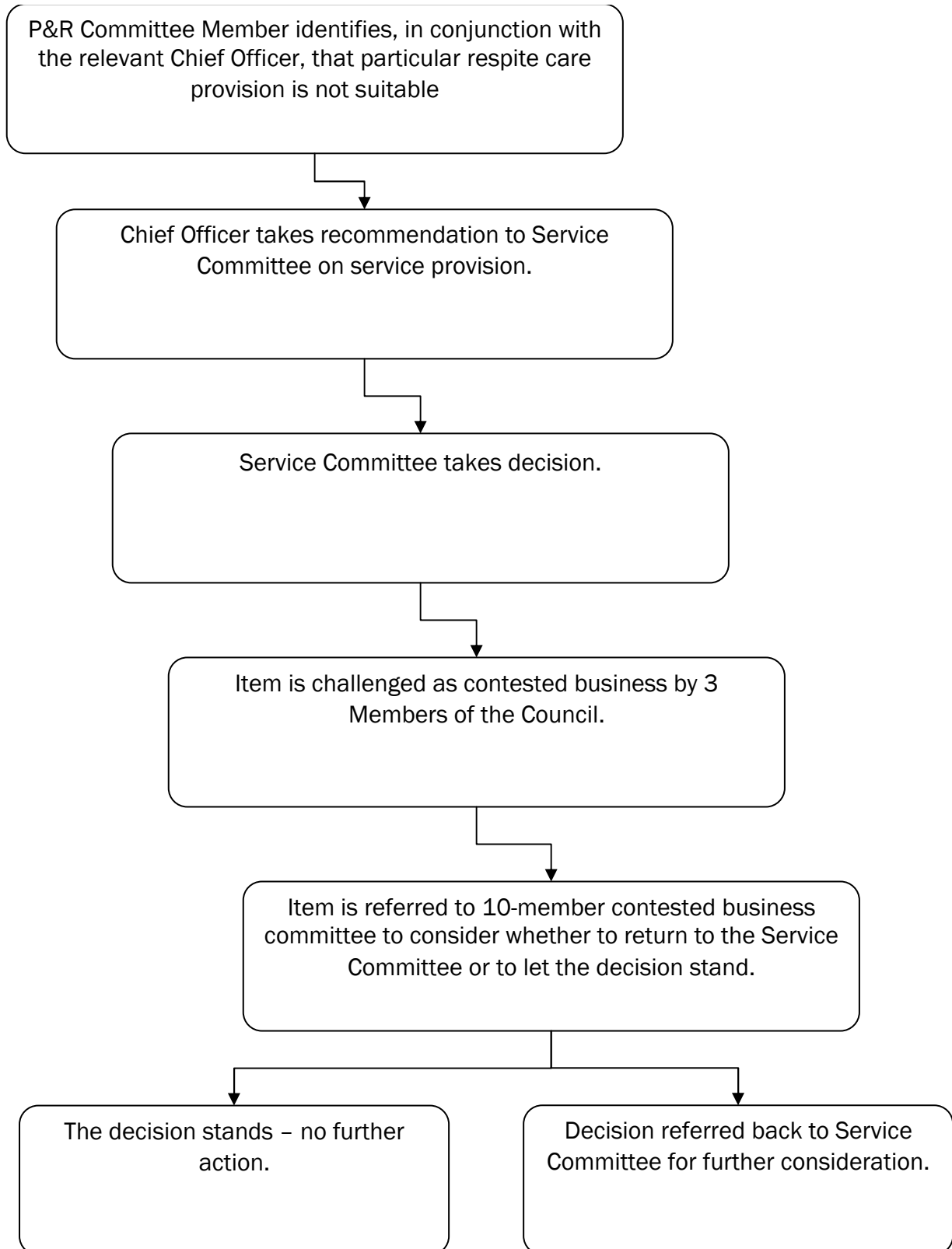
\* Ordinarily, the Service Committee would have Executive power to make this decision but it is envisaged this kind of decision would meet the “[major decision](#)” criteria outlined in the Constitution and would therefore require approval by Council before going ahead.

13.3.

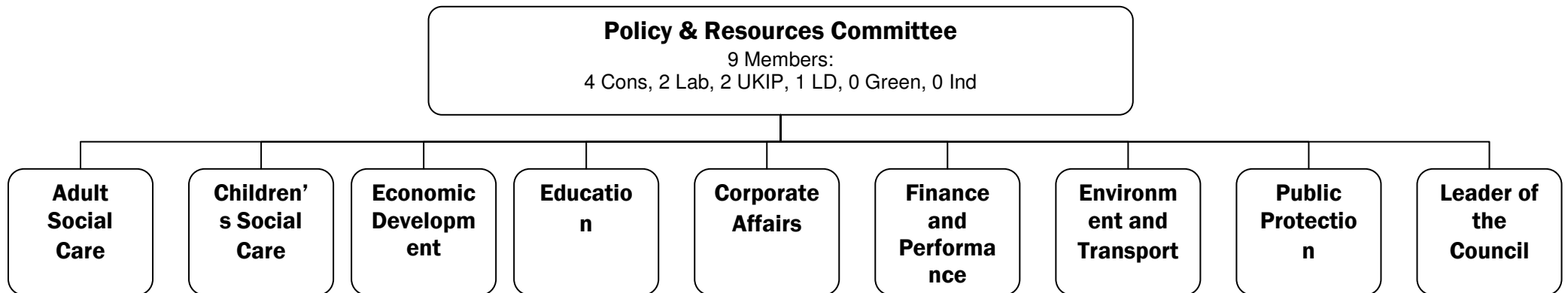
**13. Appendix III: Example Executive Decision**



**13. Appendix III: Example Contested Business Decision**



**14. Appendix IV: Policy & Resources Portfolio Holders**



**15. Appendix V: Remit of Members with Special Responsibility**

15.1. Chairman of Policy and Resources

15.1.1. The Chairman of the Policy & Resources Committee shall be the titular Leader of the Council. Separate to their duties and responsibilities as Leader of the Council, it is proposed they will also take on some of the responsibility currently held by the Cabinet Member for Communities, namely:

- Culture including Libraries, Museums and Archives, Arts and Events
- Leisure, Sport and Recreation, including 'Active Norfolk'

15.1.2. Reporting to: Community Services Committee

15.1.3. This reflects both the importance to the public and to the Council of these services and their vital role in supporting isolated or vulnerable people and the wider public, serving also as a reminder in austere times that culture and communities are vital aspects of public service which must not be lost in challenging circumstances.

15.2. Adult Social Care

15.2.1. Incorporating:

- Adult Social Care Services
- Independent Living and Direct Payments
- Carers' Support, Adult Protection
- Adult Health Improvement
- Supporting People
- Drug and Alcohol Services

15.2.2. Reporting to Reporting to: Community Services Committee

15.3. Corporate Affairs

15.3.1. Incorporating:

- ICT



- Coroners and Registrars Services
- Human Resources
- Legal and Governance
- Members' and Committee Services
- Corporate Efficiencies Programme
- Corporate Programme Office
- Diversity and Social Cohesion
- Norfolk Pension Fund
- Consultation and Engagement
- Communications, Customer Services and Customer Relations

15.3.2. Reporting to Corporate Affairs Committee.

#### 15.4. Economic Development

15.4.1. Incorporating:

- Economic Development and Physical Regeneration
- Community Regeneration
- Business Growth, Inward Investment, Skills and Employment
- Tourism
- Property and Asset Management (including County Farms)
- Adult Education

15.4.2. Reporting to Community Services Committee for Adult Education; Corporate Affairs Committee for Property and Asset Management and the Highways Committee for Economic Development, Community Regeneration, Business Growth and Tourism.

15.4.3. It is felt the addition of both Assets & Property and Adult Education to this portfolio recognises the important role of the Council's assets – and

an adult education programme - in developing and supporting the economy.

#### 15.5. Environment and Transport

##### 15.5.1. Incorporating:

- Norfolk Climate Change Partnership
- Carbon Reduction
- Norfolk Coast
- Flood and Water Management
- Ecology and Arboriculture
- Biodiversity Information
- Countryside Access
- Archaeology, Heritage and Landscape
- Gypsy and Travellers
- Waste PFI Project
- Waste Reduction and Residual Waste Disposal (including) Business Waste
- Recycling Centres
- Closed Landfill Sites
- Transport Strategy
- Highways Network
- Passenger/Public Transport
- Planning and Development Strategy
- Development Management

##### 15.5.2. Reporting to the Environment, Transport and Development Committee.

#### 15.6. Finance and Performance

15.6.1. Incorporating:

- Medium Term Financial Plan
- Annual Revenue Budgets
- Capital Investment
- Procurement
- Treasury Management
- Budget Monitoring and Financial Performance
- Financial Control, Revenues and Audit
- Corporate Performance Management

15.6.2. Reporting to Corporate Affairs Committee.

15.7. Public Protection

15.7.1. Incorporating:

- Fire and Rescue Service
- Community Safety
- Trading Standards
- Emergency Planning
- Business Continuity Planning
- Public Health

15.7.2. Reporting to Public Protection Committee.

15.8. Safeguarding Children

15.8.1. Incorporating:

- Statutory Lead Member for Children's Services
- Early Help for Families and Family Support
- Adoption and Fostering
- Child Protection

- Residential Homes
- Children with Disabilities
- Young carers
- Looked-after Children and Young People Leaving Care
- Children's Health including CAMHS
- Targeted Youth Provision (including Youth Advisory Boards)
- Corporate Parenting Board and Family Support (includes Norfolk Family Focus)
- Child Poverty Strategy
- Youth Offending Team

15.8.2. Reporting to Children's Services Committee.

15.9. Schools

15.10. Incorporating:

- Schools Support, Improvement, Educational Standards and Achievement
- Pupil Place Planning, Attendance and Exclusions
- Schools Capital
- Schools Forum
- Early Years Education
- Information, Advice and Guidance
- Apprenticeships and Vocational Education
- NEET and SEN

15.10.1. Reporting to Children's Services Committee.

## **Norfolk County Council Constitution**

### **Part 1 – Executive Summary**

### **Part 2 - Articles of the Constitution**

- Article 1 - The Constitution
- Article 2 - Members of the Council
- Article 3 - The Full Council
- Article 4 - Chairing the Council
- Article 5 - Leader of the Council – Role and Powers
- Article 6 - Committees
- Article 7 – Committee Chairs – Selection, Roles and Responsibilities
- Article 8 - Officers
- Article 9 - The Public and the Council
- Article 10 - Joint Arrangements
- Article 11 - Principles of Decision Making
- Article 12 - Finance, Contracts and Legal Matters
- Article 13 - Review and Revision of the Constitution
- Article 14 - Suspension and Publication of the Constitution

### **Part 3 – The Full Council**

- 3.1 - Functions and Powers of the Full Council
- 3.2 - Council Procedure Rules

### **Part 4 – Committees**

- 4.1 - Composition and Terms of Reference of Committees
- 4.2 - Committee Procedure Rules
- 4.3 - Joint Committees
- 4.4 - Procedures for Public Speaking and Public Questions at Committees

### **Part 5 – Statutory Scrutiny**

- 5.1 – The Statutory Scrutiny Process

### **Part 6 - Officers**

- 6.1 - Corporate Management Structure
- 6.2 - Scheme of Delegated Powers to Officers
- 6.3 - Proper Officer Responsibilities
- 6.4 - Officer Employment Procedure Rules
- 6.5 - Monitoring Officer Protocol

### **Part 7 - Rules of Procedure**

- 7.1 - Procedure for Taking Urgent Decisions
- 7.2 – Referral of Committee Business for Decision by Full Council
- 7.3 - Budget and Policy Framework Procedure Rules

- 7.4 - Access to Information Procedure Rules
- 7.5 - Procedure for Appointing Members to serve on Internal and External Bodies
- 7.6 - Standards Committee – Rules of Procedure for Hearings
- 7.7 - Financial Regulations
- 7.8 - Contract Standing Orders

### **Part 8 - Codes and Protocols**

- 8.1 – Members’ Code of Conduct
- 8.2 - Gifts & Hospitality – Code of Conduct for Members
- 8.3 - Protocol on Member/Officer Relations
- 8.4 - Protocol for Dealing with the Media
- 8.5 - Standards Committee Publicity Protocol
- 8.6 - Planning Procedures Code of Best Practice
- 8.7 - Members’ Protocol for Contracts and Purchasing
- 8.8 - Register of Members’ Interests
- 8.9 - Guidance for Members Serving on Outside Bodies
- 8.10 - Protocol on the use of Media Equipment at Meetings held in public

### **Part 9 - Members' Allowances (GI/CW with Independent Panel)**

- 9.1 - Members' Allowances Scheme

## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

Norfolk County Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution, and all its Parts, is the Constitution of the Norfolk County Council.

### **1.3 Purpose of the Constitution**

The Purpose of the Constitution is to:

- i. enable the Council to provide clear leadership to the community in partnership with the people of Norfolk, businesses and other organisations;
- ii. encourage the active involvement of the public in the process of local authority decision-making;
- iii. help Members represent their constituents effectively;
- iv. enable decisions to be taken efficiently and effectively;
- v. provide an effective means of holding decision makers to public account;
- vi. ensure that those responsible for decision making are clearly identifiable to local people and that the Councils explains the reasons for decisions;
- vi. ensure that no one will review or scrutinise a decision in which they were directly involved;
- vii. set out the respective responsibilities of Members and Officers of the Council and how they inter-relate.

### **1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will aim to choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13 – Review and Revision of the Constitution.

## ARTICLE 2 – MEMBERS OF THE COUNCIL

### 1.1 Composition and eligibility

- (a) **Composition.** The Council comprises 84 elected councillors, otherwise called members. One councillor is elected by the voters in each of the 84 electoral divisions. One of the Councillors is elected annually to chair the Full Council meetings and attend to ceremonial duties.
- (b) **Eligibility.** Only registered voters of the county of Norfolk or those living or working there are eligible to hold the office of councillor.

### 1.2 Election and terms of councillors

The regular election of councillors is held on the first Thursday in May every four years, the next being in 2017. The terms of office of councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

### 1.3 Roles and functions of Councillors

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

### 1.4 Rights and duties

- (a) Councillors have such rights of access to such documents, information, land and buildings of the Council as are necessary to enable them to carry out their functions as councillors and in accordance with the law.
- (b) Councillors will not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (c) For these purposes “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 7.4 of this Constitution.

### 1.5 Conduct

Councillors will observe the Codes of Conduct and Protocols set out in Part 8 of this Constitution.

### 1.6 Allowances

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 9 of this Constitution.



## **Annex to Article 2**

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

#### **1.0 NORFOLK COUNTY COUNCILLORS**

##### Role and Function

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

All within the knowledge that Norfolk wishes to build:

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

## Key Responsibilities

- 1.7 To represent the community to the authority, through the various forums available and by being effective community leaders.
- 1.8 To fulfil the legal and locally determined requirements placed on an elected Member, including the completion of statutory declarations and compliance with all relevant codes of conduct.
- 1.9 To participate effectively as a member of any Committee to which the Member is appointed, including related responsibilities for the services falling within the Committee's terms of reference and its liaison with other public bodies, and to promote better understanding and partnership working.
- 1.10 To participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between organisations; and to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and function.
- 1.11 To participate in consultative processes with the community and other organisations.
- 1.12 To develop and maintain a working knowledge of the Council's functions and activities, democratic and management arrangements, powers/duties and constraints and to develop good working relationships with relevant Council officers.
- 1.13 To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well being and identity.
- 1.14 To establish effective working relationships with the Parish or Town Councils in the Member's electoral division, including attending meetings and explaining the work of the Council.
- 1.15 To establish effective working relationships with District Councillors in the Member's electoral division.
- 1.16 To establish effective working relationships, as necessary, with other authorities, agencies and organisations whose activities affect the Member's local area including the business, voluntary and community sectors.
- 1.17 To contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the area.
- 1.18 To participate in the activities of the Member's political group (where applicable)

- 1.19 To uphold the Council's Constitution, Code of Conduct and ethical standards.
- 1.20 To take advantage of appropriate development opportunities that will help fulfil all the duties above and any special responsibilities allocated to the Member.

## **2.0 CHAIRMAN OF THE COUNCIL**

The Chairman is elected annually by the Full Council at its Annual General Meeting.

### Role and Responsibilities

- 2.1 To provide civic and ceremonial leadership to the Council and to promote the Council as being at the heart of the community and civic life within Norfolk.
- 2.2 To host and attend civic and ceremonial functions.
- 2.3 To provide feedback to the Council on matters raised by others while performing the duties of Chairman.
- 2.4 To preside impartially over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community, standing down from the Chair if he/she wishes to participate in a debate as a local member.
- 2.5 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees.
- 2.6 To be an ex-officio, non-voting member of the Standards Committee.

## **3.0 VICE-CHAIRMAN OF THE COUNCIL**

The Vice-Chairman is elected annually by the Full Council at its Annual General Meeting. It is normal practice for the Vice-Chairman in one year to be elected as Chairman in the following year.

### Role and Responsibilities in the absence of the Chairman

- 3.1 To provide civic and ceremonial leadership to the Council and to promote the Council as being at the heart of the community and civil life within Norfolk.
- 3.2 To host and attend civic and ceremonial functions.

- 3.3 To provide feedback to the Council on matters raised by others while performing the duties of Chairman.
- 3.4 To preside impartially over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community, standing down from the Chair if he/she wishes to participate in a debate as a local member.
- 3.5 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees.

#### **4.0 LEADER OF THE COUNCIL**

##### Role and Function

- 4.1 To provide a focal point for political leadership and strategic direction for the Council.
- 4.2 To represent the interests of the Council in circumstances where that is necessary.
- 4.3 To ensure effective Corporate Governance.

##### Key Responsibilities

- 4.4 Be the political (rather than ceremonial) leader of the Council, for the benefit of all the County's communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
- 4.5 Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- 4.6 Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- 4.7 Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- 4.8 Promote the long-term financial, business and economic stability of the Council and the County.
- 4.9 Meet regularly to progress the Council's objectives with Committee Chairmen, the Managing Director and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

- 4.10 Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
- 4.11 Promote and maintain professional working relationships and mutual respect between all Members and officers.
- 4.12 Work across the Council, particularly with the Chairmen and Vice-Chairmen of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.
- 4.13 Act as Chairman of the Policy and Resources Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions specified in the constitution.
- 4.14 Act as an ex-officio non-voting member of the Economic Development Sub-Committee.

## **5.0 DEPUTY LEADER OF THE COUNCIL**

### Role and Responsibilities

- 5.1 To assist the Leader of the Council in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Council and the County.
- 5.2 To assist the leader in carrying out the responsibilities set out in the role profile of the Leader.
- 5.3 To work with the Leader on budget and policy development.
- 5.4 To undertake the responsibilities of the Leader in his/her absence.
- 5.5 Act as Vice-Chairman of the Policy and Resources Committee, and carry out as necessary any other functions specified in the constitution.

## **6.0 POLITICAL GROUP LEADER**

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

## Role and Responsibilities

- 6.1 To provide the leadership of a political group.
- 6.2 To be the principal political spokesperson for the political group.
- 6.3 To be a representative voice in dealings with government agencies, local authority associations etc.
- 6.4 To encourage the highest standards of conduct by members of the group.
- 6.5 To nominate members to serve on Committees, Working Groups, outside bodies etc.
- 6.6 To appoint group spokespersons and allocate other responsibilities to group members as appropriate.
- 6.7 To assist in ensuring appropriate levels of attendance are maintained by group members.
- 6.8 To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
- 6.9 To maintain effective liaison with the other group leaders, including being a member of the Group Leaders' meeting.
- 6.10 To establish and maintain effective working relationships with the Managing Director, Chief Officers and other senior officers and to meet regularly them in order to keep fully apprised of relevant service issues.

## **7.0 CHAIRMAN OF COMMITTEE**

### Role and Responsibilities

- 7.1 To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
- 7.2 To lead in the development of the work of the Committee which they chair, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
- 7.3 To lead in service delivery and policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.

- 7.4 To be the Council's lead spokesperson in respect of the Committee's activities.
- 7.5 To establish effective working relationships with the Group Spokespersons on the Committee and with other Committee Chairmen
- 7.6 To establish effective working relationships with the Managing Director, Chief Officers, and other key officers.
- 7.7 To represent and pursue the interests of the Committee which they chair in the community and at regional and national levels
- 7.8 To ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council
- 7.9 To promote and uphold:
  - equalities throughout the County - particularly the Council's equalities policies;
  - high standards of ethical conduct by the Council's Members and officers

## **8.0 VICE CHAIRMAN OF COMMITTEE**

Role and Responsibilities in the absence of the Chairman

- 8.1 To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
- 8.2 To lead in the development of the work of the Committee which they chair, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues
- 8.3 To lead in service delivery and policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
- 8.4 To be the Council's lead spokesperson in respect of the Committee's activities.
- 8.5 To establish effective working relationships with the Group Spokespersons on the Committee and with other Committee Chairmen.
- 8.6 To establish effective working relationships with the Managing Director, Chief Officers, and other key officers.
- 8.7 To represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.

8.8 To ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.

8.9 To promote and uphold:

- equalities throughout the County - particularly the Council's equalities policies;
- high standards of ethical conduct by the Council's Members and officers

## **9.0 GROUP SPOKESPERSONS**

These posts are held by members of each of the political groups on the Council. The overall role is to provide an effective political counter-balance to the role of the Committee chairmen.

Role and Responsibilities

In respect of activities within the relevant service area:-

9.1 To develop expertise and knowledge.

9.2 To provide political focus and leadership within the Group.

9.3 To lead the development of approaches to policy and operational issues, on behalf of the Group.

9.4 To support the democratic process by ensuring that the activities of the Administration are examined and where necessary challenged.

9.5 To be the Group's lead spokesperson and first political point of contact within the Group.

9.6 To keep members of the Group apprised of all relevant information.

9.7 To establish and maintain effective working relationships with Chief Officers, Heads of Services and other key officers.

9.8 To establish effective working relationships with other Group spokespersons.

9.9 To establish appropriate contacts with other bodies and individuals to exchange views and learning.

9.10 To meet regularly with relevant senior officers in order to keep fully apprised of relevant service issues and to advise the Group Leader.

9.11 To attend regular policy and review meetings with the Group Leader and the relevant chief officer and senior officers.



## **10.0 MEMBER CHAMPION**

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

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

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

Each Member Champion post will have an individually tailored role profile but the following principles shall apply to all of them:-

- 10.1 To work with officers and others in raising the profile of the area of activity.
- 10.2 To work collaboratively with the relevant Committee chairman.
- 10.3 To work with other Member Champions, as appropriate.
- 10.4 To attend relevant training, learning and development opportunities.
- 10.5 To keep apprised of developments and issues.
- 10.6 To promote good practice.
- 10.7 To keep a watching brief on the Council's levels of performance.
- 10.8 To keep members informed of relevant issues and raise awareness.

## **ARTICLE 3 – THE FULL COUNCIL**

### **1.0 Composition**

1.1 The Full Council is made up of the 84 elected Members.

### **2.0 Functions and powers**

2.1 The full details of the functions and powers of the Full Council are set out in Part 3.1 of this Constitution. They include:

- Approving and amending all key plans and strategies collectively known as the Policy Framework
- Approving the budget
- Adopting and amending the Constitution
- Establishing committees, agreeing their terms of reference, deciding their composition and making appointments to them
- Appointing the Leader and Deputy Leader of the Council and its Service Committee chairmen and vice-chairmen
- Appointing the Head of Paid Service
- Adopting a Members Allowances scheme

### **3.0 Responsibility for functions**

3.1 The Council discharges other functions through committees and officers. Parts 4.1 and 6.2 of this Constitution set out full details of the committees and officers who discharge those functions.

## **ARTICLE 4 - CHAIRING THE COUNCIL**

### **1.0 Role and Function of the Chairman**

1.1 The Chairman is elected annually by the Full Council at its Annual General Meeting.

1.2 The Chairman will have the following roles and responsibilities, which will be undertaken by the Vice-Chairman in the Chairman's absence:

1. To provide civic and ceremonial leadership to the Council and to promote the Council as being at the heart of the community and civic life within Norfolk.
2. To host and attend civic and ceremonial functions.
3. To provide feedback to the Council on matters raised by others while performing the duties of Chairman.
4. To preside impartially over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community, standing down from the Chair if he/she wishes to participate in a debate as a local member.
5. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees.
6. To be an ex-officio, non-voting member of the Standards Committee.

## **ARTICLE 5 – LEADER OF THE COUNCIL – ROLE AND POWERS**

### **1.0 Introduction**

1.1 As the Council operates a Committee System, no formal legal powers and duties are vested in the Leader under the Local Government Act 1972 or the Local Government Act 2000. However, in practice, all local authorities need to appoint a Leader, who will hold the most significant elected Member role within the Council. The Leader will be the political head of the Council and the focus for policy direction and community development and also the chief advocate and ambassador for the whole of the County.

### **2.0 Appointment of Leader**

2.1 The Council's Procedure Rules in Part 3 of this Constitution provide for the Full Council to appoint a Leader of the Council. The appointment is made at the Council's annual general meeting and the appointment is made for the subsequent Council year. The person appointed by Council as Leader will automatically be appointed as the Chair of the Policy and Resources Committee. If the Council does not appoint a Leader, the Leader of the largest political group becomes the Leader. In the event of a vacancy arising for the position of Leader, the Managing Director will convene a meeting of the Full Council at the earliest opportunity so that a new Leader can be appointed.

2.2 Once appointed, the Leader will hold office until the next Annual General Meeting unless he/she:-

- (a) resigns from the office;
- (b) is no longer a member of the Council;
- (c) is removed from office by resolution of the Council

2.3 The Full Council will also appoint at its AGM a Deputy Leader, who is able to exercise the functions of the Leader when he or she is unavailable, or where in the opinion of the Managing Director, the Leader is incapacitated for such a period of time that the efficient operation of the Council would be significantly impaired. The person appointed Deputy Leader will automatically be appointed Vice-Chairman of the Policy and Resources Committee

2.4 The provisions in 2.2 also apply to the position of Deputy Leader.

### **3.0 Role and Function of the Leader**

3.1 To provide a focal point for political leadership and strategic direction for the Council.

3.2 To represent the interests of the Council in circumstances where that is necessary.

3.3 To ensure effective Corporate Governance.

#### 4.0 **Key Responsibilities**

4.1 Be the political (rather than ceremonial) leader of the Council, for the benefit of all the County's communities - its citizens, taxpayers, businesses, public bodies and other public authorities.

4.2 Represent and pursue the interests of the Council in the community and at international, national and regional levels.

4.3 Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.

4.4 Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.

4.5 Promote the long-term financial, business and economic stability of the Council and the County.

4.6 Meet regularly to progress the Council's objectives with Committee Chairmen, the Managing Director and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

4.7 Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.

4.8 Promote and maintain professional working relationships and mutual respect between all Members and officers.

4.9 Work across the Council, particularly with the Chairmen and Vice-Chairmen of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

4.10 Act as Chairman of the Policy and Resources Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions specified in the Constitution;

4.11 Act as an ex-officio non-voting member of the Economic Development Sub-Committee

## ARTICLE 6 - COMMITTEES

### 1.0 Introduction

- 1.1 The implementation of the Council's budget and policy framework, and the discharge of its regulatory functions, is undertaken by a number of Committees which have powers delegated from the full Council.
- 1.2 At each Annual General Meeting the Council will make appointments to Committees for the subsequent Council year as set out in the tables below. Changes to membership of committees are made by the Full Council unless it is necessary for in-year changes to be made in advance of the next scheduled meeting. In those circumstances, the changes will be approved by the Head of Democratic Services in consultation with the Group Leader who wishes a change to be made.
- 1.3 A summary of the functions of each Committee is shown in column 3 of the table and the detailed terms of reference and powers delegated to each Committee are more particularly set out in Part 4.1 of this constitution.
- 1.4 The Council also has Joint Committees established with other organisations. A list of these is set out in Article 10, with detailed terms of reference and delegated powers contained in Part 4.3 of this Constitution.

## 2.0 Service Committees and Policy and Resources Committee

Committee	Membership	Functions
Adult Social Care	17 Members of the Council	This Committee is responsible for those services under the remit of adult social care.
Children's Services	<ul style="list-style-type: none"> <li>- 17 Members of the Council</li> <li>- 1 Church of England Diocesan Board Representative (voting)</li> <li>- 1 Roman Catholic Diocese Representative (voting)</li> <li>- 2 Co-opted Parent Governor Representatives (non-voting)</li> <li>- 6 Co-opted, advisory members (non-voting) representing:-               <ul style="list-style-type: none"> <li>-The Schools Forum</li> <li>-Norfolk Governors Network</li> <li>-Special Needs Education</li> <li>-Primary Education</li> <li>-Secondary Education</li> <li>-Post-16 Education</li> </ul> </li> </ul>	This Committee is responsible for education, social care services and health services to children and young people and exercises the functions of the Council as Local Education Authority.
Communities	17 Members of the Council	<p>This Committee is responsible for community services including libraries, museums, adult education, community safety, communications and customer services. It is also responsible for public health and some public protection services including fire and rescue and trading standards.</p> <p>It is the Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.</p>

Committee		Functions
Environment, Development & Transport	17 Members of the Council	This Committee is responsible for development control, highways and transportation, environment and waste, emergency planning and economic development. It also undertakes scrutiny of flood risk plans as required by the Localism Act 2011.
Policy and Resources	<p>17 Members of the Council</p> <p>Chaired and Vice-Chaired by the Leader and Deputy Leader of the Council respectively</p> <p>The Policy and Resources Committee will not include the chairs and vice-chairs of the other service committees</p>	This Committee is responsible for co-ordinating processes for the development of the Budget and the Council's Business Plan. It also has responsibility for some corporate and regulatory functions and for the exercise of the Council's functions in respect of public health.
Environment, Development & Transport Economic Development Sub-Committee	9 Members of the Environment Development & Transport Committee	Promoting Economic Development and Regeneration and associated activities.



### 3.0 Regulatory Committees

Committee	Membership	Functions
Planning (Regulatory) Committee	17 Members of the Council  Substitutes to be drawn from a nominated panel of Members, appropriately trained.	This Committee exercises the Council's functions in relation to town and country planning and development control.
Planning (Regulatory) Urgent Business Sub Committee	5 named Members of the Planning (Regulatory) Committee	The Sub-Committee's functions are as for the main Committee, where an urgent decision is required.
General Purposes (Regulatory) Committee	5 Members of the Council  Substitutes to be drawn from a nominated panel of Members, appropriately trained.	This Sub-Committee exercises various regulatory functions and other issues of a quasi-judicial nature.
Employment Appeals Panel	3 Members - appointed for each hearing by the Head of HR, from a nominated Panel of 11 Members	This Panel hears disciplinary and other personnel hearings.

#### 4.0 Other Committees

Committee	Membership	Functions
Audit	7 Members of the Council	This Committee is responsible for financial governance and stewardship, risk management and audit.
Emergency	5 Members of the Council, to include the Leader of the Council	This Committee assumes the Council's responsibilities during the recovery phase of a major incident.
Health and Wellbeing Board	Representatives of external partner bodies plus 3 Members of the Council – these being:-  -The Leader -Chairman of Children's Services Committee -Chairman of Communities Committee	This Committee is responsible for lead and advising on work to improve the health and wellbeing of the people of Norfolk. In particular, it is responsible for preparing a Joint Strategic Needs Assessment and a Joint Health and Wellbeing Strategy.
Health Overview and Scrutiny	8 Members of the Council plus 1 co-opted Member of each of the district councils in Norfolk	This Committee is responsible for scrutinising National Health Service bodies in Norfolk.
Pensions	5 Members of the Council,  Its Members have Trustee status and no substitution is permitted  2 additional voting members appointed to represent the interests of District Councils and other authorities which are admitted to the Norfolk County Superannuation Fund	This Committee is the Administering Authority of the Local Government Pension Scheme.
Personnel	5 Members of the Council, to include the Leader of the Council.	This Committee is responsible for determining the terms and conditions on which employees hold office.

Committee	Membership	Function
Standards Committee	7 Members of the Council	This Committee is responsible for promoting and maintaining high standards of conduct by members and co-opted members of the Council.
Great Yarmouth Area	The Members with electoral divisions in the GY Borough Council area	This Committee is responsible for considering County Council issues within the GY Borough Council area. It has no decision-making powers but can make recommendations to the appropriate Committee of the Council.
Area Committee 2	The Members with electoral divisions in the Council area	This Committee is responsible for considering County Council issues within the Council area. It has no decision-making powers but can make recommendations to the appropriate Committee of the Council.

## 5.0 Political Balance on Committees

5.1 The Member representation on the Committees in 2.0 to 4.0 above is politically balanced in accordance with the requirements of the Local Government and Housing Act 1989 with the exception of:

Employment Appeals Panel  
Health and Wellbeing Board  
Great Yarmouth Area  
Area Committee 2

## 6.0 Establishment of Sub-Committees

6.1 Full Council is responsible for considering any proposal by a committee to establish a sub-committee. If Council agrees to the establishment of a sub-committee, it shall also determine its composition and terms of reference.

**ARTICLE 7 - COMMITTEE CHAIRS**  
**SELECTION, ROLE AND RESPONSIBILITIES**

**1.0 Selection of Chairs and Vice-Chairs**

**1.1 Chairman and Vice-Chairman of Policy and Resources Committee**

Article 5 (Leader of the Council – Role and Powers) and Part 3.1 (The Functions and Powers of the Full Council) of this Constitution provide that the person who is appointed Leader of the Council will also be appointed as the Chairman of the Policy and Resources Committee and that the person appointed Deputy Leader shall also be appointed as Vice-Chairman of the Policy and Resources Committee. The appointments are made at the Council's Annual General Meeting. The positions of Chair and Vice-Chair of the Policy and Resources Committee will be held by the Leader and Deputy Leader until the subsequent Annual General Meeting unless the post holder:-

- (a) resigns from the office of Leader/Deputy Leader; or
- (b) is no longer a member of the Council; or
- (c) is removed from the office of Leader/Deputy Leader by resolution of the Council

**1.2 Chairmen and Vice-Chairmen of Service Committees**

1.2.1 The Functions and Powers of the Full Council in Part 3.1 of this Constitution provide for the Full Council to appoint the chairmen and vice-chairmen of the following service committees:-

- Adult Social Care
- Children's Services
- Communities
- Environment, Development and Transport

1.2.2 The appointments in 1.2.1 above are made at the Council's Annual General Meeting and the positions will be held until the subsequent Annual General Meeting unless the post holder:-

- (a) resigns from the position; or
- (b) ceases to be a member of the Committee or Council; or
- (c) is removed from the office of Chairman/Vice-Chairman by resolution of the Council following a vote of no confidence in the post-holder by the Committee

1.2.3 In the event of a vacancy arising in the position of chairman or vice-chairman of a service committee, a replacement will be appointed by the Full Council at the earliest opportunity. If it is not possible for a replacement chairman to be appointed in time to chair a scheduled meeting of the committee concerned, the meeting will be chaired by the Vice-Chairman or if the Vice-Chairman is unavailable, by a member appointed by the committee as chairman for that meeting.

### 1.3 **Chairmen and Vice-Chairmen of Other Committees**

1.3.1 The chairmen and vice-chairmen of all other committees are appointed by the committees concerned, at their annual meetings, unless the terms of reference of the committee specify otherwise. The positions will be held until the subsequent Annual Meeting unless the post holder:-

- (a) resigns from the position; or
- (b) ceases to be a member of the Committee or Council;

1.3.2 In the event of a vacancy arising in the position of chairman or vice-chairman of a committee, a replacement will be appointed by the committee at the earliest opportunity.

## 2.0 **Role and Responsibilities of Committee Chairmen**

- 2.1 To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair;
- 2.2 To lead in the development of the work of the Committee which they chair, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues;
- 2.3 To lead in service delivery and policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair;
- 2.4 To be the Council's lead spokesperson in respect of the Committee's activities;
- 2.5 To establish effective working relationships with the Vice-Chairman, Leader of the Council, Group Spokespersons on the Committee and with other Committee Chairmen, as appropriate;
- 2.6 To establish effective joint working with the Managing Director, Chief Officers, and other key officers and to be consulted by the relevant Officer, where the Scheme of Delegated Powers to Officers requires such consultation before a decision is made by the Officer in accordance with the Scheme.
- 2.7 To represent and pursue the interests of the Committee which they chair in the community and at regional and national levels;

2.8 To ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council;

2.9 To promote and uphold:

- equalities throughout the County - particularly the Council's equalities policies;
- high standards of ethical conduct by the Council's Members and officers

## ARTICLE 8 - OFFICERS

### 1.0 Management Structure

- (a) **General.** The Council engages such officers as it considers necessary to carry out its functions including the following Statutory Officers:-

Head of Paid Service  
Chief Finance Officer  
Monitoring Officer  
Director of Children's Services  
Director of Adult Social Services (Functions undertaken by Director of Community Services)  
Chief Fire Officer  
Director of Public Health (DPH)

- (b) **Structure.** The number and responsibilities of Chief Officers are determined by the Council on the advice of the Head of Paid Service who is the Managing Director. The Managing Director is accountable to the Council on the manner in which the discharge of the Council's functions is co-ordinated. A description of the overall departmental structure of the Council showing the management structure and deployment of officers is set out in Part 6.1 of this Constitution.

- (c) **Managing Director and Chief Officers.** The most senior posts in the structure are designated as the Managing Director and Chief Officers. They are responsible for the day-to-day managerial and operational decisions within the Council and provide support to all Members in their several roles.

- (d) **General Role**

The general roles of the Managing Director and Chief Officers are:

- (i) to support and advise the Council and its Committees on policy and service delivery in order that Members' decisions are well informed
- (ii) to ensure that the policies and decisions of the Council are formulated and delivered effectively and efficiently
- (iii) to provide strong managerial leadership and direction, foster cross-departmental working and implement organisational improvement
- (iv) to set high standards and drive up the performance, effectiveness and reputation of the Council

(v) to work with outside bodies and access additional funds and resources in order to support the Council's programmes of work

(vi) to recruit, develop, motivate and inspire staff

(e) **Specific Roles**

The specific roles of the Managing Director and the individual Chief Officers are:

<b>Managing Director</b>	Head of Paid Service. Overall corporate management and operational responsibility. Provision of professional advice and support to members of the council. Representing the council on external and partnership bodies. Customer Services and Communications.
	Central and regulatory services:- Corporate Policy Development, Planning, Performance and Partnerships, Legal Services, Human Resources and Organisational Development, Democratic Services. Financial Planning and Investment. Budget Monitoring.
<b>Director of Children's Services</b>	Education of children and young people, including special needs. Social and Welfare Services for Children and vulnerable young people.
<b>Director of Environment, Transport and Development</b>	<p>Planning, Development Control, Transportation, Highways, Environment and Waste, Economic Development and Strategy. Planning Regulatory and Consumer Protection Services including Trading Standards. Emergency Planning.</p> <p>Strategic development of Information and Communications Technology.</p>
<b>Director of Community Services</b>	Statutory functions in respect of Adult Social Services. Social and Welfare services for Adults and provision of care for the Elderly. Adult Education, Libraries, Museums, Archives and Arts. Community Safety.



<b>Director of Public Health</b>	<p>Section 73A(1) of the NHS Act 2006 as amended by Section 30 of the Health and Social Care Act 2012 gives the DPH responsibility for:-</p> <ul style="list-style-type: none"> <li>• all of their local authority's duties to take steps to improve public health</li> <li>• any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under Section 6C of the 2006 Act, inserted by Section 18 of the 2012 Act</li> <li>• exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health</li> <li>• their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders</li> <li>• such other public health functions as the Secretary of State specifies in regulations</li> </ul>
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(f) **Chief Officers Group**

In addition to the individual responsibilities in Paragraph (e) above, the Managing Director and Chief Officers will form the Chief Officers Group which, acting together and corporately, will:-

- (i) advise on draft policies for consideration by Members;
- (ii) work closely with Members in developing policies;
- (iii) be the primary mechanism for collectively ensuring the delivery of the Council's corporate policies.

(g) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council has designated the following posts as shown:

Managing Director  
Head of Finance  
Head of Law

Head of Paid Service  
Chief Finance Officer  
Monitoring Officer

These posts will have the functions described in 2.2.to 2.4 below.

## **2.2 Functions of the Managing Director as Head of Paid Service**

As Head of Paid Service:-

- (1) The Managing Director has the following roles:
  - (a) overall corporate management and operational responsibility (including overall management responsibility for all staff)
  - (b) the provision of professional advice to all parties in the Council's decision making process
  - (c) together with the Head of Law, responsibility for a system for record keeping for all the local authority's decisions
  - (d) representing the Council on partnership and external bodies (as required by statute or the Council)
- (2) The Managing Director will report to the Council on:
  - (a) the manner in which the discharge by the authority of its functions is co-ordinated
  - (b) the number and grades of staff required by the authority for the discharge of its functions
  - (c) the organisation of the authority's staff
  - (d) the appointment and proper management of the authority' staff.

## **2.3 Functions of the Head of Law as Monitoring Officer**

2.3.1 As Monitoring Officer, the Head of Law will:

- (1) Maintain an up-to-date version of the Constitution and will ensure through the Head of Democratic Services that it is widely available for inspection by Members, officers and the public.
- (2) After consulting with the Managing Director and the Head of Finance report to the full Council, or its Committees, if he/she considers that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.

- (3) Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (4) Ensure that records of decisions are publicly available.
- (5) Advise whether decisions are in accordance with the Budget and Policy Framework.
- (6) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.
- (7) Establish and maintain the register of members' interests described in Part 8.8 of this Constitution and ensure it is kept up to date and made publicly available.

2.3.2 Part 6.5 of this Constitution is a protocol which explains the role and function of the Monitoring Officer and the arrangements agreed by the County Council for ensuring the role is effectively carried out.

#### **2.4 Functions of the Head of Finance as Chief Finance Officer**

As Chief Finance Officer the Head of Finance will:

- (1) After consulting with the Managing Director and the Head of Law, report to the full Council, or to its committees, and to the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- (2) Have responsibility for the administration of the financial affairs of the Council and be the Section 151 Officer.
- (3) Maintain an adequate and effective internal audit.
- (4) Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (5) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and will support and advise Members and officers in their respective roles.
- (6) Provide financial information about the Council to Members of the Council, the media, members of the public and the community.

**2.5 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will provide the Managing Director, Head of Law and Head of Finance with such officers, accommodation and other resources as are in the opinion of the relevant officer sufficient to allow their statutory duties to be performed.

**2.6 Conduct**

Officers will comply with the Protocol on Member/Officer Relations set out in Part 8.3 of this Constitution

**2.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 6.4 of this Constitution.

## ARTICLE 9 – THE PUBLIC AND THE COUNCIL

### 1.0 Public rights

Members of the public have the rights set out below.

- i. **Voting.** People on the electoral roll within Norfolk have the right to vote in any European, national or local elections
- ii. **Information.** Representatives of the media and members of the public have the right to:
  - (a) attend meetings of the Council and Council committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private
  - (b) see agendas for meetings, reports by officers and background papers except where they contain confidential or exempt information
  - (c) see a record of decisions made by the Council and its Committees
  - (d) inspect the Council's accounts and make representations to the external auditor.

The public's rights to information are explained in more detail in the Access to Information Rules in Part 7.4 of this constitution

- iii. **Participation.** The rights of the public to speak and ask questions in committee meetings are explained in more detail in the Procedure Rules in Part 4.5 of this Constitution.
- iv. **Complaints.** Members of the public have the right to complain to:
  - (a) the Council under its complaints scheme
  - (b) the Local Government Ombudsman after using the Council's own complaints scheme
  - (c) the Monitoring Officer about a breach of the Members' Code of Conduct.

### 2.0 Responsibilities of the Public

Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm property owned by the Council, councillors or officers. Anyone causing a disturbance in a meeting will be removed from that meeting. They should also comply with the law and the Council's procedures, in dealing with the Council.

## **ARTICLE 10 - JOINT ARRANGEMENTS**

### **1.0 Arrangements to promote well being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body.

### **2.0 Joint Arrangements**

The County Council has made joint arrangements with one or more other local authorities under Section 101(5) of the Local Government Act 1972 for the exercise of certain of its functions.

### **3.0 Joint Committees**

The County Council appoints with those other authorities Joint Committees to exercise these functions. The Council will appoint or make appointments to the Committees as set out in the Table below. An indication of the functions of each Committee is shown in column 3 of the table. The detailed terms of reference and powers delegated to each Joint Committee are set out in Part 4.4 of this Constitution.

### **4.0 Delegation to and from other local authorities**

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another Local authority shall be reserved to the full Council.

### **5.0 Joint arrangements with other public bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

## 6.0 Table of Joint Committees

Committee	Membership	Functions
Eastern Inshore Fisheries Conservation Authority	3 Members of the Council	This Committee is responsible for ensuring the protection of the marine inshore environment around the coasts of Norfolk, Suffolk and Lincolnshire.
Eastern Shires Purchasing Organisation (ESPO)	2 Members of the Council	ESPO seeks to improve the purchasing performance of its constituent local authorities.
Norfolk Joint Museums Committee	9 Members of the Council	This Committee exercises the functions of the participating local authorities under the Public Libraries and Museums Act 1964 with regard to the provision and maintenance of museums and art galleries in their areas.
Norfolk Parking Partnership Joint Committee	1 Member of the Council  To be chaired by the County Council representative	This Committee exercises the functions as laid down in the legal agreement for the Joint Provision of Civil Parking Enforcement Services.
Norfolk Police and Crime Panel	3 Members of the Council	This Panel is responsible for scrutinising the activities of the Norfolk Police and Crime Commissioner.
Norfolk Records Committee	3 Members of the Council	This Committee is responsible for the functions of the participating local authorities under the Local government (Records) Act 1962.

Committee	Membership	Function
Norwich Highways Agency Joint Committee	<p>2 Members of the Council with voting rights plus 3 Members without voting rights.</p> <p>Chaired by 1 of the County Council's voting representatives.</p>	This Committee exercises a range of highways and transportation and associated functions of the County Council.
Parking and Traffic Regulation Outside London – Joint Committee	1 Member of the Council	This Committee provides an adjudication service for parking authorities who have obtained Orders for the Secretary of State which decriminalise parking enforcement arrangements within their area.



## ARTICLE 11 – PRINCIPLES OF DECISION MAKING

### 1.0 Responsibility for decision making

The Council will issue and keep up to date a record of who is responsible for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3.1, 4.1 and 6.2 of this constitution (The Full Council, Committees and Officers).

### 2.0 Principles of decision making

The following principles will underpin the way the Council makes its decisions:-

- (1) Actions will be in proportion with what the Council wishes to achieve.
- (2) Appropriate consultation will be carried out and decisions will take account of its results and any professional advice given by Officers.
- (3) Decisions will reflect the spirit and requirements of Human Rights legislation.
- (4) A presumption that all decisions made by the Council and its Committees should be made in public with only those issues that need to be exempt by virtue of the Access to Information Rules to be taken in private.
- (5) Decisions will be clear about what they aim to achieve and the results that can be expected.

### 3.0 Types of decision

#### (1) Decision making by the Full Council

Decisions reserved to Full Council relating to the functions listed in Part 3.1 of this Constitution will be made by the Full Council and not delegated. The Council meeting will follow the Council Procedure Rules set out in Part 3.2 of this Constitution when considering any matter.

#### (2) Decision making by Committees established by the Council

Committees have decision making powers in respect of the functions that fall within their terms of reference as set out in Part 4.1 of this Constitution. Committee meetings will follow the Committee Procedure Rules set out in Part 4.2 of this Constitution.

#### (3) Decision making by Officers

Officers will exercise their delegated powers in accordance with the principles set out in the Scheme of Delegated Powers to Officers.

(4) Decision making by Council bodies acting as tribunals or in partnership with other bodies

The Council, a Committee or a councillor or an officer acting as a tribunal (e.g. the Employment Appeals Panel) or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the Human Rights Act 1998.

(5) Decision making by individual Members

In a committee system of governance, decisions cannot be made by individual Members of the Council.

(6) Urgent Decisions

When a decision which is the responsibility of the Full Council or one of its committees is required as a matter of urgency and it is considered not possible to await the next meeting of the Council or committee, the Managing Director or the appropriate Chief Officer will consult the chairman and vice-chairman of the appropriate committee and take the decision in accordance with the Procedure for Taking Urgent Decisions set out in Part 7.1 of this Constitution

#### 4.0 **Forward Programme of Decisions**

A forward programme setting out details of forthcoming decisions to be taken by the Full Council and its Service Committees will be published on the Council's website each month

#### 5.0 **Referral of Service Committee Business for Decision by Full Council**

5.1 Once a decision has been taken by a Service Committee, the decision cannot be called-in for review nor overturned by another decision-making body within the Council. The only circumstance when a committee decision can be challenged is on the grounds that the decision has been taken contrary to the Council's Principles of Decision Making as set out in Article 11 of this Constitution, or has in some other way breached the Council's Constitution. If such a challenge is made, the Monitoring Officer, in liaison with the Managing Director and after having carried out appropriate consultation, will determine whether the challenge is upheld and if so, what action should be taken.

5.2 The following safeguards are in place to enable a decision which would ordinarily be made by a service committee, to be made instead by the Full Council:-

- The service committee decides to refer the decision for Full Council; or
- The Leader of the Council and the Managing Director determine the issue to be of such significance that it should be made by Full Council.
- The decision commits the County Council to spending over £100m

5.3 Full details of the process for referring service committee business for decision by Full Council are set out in Part 7.2 of this Constitution.

## **ARTICLE 12 - FINANCE, CONTRACTS AND LEGAL MATTERS**

### **1.0 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 7.8 of this Constitution.

### **2.0 Contracts**

2.1 Every contract made by the Council will comply with the Contract Standing Orders set out in Part 7.9 of this Constitution.

2.2 In addition, the Head of Finance and Head of Law are each authorised to certify contracts under the Local Government (Contracts) Act 1997 and to nominate deputies for this purpose.

### **3.0 Legal Proceedings**

3.1 The Head of Law is authorised to institute, defend or participate in and settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Law considers that such action is necessary to protect or pursue the Council's interests. In the case of proceedings of special significance, the Head of Law is expected to consult with the Managing Director although failure to do so will not invalidate the action taken.

3.2 In addition, Chief Officers and the Assistant Director - Public Protection are authorised to institute criminal proceedings in respect of matters falling within their areas of responsibility.

3.3 Other powers to institute legal proceedings are set out in the Scheme of Delegated Powers to Chief Officers in Part 6.2 of this Constitution.

### **4.0 Authentication of documents**

4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Law or other person authorised by him/her, unless (a) any enactment otherwise authorises or requires, or (b) the Council has given requisite authority to some other person or (c) the document relates to criminal proceedings instituted by a Chief Officer or the Head of Trading Standards in which case that officer has this authority.

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

## 5.0 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Law. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Law should be sealed. The affixing of the Common Seal will be attested by the Head of Law or some other person authorised by him/her.

## **ARTICLE 13 – REVIEW AND REVISION OF THE CONSTITUTION**

### **1.0 Duty to monitor and review the Constitution**

1.1 The Council from time to time will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for the way in which it could be amended in order to better reflect the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:-

- Observe meetings of different parts of the member and officer structure;
- Undertake an audit trail of a sample of decisions;
- Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- Compare practices in this Council with those in other comparable authorities, or national examples of best practice.

### **2.0 Changes to the Constitution**

2.1 Changes to the Constitution must be approved by Full Council only after consideration of the proposal by an Advisory Group appointed for that purpose by the Policy and Resources Committee. The Advisory Group will have the terms of reference set out below. Changes to factual references, changes required by a change in the law and consequential changes will be made by the Monitoring Officer. Changes to reflect revised arrangements for the distribution of responsibilities and the delegation of powers to officers in accordance with decisions taken by the person(s) or body with authority to take such action, will be made by the Monitoring Officer.

### **3.0 Terms of Reference of the Constitution Advisory Group**

1. To monitor and review the content and operation of the Constitution at least annually and at the request of the Council, Policy and Resources Committee or the Monitoring Officer, to ensure it remains fit for purpose as set out in Article 1 of this Constitution.
2. To receive an annual report from the Monitoring Officer, making recommendations for the way in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.
3. To make recommendations to the Policy and Resources Committee on any changes that might be required to the Constitution.

## **ARTICLE 14 – SUSPENSION AND PUBLICATION OF THE CONSTITUTION**

### **1.0 Suspension of the Constitution**

1.1 The Articles in Part 2 of this Constitution may not be suspended.

1.2 The rules of the Council set out in the Parts 3 to 9 of this Constitution may be suspended:-

(a) in accordance with any procedures set out in those rules; or

(b) by resolution of the Council to the extent permitted by the law.

### **2.0 Publication**

The Monitoring Officer will:

- (1) Ensure that the Constitution is brought to the attention of each Member upon delivery to him/her of that individual's declaration of acceptance of office on first being elected to the Council.
- (2) Ensure that copies of the Constitution are available for inspection at County Hall and can be purchased by members of the media and the public on payment of a reasonable fee, as determined by the Monitoring Officer.
- (3) Ensure that the Constitution is kept up to date and available on the Council's website

## PART 3.1

### FUNCTIONS AND POWERS OF THE FULL COUNCIL

#### 1.0 Functions of the Full Council

The following functions may only be exercised by the Full Council:

(a) Constitution

- (i) Adopting the Constitution.
- (ii) Amending the Constitution, save that Article 13 of the Constitution provides for certain sections of the constitution to be amended by the Monitoring Officer.

(b) Policy Framework and Budget

Approving or adopting the Policy Framework\*, the Budget\* providing that the Council may, at the time of adopting the policy framework, the budget etc., authorise a Committee or an officer to amend, modify or vary (but not revoke) the same to the extent that this is permitted under the relevant regulations.

(\*see 'Meanings' below)

(c) High Spending Decisions

Approving any decisions that commit the County Council to spending over £100m.

(d) Establishing Committees and Sub-Committees

Agreeing and/or amending the terms of reference of Committees discharging Council functions, deciding on their composition and making appointments to them. Where the allocation of seats on a Committee has been agreed by the Council, the Head of Democratic Services shall have delegated authority to make changes to Committee memberships in accordance with the wishes of the relevant political group leader.

Full Council is also responsible for considering any proposal by a committee to establish a sub-committee. If Council agrees to the establishment of a sub-committee, it shall also determine its composition and terms of reference.

(e) Appointment of Chairmen and Vice-Chairmen of Committees

Appointing the chairmen and vice-chairmen of the following committees:-

- Adult Social Care Committee
- Children's Services Committee
- Communities Committee
- Environment, Development and Transport Committee



Full Council also has the power to remove a person from the office of Chairman or Vice-Chairman of these committees. This can only be exercised by resolution of the Council, following a vote of no confidence in the postholder by the relevant committee.

(f) Appointment of Leader and Deputy Leader

Appointing the Leader and Deputy Leader of the Council, who will as a consequence of those appointments, also be the Chairman and Vice-Chairman respectively of the Policy and Resources Committee. The person appointed Leader will be invited to make the first nomination for Deputy Leader.

Full Council also has the power to remove from office the Leader and Deputy Leader of the Council. This power can only be exercised by resolution of the Council.

(g) Appointment of Head of Paid Service

Confirming the appointment of the Managing Director, who shall also be the Head of Paid Service.

(h) Appointment of Returning Officer

Appointing a Returning Officer for Norfolk County Council elections.

(i) Appointments to Outside Bodies and Internal Non-Decision Making Bodies

Appointing representatives to any office, outside body or partnership, or internal non-decision making bodies, unless the power to do so has been delegated to a committee or an officer.

(j) Members' Allowances

Adopting and amending from time to time the scheme for Members' Allowances, having regard to the recommendations of an Independent remuneration Panel

(k) Code of Conduct

Adopting a Members' Code of Conduct in order to maintain high ethical standards in accordance with the requirements of the Localism Act 2011.

(l) Name of the Area

Changing the name of the Area.

(m) Byelaws and Local Legislation

Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.

(n) Deregulation

Authorising persons to exercise the Council's functions under section 70 of the Deregulation and Contracting Out Act 1994 and revoking these authorisations.

(o) Joint Committees

- Agreeing to the establishment of a joint committee with other local planning authorities for the purposes of preparing local development documents.
- Agreeing to confer additional functions on such a joint committee.
- Requesting the Secretary of State to dissolve such a joint committee.

(p) Development Documents

Adopting, revising, revoking and withdrawing local development documents.

(q) Sea Fisheries

Functions relating to Sea Fisheries

(r) General

All other matters which by law must be reserved to Full Council.

## 1.2 Meanings

i. The Policy Framework comprises:

(a) The Plans and Policies that that must by law be reserved to the Full Council.

- Annual Library Plan
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans and Alterations which comprise the Development Plan
- Norfolk Ambition (The Sustainable Community Strategy)
- Youth Justice Plan

and

(b) Those Local Plans and Policies the Council has decided to include

- Academy Strategy;
- Adoption Service Statement of Purpose and Function;
- Annual Investment and Treasury Management Strategy;
- Annual Statement of Purpose of the Council's Residential Children's Homes;
- Carbon Management Programme Strategy and Implementation Plan;
- Children and Young People's Plan;
- Climate Change Strategy;
- Commissioning Framework;
- County Council Organisational Framework;
- County Council Plan;
- County Farms Policy;
- Cultural Strategy;
- Customer Services Strategy;
- Equality Strategy;
- Fire and Rescue Authority Integrated Risk Management Plan;
- Fostering Service Statement of Purpose and Function;
- Health Improvement Strategy;
- ICT Strategy;
- Member Learning and Development Policy;
- Minerals and Waste Development Framework, comprising the following Development Plan documents:-
  - Core Strategy and Minerals and Waste Development Management Policies
  - Waste Site Allocations
  - Minerals Site Allocation
- Municipal Waste Strategy;
- Norfolk Coast Areas of Outstanding Natural Beauty Management Plan;
- Risk Management Strategy;
- Scrutiny Policy;
- Special Educational Needs Strategy;
- Strategic Model of Care;
- Trading Standards Service Plan (including the Food Law Enforcement Plan);
- Transport Asset Management Plan;

The Policy Framework to be reviewed annually by the Policy and Resources Committee to ensure the list of items remains appropriate.

ii. The Budget:

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

2.0 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting
- (b) ordinary meetings
- (c) extraordinary meetings

and they will be called and conducted in accordance with the Council Procedure Rules set out in Part 3.2 of this Constitution

3.0 Responsibility for Other Functions

The Council discharges other functions through committees and officers. Parts 4.1 and 6.2 of this Constitution set out the committees and officers who discharge those functions.

**PART 3.2**  
**COUNCIL PROCEDURE RULES**

1. Annual general meeting of the Council
2. Ordinary meetings of the Council
3. Extraordinary meetings
4. Time, place and duration of meetings
5. Notice of and summons to meetings
6. Chairman of meeting
7. Quorum
8. Questions by members
9. Motions on notice
10. Motions without notice
11. Rules of debate
12. Previous decisions and motions
13. Voting
14. Minutes
15. Record of attendance
16. Exclusion of public
17. Members' conduct
18. Disturbance by public
19. Suspension and amendment of Council Procedure Rules
20. Interpretation of Rules of Procedures

## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will, in the following order:

- (i) elect a person to preside if the outgoing chairman of Council is not present;
- (ii) elect a chairman of Council;
- (iii) approve the minutes of the last meeting;
- (iv) elect a vice chairman of Council;
- (v) receive any announcements from the chairman;
- (vi) receive any declarations of interest from members;
- (vii) elect a Leader of the Council;
- (viii) elect a Deputy Leader of the Council;
- (ix) appoint such committees as the Council considers appropriate to deal with matters which are not reserved to the Full Council and determine their size, terms of reference and membership;
- (x) appoint the chairmen and vice-chairmen of the Council's service committees (Adult Social Care, Children's Services, Communities, Environment, Development & Transport));
- (xi) make appointments to outside bodies except to the extent that this has been delegated by the Council;
- (xii) deal with any business which is required by law to be done;
- (xiii) consider any business set out in the notice convening the meeting;
- (xiv) consider motions under Rule 9 of these Rules;
- (xv) answer questions under Rule 8.3 of these Rules.

1.2 Business falling under Rule 1.1 (i), (ii) and (iii) cannot be displaced, but subject to this, the order of business may be varied under the following circumstances:

- (a) at the discretion of the chairman

- (b) by resolution passed on a motion (which need not be in writing) duly moved and seconded, which will be moved and put without discussion.

## **2. ORDINARY MEETINGS OF THE COUNCIL**

2.1 Ordinary meetings of the Council will, in the following order:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any announcements from the Chairman;
- (iv) receive any declarations of interest from members;
- (v) deal with any business (if any) remaining from the last Council meeting;
- (vi) deal with Member questions to the Leader of the Council (maximum of 15 minutes to be allowed for this item);
- (vii) consider motions under Rule 9 of these Rules;
- (viii) receive reports and recommendations from committees and deal with Member questions to committee chairmen;
- (ix) receive reports and recommendations from the Norfolk Health Overview and Scrutiny Committee and on intentions to make referrals to the Secretary of State;
- (x) receive reports about the business of joint committees;
- (xi) answer questions under Rule 8.3 of these Rules;
- (xii) consider any other business specified in the summons to the meeting;

2.2 Business falling under items (i) and (ii) cannot be displaced, but subject to this, the order of business may be varied under the following circumstances:

- (a) by the Chairman at his/her discretion
- (b) by resolution passed on a motion (which need not be in writing) duly moved and seconded, which will be moved and put without discussion.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling extraordinary meetings.**

Those listed below may request the Managing Director to call additional Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the monitoring officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the chairman of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **3.2 Business**

The business conducted at extraordinary meetings will be restricted to the business specified in the summons to the meeting.

## **4. TIME AND PLACE AND DURATION OF MEETINGS**

- (i) Meetings of the Council will normally take place in the Council Chamber at County Hall in Norwich, commencing at 10.00 a.m. The Managing Director may vary the time and place of the meeting if he/she considers it necessary after consultation with the Leaders of the political groups.
- (ii) A meeting will be held in February each year to determine the Council's budget. The business to be considered at the budget meeting in February shall be limited to the budget and its associated items, subject to the Chairman having discretion to accept additional items other than those relating to the budget, but only in exceptional or urgent circumstances.
- (iii) Meetings of the Council will not extend beyond 3 hours unless this is extended in accordance with Rule 10 (1) (O).

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting of the full Council, the Managing Director will send a summons signed by him or her by first-class post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted.

## **6. CHAIRMAN OF MEETING**

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

## **7. QUORUM**

The quorum of a meeting of the Council will be 21 members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.



## **8. QUESTIONS BY MEMBERS**

### **8.1 Questions without notice**

A member of the Council may at a full Council meeting ask the chairman of a committee any question without notice concerning an item within the report of the committee, when that item is under consideration by the Council. A maximum overall period of 25 minutes shall be allowed for questions to the chairmen of the Policy and Resources and service committees, with a maximum of 5 minutes for questions to an individual chairman, both periods to be extendable at the discretion of the Chairman. Questions to the chairmen of the Policy and Resources and service committees can relate to anything within the remit of the committee and are not limited to items within the committee reports.

### **8.2 Questions to the Leader of the Council**

At each Council meeting, there shall be a 15 minute Leader's Question Time session during which Members may ask questions that do not relate to items covered in the reports from the Policy and Resources Committee. Questions shall not require prior notice.

### **8.3 Questions on notice**

A member of the Council may ask:

- the Chairman;
- the Leader;
- the chairman of any committee

a question on any matter in relation to which the Council has powers or duties or which affects Norfolk.

### **8.4 Notice of questions**

A member may only ask a question under Rule 8.3 if they have given at least 4 working days notice of the question in writing to the Head of Democratic Services. However, if a question relates to urgent matters and a member has obtained the consent of the Chairman of the Council, then the question may be asked provided that the content of the question is given to the Head of Democratic Services by 9.30 a.m. on the day of the meeting.

### **8.5 Response**

Where the reply cannot conveniently be given orally, a written answer will be sent to the questioner within 7 days of the meeting and a copy appended to the minutes.

8.6 If the member who has given written notice of the question is not present when the question is to be put, that question may, with the consent of the Chairman, be asked by any other member present.

## 9. MOTIONS ON NOTICE

### 9.1 Notice

Except for motions which can be moved without notice under Rule 10, notice of every motion must be given in writing, signed by the member or members of the Council giving the notice, and delivered to the Head of Democratic Services not later than 7 working days before the date of the meeting. These will be entered in a book open to public inspection.

### 9.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

9.3 If a motion listed on the agenda is not moved either by the member who gave notice or by another member on his/her behalf, it will, unless postponed by the Council, be treated as withdrawn and should not be moved without fresh notice.

### 9.4 Scope

Motions must be clear and concise and be about matters for which the Council has a responsibility and which affect Norfolk and are not matters concerning functions which the Council has delegated to a Committee.

## 10. MOTIONS WITHOUT NOTICE

- (1) The following motions may be moved without notice:-
- (a) to appoint a chairman of the meeting at which the motion is moved if the Chairman or Vice-Chairman is not present;
  - (b) in relation to the accuracy of the minutes;
  - (c) to change the order of business in the agenda;
  - (d) to refer something to an appropriate body or individual;
  - (e) to appoint a committee or member arising from an item on the summons for the meeting where such appointment is required;
  - (f) to receive and adopt reports and recommendations of committees or officers and any resolutions following from them;
  - (g) to withdraw a motion;
  - (h) to amend a motion;
  - (i) to proceed to the next business;

- (j) that the question be now put;
  - (k) to extend the time limit for speeches;
  - (l) to adjourn a debate;
  - (m) to adjourn a meeting;
  - (n) that the meeting continue beyond 3 hours in duration;
  - (o) to suspend a particular council procedure rule;
  - (p) to exclude the public and press in accordance with the Access to Information Rules;
  - (q) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
  - (r) to give the consent of the Council where its consent is required by this Constitution;
- (2) A motion by the Chairman under paragraph (1)(p) of this Rule will take precedence over any other motion and will without the need of a seconder be put forthwith without discussion or question. Provided that after the withdrawal of the public pursuant to any such motion a member may notwithstanding any other provision of these Rules, move that the public be re-admitted and upon that motion being seconded it may be discussed and voted upon.

## 11. **RULES OF DEBATE**

### 11.1 **No debate or vote until motion seconded**

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

### 11.2 **Right to require motion in writing**

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

### 11.3 **Seconder's speech**

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

#### 11.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman, except at the budget meeting in February when the Leader of the Council and the leaders of the opposition groups will be entitled to speak for an additional specified time, as agreed in advance by the Chairman.

#### 11.5 **When a member may speak again**

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

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

#### 11.6 **Amendments to motions**

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

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is moved, the Chairman will ask the proposer of the original motion if he/she is willing to alter his/her motion in accordance with the amendment. If he/she accepts, the amendment becomes the substantive motion and is debated. If the proposer of the original motion is unwilling to alter his/her motion, the Chairman will ask if there is a seconder for the amendment. If there is a seconder, the amendment will then be debated and voted upon.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 11.7 **Alteration of motion**

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

#### 11.8 **Withdrawal of motion**

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

#### 11.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

### 11.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) that the meeting continue beyond 3 hours in duration;
- (i) to exclude the public and press in accordance with the Access to Information Rules; and
- (j) to not hear further a member named under Rule 17.3 or to exclude him/her from the meeting under Rule 17.4;
- (k) that the procedural rules be suspended;

### 11.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that consideration of the motion be postponed;
  - (ii) to proceed to the next business;
  - (iii) that the question be now put;
  - (iv) to adjourn a debate; or
  - (v) to adjourn a meeting;
- (b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting or to postpone consideration of the motion is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- (e) provided that a second motion to the same effect under this section will not be moved in reference to the same motion or amendment within a period of 20 minutes unless it is moved by the Chairman.

#### **11.12 Point of order**

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

#### **11.13 Personal explanation**

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

### **12. PREVIOUS DECISIONS AND MOTIONS**

#### **12.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past seven months cannot be moved unless the notice of motion is signed by at least 21 members.

#### **12.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past seven months cannot be moved unless the notice of motion or amendment is signed by at least 21 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for seven months.

## 13. VOTING

### 13.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the Council Chamber at the time the vote is taken.

### 13.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

### 13.3 Form of Voting

Voting will be by show of hands. If in the opinion of the Chairman the result is uncertain he/she will call upon the Council to determine the question by recorded vote, in which case the names for and against the motion or amendment will be taken down in writing and entered in the minutes. Any member may demand a recorded vote and if one quarter of those members present when the roll is called signify their support by rising in their places, such a vote will be taken.

### 13.4 Right to require individual vote to be recorded

Where any member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### 13.5 Voting on appointments

- (i) If there is only one nomination for a single position to be filled, the person nominated will fill the position only if a greater number of members vote for the nominee than against. The Chairman may at his/her discretion call for a vote:-
  - (a) by each member when called upon announcing whether they are for or against the appointment of the nominee;
- (ii) If there are two or more people nominated for a single position to be filled, the person having the greatest number of votes will fill the position. The Chairman may at his/her discretion call for a vote:-
  - (a) by each member when called upon announcing the name of the person for whom he/she votes; or



- (iii) Where more than one position or vacancy is involved, voting papers will be distributed and a vote will be taken –
  - (a) By each voter writing on his/her voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration;
  - (b) the names of such persons having the greatest number of votes in descending order as are required to fill the positions or vacancies under consideration will thereupon be declared by the Chairman to be the names of the persons appointed to fill the said positions or vacancies.

provided that in the event of there being an equality of votes for the only position or vacancy or the last position or vacancy the vote will be taken again between such persons having equal votes. Where the number of persons nominated does not exceed the number of positions or vacancies by more than one, the appointment may be determined on a motion.

N.B. Generally, appointments made by the Council will be on the basis of Group nominations.

## 14. MINUTES

### 14.1 Signing the minutes

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

### 14.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under the paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## 15. RECORD OF ATTENDANCE

- (1) Every member attending a meeting of the Council will, with a view to securing the recording of his/her attendance at a meeting of the Council, answer the roll call at the opening of the proceedings;
- (2) If any member arrives after the roll has been called he/she must intimate his/her presence to the Head of Democratic Services.

- (3) If any member intends to leave a meeting and not to return, he/she shall inform the Chairman accordingly and it will be recorded in the minutes.

## **16. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 7.4 of the Constitution or Rule 18 of these Procedure Rules.

## **17. MEMBERS' CONDUCT**

### **17.1 Speaking**

When a member speaks at full Council they must address the meeting through the Chairman, but may choose to either stand or remain seated.

### **17.2 Chairman standing**

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

### **17.3 Member not to be heard further**

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

### **17.4 Member to leave the meeting**

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

### **17.5 General disturbance**

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

## **18. DISTURBANCE BY PUBLIC**

### **18.1 Removal of member of the public**

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

## **18.2 Clearance of part of meeting room**

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

## **19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **Suspension**

- (i) All of these Rules except Rule 13.4 and 14.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting. A motion to suspend the Rules must specify the Rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will seconded in formal terms only and will be put to the Council without debate.
- (ii) Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, except where it is moved as part of the report of the Cabinet.

## **20. INTERPRETATION OF RULES OF PROCEDURE**

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

## **PART 4.1**

### **COMPOSITION AND TERMS OF REFERENCE OF COMMITTEES**

Full Council is responsible for the exercise of all the functions that are the responsibility of the local authority. However, in order to operate more effectively as an organisation, Full Council delegates many of its decision making powers to Committees, and other local authorities and officers.

Article 6 lists the Service Committees, Policy and Resources Committee, Regulatory Committees and Other Committees established by the Council together with details of their membership and functions.

This Part of the Constitution deals with the allocation of responsibility for undertaking those functions of the Council that are not reserved to the Full Council itself. In some cases the law requires the Council to establish a committee and dictates the way it operates. However, in most cases Full Council decides on the size, terms of reference and membership of its committees.

This part describes the Committees that the Council has established and includes details of their membership and delegated authority for decision making.

#### **1. POLICY AND RESOURCES COMMITTEE**

##### **1.1 POLICY AND RESOURCES COMMITTEE**

###### **Composition:**

17 Members of the Council not including the Chairmen of the other service committees and subject to proportionality. The Leader of the Council shall be the Chairman and the Deputy Leader of the Council shall be Vice Chairman.

###### **Terms of Reference**

The Policy and Resources Committee has two main areas of responsibility. It leads the process for developing the County Council Plan and the Medium Term Financial Plan and so fulfils a co-ordinating role across all other service committees. It provides a 'whole-council' view of performance, budget monitoring and risk. In addition the Committee has responsibility for developing and monitoring the specific enabling corporate services including, ICT, finance and risk management, property and asset management, human resources and organisational development, legal and governance, communications and public affairs and business continuity.

The Full Council delegates the following decision making responsibilities to the Policy and Resources Committee:

1. All decisions in relation to the above functions within the control of the Council, other than decisions reserved to Full Council.
2. Development of policy in relation to the above functions.
3. Review of performance and budget in relation to the above functions.

4. Review and monitoring of corporate performance and budget.
5. Development of the County Council plan and the Medium Term Financial Plan.
6. Appointments to external and internal bodies.

## **2. SERVICE COMMITTEES**

### **2.1 ADULT SOCIAL CARE COMMITTEE**

#### **Composition:**

17 Members of the Council, and subject to proportionality. The Chairman and Vice Chairman shall be appointed by the full Council

#### **Terms of Reference**

The Adult Social Care Committee is responsible for the commissioning and quality standards of adult social care services for people in Norfolk. It incorporates all those services, from protection to residential care, that help people live fulfilling lives and stay as independent as possible. It oversees the protection of vulnerable adults.

Its specific functions are:

Adult social care  
Support for carers  
Protection for vulnerable adults  
Supporting people  
Drug and Alcohol Commissioning

The full Council delegates the following decision making responsibilities to the Adult Social Care Committee:

1. All decisions in relation to the above functions within the control of the Council, other than decisions reserved to full Council.
2. Development of policy in relation to the above function.
3. Review of performance and budget in relation to the above functions.
4. Appointments to external and internal bodies.

### **2.2 CHILDREN'S SERVICES COMMITTEE**

#### **Composition:**

17 Members of the Council and subject to proportionality. In addition, 1 voting representative of the Church of England Diocesan Board and 1 voting representative of the Roman Catholic Diocesan Board. The Chairman and Vice Chairman shall be appointed by the Full Council.

2 Co-opted Parent Governor Representatives (non-voting)

6 Co-opted advisory members (non-voting) representing:-

- The Schools Forum
- Norfolk Governors Network
- Special Education Needs Education
- Primary Education
- Secondary Education
- Post 16 Education

### **Terms of Reference**

The Children's Services Committee is responsible for services which help keep children and young people safe and fulfil their potential. It incorporates schools and attainment, and social care for children and families. It has a particular focus on those children who are in care, and for whom the Council has corporate parenting responsibility.

Its specific functions are:

Early years and child care  
School improvement  
Additional educational needs  
Child protection  
Children and young people in care  
Fostering and Adoption  
Youth offending

The Full Council delegates the following decision making responsibilities to the Committee:

1. All decisions in relation to the above functions within the control of the Council, other than those reserved to Full Council.
2. Development of policy in relation to the above functions.
3. Review of performance and budget in relation to the above functions.
4. Appointments to external and internal bodies.

## **2.3 ENVIRONMENT, DEVELOPMENT AND TRANSPORT COMMITTEE**

### **Composition:**

17 Members of the Council and subject to proportionality. The Chairman and Vice Chairman shall be appointed by the Full Council.

### **Terms of Reference**

This Committee has responsibility for protecting and enhancing the environment. It also incorporates travel and transport services to help keep the county moving, and to maintain and develop the highway network.

Its specific functions are:

- Climate Change, mitigation and adaptation
- Flood and Water Management (including statutory scrutiny of flood risk management)
- Ecology and Arboriculture
- Countryside Access
- Archaeology, Heritage and Landscape
- Waste Management and Recycling
- Transport Strategy/Highways Network/Passenger Transport
- Planning and Development Strategy and Management

The Full Council delegates the following decision making responsibilities to the Committee:

1. All decisions in relation to the above functions within the control of the Council, other than those reserved to Full Council.
2. Development of policy in relation to the above functions.
3. Review of performance and budget in relation to the above functions.
4. Appointments to external and internal bodies.

## **2.4 COMMUNITIES COMMITTEE**

### **Composition:**

17 Members of the Council and subject to proportionality. The Chairman and Vice Chairman shall be appointed by the Full Council.

### **Terms of Reference**

This Committee has responsibility for those services which are mainly based in communities and serve all of Norfolk's population. It also includes those services which help build resilience in our communities and keep people safe. It incorporates how we engage with the public and how we make our services as customer focused as possible.

Its specific functions are:

Libraries, museums, archives, arts and events  
 Norfolk Records service  
 Adult education  
 Trading standards  
 Public Health  
 Fire and rescue  
 Emergency planning and community resilience  
 Customer Services  
 Community relations and engagement

The Full Council delegates the following decision making responsibilities to the Committee:

1. All decisions in relation to the above functions within the control of the Council, other than those reserved to Full Council.
2. Development of policy in relation to the above functions.
3. Review of performance and budget in relation to the above functions.
4. Appointments to external and internal bodies.

## **SUB COMMITTEES**

### **2.5 ECONOMIC DEVELOPMENT SUB-COMMITTEE**

#### **Composition:**

9 Members of Environment, Development and Transport Committee, subject to proportionality. The Leader of the Council shall be an ex officio non-voting member of the Sub Committee.

#### **Terms of Reference**

The Economic Development Sub-Committee is responsible for promoting economic development and regeneration and associated activities. It incorporates focus on four broad areas: infrastructure, enterprise, skills and securing/managing external funds. It also has responsibility for the oversight and development of County Farms, a recognition of their importance in the rural economy.

Its specific functions are:

- Promoting economic growth and enterprise
- Removing barriers to growth
- Inward investment
- Supporting the Council's role on the Local Enterprise Partnership (NALEP)
- Unemployment issues
- Oversight of Norfolk Infrastructure Fund and Norfolk Development Company
- Promoting the rural economy
- Oversight and development of County Farms

The Full Council delegates the following decision making responsibilities to the Economic Development Sub-Committee:

1. All decisions in relation to the above functions within the control of the Council, other than decisions reserved to Full Council.
2. Development of policy in relation to the above functions.
3. Review of performance and budget in relation to the above functions.
4. Appointments to external bodies.



### **3. COMPOSITION AND TERMS OF REFERENCE OF REGULATORY COMMITTEES**

#### **3.1 PLANNING (REGULATORY) COMMITTEE**

##### **Composition**

17 Members of the Council

Substitutes will be drawn from a nominated panel of experienced members.

##### **Terms of Reference**

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 for any amendments to them) which are not the responsibility of the Council's Cabinet.

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.

To exercise the Council's powers and duties in respect of obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **3.2 PLANNING (REGULATORY) URGENT BUSINESS SUB-COMMITTEE**

##### **Composition**

5 named members of the main Committee

##### **Terms of Reference**

To exercise all the powers of the main Committee where a decision is required urgently (having been agreed as such by the Head of Democratic Services and relevant Chief Officer).

#### **3.3 GENERAL PURPOSES (REGULATORY) COMMITTEE**

##### **Composition**

5 Members of the Council

Substitutes will be drawn from a nominated panel of experienced members.

## **Terms of Reference**

1. To deal with explosives
2. To review applications under the Marriage Act 1994
3. Registration of common land and village greens and variation of rights of common
4. Public rights of way and access (insofar as they are not executive functions of the Council)
5. Any other issues of a quasi-judicial nature requiring a member decision or referred to this Committee by a Chief or other Officer (including the determination of any appeal against any decision made by or on behalf of the Council), and not allocated to any other Member body.

### **3.4 EMPLOYMENT APPEALS PANEL**

#### **Composition**

3 members – appointed in any particular case from a nominated Panel of 11 members. Appointments to the Panel will be made by the Head of Human Resources and Organisational Development.

#### **Terms of Reference**

To hear disciplinary and other personnel appeals.

### **4. OTHER COMMITTEES**

#### **4.1 PERSONNEL COMMITTEE**

##### **Composition**

5 Members of the Council, to include

The Leader of the Council

##### **Terms of Reference**

1. Except to the extent delegated to Chief Officers in accordance with the Officer Employment Procedure Rules set out in Part 6.4 of the Constitution, to determine the terms and conditions on which staff hold office (including procedures for their dismissal).
2. To be responsible for the appointment of the Head of Paid Service, statutory and non-statutory Chief Officers and Deputy Chief Officers (all as defined in the Local Government and Housing Act 1989). This power includes the establishment of ad hoc Appointment Panels to carry out this function.
3. To be responsible for taking disciplinary action in respect of the Head of Paid Service, in accordance with the procedures required by the Officer Employment Procedure Rules.

4. To designate an officer as Head of Paid Service (subject to approval by the full Council) and to provide staff etc. for that officer.
5. To designate an officer as the Monitoring Officer and to provide staff etc. for that officer.
6. To make arrangements for the proper administration of the Council's financial affairs including the appointment of the Chief Finance Officer.
7. To designate the Council's "Proper Officers".

NOTE: The procedures for taking disciplinary action in respect of Chief Officers, Deputy Chief Officers, the Chief Finance Officer and Monitoring Officer are set out in the Officer Employment Procedure Rules.

## **4.2 PENSIONS COMMITTEE**

### **Composition**

5 members of the Council plus:-

2 additional voting members nominated by the Norfolk Leaders Board to represent the interests of District Councils and other authorities which are admitted to the Norfolk County Superannuation Fund

1 staff representative, with full voting rights.

NOTE: The Members have Trustee status and no substitution is permitted.

### **Terms of Reference**

1. To administer all aspects of the Norfolk Pension Fund on behalf of Norfolk County Council as Administering Authority of the Local Government Pension Scheme, and on behalf of Norfolk County Council as an employer within the Scheme alongside all other contributing employers, and on behalf of all scheme beneficiaries (scheme members) including:-
  - (a) Functions relating to local government pensions etc. under regulations made under Sections 7, 12 or 24 of the Superannuation Act 1972.
  - (b) To receive and consider the draft Financial Statements for the Norfolk Pension Fund.
  - (c) To comment on the draft Financial Statements and make a recommendation to the Audit Committee that they be approved/not approved.

### **4.3 EMERGENCY COMMITTEE**

#### **Composition**

5 named Members of the Council, to include the Leader of the Council.

#### **Terms of Reference**

1. The Committee will be convened, as required, as part of the County Council's major incident and Emergency Planning process, during the recovery phase of an emergency.
2. The decision to convene the Committee will be made by the Leader of the Council or the Managing Director.
3. The Committee will assume all the powers of the County Council, but excluding the issuing of the precept.
4. The Committee will meet as required and consider the immediate strategic issues for the County Council arising from the particular incident having received reports from the Managing Director or other Chief Officer.
5. The Committee to authorise action affecting any of the County Council's functions if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of the Council.
6. The Committee to ensure that steps are being taken to provide regular information bulletins to members of the public and the press on the incident and the action being taken.
7. Members of the Committee to be suitably briefed and prepared to make appropriate statements to the media.
8. The Committee to consider the longer term implications arising from the incident and the impact these may have on the County Council.

### **4.4 AUDIT COMMITTEE**

#### **Composition**

7 Members of the Council, on a politically balanced basis.

#### **Terms of Reference**

##### **A. Governance**

1. Consider the Annual Governance Statement, and be satisfied 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, including the Public Sector Internal Audit Standards and Local Authority Guidance Note of 2013 and any 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. Provide proactive leadership and direction on Anti-Fraud and Corruption and champion Anti-Fraud and Corruption throughout the Council.
2. Consider the effectiveness of the Council's anti-fraud and corruption arrangements.
3. Consider an annual report and other such reports, including an annual plan 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 the International Standards on Auditing and any other reports to members with respect to the Accounts, including the Norfolk Pension Fund and Norfolk Fire-fighters' 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 Auditors 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 other 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.

#### **G. NCC Pension Fund**

1. Following presentation to the Pensions Committee and with due regard to any comments and observations made, consider the 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.

## **4.5 HEALTH AND WELLBEING BOARD**

### **Composition:**

Position:

Leader, Norfolk County Council\*  
Chairman of Children's Services Committee  
Chairman of Adult Social Care Committee  
Director of Public Health\*  
Managing Director, Norfolk County Council  
Director of Children's Services\*  
Director of Community Services\*  
Chair of Healthwatch Norfolk  
Representatives agreed with each of the 5CCGs\*  
Representatives agreed with all 7 District/City/Borough Councils  
Area Director NHS Commissioning Board, East Anglia  
Three representatives from the voluntary sector, as agreed through Norfolk's Health, Social Care and Voluntary Sector Strategic Forum  
Norfolk's Police and Crime Commissioner

\* Denotes statutory member

### **Terms of Reference**

Aim

The Norfolk Health and Wellbeing Board will lead and advise on work to improve the health and wellbeing of the population of Norfolk by providing strategic leadership of, and oversight for, the commissioning across the NHS, social care and public health.

Purpose is to:

1. Lead the development, with Norfolk County Council and Norfolk's Clinical Commissioning Groups, of the Joint Strategic Needs Assessment (JSNA).
2. Lead the development, with Norfolk County Council and Norfolk's Clinical Commissioning Groups, of the Joint Health and Wellbeing Strategy (JHWS).

3. Speak up for Norfolk, championing the health and wellbeing needs of the people of Norfolk at a local, sub-regional, regional and national level and challenging central government policy where it conflicts with locally identified priorities.
4. Lead and encourage a broad base of partners outside of formal health, public health and social care settings to tackle the wider determinants of health and wellbeing.
5. Influence and support commissioners of health and wellbeing services to act in line with the evidence-based findings of the JSNA, and to highlight where commissioning is out of step with best evidence.
6. Drive the further integration of health services and social care services, and other public services and hold each other/the Board to account for it.
7. Promote the sharing of good practice and learning across the Norfolk health system.

In addition to the above Terms of reference, the following provisions apply:-

- Establishment of sub-committees and delegation – The Health and Wellbeing Board will have the power to establish sub-committees and to delegate functions to them.
- Voting restrictions – voting rights will be extended to all members of the Health and Wellbeing Board (not just elected members).
- Political proportionality requirements – will not be a requirement for the Health and Wellbeing Board.
- Disqualification for membership – provision for disqualification for membership will apply to the Health and Wellbeing Board.
- Codes of Conduct and declarations of interest – the provisions in the Council's Constitution relating to Codes of Conduct and the disclosure of pecuniary interests will apply to all members of the Health and Wellbeing

#### **4.6 STANDARDS COMMITTEE**

The Council has established a Standards Committee to support the proper conduct of the Council's business by Members. The Standards Committee is composed of seven councillors appointed on a politically balanced basis.

##### **Role and Function**

1. The general functions of the Committee are to:
  - (a) promote and maintain high standards of conduct by members and co-opted members of the Council



- (b) assist members and co-opted members of the Council to observe the Council's code of conduct
2. The specific functions of the Committee are to:-
- (a) advise the Council on the means of carrying out the general functions in para 1
  - (b) advise the Council on the adoption and revision of codes of conduct for members and officers
  - (c) monitor the operation of the Council's code of conduct
  - (d) advise and arrange training for members of the Council and co-opted members on matters relating to the Council's code of conduct for members
  - (e) arrange for Councillors and co-opted members to receive dispensations to speak on, and participate in matters in which they have a prejudicial interest
  - (f) receive and consider the findings and recommendations of the Monitoring Officer and/or Independent Person in relation to alleged breaches of the Code of Conduct and make subsequent recommendations to either full Council or Group Leaders
  - (g) consider other matters relating to conduct, ethics and propriety referred to it by the Monitoring Officer including breaches of Protocols contained in this Constitution and to make recommendations arising from this consideration to either the full Council or Group Leaders as the Committee considers appropriate.

## **5. AREA COMMITTEES**

### **5.1 GREAT YARMOUTH AREA COMMITTEE**

The Members with electoral divisions in the Great Yarmouth Borough Council area. This Committee is responsible for considering County Council issues within the Great Yarmouth Borough Council area. It has no decision-making powers but can make recommendations to the appropriate Committee of the Council

### **5.2 NUMBER 2 AREA COMMITTEE**

Consideration of the establishment of a second Area Committee will be given as part of the review of the structure in November.

**PART 4.2**  
**COMMITTEE PROCEDURE RULES**

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

## 1. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Managing Director and notified in the summons.

## 2. **NOTICE OF MEETINGS**

The Head of Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 7.4 of the Constitution. At least five clear days before meetings, the Head of Democratic Services will circulate to relevant members the agenda for the meeting setting out the date, time and place of the meeting and specifying the business to be transacted.

## 3. **CHAIRMAN OF MEETING**

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

## 4. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

4.1 Group Leaders can nominate all their members to be substitutes for appointed members of Committees and Sub-Committees, except in the case of regulatory committees where substitutes will be drawn from a nominated panel of experienced members.

4.2 Notice of a substitution must be given by the appointed member or the relevant political assistant to the Head of Democratic Services (through the appropriate committee clerk) indicating the name of the substitute, before the commencement of the particular meeting.

4.3 Cancellation of the intention to substitute will not be effective until notified by the appointed member or the relevant political assistant before the commencement of the meeting.

4.4 If, after advance notice has been given, the appointed member is present when the meeting begins, the substitution will not have effect for that meeting.

4.5 If the appointed member arrives when the meeting is in progress, the substitution will remain effective and the appointed member will not be allowed to speak (except as a local member on a matter affecting his/her Division) or vote. It is not possible to substitute for part of a meeting.

4.6 At the commencement of the meeting the Chairman/Committee Clerk will inform the Committee/Sub-Committee of substitution(s).

## **5. QUESTIONS BY THE PUBLIC AND PUBLIC SPEAKING**

5.1 The procedures governing questions by the public and public speaking can be found in Part 4.4 of the Constitution.

## **6. QUESTIONS BY MEMBERS**

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

### **6.2 Notice of questions**

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

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

OR

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

### **6.3 Number of Questions**

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

### **6.4 Response**

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

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

## 7. RULES OF DEBATE

### 7.1 No debate or vote until motion seconded

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

### 7.2 Right to require motion in writing

The Chairman may require any motion to be written down and handed to him/her before it is discussed.

### 7.3 Secunder's speech

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

### 7.4 Content and length of speeches

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

### 7.5 When a member may speak again

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

- (a) on a point of order; and
- (b) by way of personal explanation.
- (c) to demand a recorded vote
- (d) to move a resolution under paragraph 7.10 of these Rules;
- (e) to move the suspension of these procedural rules

### 7.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to leave out words;

- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words.

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

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

#### **7.7 Alteration of motion**

- (a) A member may alter a motion of which he/she has proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) Only alterations which could be made as an amendment may be made.

#### **7.8 Withdrawal of motion**

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

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

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) to proceed to the next business;
- (e) that the question be now put;

- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 11.3 or to exclude them from the meeting under Rule 11.4;
- (j) that the procedural rules be suspended;

#### 7.10 **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that consideration of the motion be postponed;
  - (ii) to proceed to the next business;
  - (iii) that the question be now put;
  - (iv) to adjourn a debate; or
  - (v) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting or to postpone consideration of the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

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

## **7.11 Point of order**

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

## **7.12 Personal explanation**

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

## **8. MINUTES**

### **8.1 Signing the minutes**

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

## **9. RECORD OF ATTENDANCE**

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

## **10. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 7.4 or Rule 12 (below) of the Constitution

## **11. MEMBERS' CONDUCT**

### **11.1 Speaking**

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

### **11.2 Chairman standing**

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



### 11.3 **Member not to be heard further**

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

### 11.4 **Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the chairman may adjourn the meeting for a specified period or move that either the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

### 11.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

## 12. **DISTURBANCE BY PUBLIC**

### 12.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If he/she continues to interrupt, the chairman will order his/her removal from the meeting room.

### 12.2 **Clearance of part of meeting room**

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

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

13.1 This is covered by the Members Code of Conduct in Part 8.1 of the Constitution.

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

### 14.1 **Suspension**

(i) All of these Rules except Rule 16.2 may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the committee are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these Rules must specify the Rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the committee without debate.

- (ii) Any motion to add to, vary revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, except where it is moved as part of the report of the Cabinet.

## **15. COMMITTEES**

- (1) References in these Rules to "Committees" include other bodies except where those bodies have separately agreed arrangements.
- (2) The Chairmen and Vice Chairmen of the Service Committees are appointed by the Full Council at the Annual General Meeting. The Chairman and Vice Chairman of the Policy and Resources shall be the persons appointed Leader and Deputy Leader of the Council respectively. Full Council also has the power to remove a person from the office of Chairman or Vice-Chairman of these committees. This can only be exercised by resolution of the Council, following a vote of no confidence in the postholder by the relevant committee. Every other Committee will at its first meeting after the annual meeting of the Council in any year and whenever else necessary elect a chairman and (if so desired) a vice-chairman for the year, who will each serve, being a member of the committee, until a successor is appointed. In the absence from a meeting of the chairman and vice-chairman, a chairman for that meeting will be appointed.
- (3) The Chairman of a committee may call a special meeting at any time. The summons to the special meeting will be issued by the Head of Democratic Services and will set out the business to be considered; and no business other than that set out in the summons will be considered at that meeting. Cancelling or changing the date or time of a scheduled meeting shall be determined by the Chairman following consultation with Group Spokesmen.
- (4) Full Council is responsible for considering any proposal by a committee to establish a sub-committee (Article 6 and Part 3.1). If Council agrees to the establishment of a sub-committee, it shall also determine its composition and terms of reference.
- (5) The quorum of each committee will be five and of each sub-committee will be three unless otherwise specially ordered by the Council. The quorum for the Emergency Committee, the Pensions Committee, the Personnel Committee, the Standards Committee, the General Purposes Regulatory Committee and the Employment Appeals Panel will be 3.

## **16. VOTING IN COMMITTEES**

- 16.1 Voting at a meeting of a committee will normally be by show of hands; but any member may demand a recorded vote and, if one quarter of the members constituting the committee signify their support such a vote will be taken.
- 16.2 Where immediately after a vote is taken at a committee meeting any member of that committee so requires, there will be recorded in the minutes of the proceedings of that meeting whether that person casts his/her vote for the motion or against the motion or whether he/she abstained from voting.

### 16.3 Voting on Appointments

- (i) If there is only one nomination for a single position to be filled, the person nominated will fill the position only if a greater number of members vote for the nominee than against. The Chairman may at his/her discretion call for a vote:-
  - (a) by each member when called upon announcing whether they are for or against the appointment of the nominee;
- (ii) If there are two or more people nominated for a single position to be filled, the person having the greatest number of votes will fill the position. The Chairman may at his/her discretion call for a vote:-
  - (a) by each member when called upon announcing the name of the person for whom he/she votes; or
  - (iii) Where more than one position or vacancy is involved, voting papers will be distributed and a vote will be taken –
    - (a) by each voter writing on his/her voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration;
    - (b) the names of such persons having the greatest number of votes in descending order as are required to fill the positions or vacancies under consideration will thereupon be declared by the Chairman to be the names of the persons appointed to fill the said positions or vacancies.

provided that in the event of there being an equality of votes for the only position or vacancy or the last position or vacancy the vote will be taken again between such persons having equal votes. Where the number of persons nominated does not exceed the number of positions or vacancies by more than one, the appointment may be determined on a motion.

### 17. ADJOURNMENT OF COMMITTEE MEETINGS

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

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

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

**19. INTERPRETATION OF RULES OF PROCEDURE**

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

## PART 4.3

### JOINT COMMITTEES

1. The County Council has established the joint arrangements described below and for this purpose has joined in appointing the following Joint Committees:-

Norfolk Joint Museums Committee  
Norfolk Records Committee  
The Eastern Shires Purchasing Organisation  
Norwich Joint Highways Agency Committee

each of which exercise functions of the County Council under Section 101(5) of the Local Government Act 1972.

2. The membership, terms of reference and functions of the Joint Committees and the rules governing the conduct and proceedings of their meetings and the public's right of access to these meetings are set out below:-

- (a) Norfolk Joint Museums Committee

- (i) Membership

Norfolk County Council  
Breckland District Council  
Broadland District Council  
Great Yarmouth Borough Council  
King's Lynn Borough Council  
North Norfolk District Council  
Norwich City Council  
South Norfolk District Council

The County Council appoints 9 members, Norwich City Council 3 members and the remaining Councils 1 member each.

This Committee has also established Area Committees for Breckland, Great Yarmouth, King's Lynn and West Norfolk, North Norfolk and Norwich, each with a constitution and terms of reference to be such as the Joint Committee and the Councils may agree. In default of agreement, the constitution shall consist of 4 County Councillors and 4 members appointed by the relevant District Council. The Area Committees have power to co-opt up to 5 non-voting members.

- (ii) Terms of Reference

The Joint Museums Committee is responsible for:-

- monitoring the effective operation of the Norfolk Museums and Archaeology Service within the available budget;

- advising all the participating Councils on the strategic framework for museums and archaeology in Norfolk;
- agreeing policies for the Norfolk Museums and Archaeology Service in accordance with national and local guidelines;
- acting as a forum for developing future strategy;
- agreeing the service plan in the light of the available annual budget;
- receiving the minutes of the Norfolk Museums and Archaeology Service Board for information;

The Area Committees shall:-

- provide a detailed view of local museums and archaeological issues;
- agree the local service plan within the available budget and county-wide service plan;
- advise on the terms of any Service Level Agreement (SLA) with Norfolk Museums and Archaeology Service;
- monitor the local SLA;
- recommend proposals to the Joint Committee, e.g. museums development projects;
- agree an area museum strategy within the context of an approved Norfolk Museums and Archaeology Service strategy as far as possible to be consistent with and complementary to all other relevant strategies, e.g. heritage, leisure, tourism, arts, economic development

(iii) Functions

The Joint Museums Committee exercises the functions of the participating local authorities under Section 12 of the Public Libraries and Museums Act 1964 with regard to the provision and maintenance of museums and art galleries in their areas, except to the extent specifically provided for in the current agreement constituting the Committee dated 6 January 1999.

The functions of the Area Committees are set out under (ii) above.

(iv) Rules governing the conduct and proceedings of meetings

The conduct and proceedings of meetings of the Joint Museums Committee are governed by the rules relating to meetings of County Council Committees (see Part 4.2).

The standing orders of the relevant District Council apply to meetings of the Area Committees.

(v) Rules relating to access to meetings

The right of the public to attend meetings of the Joint Museums Committee are set out in paragraph 1.2 of the Access to Information Procedure Rules in Part 7.4. Rights of the public to attend meetings of the Area Committees are governed by the rules of the relevant District Councils.

(b) Norfolk Records Committee

(i) Membership

Norfolk County Council  
Breckland District Council  
Broadland District Council  
Great Yarmouth Borough Council  
King's Lynn Borough Council  
North Norfolk District Council  
Norwich City Council  
South Norfolk District Council

The County Council and the City Council appoints 3 members each and the remaining District Councils 1 member each. There are also non-voting members as follows:-

Custos Rotolorum

A representative of the Bishop of Norwich

A representative of the Norfolk Records Society

3 co-opted members.

(ii) Terms of Reference

The Norfolk Records Committee has the responsibility for carrying out the functions of the participating local authorities under the Local Government (Records) Act 1962 and for the control of the Norfolk Records Office with a view to ensuring as far as possible that:-

- (a) storage and maintenance facilities are provided to it for archives relating to or deriving from the areas of the participating local authorities; and
- (b) there is at the Record Office an adequate means of reference to the archives and facilities are provided for the public to inspect and take copies of deposited documents

(iii) Functions

The Norfolk Records Committee exercises functions of the participating local authorities under the Local Government (Records) Act 1962.

(iv) Rules governing the conduct and proceedings of meetings

The conduct and proceedings of meetings of the Norfolk Records Committee are governed by the rules relating to the meetings of County Council Committees (see Appendix 10).

(v) Rules relating to access to meetings

The rights of the public to attend meetings of the Norfolk Records Committee are set out in paragraph 2 of the Access to Information Procedure Rules in Appendix 14.

(c) Eastern Shires Purchasing Organisation (ESPO)

(i) Membership

Cambridgeshire County Council  
Leicester City Council  
Leicestershire County Council  
Lincolnshire County Council  
Norfolk County Council  
Peterborough City Council  
Warwickshire County Council

each represented at meetings of ESPO's Management Committee by 2 members.

(ii) Terms of Reference

The objectives of ESPO are:-

- (a) to improve the purchasing performance of its customers by making available to them a comprehensive professional purchasing service.
- (b) to maintain effective, efficient and commercially viable arrangements for the supply of goods and services by:-
  - (i) negotiating terms for the supply of goods, materials and specialist services
  - (ii) purchasing, storing and distributing items in common use where this is practicable and cost effective



- (iii) advising on standards, specifications, etc and such matters as EU procurement legislation
  - (iv) providing professional and technical expertise
  - (v) providing specialist services as required
  - (vi) investigating areas for joint purchasing
- (c) to achieve overall cost savings for member Councils by providing customers with a simple, effective system for the supply of goods whilst preserving full public accountability.

(iii) Functions

ESPO exercises the functions of the participating local authorities associated with the purchase and supply of goods, materials and services.

(iv) Rules governing the conduct and proceedings of meetings

The rules of the Council which services ESPO apply. The servicing Council is currently Leicestershire County Council.

(v) Rules relating to access to meetings

The rules contained in Part VA of the Local Government Act 1972 apply.

(d) Norwich Highways Agency Joint Committee

(i) Membership

Norfolk County Council  
Norwich City Council

each represented by two members. In addition the Committee will be advised and assisted by three non-voting members from each of the two Councils.

(ii) Terms of Reference

The overall responsibilities of the Norwich Joint Highways Agency Committee are:-

- to oversee the operation of the highways and traffic functions delegated to Norwich City Council by the County Council
- to exercise certain functions delegated by the County Council direct to the Joint Committee

- to advise the County Council on various highways and traffic matters in Norwich

(iii) Functions

The Norwich Joint Highways Agency Committee exercises a range of highways and transportation and associated functions of the County Council. These details are set out in the Agreement constituting the Joint Committee.

(iv) Rules governing the conduct and proceedings of meetings

The rules of Norwich City Council apply to the conduct and proceedings of meetings of the Norwich Joint Highways Agency Committee.

(v) Rules relating to access to meetings

The rules contained in the Part VA of the Local Government Act 1972 apply.

(e) Parking and Traffic Regulation Outside London Adjudication Joint Committee (PATROL)

(i) Membership

The membership comprises a number of parking authorities across the country, including the County Council and Norwich City Council. The list of members grows as other parking authorities join this scheme. Each participating authority is represented at meetings of the Joint Committee by one representative.

(ii) Terms of Reference

The objective of PATROL is to achieve:-

- a fair parking adjudication service for Appellants including visible independence of Adjudicators from the parking authorities in whose areas they are working;
- consistency of adjudication across the service;
- a cost effective and equitable adjudication service for all parking authorities in England and Wales in relation to whose area the Secretary of State has made an Order under paragraph 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991;
- flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.

(iii) Functions

The general function of PATROL is to provide an adjudication service for parking authorities who have obtained Orders from the Secretary of State which decriminalise parking enforcement arrangements within their area. In this respect, NPASJC has a range of specific functions which are detailed in the Agreement constituting it.

(iv) Rules governing the conduct and proceedings of meetings

These are set out under Schedule 5 of the Memorandum of Participation in PATROL to which the Council is a party.

(v) Rules relating to access to meetings

The rules contained in Part VA of the Local Government Act 1972 apply.

(f) Norfolk Parking Partnership Joint Committee

(i) Membership

Norfolk County Council  
Great Yarmouth Borough Council  
King's Lynn and West Norfolk Borough Council  
South Norfolk District Council

Each Council shall be represented by one member, appointed by the respective Council. The Chairman of the Joint Committee shall be the member for the County Council.

(ii) Roles and Responsibilities

The detailed roles and responsibilities are set out in the Joint Committee's Terms of Reference. They include:-

- To carry out through the Councils the functions as laid down in the legal Agreement for the Joint Provision of Civil Parking Enforcement Services and the Functions currently in force.

(iii) Scrutiny Arrangements

Each Council will undertake its own scrutiny role, as appropriate.

(iv) Administration

Meetings of the Joint Committee shall be held in public and its agendas and minutes will be published in accordance with the County Council's usual procedures.

## PART 4.4

### PROCEDURES FOR PUBLIC SPEAKING AND AT COMMITTEES

#### **NB – Explanatory Note**

The Steering Group is keen to develop a scheme of public involvement appropriate for the new Committee structure. With this in mind, it is intended to carry out a full review, seeking the views of both Members and the public on the most appropriate scheme. It is intended that the results of this will be fed into the November review.

#### **(A) PLANNING REGULATORY COMMITTEE**

1. At meetings of the County Council's Planning (Regulatory) Committee, the public are able to speak before decisions are made on planning applications.

Anybody 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.

2. 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.
3. Speakers will not be allowed to question other speakers, officers or members.

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

**B) NORFOLK HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

7. Members of the public or interested parties who have indicated to the Committee Administrator before the meeting that they wish to speak will, at the discretion of the Chairman, be given a maximum of five minutes at the microphone. Others may ask to speak and this again is at the discretion of the Chairman.

## PART 5.1

### THE STATUTORY SCRUTINY PROCESS

#### 1.1 General

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

- Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218).
- These powers shall be exercised by the Norfolk Health Overview and Scrutiny Committee.
- The Flood and Water Management Act 2010.

The Environment, Transport and Development Committee and will exercise statutory functions in relation to the scrutiny of flood risks management under the provisions of the Flood and Water Management Act 2010.

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

The Council has also agreed to establish a scrutiny function of the Norfolk Community Safety Partnership. This function shall be exercised by the through the Countywide Community Safety Partnership Sub Committee which has been established by the Communities Committee.

#### 2 Norfolk Health Overview and Scrutiny Committee

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

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

##### (a) Membership

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

(b) Contributions from others

- The Committee will invite contributions from commissioners and providers of local NHS funded healthcare, Local Healthwatch, client groups, voluntary organisations, patients and public, or any other stakeholder involved in 'health'.
- Depending upon the issue under scrutiny, stakeholders may be invited to contribute to relevant meetings of the Committee or to submit their views in writing or both. Individual stakeholders may also be asked to become a Member of a task-and-finish Working Group set up by the Committee.

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

### Aims of the Committee

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

### Legal background

- (i) Local authority overview and scrutiny committees are part of the arrangements for local government under Part II of the Local Government Act 2000. Local authorities are given the power under the 2000 Act to review and scrutinise executive decisions in relation to local authority functions including local services planned and provided as part of their wider responsibility to see health improvements and reduce health inequalities for their area and its inhabitants.
- (ii) The Health and Social Care Act 2001 (Section 7) extends the overview and scrutiny power of local authorities with social services responsibilities to review and scrutinise matters relating to the health service in the authority's area, and make reports and recommendations on such matters. The scrutiny role also covers social care services commissioned or provided by NHS bodies exercising local authority functions under the Health Act 1999 (Section 31).
- (iii) The Health and Social Care Act 2012 introduced the following changes to the local authority health scrutiny functions;
  - Health Scrutiny powers are now vested in the upper tier local authority rather than in health overview and scrutiny committees.

- There does not have to be a designated health overview and scrutiny committee as the local authority can choose to discharge its health scrutiny powers in other ways.
- (iv) As a Committee of the County Council, the County Council's Constitution will apply, except only for differences specified in this Constitution.

### Roles

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

- Arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of Norfolk;
- The provision of such services to those inhabitants;
- The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- The NHS public health arrangements in Norfolk, e.g. Arrangements by the NHS bodies for the surveillance of, and response to, outbreaks of communicable disease;
- The planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- The arrangements made by NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 11 of the Health and Social Care Act 2001
- To make reports and recommendations to the Board of the NHS body scrutinised, with copies to individuals and organisations as follows:
  - the local Members of Parliament
  - the NHS Commissioning Board
  - Local Healthwatch
  - relevant patients' groups
  - local voluntary organisations with an interest
  - other bodies or organisations with an interest in the issues dealt with in the report and made available on the local authority website and on request;



- The Committee has been given delegated power by the County Council to enter into, and to appoint Members to Joint Health Overview and Scrutiny Committees as required and the Council has waived the requirement for the Committee's appointments to such Joint Committees to be in line with the political balance on Norfolk County Council and the requirement for any other Council participating in such Joint Committees to make its appointments in line with the political balance on its Council.
- The Committee (and any joint health scrutiny committees in which Norfolk participates) has been given delegated powers to make referrals to the Secretary of State in accordance with the Regulations, but the Committee (and any joint health scrutiny committees in which Norfolk participates) must notify the Council of its intention to make such a referral before the referral is made.

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

- The views of all Members of the Committee should be taken into account when deciding their work plans.
- Party whipping will not take place.
- Generally junior Officers should not be required to attend meetings to avoid putting them under undue pressure, except with the prior agreement of the relevant Chief Officer.
- Reports to Council will include the views of Members dissenting from the majority recommendation of the Committee

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

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

[http://www.norfolk.gov.uk/Council\\_and\\_democracy/Your\\_Council/Committees/NCC106377?Committee=Norfolk+Police+and+Crime+Panel](http://www.norfolk.gov.uk/Council_and_democracy/Your_Council/Committees/NCC106377?Committee=Norfolk+Police+and+Crime+Panel)

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

1. The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk:
2. The PCP must:-

- (i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
  - (ii) make a report or recommendation on the draft plan or variation to the PCC
3. The PCP must:-
- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report
  - (ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate
  - (iii) review the annual report, and
  - (iv) make a report or recommendations on the annual report to the PCC
4. The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:-
- (i) the PCC's chief executive
  - (ii) the PCC's chief finance officer
  - (iii) a deputy PCC
- The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.
5. The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.
6. The PCP must review and make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.
7. The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.
8. The PCP must:-
- (i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
  - (ii) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions
9. The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.
10. The PCP must send copies of any reports or recommendations it makes to the PCC, to each local authority (county, city, district and borough councils) in Norfolk.

11. The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
12. The PCP must appoint an Acting PCC in the circumstances set out in the Act.
13. The PCP may not exercise any functions other than those conferred by the Act.

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

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

The 'responsible authorities' in Norfolk are:-

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

#### **Role of the Sub Panel**

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

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

#### **Membership of the Sub Panel**

- 3 County Councillors (Politically balanced)
- 7 District Council members – one co-opted from each District.

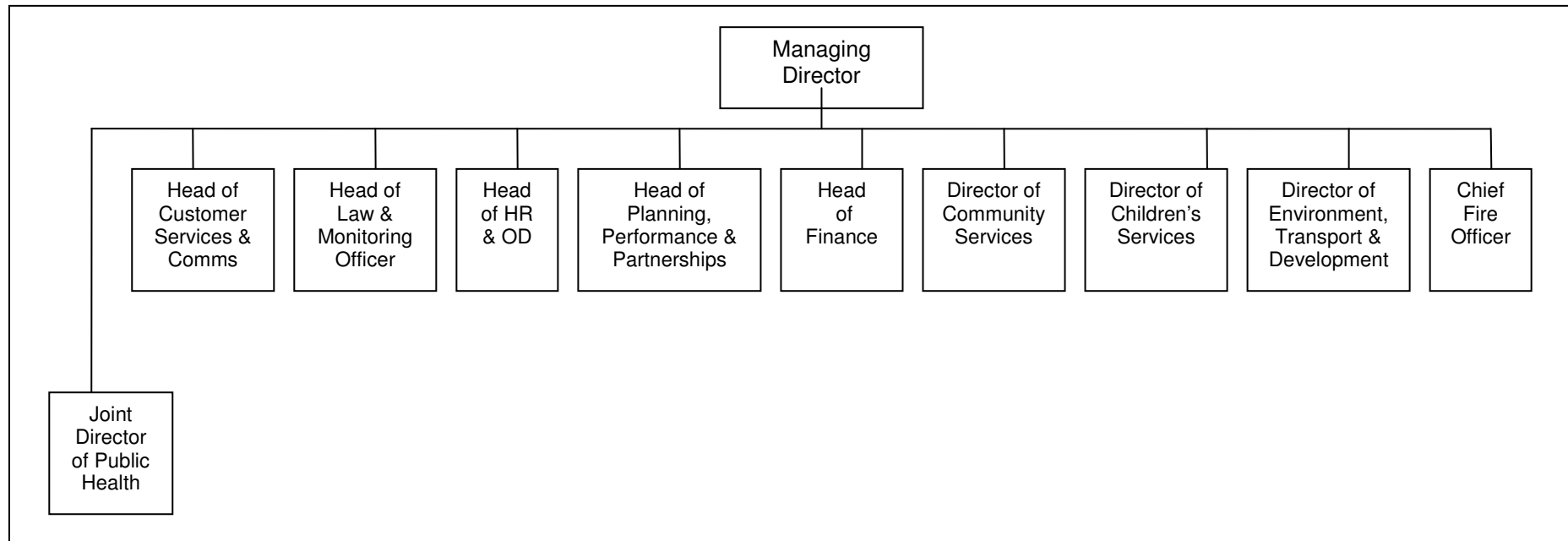
- Each member of the Sub Panel to have one named substitute. No other substitutes are acceptable.
- The Sub Panel may wish to consider co-opting additional non-voting members onto it if appropriate.
- The Chairman to be elected from the County Council members on the Sub Panel on an annual basis.
- The Vice Chairman to be elected from other members on the Sub Panel on an annual basis.
- The quorum for the Sub Panel will be five members
- Unless otherwise stated meetings of the Sub Panel will be held in accordance with Part 4.2 of the County Council's Constitution.

## **5. Flood and Water Management Act 2010**

The Environment, Transport and Development Committee will exercise statutory functions in relation to the scrutiny of flood risks management under the provisions of the Flood and Water Management Act 2010

## PART 6.1

### CORPORATE MANAGEMENT STRUCTURE



## PART 6.2

### SCHEME OF DELEGATED POWERS TO OFFICERS

#### A. GENERAL CONDITIONS APPLYING TO ALL DELEGATED POWERS

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

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

3. Officers can only act within delegated powers and these are exercisable subject to:
- (a) strategies, policies, priorities and Financial Regulations determined by the Members of the County Council;
  - (b) referral to the Council or Committee for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues where custom and practice or initial consultation with elected members indicates that such referral should take place;
  - (c) compliance with the law and all policies, Regulations, Orders, codes, protocols, and similar documents approved by Council, Standards Committee or other relevant Committee;
  - (d) consultation with appropriate Officers and proper regard to any advice given;
  - (e) other specific delegations in this Scheme or similar documents to another Officer;
  - (f) decisions by the Managing Director or the Monitoring Officer on whether Chief Officers should exercise any delegated power;
4. In addition to the constraints referred to above, there are exceptions to all Officers' delegated powers. In particular there is no delegation to Officers of:
- (a) matters specifically reserved to the Council, or a Committee;
  - (b) approval to exceed the provision in the revenue or capital budgets for their service responsibilities; (subject to the rules on virement contained in the Financial Regulations in Appendix 16);
  - (c) decisions on permanent savings in the budget to achieve the Council's policies;
  - (d) the making of an Order for the compulsory acquisition of land;
  - (e) the right to determine a major employee reorganisation;
  - (f) Any decision which:-
    - recommends a budget to the full Council
    - proposes an amendment to the Council's Policy Framework (as defined in the Constitution)
    - involves the adoption of any other policy or a works programme
    - involves the expenditure or savings of more than £1M over one accounting year unless expressly provided for in the adopted budget or Policy Framework

- involves the acquisition or disposal of land and buildings or any interest in land and buildings in excess of an estimated value of £1M unless covered by a specific item in the budget
- involves a budget virement of funding in excess of the virement limit to be set out in the Constitution
- recommends the promotion or amendment of local legislation
- involves significant public, private and voluntary partnership working in Norfolk
- involves the making of a Statutory Order or Scheme which will have a significant impact on the delivery of County Council services
- proposes significant changes to the Constitution

A. GENERAL CONDITIONS APPLYING TO ALL DELEGATED POWERS LISTED BELOW

1. The delegated powers in Section B of this Scheme must be exercised.
  - (a) In accordance with any relevant policies of the County Council.
  - (b) In consultation with appropriate officers and after paying proper regard to any advice given.
2.
  - (i) Any power conferred upon a Chief Officer (which for this purpose includes the Heads of Service listed in Section B of this scheme) may be exercised in the name of the Chief Officer by his/her Deputy or another Senior Officer authorised in writing to do so by the Chief Officer.
  - (ii) In addition a Chief Officer may authorise in writing any named Officer to exercise a delegated power:
    - (a) in his/her absence, or
    - (b) when he/she is otherwise not available to exercise it at the relevant time, or
  - (iii) Any authorisation under paragraphs (i) and (ii) must be documented.
  - (iv) Any authorisations given under paragraphs (i) and (ii) will be recorded in the Schedule at the end of this Appendix.
3. Chief Officers shall consult the local member on those issues listed in the Local Member Protocol.
4. A Chief Officer need not exercise his/her delegated power in any particular matter and may instead refer the matter to Members for a decision.



5. Failure to carry out the consultations in paragraph 1(b) and 3 will not invalidate the exercise of the delegated power.
6. Where in the opinion of the appropriate Chief Officer and of the Head of Democratic Services a decision which would otherwise be a Planning Regulatory Committee decision is required urgently, that Chief Officer, after consultation with any other appropriate Chief Officers, the Committee Chairman and the main political group Spokesmen thereof, may take such a decision in respect of any matter falling within the remit of the Committee on the understanding that details of the matter, together with the decision, are reported by way of letter, to the Members of the Committee. In the event of there not being unanimous agreement between the Party Spokesmen, the matter should be referred to the Urgent Business Sub-Committee.
7. Any reference in these delegations to any Act or Statutory Instrument or any Section or Clause thereof, is deemed to refer to the same as at any time amended, and where such Act, Instrument, Section or Clause has been replaced, consolidated, or re-enacted, with or without amendment, such mention shall be deemed to refer to the relevant provisions of the replacing, consolidating or re-enacting statute or instrument.
8. Any decision or appointments made or authorisation given by a Chief or other Officer before 25 February, 2002 remains effective and in force unless or until expressly revoked.
9. The power to grant licences, consents, approvals, permissions, certificates and authorisations includes the power to vary, revoke or refuse such licences etc. and to grant them with or without conditions.
10. A Chief Officer need not exercise his/her delegated power in any particular matter and must not do so if in his/her opinion the matter involves questions of policy as yet undecided by the Council or Committee or any substantial change from previous practice.
11. Chief Officers are also required to liaise with and inform:-
  - (a) the relevant Committee Chairman regarding the exercise of powers and duties in appropriate cases;
  - (b) the local Member on those issues listed in the Local Member Protocol
12. This Scheme does not apply to the statutory responsibilities placed on the Managing Director, Head of Finance and Head of Law nor to any non-statutory tasks which Central Government from time to time requests of individual Chief Officers.

## **B. OFFICERS' SCHEME OF DELEGATED POWERS**

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

### Managing Director

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

1. To do, or authorise to be done, any act or thing necessary to effect any decision of the Council.
2. To exercise any powers where necessary in the event of a civil emergency.
3. To determine the list of politically restricted posts within the Council and to issue certificates under Section 3 of the Local Government and Housing Act 1989.
4. To give permission for the use of the County Council's Coat of Arms.
5. To exercise the Council's functions relating to county farms, subject to taking professional advice before exercising such powers.
6. To decide on proposals for putting to a new use any land or building, which is no longer required for the purpose for which it has hitherto been used, where re-use by others or disposal is not practical, or where the net disposal value is less than £100,000.
7. To approve applications for direct use by a particular service of capital receipts arising from the realisation of surplus property assets of that service subject to a maximum not exceeding £100,000.
8. To approve the allocation and rearrangement of office space and ancillary accommodation at County Hall and other general purpose buildings at a cost not exceeding £100,000.
9. To negotiate and agree with the District Valuer and other interested parties the rating valuation of Council properties.
10. Subject to any financial limitations on this power laid down by the Council or Committee in respect of land and buildings and other property interests, to agree terms for the acquisition by purchase, lease or exchange, lease renewals, lettings and disposals.
11. To divide electoral divisions into polling districts at local government elections.
12. To make appointments to Committees in consultation with the relevant Group Leader.

13. To take minor and urgent decisions within the terms of reference of the Personnel Committee having first consulted with the Group Leaders.

#### Director of Children's Services

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

- (a) Filling vacancies for Local Education Authority School Governors on the basis of nominations recommended by the appropriate nominating Party Spokesmen.
- (b) Dismissal of Local Education Authority School Governors
- (c) Variations to the Scheme for the Local Management of Schools and any cases of a withdrawal of delegated powers; but excluding.
- (d) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Committee on Religious Education.
- (e) Major school reorganisation proposals.
- (f) Proposals to open and close schools.

In addition:-

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

#### Director of Community Services

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

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

#### Director of Environment, Transport and Development

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

- (1) Approving minor or uncontroversial changes to the County Council's planning policies and plans and minor or uncontroversial comments on other organisations' plans and policies.
- (2) Responding to District Council consultations on planning applications or to development proposals by Government departments, statutory undertakers, local authorities or other decision making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local Member is in agreement
- (3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority and county planning authority.
- (4) In connection with permanent and experimental traffic regulation orders (including speed limits):-
  - (i) to authorise the public advertisement of the intention to make such orders
  - (ii) to authorise the making of such orders where there are no objections
- (5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.
- (6) To exercise the Council's functions relating to land drainage.
- (7) The powers of entry, inspection, sampling, test purchasing and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, consumer protection, animal health and welfare and planning services.
- (8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, consumer protection, animal health and welfare, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Court.

but excluding

the making of Orders and Regulations.

- (9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.
- (10) To exercise the Council's Functions as a Lead Local Flood Authority under the Flood and Water Management Act 2010.
- (11) 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).
- (12) To exercise all functions of the Council relating to Town and Country Planning and Development control as specified in Schedule 1A paragraphs 7-7, 9-23 of the Regulations except for:
  - (a) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have more than four individual representations raising planning related objections;
  - (b) approval of minerals and waste applications requiring Environmental Impact Assessments;
  - (c) approval of applications for County Matter and County Council development where no more than four individual representations raising planning-related objection are received and the Director of Environment, Transport and Development determines, in consultation with the Chairman of the Planning (Regulatory) Committee, that the application should be determined by the Committee; and
  - (d) approval of major departures from Development Plans arising from planning applications and proposals.
- (13) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).
- (14) 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.
- (15) 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.

- (16) To exercise the functions of the Council as the Competent authority under the Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including:-
- Determine whether or not an appropriate assessment is required.
  - Where it is considered that an appropriate assessment is required.
  - Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken, and
  - In the light of an appropriate assessment, determine whether the Plan or Project will or will not adversely affect the integrity of the European site.
- (17) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990.
- (18) To grant Street Works licences.
- (19) To permit the deposit of builders skips on the highway.
- (20) To license the planting, retention and maintenance of trees etc on the highway.
- (21) To licence works in relation to buildings etc which obstruct the highway.
- (22) To consent to temporary deposits or excavations in streets.
- (23) To dispense with the duty to erect hoardings or fences.
- (24) To restrict the placing of rails, beams etc over highways.
- (25) To consent to the construction of cellars etc under streets.
- (26) To consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- (27) To remove things deposited on highways so as to be a nuisance.
- (28) To assert and protect the rights of the public to the use and enjoyment of highways.
- (29) To create footpaths, bridleways and restricted byways by agreement or by order.
- (30) To divert, stop up and extinguish footpaths, bridleways and restricted byways.
- (31) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000.

- (32) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
- (33) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways.
- (34) To temporarily divert footpaths, bridleways and restricted byways.
- (35) To exercise functions relating to the making good of damage and removal of obstructions from public paths.
- (36) To authorise the erection of stiles etc on footpaths and bridleways.
- (37) To designate footpaths as cycle tracks.
- (38) To enter into agreements under Section 278 of the Highway Act 1980.
- (39) To license the movement of cattle from a market.
- (40) To license the movement of animals under specific disease orders.
- (41) To keep a list of persons entitled to sell non-medical poisons.
- (42) To register animal trainers and exhibitors.

#### Director of Public Health

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

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

#### Head of Finance

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

## Chief Fire Officer

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

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

Chief Fire Officer  
Deputy Chief Fire Officer  
Area Managers  
Brigade Managers

## Head of Law

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

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



- (11) To register common land or town or village greens and to register variation of rights of common and to determine applications for the registration of land as new Town or Village Green.
- (12) To obtain information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990.
- (13) To enter into any legal documentation, make any statutory orders, make any application to the Courts or other tribunals and take associated action, to give effect to decisions made by or on behalf of the Council.

### Head of Democratic Services

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

1. the births, deaths and marriages registration service
2. the Marriages Act 1994
3. the Coroners Service
4. making appointments to the Norfolk Valuation Panel

but excluding reviews under the Marriages Act.

5. To exercise all the Council's functions in relation to the safety of sports grounds legislation.
6. To approve premises for the solemnisation of marriages.
7. To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.
8. To make appointments to School Admission and Exclusion Appeals Panels, as required by the School Standards and Framework Act 1998.

### **C. LIMITATIONS ON OFFICERS DELEGATED POWERS**

#### **1. Grants Thresholds**

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

In respect of the following service areas:-

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

## 2. **Limitations on Officer Delegated Property Transactions**

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

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

## SCHEDULE OF DELEGATIONS OF CHIEF OFFICERS' POWERS

### MANAGING DIRECTOR

#### Section B – Specific Delegation

Area of Delegation	Officer(s)/Range of Grades
<p>5. To exercise the Council's functions relating to County Farms, subject to taking professional advice before exercising such powers.</p> <p>Under this area of delegation the following sub-delegation is made:-</p> <p>“To review 1954 Act Leases on similar terms and on the best rent reasonably obtainable, to grant and renew Farm Business Tenancy Agreements pursuant to the Agricultural Tenancies Act 1995 at the best rent reasonably obtainable, to accept surrenders of leases on the best terms reasonably obtainable, to grant wayleaves and easements to statutory undertakers and for other such services on the best terms reasonably obtainable and to grant tenancies at will.”</p>	Head of Law

## DIRECTOR OF CHILDREN'S SERVICES

### Section A.2.

Areas of Delegation	Range of Grades
a. Issuing and serving statutory notices.	K (or equivalent) and above, within their areas of responsibility.
b. Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	H and above, within their areas of responsibility.
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	P and above, within their areas of responsibility.
d. Signing documents.	K and above, within their areas of responsibility.
e. Authorising entry onto land.	
f. Inspecting land and premises and things on premises.	E and above, within their areas of responsibility.
g. Making grants (up to £10,000).	J and above, within their areas of responsibility.
h. Making Statutory Orders and Schemes.	K (or equivalent) and above, within their areas of responsibility.
i. Instituting criminal proceedings.	J and above, within their areas of responsibility.
j. Declaring land to be surplus to the requirements of their service.	<i>Reserved to Director</i>
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility.

## DIRECTOR OF CHILDREN'S SERVICES

### Section B

#### General Delegation

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

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

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

## DIRECTOR OF COMMUNITY SERVICES

### Section A2

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

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

## DIRECTOR OF COMMUNITY SERVICES

### General Delegation

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

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

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



## HEAD OF LAW

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

(1) To authorise officers to appear and represent the Council in Magistrates and County Courts.	
(2) To serve notices requiring information to be given in respect of interests in land.	nplaw Solicitors
(3) To enter into any legal documentation, make any statutory orders and make any application to the Courts or other tribunals, and to take associated action, to give effect to decisions made by or on behalf of the Council	Everybody, within their general area of responsibility but:- (a) sealing limited to Head of Law, Assistant Head of Law, Head of Democratic Services and Assistant Head of Democratic Services and Senior Solicitor (Property) (b) signing of contracts limited to Head of Law, Assistant Head of Law, Senior Solicitor (Property) and Principal Legal Officer (Property)
(4) To deal with Blight Notices and Purchase Notices.	Solicitor (Environment)

## HEAD OF DEMOCRATIC SERVICES

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

(1) To exercise the Council's functions in respect of the births, deaths and marriages registration service.	Strategy & Regulatory Manager
(2) To exercise the Council's functions in respect of the Marriages Act 1994.	Strategy and Regulatory Manager
(3) To exercise the Council's functions in respect of the Coroner's Service.	Strategy and Regulatory Manager
(4) To make appointments to the Norfolk Valuation Panel.	-
(5) To exercise all the Council's functions in relation to the safety of sports grounds legislation.	Strategy and Regulatory Manager
(6) To approve premises for the solemnisation of marriages.	Strategy and Regulatory Manager
(7) To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.	Strategy and Regulatory Manager
(8) To appoint persons to serve on School Admission and School Exclusion Appeal Panel.	Strategy and Regulatory Manager

## **DIRECTOR OF ENVIRONMENT, TRANSPORT AND DEVELOPMENT**

### **General Delegation**

Each member of the Environment, Transport and Development Management Team, together with staff in their services graded at Scale H and above, are authorised, within their area of responsibility, to exercise the Council's functions delegated to the Director of Environment, Transport and Development in respect of town and country planning, highways, transportation, the environment, waste disposal, waste management, trading standards, emergency planning, consumer protection, animal health and welfare and economic development. Specific delegations are detailed below.

### **Section A2 – Specific Delegation**

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

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

<b>Area of Delegation</b>	<b>Officer(s)/Range of Grades</b>
(a) Issuing and serving statutory notices.	Scale M and above graded Officers Developer Services Officer (Administration and Agreements) Assistant Director Public Protection/Trading Standards Managers
(b) Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	Scale H and above graded Officers Assistant Director – Public Protection Trading Standards Managers
(c) Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Scale M and above graded Officers Area Co-ordinators Assistant Director – Public Protection Trading Standards Manager
(d) Signing (legal) documents.	Scale M and above graded Officers Engineer Major Development Senior Engineer Major Development Engineer Highways Development Control Officer Engineer Estate Development
(e) Authorising entry onto land.	Assistant Director – Highways Assistant Director – Public Protection Trading Standards Managers Assistant Director – Travel and Transport Services Assistant Director - Environment and Waste Assistant Director - Economic Development and Strategy Area Managers
(f) Inspecting land and premises and things on premises.	All those authorised to enter land under (e)

(g) Making grants (subject to any limitation imposed by the Council or Committee).	Members of Departmental Management Team Business Support Manager Rural Environment Manager Transport Development Manager (PTG) Customer Services Manager Network Manager
(h) Making Statutory Orders and Schemes.	Scale H and above graded Officers Assistant Director – Public Protection Trading Standards Managers
(i) Instituting criminal proceedings.	Scale M and above graded Officers Assistant Director Public Protection Legal Process Manager
(j) Declaring land to be surplus to the requirements of their services	Members of Departmental Management Team
(k) Delivering the approved capital programme for their service.	Members of Departmental Management Team

## DIRECTOR OF ENVIRONMENT, TRANSPORT AND DEVELOPMENT

### Section B – Specific Delegation

Specific delegations apply only within an Officer’s area of responsibility.

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

<b>Area of Delegation</b>	<b>Officer(s)/Range of Grades</b>
(1) Approving minor or uncontroversial changes to the County Council’s planning policies and plans and minor or uncontroversial comments on other organisations’ plans and policies.	Assistant Director - Environment and Waste Assistant Director – Public Protection Assistant Director – Economic Development and Strategy Planning Services Manager Planning Strategy Manager Principal Planners (Planning Strategy) Principal Planner (Planning Services) Principal Development Transport Planning Officer
(2) Responding to District Council consultations on planning applications or to development proposals by Government departments, statutory undertakers, local authorities or other decision making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local member is in agreement.	Assistant Director - Environment and Waste Assistant Director – Economic Development and Strategy Assistant Director – Travel and Transport Services Senior Planners (Planning Strategy) Principal Planners (Planning Strategy) Planning Strategy Manager Principal Planner (Planning Services)
(3) Giving advice or recommendations to local planning authorities on behalf of the County Council as local highway authority.	Highways Development Control Officers Developer and Planning Services Manager Engineer Highways Development Control Senior Engineer Major Developments Engineer Major Developments Senior Technician Major Developments Technician Major Developments Engineer Estates Development Assistant Engineer Estates Development Technician Highways Development Control Principal Development Transport Planning Officer

<p>(4) In connection with permanent and experimental traffic regulation order (including speed limits):-</p> <p>(i) to authorise the public advertisement of the intention to make such orders</p> <p>(ii) to authorise the making of such orders where there are no objections</p>	<p>(i) Scale H and above graded Officers Officers in Highways Group</p> <p>(ii) Assistant Director - Highways Design Manager (N&amp;S)</p>
<p>(5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.</p>	<p>Assistant Engineer (Streetworks) Senior Area Co-ordinator (Streetworks) Area Co-ordinators (Streetworks)</p>
<p>(6) To exercise the Council's functions relating to land drainage.</p>	<p>Assistant Director - Environment and Waste Area Managers</p>
<p>(7) The powers of entry, inspection, sampling, test purchasing and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, consumer protection, animal health and welfare and planning services.</p>	<p>Assistant Director – Public Protection</p>
<p>(8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, consumer protection, animal health and welfare, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Courts.</p>	<p>Assistant Director – Public Protection Trading Standards Managers Legal Process Manager</p>

<p>(9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.</p>	<p>Assistant Director – Public Protection</p>
<p>(10) To exercise the Council's Functions as a Sustainable Drainage Systems (SUDS) Approving Body (SAB) under the Flood and Water Management Act 2010.</p>	<p>-</p>
<p>(11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i)</p>	<p>Assistant Director – Public Protection</p>
<p>(12) To appoint Agricultural/Deputy Agriculture Analysts in accordance with the Agriculture Act 1970, Section 67.3(b)</p>	<p>Assistant Director – Public Protection</p>

## CHIEF FIRE OFFICER

### General Delegation

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

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

### Section B – Specific Delegation

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



## DIRECTOR OF PUBLIC HEALTH

### Section A.2

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

## DIRECTOR OF PUBLIC HEALTH

### Section B – Specific Delegation

#### General Delegation

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

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

**NORFOLK COUNTY COUNCIL  
CONSTITUTION  
ANNEX TO PART 6.2**

**LOCAL MEMBER PROTOCOL**

**PROTOCOL FOR INFORMING MEMBERS OF ISSUES  
RELATING TO THEIR ELECTORAL DIVISION**

**CHILDREN'S SERVICES**

- Reviews of provision including, new services or closures of establishments or services and school closures or amalgamations.
- Changes in procurement of services.
- Significant building work, i.e. provision of additional accommodation, new school buildings, early years or nursery provision, remodelling of a school requiring building work, replacement of mobile classrooms.
- Outcome of inspections.
- Local events, activities, presentations.
- Local school admission issues.
- Governor vacancies.
- Key visitors to County Councillor's Divisions.
- Major accidents, injuries or violent incidents affecting children's services, staff or property (including fire, flood, vandalism, burglary which affect operational efficiency).
- Meetings with members/Members of Parliament.
- Funding/grants to voluntary organisations.

**Youth Justice**

- Local initiatives for youth crime and prevention.
- Serious incidents involving a young offender subject to supervision where there is likely to be significant public reaction.

**COMMUNITY SERVICES**

- Major accidents, injuries or violent incidents affecting Social Services staff or property (including fire, flood, vandalism, burglary which affect operational efficiency).
- Controversies (i.e forthcoming court hearings and inquests concerning clients or staff, deaths, missing clients, service problems or complaints, inter-departmental issues).
- Meetings with members/Members of Parliament.
- Opening of new premises or a new service.
- Closure of a home, establishment or service.
- Changes/developments to social services delivery (e.g new structure, re-organisation of services).

- Funding/grants to voluntary organisations.
- Key visitors to Divisions.
- New partnership/joint ventures.

### Libraries

- Library closures due to refurbishment or emergencies.
- Changes/developments to libraries, re: new services or plans for development or changes to opening hours.
- Changes/reduction in service due to budget pressures or permanent closures of libraries.
- Changes to mobile library routes and arrival times.
- Key visitors to Divisions.

### Museums

- Museums achievements and archaeological investigations.
- Museums developments, including closures or reductions in hours.
- Key visitors to Divisions.

### Adult Education

- Local events, activities, presentations within the Adult Education Service.

## ENVIRONMENT, TRANSPORT AND DEVELOPMENT

### Highways

- Road and bridge design.
- Publicity statements relating to highway maintenance schemes.
- Launch of any national/county wide road safety campaigns to be made from local school.
- Major highways developments.
- Traffic Management proposals and objections to proposals.
- Provision of new pedestrian crossings.
- Traffic calming schemes.
- Footway improvement proposals.
- Footpath maintenance and improvements.
- Land acquisitions for maintenance schemes.
- Cycling schemes.
- Route hierarchy reviews.

### Environment and Waste

- Issues relating to the presence of travellers:-
  - Traveller group locations (where known).
  - Placing of facilities at the location.
  - Case conferences under the Traveller protocol.

- Any local concerns/media interest.
- Definitive Map Modification Order applications.
- RUPP Reclassification Orders.
- Applications re: new village greens.

### Travel and Transport

- Progress on enforcement action in relation to development control.
- Schools, participating in the Healthier and Safer Journeys to School Initiative.
- Revised bus services, local bus service contracts.
- Major public transport service changes.
- Changes to home to school transport arrangements.

### Public Protection

- 'County Matter' planning applications.
- Formulation of the Minerals Local Plan.
- Planning applications under Regulation 3 of the Town and Country Planning General Regulations 1992.
- Major breaches of legislation identified which may be of significant public interest including animal disease outbreaks.
- Significant results of inspections of businesses, i.e those involving the discovery of major breaches of legislation and the corrective action being taken to address them.
- Consumer complaints about businesses that may have a significant or wide local impact within the community – or nationally (e.g. serious safety issues or fraudulent behaviour).
- High profile enforcement activities, including public enforcement interventions (e.g. prosecution, injunction orders).

### Economic Development & Strategy

- Planning applications in respect of which the County Council as Strategic Planning Authority is consulted by District Planning Authorities.
- Proposals to make a very strong recommendation for refusal of planning permission on highways grounds.
- New local investment.
- Successful projects under one of our grant schemes.
- Regional/International meetings/visits taking place in a member's division.
- Area specific policy issues.
- Where there is a likelihood of an application for funding being turned down.
- Changes to the local economic base – expansions, closures, redundancies, prosecution etc.
- Closure (or re-opening) of a rural shop or rural or urban Post Office.

## Emergency Planning

- Emergencies/Incidents of significance.
- Training/Exercise events.
- Community engagement events.
- New Initiatives.

Plus key visitors to Divisions in respect of all ETD services.

## NPS LTD

- Property sale particulars.
- Property disposals, when not on the open market.
- Planning applications on surplus property or for County Council developments.
- Property acquisitions by lease or purchase.
- Property reviews.
- Partnership projects.
- Planned maintenance programme for local properties.

## NORFOLK FIRE SERVICE

- Variations to standards of fire cover e.g. changes to location of stations, number and type of fire appliances, numbers of firefighters.
- Initiatives relating to community safety.
- Key visitors to Divisions.

## RESOURCES

### NpLaw

- Temporary Traffic Regulation Orders.
- Cycle Track Orders.
- Applications re: common land.

### Planning, Performance and Partnerships

- Initiatives relating to neighbourhood renewal, social regeneration budget, new deal for communities, partnership projects or joint working.

### Democratic Services

- Briefings for local members on the work of their LSP.
- Register Offices - closures/amalgamations.
- Register Offices – change of opening hours.
- Register Offices – details of building projects.
- Applications by venues to be approved for marriage ceremonies.

- Applications for new Safety Certificates at sports grounds.
- Amendments to Safety Certificates involving any changes in permitted capacity.
- Prohibition notices relating to sports grounds.
- Notification of constituents due to receive an M.B.E. and an invitation to the ceremony.
- Notification of visits organised by the Chairman's office.

#### Customer Services and Communications

- Informing local members of divisional news, issues/events.
- Proposals or changes relating to divisional or major customer access arrangements.

#### PUBLIC HEALTH

- Communicable Disease Outbreaks.
- Significant Health Protection Issues.

#### ALL DEPARTMENTS

All departments should notify local members if they become aware of any proposals for the closure or opening of community facilities, including post offices, bank branches, health facilities etc.

## PART 6.3

### 'PROPER OFFICER' RESPONSIBILITIES

Local Government legislation from time to time requires local authorities to appoint "Proper Officers" for specific purposes.

The officers listed in the third column of the table below have been designated by the Council as the Proper Officers for the functions listed against their name in the first and second columns:

Section/Act	Functions	Proper Officer
Section 234 of the Local Government Act 1972 (referred to below as the 1972 Act)	signing notices, orders and other documents	The Chief Officer or other Officer responsible for the function which is the subject of the document. If there is no such officer, then the Managing Director.
Section 83 (1) - (4) of the 1972 Act	Witness and receipt of declaration of acceptance of office	Head of Democratic Services
Section 84 of the 1972 Act	Receipt of declaration of resignation	Head of Democratic Services
Section 88 (2) of the 1972 Act	To convene meeting of County Council to fill vacancy in office of Chairman	Managing Director
Section 89 (1) (b) of the 1972 Act	Receipt of notice of casual vacancy from two local government electors	Managing Director
Paragraph 4 (2) (b) and	Signature of summons to attend meetings	Managing Director
Paragraph 4 (3) of Schedule 12 to the 1972 Act	Receipt of notices regarding address to which summons to meeting to be sent	Managing Director

Local Government (Committees and Political Groups) Regulations 1990	Notification of political groups	Head of Democratic Services
Section 35, Representation of the People Act 1983	Returning Officer for County Council elections	Head of Democratic Services
Section 146 (1) (a) & (b) of the 1972 Act	Declaration and certificates in respect of securities	Head of Democratic Services
Section 210 (6) and (7) of the 1972 Act	Charity functions of holders of offices with existing authorities transferred to proper officer, if no equivalent officer	Head of Democratic Services
Section 225 (1) of the 1972 Act	Deposit of documents – except documents deposited under Section 146 (6) and (7) of the Town and Country Planning Act 1990	Head of Democratic Services
Section 229 (5) of the 1972 Act	Certificate of photographic copies of documents	Head of Democratic Services
Section 236 (10) of the 1972 Act	To send copies of bylaws to each district council in the County	Head of Democratic Services
Section 238 of the 1972 Act	Certification of bylaws	Head of Democratic Services
Section 41 of the Local Government (Miscellaneous Provisions) Act 1976	Certification of reports and minutes	Head of Democratic Services
Section 115 (2) of the 1972 Act	Receiving monies due from officers of the Council	Head of Finance
Section 228 (3) of the 1972 Act	Inspection of Accounts	Head of Finance
Section 191 of the 1972 Act	Function with respect to Ordnance Survey	Director of Environment, Transport and Development
Paragraph 28 of Schedule 16 to the 1972 Act	Receipt of deposit of lists of protected buildings	"
Section 59 (1) of the Highways Act 1980	Issuing certificates in respect of expenses due to extra-ordinary traffic	"



Section 205 (4) and Section 211 of the Highways Act 1980	Consultation with District Councils where improvement of private streets includes sewerage and making final appointments in respect of private street works	"
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In addition, any reference in any legislation passed before or during the 1971 - 72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Clerk to the Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Managing Director.

## **PART 6.4**

### **OFFICER EMPLOYMENT PROCEDURE RULES**

These rules incorporate the standing orders required by Regulation 3(1) and Part II of Schedule 1 and Regulation 6/Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001.

#### **1. Recruitment and Appointment (general)**

##### **1.1 Declarations**

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of any existing councillor or officer of the Council; or of the partner of such persons. Every member and senior officer of the Council must disclose to the Managing Director any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council. The Managing Director or Chief Officer must bring any such disclosure to the attention of the Chairman of the Personnel Committee.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

##### **1.2 Seeking support for appointment**

- (i) Subject to paragraph (iii) the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii) no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

#### **2. Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint the Head of Paid Service or a chief officer and it is not proposed that the appointment will be made exclusively from among their existing officers, the Head of Human Resources and Organisational Development will:-

- (a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
  - (ii) any qualification or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### 3. **Appointment of Head of Paid Service**

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointment Panel appointed for this purpose by the Personnel Committee. The Appointment Panel must interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list. The Panel must be politically balanced but will not count in the overall allocation of seats to political groups because of its ad-hoc nature.
- (b) An offer of an appointment will not be made until:
- (a) the Appointment Panel has notified the Head of Human Resources and Organisational Development of the name of the person to whom they wish to make the offer and any other particulars which they consider are relevant to the appointment;
  - (b) the Head of Human Resources and Organisational Development has notified every member of the Council:
    - (i) the name of the person to whom the Panel wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the Panel has notified to the Head of Human Resources and Organisational Development; and
    - (iii) the period within which any objection to the making of the offer is to be made;
    - (iv) the Head of Human Resources and Organisational Development has notified the Panel that no objection was received by him within that period from any councillor;

- (v) the Panel is satisfied that any objection received from any councillor within that period is not material or is not well-founded.

#### 4. **Appointment of Chief Officers and Deputy Chief Officers**

- (a) An Appointment Panel will appoint chief officers and deputy chief officers. The Panel will be appointed for this purpose by the Managing Director in consultation with the Group Leaders and must be politically balanced. The Panel may comprise or include some or all the members of the Personnel Committee.
- (b) An offer of appointment shall not be made until the procedure described in paragraph 3(b) above has been followed in relation to the proposed appointment.
- (c) A list of Chief Officers and Deputy Chief Officers for the purposes of this paragraph is annexed to this Appendix.

#### 5. **Other Appointments**

- (a) **Officers below deputy chief officer** The appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors. In this respect he has arranged for chief officers to exercise this function in respect of such staff within their Department (see para 12 of the table below).

It may be appropriate in some cases for Members to meet candidates in an informal environment. It may also be appropriate in limited circumstances, for the relevant Committee Chairman to speak with the Chief Officer about the person specification prior to the post being advertised.

- (b) **Assistants to political groups.** The recruitment of assistants to political groups will be carried out in accordance with the Council's proper processes but appointments will be made in accordance with the wishes of the political group to which the post has been allocated.

#### 6. **Disciplinary action in respect of the Head of Paid Service, Chief Finance Officer and Monitoring Officer:**

- (a) No disciplinary action in respect of the head of the Council's head of paid service, its monitoring officer or its chief finance officer, except action described in paragraph (b), may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

- (b) The action mentioned in paragraph (a) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the date on which the suspension takes effect.
- (c) In paragraph (a), "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
- (d) In addition, any proposal to dismiss the Head of Paid Service must (i) follow the procedure in para 7(a) below but with the substitution of the body proposing the dismissal for the reference to the Head of Paid Service and (ii) be approved by the full Council.

## **7. Disciplinary Action in respect of Chief Officers and Deputy Chief Officers**

- (a) The Head of Paid Service will be responsible for taking disciplinary action in respect of Chief Officers and deputy Chief Officers (including their dismissal). In the case of disciplinary action in respect of deputy Chief Officers, he will first consult the relevant Chief Officer.
- (b) Notice of dismissal of a Chief Officer or deputy Chief Officer must not be given by the Head of Paid Service until:-
  - (i) The Head of Paid Service has notified the Head of Human Resources and Organisational Development of the name of the person who he wishes to dismiss and any other particulars which the Head of Paid Service considers are relevant to the dismissal.
  - (ii) The Head of Paid Service is satisfied that any objection received within that period is not material or is not well-founded.

## **8. Disciplinary Action in respect of other staff**

Disciplinary action against or the dismissal of other staff will only be taken by the Head of Paid Service or his nominee. In this respect he has arranged for chief officers to exercise these functions in respect of such staff within their Departments (see para 15 of the table below).

Councillors will not be involved in disciplinary action against or the dismissal of any officer below deputy chief officer except (a) where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action or dismissals or (b) in the case of political assistants (where such action will be taken after consultation with the relevant Group Leader).

9. **Officers Delegated Powers in respect of staffing matters**

- (a) The Council has arranged for Service Chief Officers and the Head of Human Resources and Organisational Development to take the decisions in respect of the employment of officers set out in the table below. In addition, Chief Officers may authorise officers in their Departments to exercise the powers set out in the table on their behalf.
- (b) In addition, Managers are authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment.

<p style="text-align: center;"><b>Powers Delegated</b></p> <p style="text-align: center;"><b>Salaries and Wages and General Conditions of Service</b></p>	<p style="text-align: center;"><b>Chief Officer(s)</b> <b><u>Exercising Powers Delegated</u></b></p>
<p>1. To implement national agreements, except discretionary clauses not related to previous decisions taken by committees.</p>	<p>Head of Human Resources and Organisational Development, and appropriate Chief Officer(s).</p>
<p>2. To interpret salary and wage awards to resolve minor anomalies.</p>	<p>Head of Human Resources and Organisational Development, and Chief Officers as appropriate.</p>

<p>3. To determine gradings of posts (other than Chief and Deputy Chief Officer posts and reviews involving significant numbers of posts or where the changes give rise to significant cost implications).</p>	<p>For employees subject to the Conditions of Service of the National Joint Council for Local Government Services, the Head of Human Resources and Organisational Development in accordance with grading policy and arrangements agreed as part of Modern Reward Strategy.</p> <p>For other categories of employees, the relevant Chief Officer subject to the Chief Officer consulting the Head of Human Resources and Organisational Development in the case of categories of employees employed in more than one department or where repercussions may be anticipated.</p>
<p>4. To award up to two merit increments within scale, or to withhold with the authority of the Head of Human Resources and Organisational Development, in disciplinary cases, increments in relation to staff on grades of up to and including Scale J or equivalent.</p>	<p>Appropriate Chief Officer.</p>
<p>5. To adjust locally agreed rates of pay provided any proposed adjustment follows closely adjustment agreed to national rates which have previously been related.</p>	<p>Head of Human Resources and Organisational Development</p>
<p>6. To determine starting salaries within the scales which allow discretion, subject to any pre-determined rules governing specific scales.</p>	<p>Chief Officers generally.</p>
<p>7. To exercise discretionary powers in relation to annual leave and that for special purposes contained in the conditions of service applicable to the employee.</p>	<p>Chief Officers generally.</p>

<p>8. To grant special compassionate leave with pay up to a maximum of two weeks in wholly exceptional circumstances, other than the death/funeral of a family member, when other arrangements apply, and where it is impractical or unreasonable for the employee to use annual leave.</p>	<p>Chief Officers generally</p>
<p>9. (a) To extend sick leave at full pay by a maximum of three months.</p>	<p>Appropriate Chief Officer in conjunction with Head of Human Resources and Organisational Development.</p>
<p>(b) To extend sick leave on half pay by a maximum of three months, provided that any such extensions are based on Council's policy.</p>	
<p>(c) To authorise extensions in sick leave at full or half pay beyond those authorised in (a) above.</p>	<p>Head of Human Resources and Organisational Development.</p>
<p>10. To allow a return to work from sick leave on a part-time basis, but on full pay, for a period not exceeding three months, provided:</p>	<p>Chief Officers generally.</p>
<p>(a) The return on this basis is on medical advice received direct from the G.P. or the Council's Medical Adviser.</p>	
<p>(b) There is reasonable prospect of achieving a return to full time working at effectiveness.</p>	
<p>(c) The employee achieves a minimum of half time working within two weeks of the arrangement starting.</p>	



<p>(d) Any such arrangement may not exceed three months, with any extension beyond that being authorised by the Head of Human Resources and Organisational Development.</p> <p>Departments must maintain a record of all cases where these provisions are used.</p>	
<p>11. To establish any post for which specific provision (not simply financial provision) has been made in the Staffing Budget.</p>	<p>Chief Officers, in consultation with the Head of Human Resources and Organisational Development.</p>
<p>12.(a) To make appointments to established posts at third-tier level subject to adherence to any rules specific to the type of post or establishment in question.</p>	<p>Chief Officers generally.</p>
<p>(b) To make appointments to established posts below third-tier, on Scale K and above (or equivalent salary).</p>	
<p>(c) To make appointments to established posts graded Scale J (or equivalent salary) and below, subject to adherence to any rules specific to the type of post or establishment in question as in (a) above.</p>	

<p>13. To make temporary appointments in compliance with the County Council's policy framework on the use of different types of employment contract. The Director of Environment, Transport and Development shall have power to appoint temporary supervisory staff for the period of specific contracts subject to the prior approval of employing committees of the general conditions under which such appointments should be made. He/she shall also have power to appoint permanent highways staff at head office to replace staff seconded to site provided that wherever possible normal vacancies are left open so as to have established posts available at head office for seconded staff to fill at the end of their period of work.</p>	<p>Chief Officers generally.</p>
<p>14.(a) To authorise an extension of service of an employee, after reaching compulsory retirement age.</p>	<p>Chief Officers generally, with a report of all such cases to the Head of Human Resources and Organisational Development.</p>
<p>(b) To authorise the appointment of persons who have previously retired from the service of the Norfolk County Council.</p>	<p>Head of Human Resources and Organisational Development in consultation with the appropriate Chief Officer, with referral to Members where deemed appropriate by the Head of Human Resources and Organisational Development.</p>
<p>15. Subject to observance of the appropriate procedures in the Conditions of Service of the employee, to take disciplinary action against and to dismiss an employee graded up to, but not including deputy chief officer level.</p>	<p>Chief Officers generally.</p>

16.	To exercise discretionary powers with regard to the Local Government Pension Scheme, within the policy framework agreed by the County Council.	Head of Law, with Head of Human Resources and Organisational Development.
<b>Travelling and Subsistence Allowance</b>		
17.	To authorise the granting of car loans and provision of lease cars in line with approved travel support arrangements.	Appropriate Chief Officer.
18.	To approve claims for excess 'travel to work' mileage arising out of an enforced change of work place.	Chief Officers generally.
<b>Training</b>		
19.	To authorise the attendance of employees on full time courses not exceeding four weeks in duration or on longer courses in accordance with previously approved arrangements.	Chief Officers generally.
20.	To incur expenditure on 'in service' training courses for staff other than teachers, provided the cost can be met from within the training budget.	Chief Officers generally.
21.	To authorise the attendance of employees at and payment of appropriate allowances etc. on an approved course of training leading to qualifications.	Chief Officers generally.

22. To waive wholly or partly the requirement for an officer to repay the amount of financial assistance received towards training because of an early resignation, where the circumstances seem appropriate.	Chief Officers generally.
<b>Miscellaneous Staffing Matters</b>	
23. To authorise officers remunerated above the level of Scale G or equivalent, but below the level of Chief Officer and deputy to engage in additional employment, provided the head of department is satisfied that such employment or activity is not unethical and will not adversely affect the interests of the Council.	Chief Officers generally.
24.(a) To award honoraria to individuals occupying posts below Scale N in accordance with the Council's Honoraria policy.	Appropriate Chief Officer.
(b) To approve honoraria to staff on Scale N and above, in accordance with the Council's Honorarium policy.	Head of Human Resources and Organisational Development
25. To authorise a temporary higher grade for an individual acting up in a higher graded post in accordance with the Council's Acting Up policy.	Chief Officers generally.
26. To authorise the payment of planned overtime to staff above the overtime limit in line with the Council's Additional Hours policy.	Head of Human Resources and Organisational Development

<p>27. To vary the rates of charges to guests in residential establishments provided the adjustments proposed are in line with adjustments made nationally to related scales of charges.</p>	<p>Head of Democratic Services in consultation with appropriate Chief Officer.</p>
<p>28. To reimburse the cost of damage to employees' personal property up to <b>£500</b> in any one case, provided the Chief Officer is satisfied that the damage was caused as a result of the employee pursuing County Council business.</p>	<p>Chief Officers.</p>
<p>29. To reimburse in whole or part, as considered appropriate, but subject to a maximum amount of <b>£2,500</b>, the amount of any fines and necessary legal costs incurred by employees in relation to Council business, where an infringement of the criminal law is alleged without any personal fault on the part of the employee concerned.</p>	<p>Appropriate Chief Officer in consultation with the Head of Law.</p>
<p>30. To make loans to employees for the acquisition of houses in accordance with an approved scheme.</p>	<p>Head of Human Resources and Organisational Development.</p>
<p>31. To approve the use of the Mortgage Subsidy Scheme, subject to annual reports to the appropriate Committee.</p>	<p>Chief Officers generally.</p>
<p>32. To waive in whole or in part the repayment of relocation expenses in those cases where the Chief Officer considers that exceptional circumstances apply.</p>	<p>Chief Officers generally.</p>
<p>33. To use discretion to increase the maximum amount payable under the relocation expenses scheme to £10,000 in exceptional circumstances.</p>	<p>Chief Officers generally.</p>

<p>34. In consultation with all Party Leaders, to enhance the maximum amount payable under the relocation scheme up to £15,000 if it is considered necessary in order to be able to make an effective appointment at Head of Service level or above.</p>	<p>Head of Human Resources and Organisational Development.</p>
<p>35. To authorise in accordance with the County Council's approved policy:-</p>	<p>Chief Officers generally.</p>
<p>(a) The reimbursement of expenditure (including quarterly rental) in connection with essential telephone usage.</p>	
<p>(b) The installation of telephones in the homes of individual officers.</p>	
<p>36. To submit a list of Politically Restricted Posts to the Head of Human Resources and Organisational Development, with the final decision as to who should be listed being delegated to the Managing Director as Head of Paid Service.</p>	<p>Chief Officers generally.  (subject to the limited rights of appeal to the Standards Committee).</p>

**Part A - Chief Officers and Deputy Chief Officers (as traditionally understood)**

Department	Post Title
	Managing Director
Children's Services	Director of Children's Services
Environment Transport & Development	Director of Environment, Transport and Development
Fire	Chief Fire Officer
Fire	Deputy Chief Fire Officer
Community Services	Director of Community Services
Public Health	Director of Public Health

**Part B - (Those other posts falling within the definition of Deputy Chief Officer and in whose appointment it is proposed Members be formally involved)**

Department	Post Title
Resources	Head of Customer Services and Communications
Resources	Head of Planning, Performance and Partnerships
Resources	Head of Human Resources and Organisational Development
Resources	Head of Law
Resources	Head of Democratic Services
Resources	Head of Finance
Resources	Head of Programme Management Office
Resources	Head of Procurement
Environment, Transport & Development	Assistant Director Environment & Waste
Environment, Transport & Development	Assistant Director - Highways
Environment, Transport & Development	Assistant Director – Travel and Transport Services
Environment, Transport & Development	Assistant Director – Economic Development & Strategy
Environment, Transport & Development	Assistant Director – Public Protection
Environment, Transport & Development	Head of ICT and Information Management
Community Services	Assistant Director – Safeguarding
Community Services	Assistant Director – Prevention
Community Services	Programme Director – Integration
Community Services	Assistant Director – Commissioning and Service Transformation
Community Services	Assistant Director – Cultural Services and Head of Libraries
Children's Services	Assistant Director - Operations and Integrated Services
Children's Services	Assistant Director – Education Strategy and Commissioning

Children's Services	Assistant Director – Strategy & Commissioning (Safeguarding & Additional Needs)
Fire	Head of Service Development
Public Health	Deputy Director of Public Health



## PART 6.5

### MONITORING OFFICER PROTOCOL

This protocol has been produced following the recommendation of the District Auditor that guidelines be produced for the benefit of Members and Senior Officers on the role of the Monitoring Officer.

#### 1. Introduction

This protocol explains the role and functions of the County Council's Monitoring Officer and the arrangements for ensuring this role is effectively carried out. It is based on the understanding that the ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information and access to debate particularly at early stages.

#### 2. Functions

The specific functions of the County Council's Monitoring Officer are detailed in the Appendix. The chief responsibilities can be summarised as these:-

- (a) A duty to report to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration. These matters are referred to in this Protocol as "reportable incidents".
- (b) A range of functions relating to Members' conduct.
- (c) Specific functions under the Council's Constitution.

#### 3. Discharge of Functions

3.1 In order to ensure the effective undertaking of these duties, the Monitoring Officer will:-

- (a) Have regular meetings with each of the Managing Director, Head of Finance, and Head of Democratic Services in order to review current and likely future issues with legal, constitutional or ethical implications.
- (b) Maintain good liaison and working relations with the District Auditor.
- (c) Ensure that the County Council is kept up to date on new legislation and changes in the law which are relevant to the carrying out of the County Council's activities. This will generally take the form of reports to Members and briefing notes to Chief Officers but where appropriate will involve training sessions for relevant Members and Officers. These activities will be carried out in consultation and conjunction with relevant Chief Officers.

3.2 In addition, Chief Officers will ensure that:-

- (a) The Monitoring Officer or his/her Senior Staff are consulted at an early stage on new policy proposals and on matters which have potentially significant legal implications. Where there is any doubt, the Chief Officer should always consult.
- (b) All draft reports to the Council and Committees should as a matter of routine be cleared with the Monitoring Officer or his/her senior staff.
- (c) The Monitoring Officer is informed of all emerging issues of concern of a legal, ethical or constitutional nature.

Similarly, Members should ensure that the Monitoring Officer is routinely informed and consulted in respect of new policy proposals.

The Monitoring Officer will always seek to resolve any potential illegality by identifying alternative and legitimate means of achieving the objective of the purpose. (See also para. 3.5(a)).

3.3 Also, in cases where external Lawyers are acting for the County Council, it will be necessary for the relevant Chief Officer and the Monitoring Officer to agree arrangements for ensuring that vires and constitutional issues are satisfactorily addressed.

- 3.4
- (a) The Monitoring Officer will seek to resolve potential reportable incidents (as defined in para 2(a)) by avoiding the illegality, etc., or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, and given that County Council Officers and Members are encouraged to consult the Monitoring Officer in respect of any proposal, the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the Officer or Member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer.
  - (b) Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she must in appropriate cases seek to resolve the matter amicably, by securing that any illegality or failure of process is rectified. However, it is recognised that the Monitoring Officer may decide that the matter is of such importance that a statutory report is the only appropriate response.
  - (c) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer will be entitled to add his/her written advice to the report of any other County Council Officer.

- (d) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Managing Director and the Head of Finance, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.

3.5 Finally, and to assist in the effective undertaking of these duties, the Monitoring Officer will have the following rights:-

- (a) To receive advance notice of meetings whether formal or informal between Chief Officers and Members of the Council or Committee Chairmen will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise, together with the right to attend such meetings.
- (b) To receive advance notice of meetings of the Chief Officers' Group and agenda and reports and the right to attend and speak.
- (c) To see all documents and information held by or on behalf of the County Council, including documents and information held by any Council Officer or Member. However, this right does not extend to documents and information held by or on behalf of any political party represented on the Council.
- (d) To attend any meetings of Officers or Members (or both), whether or not such meetings include any other persons. However, this right does not extend to any meetings held by or on behalf of any political party represented on the Council.
- (e) To require any County Council Officer or Member, or any contractor to provide an explanation of any matter under investigation.
- (f) To report to the Council, and its Committees, including a right to present a written report and to attend and advise orally.
- (g) To have access to the Managing Director (as the Council's Head of the Paid Service) and to the Head of Finance (as the Council's Section 151 Officer).
- (h) After consultation with the Managing Director and the Head of Finance, to notify the Police, the Council's Auditors and other regulatory agencies of concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions.
- (i) To obtain at the Council's expense legal advice, either internally or from an independent external Solicitor or Barrister, on any matter which it is believed may be a reportable incident.

#### 4. **Conflicts**

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the County Council, he/she must consult the Managing Director who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Managing Director or request a neighbouring authority to make their Monitoring Officer available to the County Council to investigate the matter and report to the Managing Director and/or the County Council as appropriate.

**FUNCTIONS OF MONITORING OFFICER**

**A. Functions under Section 5 of the Local Government and Housing Act 1989**

To report to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision of the authority in respect of any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality or maladministration.

**B. Functions relating to Standards**

- (1) To act as the principal adviser to the Standards Committee and in that role to contribute by training and otherwise to the provision and maintenance of high standards of conduct.
- (2) To maintain the Register of Members' Interests and in this connection to receive from Members written notification of disclosable pecuniary interests and other interests and to receive written notification of any change to those interests.
- (3) To receive written notification from Members of the existence and nature or any gift or hospitality exceeding £25.
- (4) Dealing with complaints against Members, including the conduct of investigations and reporting to the Standards Committee.
- (5) To process requests from Members for dispensations to speak and vote at meetings.
- (6) To maintain and promote the Council's Anti Fraud and Corruption Strategy.
- (7) To keep the Code of Corporate Governance under review.

**C. Functions relating to the Constitution**

- (1) To refer matters relating to conduct, ethics and propriety to the Standards Committee.
- (2) To monitor the operation of the Constitution and to make recommendations on how it can be amended in order better to achieve the overall purposes. This may include observing meetings of different parts of the Member/Officer structure; undertaking an audit trail of a sample of decisions; recording and analysing issues raised by Members, Officers, the public and other relevant stakeholders; and comparing practices in this authority with those in other comparable authorities, or national examples of best practice.

- (3) To be consulted by the Head of Democratic Services on changes to factual references in the Constitution or changes required by a change in the law. Also, to publish changes to the Constitution.
- (4) To publicise the Constitution by ensuring that a copy is given to each Member on their being elected to the Council; ensuring that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local media and the public on payment of a reasonable fee; ensuring that the executive summary is made widely available within the area and is updated as necessary; and ensuring the publication of changes made.

## **PART 7.1**

### **PROCEDURE FOR TAKING URGENT DECISIONS**

1. The Council's Constitution sets out in Article 11 and Parts 3.1, 4.1 and 6.2 who in the Council has authority to make decisions and the procedures for making those decisions.
2. Sometimes events will occur which require decisions to be taken urgently. The County Council needs to be able to respond quickly where failure to do so would not be in the public interest.
3. The procedure for taking urgent decisions should only be used where failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public, for example:
  - a. a service not being provided;
  - b. the Council breaking the law or financial rules;
  - c. the public being put at serious risk of harm;
  - d. the Council suffering financial loss;
  - e. deadlines not being met for consultation or for submission of a funding bid
4. The decision as to whether or not a decision is urgent shall be taken by the Monitoring Officer in consultation with the Chairman and Vice Chairman of the Committee at which the decision would normally be taken.

### **URGENT DECISIONS BY COMMITTEE**

5. Where the agenda for the relevant committee has been published, an urgent item may be added to the agenda if the Monitoring Officer in consultation with the Chairman and Vice Chairman of the Committee has so determined. The chairman of the committee will be required to explain to the committee the reasons for the item being dealt with as a matter of urgency.
6. Every effort must be made to circulate the urgent report to members of the committee at least 24 hours before the meeting.
7. The urgent report will be made available for public inspection as soon as possible.

### **CALLING AN ADDITIONAL MEETING**

8. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the Committee Procedure Rules at Part 4.2. In the event of any dispute as to whether an additional meeting should be called in order to deal with an urgent item, the Monitoring Officer shall be responsible for making that decision.

## **DECISION BY CHIEF OFFICERS IN CONSULTATION WITH COMMITTEE CHAIRMEN AND VICE CHAIRMEN**

9. The relevant Chief Officer or in his/her absence the Managing Director may take a decision which is normally reserved to a committee, where s/he believes that the decision is urgent, after first:
- a. taking into account the guidelines set out in paragraph 3 above;  
and
  - b. where possible, seeking the views of the Chairman and the Vice-Chairman of the relevant committee in respect of the proposed decision.
  - c. taking into account any views he considers are relevant.

The decision is that of the Chief Officer or the Managing Director alone. The decision together with the reasons why it was determined urgent must be recorded in writing. The record of urgent decisions will be held by the Head of Democratic Services and will be made available for inspection. Following the decision, a report will be submitted to the next meeting of the relevant committee explaining:

- the decision;
- the reasons for it; and
- the reasons why the decision was treated as a matter of urgency.

## **REPORT ON USE OF THE URGENCY PROCEDURE**

10. In addition to any reports submitted to the relevant committee, twice yearly a report will be presented to the Policy and Resources Committee detailing the number of occasions these provisions have been used and the reasons for their use.



## PART 7.2

### REFERAL OF COMMITTEE BUSINESS FOR DECISION BY FULL COUNCIL

Part 4.1 of the Council's Constitution sets out the allocation of responsibility for undertaking those functions of the Council not reserved to the Full Council.

Once a decision has been taken by a Service Committee, the decision cannot be called-in for review nor overturned by another decision-making body within the Council. The only circumstance when a committee decision can be challenged is on the grounds that the decision has been taken contrary to the Council's Principles of Decision Making as set out in Article 11 of this Constitution, or has in some other way breached the Council's Constitution. If such a challenge is made, the Monitoring Officer, in liaison with the Managing Director and after having carried out appropriate consultation, will determine whether the challenge is upheld and if so, what action should be taken.

In certain circumstances, a decision that could be properly taken by a service Committee within its terms of reference and delegated powers may be made instead by the Full Council. These are set out below.

#### **A. The service committee decides to refer the decision for Full Council**

A Service Committee may consider that although it is the proper committee to take a decision under powers delegated to it by the Council, the nature of the decision is such that it considers it more appropriately taken by the Full Council. In such circumstances, the Committee shall resolve, with or without a recommendation as to the decision Full Council should take, that the decision stands referred to the Full Council.

#### **B. The Leader of the Council and the Managing Director determine the issue to be of such significance that it should be made by Full Council**

Only the Council can take decisions which commit the Council to incurring expenditure of over £100m. However, there will be other criteria that may be applied to a decision that categorise it as significant. Such criteria may be the economic, social or environmental implications of the decision or other factors such as public interest. The Managing Director and the Leader shall regularly review the work plans of the service committees to consider if any forthcoming decisions are of such significance. The Managing Director will notify the Chairman and Vice Chairman and members of the Committee of any decision to refer an issue to Council and give reasons for that decision which shall be made available to the public through the Council's website.

In addition, a member may request in writing 15 working days before a Service Committee considers the item that the Managing Director and the Leader designate a decision as of such significance that it should be made by Full Council. The Managing Director will notify the Chairman and Vice Chairman and members of the Committee of their decision together with any reasons for making it.

**C. The decision commits the County Council to spending over £100m**

Only the Full Council may take a decision that commits the Council to revenue or capital expenditure of over £100m. Having considered the issue, the Council may, if it so resolves, delegate that decision to a Committee, Sub Committee or individual officer.

## **PART 7.3**

### **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

#### **1. The framework for Budget and Policy Framework decisions**

- 1.1 The Full Council approves the Budget and Policy Framework as set out in Article 3 and Part 3.1 of this Constitution.

#### **2. Process for developing the Policy Framework**

- 2.1 Each committee (Policy and Resources and the four service committees) is responsible for the preparation of the Policy Framework documents that relate to the areas for which it is responsible. If there is any doubt as to which committee is responsible for a particular Policy Framework document, the Monitoring Officer, in consultation with relevant Chief Officers, shall decide to which committee responsibility will be allocated.

- 2.2 The process for proposing the adoption or amendment of a plan or a strategy within the Policy Framework is:

- (1) When the adoption or amendment of a policy or strategy that forms part of the Policy Framework is to be proposed, the relevant committee will agree proposals for submission to the Council.
- (2) The Council will consider the proposals and may:-
  - (a) adopt them
  - (b) amend them
  - (c) refer them back to the committee for further consideration
- (3) In considering the matter, the Council will have before it the report from the Committee including a report of any minority views expressed in that Committee's debate.
- (4) In approving any part of the Policy Framework, the Council may also specify the extent to which amendments, modifications or variations to that part of the Policy Framework may be made by the committee.
- (5) The Managing Director and Chief Officers may amend the text of approved documents to update information, reflect changes in the law or other matters not affecting the substance of the policy or strategy.

### 3. Procedure for developing the Budget

3.1 The process for developing and proposing the Budget, Council Tax level, Capital Programme and Borrowing is:

- (1) The revenue and capital budgets are proposed by the Policy and Resources Committee and approved by the County Council
- (2) Policy and Resources Committee will provide guidance to Service Committees on the preparation of the budget in consultation with the Head of Finance. The guidelines will take account of:
  - legal requirements
  - medium-term planning prospects
  - the County Council's core roles
  - all available resources including external funding and income
  - increase in demand, inflation
  - reductions due to reductions in grant and cuts
  - best value
  - Government guidelines
  - accounting standards
  - the Prudential Code
  - The County Council Plan

Policy and Resources Committee will also set out the minimum requirements for preparation of budget proposals including:

- Option appraisal and use of whole life costing, comparing the relative costs of the options, over the life of the project. For example, whether to lease, purchase or new build.
  - Risk assessment.
  - Single impact assessment, a Norfolk County Council tool to ensure all of the necessary key cross cutting issues are considered, including equality and sustainability.
- (3) The Policy and Resources Committee will publish to all County Council Members each autumn the financial context for forward financial service planning, a review of the issues relating to the budget for the following financial year and a timetable for the preparation and approval of the budget. This timetable will take account of the need for discussion and review of the proposals by Service Committees and of the need for statutory and other consultation on the budget proposals.
  - (4) The County Council will consider the Policy and Resources Committee's budget proposals at its February meeting and may adopt them, amend them or substitute its own proposals in their place. The County Council will agree at least a three year balanced budget and agree the precept for the following year.

- (5) The Head of Finance is responsible for ensuring that proposals demonstrate adherence to the guidance and Members should ensure that any proposed budget amendments are made available to the Head of Finance at least five working days before the County Council budget meeting. Members proposed budget amendments must be finalised two working days before the County Council budget meeting in order that the Head of Finance can report on the robustness of any proposed budget amendments.

## PART 7.4

### ACCESS TO INFORMATION PROCEDURE RULES

#### 1. Meetings

- 1.1 Procedure Rules 1.2-1.8 apply to all meetings of the Council, its Committee and Joint or Area Committees.

#### Rights to attend meetings

- 1.2 Members of the public and the media may attend all meetings, subject only to the exceptions in these rules.

#### Notice of meeting

- 1.3 The Head of Democratic Services will give at least five clear days notice of any meeting by posting details of the meeting at County Hall, Norwich and on the Council's website.

#### Access to agenda and reports before the meeting

- 1.4 The Head of Democratic Services will make copies of the agenda and reports available for public inspection at County Hall and on the Council's website at least five clear days before the meeting. If an item is later added to the agenda, the revised agenda will be open to public inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Head of Democratic Services will make such reports available for public inspection as soon as the report is sent to Members.
- 1.5 The Head of Democratic Services may withhold reports from public inspection if he/she considers they contain exempt or confidential information (as defined in paragraphs 8 and 9 of these Rules). Such reports will be marked "Not for publication" and the exemption category of information indicated and will be printed on pink paper.

#### Exclusion of the Media and Public from Meetings

- 1.6 The media and the public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (as defined in paragraph 8 of these Rules) will be disclosed.
- 1.7 The media and the public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information (as defined in paragraph 9 of these Rules) will be disclosed.

- 1.8 The decision to exclude the media and the public must be made by a resolution of the meeting which must (in the case of exempt information) state the reasons for the exclusion (by reference to the relevant statutory category) which must be recorded in the minutes of the meeting.

## **2. Access to minutes of meetings**

The Head of Democratic Services will retain and make available for public inspection for six years after a meeting of a decision-making body, copies of the following:

1. the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
2. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

## **3. Supply of copies**

Following a request by any person and on payment by them of a reasonable charge to meet copying and clerical costs, the Council will supply copies of any agendas, reports, minutes and records of decisions which are open to public inspection.

## **4. List of background documents**

The author of any report will set out in the report a list of background documents relating to the subject matter of the report which in his/her opinion:

- 1 disclose any facts or matters on which the report, or an important part of the report, is based and
- 2 have been relied on to a material extent in preparing the report (not including published works or those which disclose exempt or confidential information as defined in paragraphs 8 and 9 of these Rules).

## **5. Public inspection of background documents**

The Managing Director and Chief Officers are responsible for ensuring that one copy of each background document included in the list of background documents is retained and made available for public inspection and published on the Council's website after the date of any meeting or decision.

## **6. Summary of public's rights**

- 6.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

6.2 A summary of the public's rights to attend meetings and to inspect and copy documents will be retained and made available to the public at County Hall, Norwich.

## 7. RIGHTS OF ACCESS FOR MEMBERS GENERALLY

7.1 Under Section 100F of the Local Government Act 1972, a member has a right to see any document in the possession of, or under the control of, the Council relating to any business to be transacted at a meeting of the Council, a Committee or Sub-Committee. However, the Head of Democratic Services has the power to withhold any such document which in his/her opinion contains exempt information of certain types: e.g. relating to individuals, the terms of a proposed contract, consultations or negotiations regarding labour relations matters, or legal proceedings.

7.2 A member has a right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

7.3 At common law a member has a right to see any document under the control of the Council if that member can show a "need to know" the contents of the document in order to perform their duties as a Councillor. A member is not given a roving commission; nor can inspection be demanded out of idle curiosity or if there is any improper or indirect motive. In the event of a dispute as to whether a member has a "need to know", the question is to be decided ultimately by the Council itself.

7.4 The Annex to this Appendix contains a protocol agreed by the County Council for the exercise of the rights of members to inspect and have copies of documents.

8. **Confidential information** means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of a Court Order.

9. **Exempt information** means information which falls within one or more of the following seven categories and in respect of which, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person including the authority holding that information. (However, information is not exempt information under this category if it is required to be registered under the Companies Act 2006, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 2011).



4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the County Council or a Minister of the Crown and employees of, or office holders under, the County Council.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the Council proposes:
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information falling within any of the above paragraphs (1) to (7) is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

**PROTOCOL RELATING TO MEMBERS RIGHTS TO ACCESS  
AND COPIES OF DOCUMENTS**

1. Introduction

Members can ask any Senior Officer to provide them with information, explanation and advice so that they can carry out their role as councillors. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent.

2. The Purpose of the Protocol

The purpose of the protocol in paragraph 4 is to help clarify for members what they are entitled to see, and how to go about seeing it, and to give officers clear guidelines about the members rights. The Council is developing separate arrangements to make sure that members get to know information in a timely and appropriate manner.

3. The Legal Position

3.1 Statutory Provisions

(Any member can see documents which contain information relating to the public and private meetings of the Council and its Committees and any decisions to be taken by an individual Officer. This statutory right does not extend to certain categories of exempt and confidential information.

3.2 The Common Law Position

- (a) The common law right of members is much wider than this and is based on the principle that any member has a prima facie right to inspect any Council documents *if access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle.
- (b) The exercise of this common law right depends upon the member's ability to demonstrate a "need to know". In this respect, a member does not have "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is whether there is a "need to know".

### 3.3 Data Protection

Data protection legislation restricts the processing of information relating to individuals. As a result, any such information cannot be shared without the agreement of that individual or unless one of the legal exemptions applies.

### 4. The Protocol

Against this background the Council has agreed the following protocol:-

- (1) An initial request should be made to the relevant Senior Officer and in this the Member should:-
  - (a) identify what they need to see;
  - (b) state the reason(s) that they need to see it; and
  - (c) make it clear whether they have a personal interest in the matter (as defined in the Members' Code of Conduct) and if so what it is.

The Officer is entitled to ask the member to make this request in writing if they are in any doubt about any of these matters.

- (2) Any officer who is in any reasonable doubt regarding the release of the information will consult the Monitoring Officer for advice.
- (3) If, after receiving this advice, it is not considered appropriate to release the information either because:-
  - the member has not established a need to see it or
  - because the Officer has other concerns (for example the Councillor has personal interest in the matter, the information is commercially or otherwise sensitive, or the amount of work involved in identifying and producing the information is considered to be excessive)

and the member takes a different view, the matter will be referred to the Managing Director, who will consult the relevant Group Leader before making a decision.

- (4) Any information provided must be only used in connection with the members' duties as a Councillor, e.g. speaking at a relevant Committee or at full Council. Information not already in the public domain should not be divulged to third parties (including the press) nor should information be used improperly.

- (5) Finally, the effect of the Data Protection legislation is that information relating to an individual should not be provided unless either the individual has agreed to its release or one of the legal exemptions applies. As a result, any member wishing to obtain access to personal information should first seek that persons consent. A form is provided for this purpose. If that consent is not given, or there is a difficulty with requesting it, then legal advice should be sought.

## PART 7.5

### PROCEDURE FOR APPOINTING MEMBERS TO SERVE ON INTERNAL AND EXTERNAL BODIES

#### 1. Internal bodies

- 1.1 In addition to the committees, sub committees and joint committees set out in Article 6, the Council also establishes and appoints to a number of panels/boards/working groups. The Council has delegated authority to appoint to these bodies to the appropriate Service Committees
- 1.2 At its first ordinary meeting of the meeting of the municipal year, Policy and Resources and the Service Committees shall be required to review the continuance of the panels/boards/working groups within their area of responsibility and where they decide they should continue, to determine the political compositions. Appointment to these positions is delegated to the Head of Democratic Services in consultation with the Group Leaders.
- 1.3 The Committees are also required at their first ordinary meeting of the municipal year to review the continued appropriateness of Member Champions within their area of responsibility and to make appointments.

#### 2. External bodies

- 2.1 The Council is represented on a number of external organisations. This reflects the Council's community leadership role. The Council has delegated authority to appoint to these bodies to the appropriate Committees, either Policy and Resources or the Service Committees. Guidance for serving on outside bodies is set out in Part 8.9 of this constitution.
- 2.2 At its first ordinary meeting of the meeting of the municipal year, each Committee shall be required to consider whether or not it is still appropriate to make appointments to the external organisations within its area of responsibility, and where they consider it is appropriate, they shall then make the appointment. The relevant Committee shall consider any new request for the Council to appoint to an outside body and any changes to appointments that may be required such as arising from a member resigning his position as the Council's representative. Any appointments that have to be made as a matter of urgency will be considered under the Council's urgency procedures set out in Part 7.1.

## **PART 7.6**

### **STANDARDS COMMITTEE: RULES OF PROCEDURE FOR HEARINGS**

#### **Interpretation**

1. 'Member' means the member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.
2. 'Investigator' means the Monitoring Officer or other investigating officer and their nominated representative.
3. 'Committee' also refers to 'a standards sub-committee'.
4. 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority or someone appointed for this purpose from outside the authority.

#### **Representation**

5. The member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.

#### **Legal Advice**

6. The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the member and the investigator if they are present.

#### **Setting the Scene**

7. After all the members and everyone involved have been formally introduced, the Chairman should explain how the Committee is going to run the hearing.

#### **Preliminary Procedural Issues**

8. The Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

#### **Making Findings of Fact**

9. After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

10. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing (paragraph 18).
11. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee should give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.
12. The member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
13. At any time, the Committee may question any of the people involved or any of the witnesses, and should allow the investigator to challenge any evidence put forward by witnesses called by the member.
14. If the member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
15. If the member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, good reasons must be given for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in the investigator's absence. After considering the member's explanation for not raising the issue at an earlier stage, the Committee may then:-
  - (a) Continue with the hearing, relying on the information in the investigator's report;
  - (b) Allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary: or
  - (c) Postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if not already present.
16. The Committee will usually move to another room to consider the representations and evidence in private.
17. On their return, the Chairman will announce the Committee's findings of fact.

**Did the Member fail to follow the Code?**

18. The Committee then needs to consider whether or not, based on the facts it has found, the member has failed to follow the Code of Conduct.

19. The member should be invited to give relevant reasons why the Committee should not decide that the member has failed to follow the Code.
20. The Committee should then consider any verbal or written representations from the investigator.
21. The Committee may, at any time, question anyone involved on any point they raise in their representations.
22. The member should be invited to make any final relevant points.
23. The Committee will then move to another room to consider the representations.
24. On their return, the Chairman will announce the Committee's decision as to whether or not the member has failed to follow the Code of Conduct.

#### **If the Member has not failed to Follow the Code of Conduct**

25. If the Committee decides that the member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

#### **If the Member has failed to Follow the Code**

26. If the Committee decides that the member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the member as to:
  - (a) Whether or not the Committee should set a penalty: and
  - (b) What form any penalty should take.
27. The Committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
28. The Committee will then move to another room to consider whether or not to impose a penalty on the member and, if so, what the penalty should be.
29. On their return, the Chairman will announce the Committee's decision.

#### **Recommendations to the Authority**

30. After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.



## **The Written Decision**

31. The Committee will announce its decision on the day and, where possible, provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft on the day of the hearing, before people's memories fade.

## PART 7.7

### FINANCIAL REGULATIONS

#### Background

- A. The County Council's governance structure is laid down in its Constitution, which sets how the County Council operates; how decisions are made; and how procedures are followed.
- B. The County Council has adopted a Committee form of governance.
- C. Elected Members are responsible for "ownership" of the County Council's financial management. Responsible budget officers act on behalf of the County Council in exercising that responsibility and in securing compliance with the County Council's Financial Regulations.
- D. The County Council's Head of Paid Service, Managing Director at Norfolk County Council, is responsible for the corporate and strategic management of the County Council. The Managing Director must report to and provide information for the County Council and its committees. Furthermore, the Managing Director is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Managing Director is also responsible, together with the monitoring officer, for the system of record keeping in relation to all the County Council's decisions.
- E. The Statutory Finance Officer, the Head of Finance at Norfolk County Council, has statutory duties in relation to the administration and stewardship of the County Council's financial affairs. This statutory responsibility cannot be overridden. The statutory duties arise from:
- ◆ Section 151 of the Local Government Act 1972
  - ◆ The Local Government Finance Act 1988
  - ◆ The Local Government and Housing Act 1989
  - ◆ The Accounts and Audit (England) Regulations 2011
  - ◆ The Local Government Act 2003
- F. The Head of Finance is responsible for the proper administration of the County Council's financial affairs and for setting and monitoring compliance with agreed standards of financial administration and management, including advice on the County Council's corporate financial position. The Head of Finance is also the 'head of profession' for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development.

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# **1 Status of Financial Regulations**

## **1.1 General**

- 1.1.1 These Financial Regulations provide the framework for managing the County Council's financial affairs. They apply to every elected member and officer of the County Council and, when stated, to third parties acting specifically on its behalf. The Regulations apply to all Norfolk County Council's financial arrangements, including joint committees, save where there is express agreement to the contrary.
- 1.1.2 The Regulations identify the financial responsibilities of the County Council, its Committees, the Audit Committee, the Head of Finance and other Chief Officers.
- 1.1.3 All elected members and staff have a general responsibility for taking reasonable action to provide for the security of the County Council's assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.1.4 The Head of Finance is responsible for maintaining a continuous review of the Financial Regulations and for submitting any additions or changes necessary to County Council for approval and at a minimum annually. Elected Members are responsible for considering and approving the County Council's Financial Regulations and for satisfying themselves that they are sufficient to ensure sound financial management of the County Council's resources.
- 1.1.5 The Head of Finance is responsible for reporting, where appropriate, breaches of the Financial Regulations to the County Council, its Committees and the Audit Committee.
- 1.1.6 The Head of Finance is responsible for issuing advice and guidance on the operation of the Financial Regulations. The County Council's detailed 'Financial Procedures', which support these Regulations, are determined by the Head of Finance and set out how the Regulations will be implemented, are described in separate guidance and have the same status as the Financial Regulations.
- 1.1.7 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the County Council's Financial Regulations, Financial Procedures and other internal regulatory documents and that they comply with them at all times. They must ensure that all staff have access to or the opportunity to access these Regulations, Procedures and other regulatory documents published on the County Council's internet pages.

1.1.8 The Head of Finance is responsible for ensuring that both elected members and officers are sufficiently competent, trained and informed with regard to the financial affairs of the Council.

## **2 Financial Management**

### **2.1 Introduction**

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

### **2.2 The Council**

2.2.1 The Council is responsible for adopting and changing the principles of governance and for approving or adopting the policy framework and budget within which the committees operate.

2.2.2 The Constitution allows decisions to be taken as follows:

- Strategic Decisions – decisions regarding policy or resource allocation are reserved by law as matters which must be determined by the Council.
- Reserved Decisions – decisions which are delegated by the Council to a Committee of the Council, whether in the terms of reference of committees or otherwise.
- Council Delegated Decisions - decisions which are delegated from the Council or a Committee to officers.

2.2.3 All decisions must outline the financial implications of decisions being made.

### **2.3 The Leader and Committee Chairs**

2.3.1 The Leader is responsible for directing the Council's affairs within the policy framework and budget.

2.3.2 The Committee Chairs are responsible for directing the Council's affairs within the policy framework and budget.

2.3.3 Committee Chairs are responsible for the overall financial management and value for money within their political portfolio.

## **2.4 Service Committees**

### **2.4.1 Policy and Resources Committee**

Additional wording needed when role and responsibility is determined for each committee.

### **2.4.2 Adult Social Care Committee**

Additional wording needed when role and responsibility is determined for each committee.

### **2.4.3 Children's Services Committee**

Additional wording needed when role and responsibility is determined for each committee.

### **2.4.4 Environment Development and Transport Committee**

Additional wording needed when role and responsibility is determined for each committee.

### **2.4.5 Communities Committee**

Additional wording needed when role and responsibility is determined for each committee.

## **2.5 Statutory Officers**

### **2.5.1 The Head of Paid Service (Managing Director)**

The Head of Paid Service is the Managing Director. The Managing Director is accountable to the Council and Service Committees on the manner in which the discharge of the Council's functions is coordinated.

### **2.5.2 The Monitoring Officer (Head of Law)**

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

### 2.5.3 **The Chief Finance Officer (Head of Finance)**

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

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

There are other Statutory Officers within the Constitution, Director of Children's Services, Director of Adult Social Services (Functions undertaken by Director of Community Services), Chief Fire Officer and Director of Public Health.

### 2.6 **The Money Laundering Reporting Officer**

The Head of Law is appointed as the Money Laundering Reporting Officer and the Service Director (Legal and Democratic Services) as the Deputy Money Laundering Reporting Officer. The Council has an Anti-Money Laundering Policy and Procedures in place. The Money Laundering Reporting Officer is the officer responsible for reporting disclosures to the National Crime Agency.

### 2.7 **Head of Finance**

The Head of Finance has statutory duties in relation to the financial administration and stewardship of the County Council. This statutory responsibility cannot be overridden.

2.7.1 The Head of Finance is also subject to compliance with Statements of Professional Practice issued from time to time.

2.7.2 The role of Head of Finance complies with the principles in the CIPFA best practice statement on 'Role of the Chief Financial Officer in Local Government'

2.7.3 The Head of Finance is responsible for:

- the proper administration of the County Council's financial affairs
- ensuring adherence to accounting standards



- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management, including the level of balances, closure of accounts and statement of accounts
- setting the framework for reporting financial implications to each Service Committee
- providing financial information on the corporate position of the County Council
- providing financial advice and information on all of the County Council's services
- preparing the overall revenue budget and capital programme, including the 3 year rolling medium term financial strategy
- preparing the asset management plan
- reporting on the robustness of the estimates made for the purposes of budget calculations, and the adequacy of proposed financial reserves
- effective administration of the treasury management function and aspects of pension fund administration and investment
- preparing the prudential indicators and ensuring adherence to the authorised limits set by Council
- defining standards of financial administration and management throughout the County Council
- defining the competencies of finance employees and for the delivery of effective and appropriate training and development opportunities to those employees
- advising on the adequacy and effectiveness of internal systems of control and internal audit
- delivering appropriate financial training to members and non-financial staff

2.7.4 The Head of Finance has the Head of Profession role for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development. This includes ensuring that procedures are in place to enable lead finance managers for each service to report concurrently to the Head of Finance and their Service Chief Officer on key financial matters.

2.7.5 The Head of Profession role of the Head of Finance carries the statutory responsibility laid down by **Section 151 of the Local Government Act 1972** to 'make arrangements for the proper administration of the County Council's financial affairs.'

2.7.6 **Section 114** of the Local Government Finance Act 1988 requires the Head of Finance to report to each member of the Council, and the External Auditor if the County Council, a committee or a joint committee on which the County Council is represented or one of its officers:

- has made, or is about to make, a decision which involves the County Council incurring unlawful expenditure

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

2.7.7 Section 114 of the 1988 Act also requires:

- the Head of Finance to nominate a properly qualified member of staff to deputise if he or she is unable to perform personally, the duties under section 114
- the Authority to provide the Head of Finance with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

2.7.8 The Head of Finance is responsible for ensuring that all services are appropriately supported by skilled finance professionals.

## 2.8 Chief Officer Group

In addition to individual responsibilities the Managing Director and Chief Officers form the Chief Officer Group, which, acting together and corporately is responsible for:

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

## 2.9 Chief Officers

2.9.1 Chief Officers are responsible:

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

- 2.9.2 Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff.
- 2.9.3 Chief Officers' role includes working with outside bodies and accessing additional funds and resources in order to support the Council's programme of work.

## **Other Financial Accountabilities**

### **2.10 Accounting Policies**

- 2.10.1 The Head of Finance is responsible for ensuring appropriate accounting policies are in place and that they are applied consistently across the County Council.

### **2.11 Accounting Records and Returns**

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

### **2.12 Annual Statement of Accounts**

- 2.12.1 The Head of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with proper practices as required by the Accounts and Audit Regulations 2011. Proper practices include the Code of Practice on Local Authority Accounting in the United Kingdom (the code) and relevant statutory provisions. Council has delegated responsibility for approving the annual statement of accounts to the Audit Committee.

## **3. Financial Planning**

### **3.1 Introduction**

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

### **3.2 Revenue Budget**

- 3.2.1 The revenue budget is proposed by the Policy and Resources Committee and approved by the County Council. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects and to proposed council tax levels. Once the overall budget has been approved by County Council, it cannot be increased by a committee.

### **3.3 Capital Budget**

3.3.1 The capital budget is proposed by the Policy and Resources Committee and approved by the County Council. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects and how the programme is to be funded and any impact on the revenue budget.

### **3.4 Medium Term Planning and Budget Preparation**

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

3.3.2 Policy and Resources Committee is responsible for providing guidance to Service Committees on the preparation of the budget in consultation with the Head of Finance. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the County Council's core roles
- all available resources including external funding and income
- increase in demand, inflation
- reductions due to reductions in grant and cuts
- best value
- Government guidelines
- accounting standards
- the Prudential Code
- The County Council Plan

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

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

- risk assessment
- single impact assessment, a Norfolk County Council tool to ensure all of the necessary key cross cutting issues are considered, including equality and sustainability

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

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

3.3.5 The Head of Finance is responsible for ensuring that proposals demonstrate adherence to the guidance and Members should ensure that any proposed budget amendments are made available to the Head of Finance at least five working days before the County Council budget meeting. Members proposed budget amendments must be finalised two working days before the County Council budget meeting in order that the Head of Finance can report on the robustness of any proposed budget amendments.

3.3.6 The County Council will consider the budget proposals and may adopt them, amend them or substitute its own proposals in their place. The County Council will agree at least a three year balanced budget and agree the precept for the following year.

### **3.5 Asset Management Plan**

3.5.1 The Head of Finance is responsible for ensuring an Asset Management Plan is prepared on an annual basis for consideration by Policy and Resources Committee before submission to County Council.

### **3.6 Decisions**

3.6.1 All decisions must be undertaken in accordance with the decision making and reporting framework set out in the Constitution of the County Council and must comply with the County Council's Financial Regulations and Financial Procedures. Financial implications must be provided before any financial decision can be taken.

### **3.7 Budget Monitoring and Control**

- 3.7.1 The Head of Finance is responsible for monitoring income and expenditure against approved revenue and capital budget allocations and for reporting to the Policy and Resources Committee on the overall position on a monthly basis and the other Service Committees on their budgets on a monthly basis.
- 3.7.2 The Head of Finance is responsible for monitoring the prudential indicators and reporting to the Policy and Resources Committee on the overall position on a monthly basis.
- 3.7.3 The Head of Finance is responsible for monitoring the cash flow of the County Council and ensuring this is used to inform borrowing and investment decisions.
- 3.7.4 It is the responsibility of Chief Officers to control income and expenditure within their area in accordance with the approved budget and to monitor performance, taking account of financial information provided by the Head of Finance. Chief Officers are responsible for alerting the Head of Finance and the relevant Chair of the Service Committee or Chair of Policy and Resources Committee, to any overspendings or shortfalls in income and for identifying strategies and options for containing spend within the budget approved by the Council. If the overspending or shortfall in income cannot be accommodated within the service's budget this shall be reported to the Policy and Resources Committee.
- 3.7.5 Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Head of Law and the Head of Procurement.

### **3.8 Virement**

- 3.8.1 Virement is the process of transferring budgeted expenditure or income, whether revenue or capital, from one approved budget head to another. The County Council is responsible for agreeing the overall procedures for the virement of budget and the approval of virement between committees. Chief Officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Head of Finance where required. (The current approved procedures are shown in Annex A).
- 3.8.2 Schools are free to vire between budget heads in the expenditure of their budget shares but Governors are advised to establish criteria for virements and financial limits above which the approval of the Governors is required.

### **3.9 Treatment of Year - End Balances**

- 3.9.1 Service Committees are required to report any under and overspendings to Policy and Resources Committee as part of year-end reporting. Policy and Resources Committee is responsible for reporting the overall under and overspendings to County Council and making recommendations as to how they are utilised or managed.
- 3.9.2 The Head of Finance is responsible for putting in place controls to ensure that carry forward of revenue budget, revenue reserves and revenue grants above agreed limits are documented and reported to all Chief Officers and totals agreed by Service Committees.
- 3.9.3 The Head of Finance is responsible for putting in place controls to ensure that carry forward of capital budget, capital reserves and capital grants above agreed limits are documented and reported to all Chief Officers and totals agreed by Service Committees. Any slippage on the capital programme will be carried forward to the next financial year and reported to Service Committees.

### **3.10 Maintenance of Reserves**

- 3.10.1 It is the responsibility of the Head of Finance to review the Council's financial risks and planning assumptions and advise the Policy and Resources Committee and the County Council on prudent levels of reserves and of general balances. This advice needs to take account of relevant accounting standards and professional best practice as part of the Council's budget planning process and regular budget monitoring.

## **4. Governance, Risk Management and Internal Control**

### **4.1 Governance**

- 4.1.1 The Audit Committee is primarily responsible for Governance, Risk Management and Internal Control throughout the County Council. Its Terms of Reference are reviewed annually, changes approved by the County Council and published as Appendix 2 to the Constitution. The composition is politically balanced and is reviewed at each appointment to the Committee.
- 4.1.2 Other member led bodies that also have a role in governance and internal control include the County Council and, with respect to members, the Standards Committee.

### **4.2 Internal Control and Internal Audit**

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

- 4.2.2 The Head of Finance is responsible for advising on adequate and effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant best practice.
- 4.2.3 It is the responsibility of Chief Officers, having regard to advice from the Head of Finance, to establish sound arrangements for internal control including planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and in order to achieve their targets.
- 4.2.4 The Accounts and Audit Regulations 2011 require the County Council to:
- undertake an adequate and effective internal audit,
  - review the effectiveness of its internal audit, at least annually and
  - ensure the Audit Committee considers the findings of that review as part of its consideration of the system of internal control for the County Council.
- 4.2.5 The Leader of the Council and the Managing Director are responsible for signing the Annual Governance Statement that should be produced following an annual review of systems of internal control. The Annual Governance Statement is published with the annual Statement of Accounts.

### **4.3 Risk Management**

- 4.3.1 The County Council is responsible for approving the County Council's Risk Management Policy and Framework, and ensuring that proper insurance exists where appropriate.
- 4.3.2 The Audit Committee is responsible for reviewing the effectiveness of the County Council's risk management arrangements; it will receive risk management reports at least four times a year and take appropriate action to ensure that corporate business risks are being actively and appropriately managed. Annually, it will report on risk management to County Council.
- 4.3.3. The Head of Finance is responsible for informing the preparation of the County Council's risk management Policy and Framework, for promoting it throughout the County Council and for advising the Policy and Resources Committee on proper insurance cover where appropriate. The Head of Finance will also report on the Corporate Risk Register to each meeting of the Audit Committee, and ensure that Departments report their departmental risk register at least twice per annum to their respective Service Committee.

### **4.4 External Audit**

- 4.4.1 The Audit Commission or its successor body is responsible for appointing external auditors to each local authority. The duties of the external auditor are governed by section 5 of the Audit Commission Act 1998.



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

4.4.3 External auditors have a responsibility to satisfy themselves that the County Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This judgement is based on criteria specified by the Audit Commission or its successor body. The Head of Finance, in conjunction with Chief Officers, must ensure that the organisation makes best use of resources and taxpayers and/or services users receive value for money.

## **4.5 Anti Fraud and Corruption**

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

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

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

4.5.3 Chief Officers are responsible for ensuring that internal controls are such that fraud or corruption will be prevented, where possible, and the measures in the Anti-Fraud and Corruption Strategy are promoted.

4.5.4 Under the Anti-Fraud and Corruption Strategy a Chief Officer is required to immediately inform the Head of Finance of any financial irregularity or suspected financial irregularity.

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

## **4.6 Money Laundering and Proceeds of Crime**

4.6.1 The County Council has adopted an anti-money laundering policy and procedures intended to prevent the use of proceeds from crime. This policy has been developed with regard to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 and fuller details can be found in a procedures document on the Norfolk Public Law (nplaw) page of the County Council's Intranet site.

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

4.6.3 Chief Officers are responsible for ensuring that:

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

#### **4.7 Treasury Management**

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

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

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

4.7.4 The Head of Finance will prepare for County Council an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close. In addition, the Head of Finance will regularly report to the Policy and Resources Committee on treasury management policies, practices, activities and performance monitoring information.

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

#### **4.8 Norfolk Pension Fund**

- 4.8.1 The Local Government Pension Scheme (LGPS) is a national pension scheme, with its own regulator (the Department of Communities and Local Government), which is administered locally.
- 4.8.2 The County Council is the Administering Authority of the Norfolk Pension Fund, and administers the LGPS on behalf of all the participating employers and scheme members. Norfolk County Council is also an employer within the scheme.
- 4.8.3 Norfolk County Council delegates all its responsibilities as Administrator of the scheme to the Pensions Committee, including admitted bodies which acts as quasi-trustee of the Fund.
- 4.8.4 All Pension Fund assets are separate from the County Council, and all costs and income are accounted for separately. The Fund has a separate bank account.
- 4.8.5 The Pensions Committee is responsible for all aspects of the administration of the scheme. This includes responsibility for deciding upon the best way in which the Pension Fund is to be invested with appropriate regard to its fiduciary responsibilities.
- 4.8.6 Advice is received as required from professional advisers. The Pensions Committee formally reviews the performance of investments and the overall strategy on a regular basis. The Fund is invested in compliance with the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as Amended).
- 4.8.7 The Pensions Committee is also responsible for the appointment and monitoring of Investment Managers, Custodian and other related service providers to the Fund.

- 4.8.8 The Head of Finance is responsible for the administration and financial accounting of the Norfolk Pension Fund. The Head of Finance is responsible for the preparation of the Pension Fund annual report and the statement of accounts. The County Council delegates responsibility for the approval of the annual accounts to the Audit Committee.
- 4.8.9 The Norfolk Pension Fund has adopted a Statement of Investment Principles in relation to the investment of the assets. This Statement includes details of compliance with recognised good investment practices. It is the Pensions Committee's responsibility to monitor the Fund's position in relation to the Statement of Investment Principles.
- 4.8.10 The Head of Finance is custodian of the Funding Strategy Statement, which sets out the Funds' approach to funding liabilities, based on principles agreed by the Pensions Committee. The Head of Finance is also the custodian of the Fund's Communication Strategy, which details the communication needs of its stakeholders.
- 4.8.11 The Head of Finance ensures compliance with relevant regulatory and legislative guidelines and for keeping records of all scheme members, calculation and payment of benefits, transfers between schemes and the collection of contributions from participating employers.

## **5 Assets, Systems, Processes and Records**

### **5.1 Introduction**

- 5.1.1 Robust systems and procedures are essential to an effective framework of accountability and control.

### **5.2 Data Management**

- 5.2.1 The Chief Officers Group is responsible for ensuring that policies and procedures are in place to enable management of data to support effective decision making.
- 5.2.2 It is the responsibility of Chief Officers to ensure data management policies are understood and used effectively within their services.

### **5.3 Financial Processes and Data Protection**

- 5.3.1 The Head of Finance is responsible for the determination and operation of the County Council's accounting processes, for the form of accounts and for the supporting financial records. The Head of Finance must approve any changes made by Chief Officers to the financial processes or the establishment of new processes, including IT systems.

- 5.3.2 Chief Officers must ensure that any processing (computerised or manual) that involves personal information is registered in accordance with the Data Protection Act 1998 and that all staff are aware of their responsibilities under the Act and advice from the Information Commissioner.
- 5.3.3 Chief Officers must ensure that all staff are aware of their responsibilities under Freedom of Information legislation, and that procedures are in place to ensure compliance.
- 5.3.4 Chief Officers must ensure that all staff are aware of their responsibilities under the Code of recommended practice for local authorities on data transparency. These include:
- The requirement to maintain an inventory of data sets.
  - The general requirement that, where data is published, it should be in a non-proprietary format and published in a timely fashion.
  - The requirement to publish certain, specified data sets.
- 5.3.5 To ensure that open data which is published corporately is accurate and complete, Chief Officers must ensure that:
- All contracts over £50,000 are registered on the corporate contracts register maintained by the procurement team.
  - All goods and services are ordered via one of the council's electronic ordering systems (for general purposes, Oracle iProcurement).
  - All goods and services are ordered in advance and purchase order descriptions are accurate and complete.
  - All changes of structure are notified to HR.

## **5.4 Schemes of Authorisation**

- 5.4.1 It is the responsibility of Chief Officers to ensure that a proper scheme of authorisation has been established within their area and is operating effectively. The scheme of authorisation should identify staff authorised to act on the chief officer's behalf, or on behalf of the Council, in respect of payments, income collection and procurement (including ordering), together with the limits of their authority. Procurement authorisations shall be made in accordance with the requirements of Contract Standing Orders. For clarity, staff identified to act in this way will be required to formally accept their responsibilities under the scheme of authorisation. Policy and Resources Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

## **5.5 Income**

- 5.5.1 The Head of Finance is responsible for the provision and management of all income collection arrangements for the County Council.

## **5.6 Payments to Employees, Third Parties and Members**

- 5.6.1 Except for schools, the Head of Finance is responsible for all payments of salaries and wages to all staff, including payments for overtime, goods and services provided and for the payment of allowances to elected members. Schools have delegated responsibility under the LMS scheme.

## **5.7 Taxation**

- 5.7.1 The Head of Finance is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues, including VAT, that affect the County Council.
- 5.7.2 The Head of Finance is responsible for maintaining the County Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## **5.8 Trading Accounts**

- 5.8.1 Policy and Resources Committee must approve the establishment of all Trading Accounts. Trading Accounts are required for all services that provide goods or services to a third party on a traded basis or where the organisation has identified that a services should operate as a separate trading unit.
- 5.8.2 The Head of Finance is responsible for the form of the trading accounts. Chief Officers are responsible for reporting on the activities of any trading organisation within their respective areas of service, taking account of current accounting standards and best practice in reporting.

## **5.9 Monitoring Reporting**

- 5.9.1 Chief Officers are responsible for ensuring that monthly budget monitoring reports for both revenue and capital expenditure and income are produced for their respective areas of service. The Head of Finance is responsible for regularly reporting the details (including compliance with the Prudential Code) to Policy and Resources Committee.
- 5.9.2 Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Head of Law and the Head of Procurement.

## **5.10 Companies/Trusts**

5.10.1 Policy and Resources Committee is responsible for:

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

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

5.10.3 All relevant companies must have their accounts incorporated and consolidated within the County Council financial accounts in accordance with proper accounting standards and best financial practice. The Head of Finance is responsible for ensuring the proper financial accounting treatment and compliance with current legislation.

5.10.4 The appointment of directors to companies/trusts (as described in section 5.9.1) in which the County Council has an interest must be made by County Council, having regard to the advice of the Head of Finance. The directors will then have a statutory duty to the company/trust and must therefore act in accordance with the companies and/or Charities Act where applicable.

5.10.5 The Head of Finance and Head of Law should be contacted for assistance at an early stage to discuss the proposals.

## **5.11 Contract Standing Orders**

5.11.1 Chief Officers are responsible for ensuring that the procurement of all goods, works and services is undertaken in accordance with NCC's Contract Standing Orders.

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

## **5.12 Assets**

5.12.1 Chief Officers should ensure that records of assets are properly maintained and securely held. They should also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

5.12.2 Chief Officers may, in accordance with arrangements approved by the Head of Finance, dispose of assets (other than land and buildings) up to an estimated value of £10,000 in each case. Chief Officers must inform the Head of Finance of any disposals above £10,000 and after taking advice from the Head of Finance, where appropriate seek Policy and Resources /Committee approval. Disposal must be by competitive tender or public auction unless the Head of Finance decides otherwise. Appointment of agents to handle disposals is subject to the normal provisions of Contract Standing Orders.

5.12.3 In reaching a decision on the disposal of land and buildings the County Council should give due considerations to the advice from the Corporate Property Officer.

5.12.4 Land and buildings declared surplus to its needs by a service will be reviewed by the Corporate Capital Asset Management Group (CCAMG) or its successor body and where there is no alternative use, the Head of Finance will recommend the disposal in accordance with the following schedule:

- Disposals above £500,000 – Policy and Resources Committee.
- Disposals between £10,000 and £500,000 (directly negotiated with the purchaser, release of claw back, below market value, or where, after being offered on the open market the best offer is not accepted) – Managing Director following consultation with the Chair of Policy and Resources Committee.
- Disposals between £10,000 and £500,000 (where, after being offered on the open market the best offer is accepted) – Managing Director following consultation with the Chair of Policy and Resources Committee.
- Disposals below £10,000 (directly negotiated with the purchaser, release of claw back, below market value, or where, after being offered on the open market the best offer is not accepted) – Managing Director (corporate property) with delegations to the Corporate Property Officer.
- County Farms – Managing Director following consultation with the Chair of Policy and Resources Committee.

5.12.5 The responsibilities and authorisations of those involved in the decision making processes are set out in the Hierarchy of Decision Making on Property Matters procedures.

## 5.13 **Retention of Financial Records**

5.13.1 The County Council has a specific policy in place on the minimum retention periods for financial records and these periods are set out in the corporate records retention and disposal scheme. Chief Officers should ensure records are maintained and held securely for the correct period, after which they should be disposed of in accordance with the procedures.



## **6. External Arrangements**

### **6.1 Introduction**

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

### **6.2 Partnerships**

6.2.1 The County Council has formal representation on many external boards such as; the Police and Crime Panel, the Local Enterprise Partnership Board and Greater Norwich Growth Board.

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

6.2.3 The Head of Finance must ensure that the accounting and reporting arrangements to be adopted relating to partnerships and joint ventures, as defined within Financial Procedures, are satisfactory. The Head of Finance and Head of Law must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

6.2.4 Chief Officers are responsible in consultation with the Head of Finance and Head of Law, for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. They should also ensure that the risks identified above are mitigated where possible.

### **6.3 External Funding**

6.3.1 The Head of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the County Council's accounts. Chief Officers are responsible for ensuring that the Head of Finance is notified of external funding bids at an early stage.

### **6.4 Financial Guarantees**

6.4.1 Chief Officers must inform the Head of Finance of all proposals that may require a financial guarantee prior to implementation.

6.4.2 The Head of Finance is responsible for ensuring that any proposed financial guarantee requirement is within the powers of the County Council and shall consult with the Head of Law as appropriate.

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

## **6.5 Work for Third Parties**

6.5.1 The Policy and Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies, not already covered by the Scheme of Authorisation to Chief Officers.

## **6.6 State Aid and Competition**

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

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

6.6.2 If a Chief Officer is unsure as to whether a payment would constitute State Aid or anti competitive practice, the advice of the Head of Finance should be sought in consultation with the Head of Law where appropriate.

## **6.7 Private Finance 2 (PF2)**

6.7.1 Chief Officers considering PF2 projects should consult with the Head of Finance during the preparation of the business case for submission to the Council or Service Committee (Service Committee if less than £100m).

6.7.2 Council/Committee is responsible for approving PF2 projects at all key stages. The Chief Officer is responsible for ensuring that such approvals are sought and obtained from Council/Committee in a timely manner following recommendation by the Project Board, in accordance with the approved PF2 process.

6.7.3 The Head of Finance is responsible for:

- ensuring that the project has the necessary support from appropriately skilled financial and procurement specialists at all stages of its procurement, as well as during the operational stage
- ensuring that the necessary banking arrangements are available in time for the project to commence

- endorsing the outline business case, including underlying financial assumptions, value for money and ability to deliver
- ensuring that the financial implications of all PF2 projects are incorporated in financial planning.

#### 6.7.4 Chief Officers are responsible for:

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

6.7.5 Chief Officers are responsible for ensuring that deductions required to the unitary payment for the unavailability of the contracted service or a performance shortfall are made in full in a timely manner. If another service or asset is proposed in exchange for foregoing such deductions, the Head of Finance is responsible for ensuring that the alternative proposal has a value equal to the foregone deductions.

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

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

## **Norfolk County Council's Scheme of Virement**

### **Background**

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

### **Revenue**

6. County Council is responsible for agreeing virement between services (as shown in the budget report to County Council in February each year).

7. County Council is also responsible for agreeing virements between budget heads defined in 3 above – within services, where the virement has a value in excess of 1% of the net budget of the service (as shown in the budget report to County Council in February) or £100,000 - whichever is the higher. For Children’s Services, net budget is calculated exclusive of amounts delegated to schools.
8. All other virements are the responsibility of Chief Officers, subject to consultation with the Chair of the appropriate Committee and the agreement of the Head of Finance.
9. Chief Officers may delegate authority to make virements to other officers, consistent with the above and in accordance with formally agreed departmental arrangements.

### **Capital**

10. County Council is responsible for agreeing virement between services and schemes (as shown in the Capital Budget document produced by the Head of Finance).
11. County Council is also responsible for agreeing virements greater than £250,000 within services or schemes (as defined above).
12. All other virements are the responsibility of Chief Officers, subject to consultation with the appropriate Committee Chair and the agreement of the Head of Finance and subject to the service’s overall financial provision for capital spending not being exceeded in the current and future years.

## **PART 7.8**

### **Contract Standing Orders**

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<p>FURTHER ADVICE AND ASSISTANCE ON THE CONTRACT STANDING ORDERS CAN  BE OBTAINED FROM THE HEAD OF PROCUREMENT</p>		

## **1. Notice to external parties**

- 1.1 These Standing Orders shall not create or form a part of any contract or binding undertaking, express or implied, with any party outside the Council.
- 1.2 The Council does not make any binding commitment to external parties about the conduct of procurement exercises, other than to abide by its statutory and common law obligations. The Council, in seeking quotations or inviting participation in a tendering exercise, does not offer to enter into any contract with any potential or actual bidder regulating the conduct of the quotation or tendering exercise, nor will it accept any offer from any potential or actual tenderer to enter into any such contract.
- 1.3 In seeking quotations or inviting tenders, the Council is not making an offer to enter into any contract for the supply of goods, services or works and does not bind itself to accept any offer it receives.

## **Application**

### **2. Background**

- 2.1 These Contract Standing Orders have been formulated on the basis of the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance document "Contract Procedure Rules" for public sector organisations.<sup>1</sup> These orders also draw on the previous Norfolk County Council Contract Standing Orders as well as a range of best practice policies from other local authorities and public sector bodies. These Contract Standing Orders form part of the Council Constitution and should be read in conjunction with other provisions of that document.

### **3. Scope**

- 3.1 These Standing Orders apply to all Relevant Contracts made (including all orders placed) by, for or on behalf of the Council, including when the Council is acting on behalf of other public bodies. Relevant Contracts include arrangements for:
  - a) the supply or disposal of goods
  - b) the hire, rental or lease of goods or equipment
  - c) the provision of works and the supply of works materials
  - d) the provision of services, including consultancy services
  - e) the granting of works concessions or services concessions

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<sup>1</sup> NCC is grateful to CIPFA for permission to utilise extracts from their document in the formation of these Contract Standing Orders.

- f) the selection of sub-contractors by the Council, where these are nominated under a main/prime contract

3.2 Relevant Contracts include contracts between the Council and any other contracting party, including:

- a) "Controlled' Entities.
- b) Other public bodies, including other local authorities (see paragraph (9.1).
- c) Voluntary and community sector organisations acting as suppliers to the Council.
- d) Private sector suppliers to the Council.

3.3 Contracts of employment between the Council and its employees are not Relevant Contracts for the purpose of these Standing Orders. Where an individual is to be engaged by the Council outside the normal employment processes, either (a) they must be engaged via a temporary staff agency or other company whose services have been procured in accordance with these Standing Orders; or (b) their services must be procured in accordance with these Standing Orders, in which case the requirements for competition set out in Section 19 apply.

3.4 Relevant Contracts do not include:

- a) agreements regarding the acquisition, disposal, or transfer of land, pre-existing property leases, and licenses – the rules governing these are outlined in the Hierarchy of Decision Making on Property Matters Under The Constitution of Norfolk County Council.
- b) the award of Grants by the Council.
- c) the purchase of historical documents, works of art or museum specimens.
- d) the lending of money by the Council and the raising of capital by the Council (but does apply to the procurement of financial services which are Part A services as defined in Schedule 3 to the Public Contracts Regulations 2006).

#### **4. Accountability & Responsibility**

4.1 These Standing Orders apply to all officers of the Council. Officers must ensure that any agents, consultants and contractual partners acting as procurement agents on behalf of the Council (ie Norse when working on behalf of the Council) also comply with these Orders.

4.2 These Standing Orders do not apply to any procurement exercises conducted by Controlled Entities, except when the Controlled Entity is acting on behalf of the Council.

4.3 It is a disciplinary offence for officers not to comply with these Contract Standing Orders.

4.4 Chief Officers must ensure that their staff comply with these Contract Standing Orders.

- 4.5 The Head of Procurement has responsibility for the procurement of all contracts to fulfil a corporate-wide requirement. (See also section 12).
- 4.6 Chief Officers may award contracts and place orders and requisitions that comply with these Standing Orders, provided that.
- a) the financial values and commitments are within approved budget estimates;
  - b) they support relevant Service, Commissioning and Business Plans, and the County Council Plan;
  - c) they are within the Council's legal powers;
  - d) the Chief Officer is acting in accordance with the Standing Orders on Reserved Areas (section 13);
  - e) the Chief Officer is acting in accordance with the Standing Orders on the preferential use of Corporate Contracts (section 12); and
  - f) where the contract involves the transfer of Council Staff, or former Council staff who have previously been the subject of an outsourcing of service the Chief Officer is acting in accordance with the Code of Practice on Workforce Matters in Local Authority Service Contracts (paragraph 27.6) and the Direction made by the Secretary of State under section 102 of the Local Government Act 2003 (pension provision).
- 4.7 Chief Officers must ensure that, within their Directorates, schemes of delegation exist which identify which officers have responsibility and the level of their financial delegation for:
- a) authorising orders and the payment of invoices
  - b) agreeing tender processes and procurement plans
  - c) approving tender and contract documents
  - d) holding and opening returned tenders (see 24.4a))
  - e) awarding contracts
  - f) managing contracts, including performance monitoring and the agreement of specification and price variations

- 4.8 Provided that the integrity and accountability of the Council, the fairness, equity and transparency of the tendering process, and these Standing Orders are not put at risk, Chief Officers may negotiate with suppliers where the provisions of Paragraph 9.11 apply; in the course of the Negotiated Procedure; or with the successful tenderer in the case of non-EU or Part B procurements.
- 4.9 Chief Officers must ensure that officers undertaking procurement and commissioning have skills, competencies, and knowledge appropriate to the scope, risk and complexity of their activity.

## **5. Basic Principles**

- 5.1 All purchasing and disposal activities must:
- a) achieve Best Value for public money spent
  - b) support the Council's corporate aims and policies
  - c) be consistent with the highest standards of integrity
  - d) ensure fairness and transparency in allocating public contracts
  - e) comply with all legal requirements
  - f) produce and maintain adequate records and a clear audit trail
  - g) be consistent with any procedures or guidance set out in the Procurement Guidance

## **6. Statutory Requirements**

- 6.1 All procurement activity by the Council shall be undertaken in compliance with EC Treaty Principles, and EU and English procurement law, including:
- a) EC Procurement Directive 2004/18/EC;
  - b) The Public Contracts Regulations 2006;
  - c) The Public Contracts (Amendment) Regulations 2009 (SI 2009/2992)
- 6.2 All procurement activity by the Council shall be undertaken in compliance with competition and State Aid law, and shall comply with all other relevant EU, UK and English legislation.
- 6.3 All procurement activity shall pay due regard to the *Commission Interpretative Communication on Community Law applicable to contract awards not, or not fully, subject to the provisions of the Public Procurement Directives 2006 (2006/C 179/02)*.

## **7. Grants**

- 7.1 The letting of a contract for the delivery of a service or works, which:
- would otherwise have been delivered by the Council itself; and

- creates mutual obligations and contractual remedies for non-performance is considered to be a procurement exercise subject to these Standing Orders.

7.2 Similarly, the acquisition of goods for the council's own use is considered to be a procurement activity, subject to these Standing Orders.

7.3 However, the making of grants or the disbursement of grant-in-aid, as defined in this section 7, is not subject to these Standing Orders.

7.4 In making a grant the Council is not contracting for a service that it might otherwise have delivered itself. Rather it is offering financial support in an area of work, designed and proposed by another organisation, which it wishes to sponsor. The work to be carried out by the other organisation would be deemed to add value to the council's overall aims or objectives.

7.5 A grant is a financial transfer and may not bring any strict contractual obligations in itself. However, the terms of the grant are likely to require the other organisation to use the money only for a particular project or service and might require the recipient to pay back the grant, or part of it, in some circumstances. But the recipient might have no other specific legal obligations to the Council, and retains considerable freedom in the way in which it carries out the work. The Council would still, of course, monitor the achievement of the proposed outcomes.

7.6 Grant-in-aid is the provision of funding to cover, in whole or, more likely, in part, the running costs of an organisation whose work complements that of the Council. The recipient will have discretion over the spending of that funding within the general framework of controls agreed with the Council.

7.7 Chief Officers shall determine on a case by case basis whether funding is to be considered as a Grant or a Relevant Contract by reference to the decision making tool published by the National Audit Office at <http://www.nao.org.uk/decision-support-toolkit/>

7.8 Chief Officers shall have regard to guidance on grant making which may be issued from time to time by the Head of Finance.

7.9 Where the Council is using Grant monies itself or passing it on to a third party, the application of that money shall be subject to the requirements of the relevant grant funding body.

7.10 In considering the award of a grant, Chief Officers shall have regard to State Aid and Best Value law.

## **8. Part B Services**

8.1. Part B Services are defined within Schedule 3 to the Public Contracts Regulations 2006 and include amongst other things 'Legal Services' and 'Health and Social Services'.

- 8.2 Part B Services are subject to limited application of the EU Procurement Directives relating to technical specifications, award notices (as per section 31 of the Public Contracts Regulations 2006) and reports. They are also subject to the general principles of the Treaty of Rome of equal treatment, non-discrimination and transparency.
- 8.3 When procuring Part B Services, it is not necessary to commence the procurement by publishing a contract notice in the official journal or to comply with the statutory timetables laid down for OJEU procurement processes.
- 8.4 However, all procurements for Part B Services shall be advertised as a minimum on Contracts Finder (or such other web portal as the Head of Procurement may determine from time to time) and will be managed in accordance with the appropriate procedure laid down in sections 11, 19 and 24 to 26, with the exception of advertising and timetables. Consideration shall be given where appropriate to placing a voluntary OJEU Notice. Where the contract exceeds the EU threshold and involves a mixture of Part A and Part B Services an OJEU notice may be required by law.
- 8.5 All procurements for Part B Services where a Contract Notice has been placed shall be subject to a minimum 10 day standstill period from provisional award (see paragraph 26.3g) unless the Head of Procurement agrees otherwise.
- 8.6 The rules surrounding the establishment and operation of Framework Agreements (section 21), do not apply to Part B services.

## **9. Exemptions**

- 9.1 When the Council enters into a contract for goods, services or works from another public body, including another local authority, such a contract is not automatically exempt from these Standing Orders. Unless the public body can be shown to be a Controlled Entity, or acting as a Central Purchasing Body (as defined in Regulation 22 of the Public Contracts Regulations), the full Standing Orders will apply.
- 9.2 Any requirement under these Standing Orders to seek more than one tender or quotation does not apply where arrangements are being made for the appointment of Counsel or other experts by the Head of Law, who must be satisfied that the fee to be paid is relative to the level of advice and expertise required.
- 9.3 Any requirement for competition shall not apply to the letting of a bespoke care, education, accommodation or assessment package for a specified individual or the placement of an individual to a provider accredited by the Council at the Council's declared rates.
- 9.4 Where a trading organisation within the Council needs to obtain prices from suppliers to be able to prepare and submit a tender either to the Council or to another body, or to undertake work required by the Council, or another body, the trading organisation shall either:
- a) follow these Standing Orders; or
  - b) if insufficient time is available, may agree with the Head of Procurement on a shortened process that retains the principles of these Standing Orders.

- 9.5 These Standing Orders do not apply where they are superseded by the Local Management of Schools Scheme.
- 9.6 These Standing Orders do not exclude the use of e-tendering, e-auctions, or other electronic procurement approaches. However, the use of such e-procurement approaches and technologies does not negate the requirement to comply with these Standing Orders.
- 9.7 Where a supplier to the Council is a Controlled Entity (see Glossary) there is no requirement under procurement law to undertake a competitive procurement before establishing a contract or placing an order. However, under European law, the grounds for claiming such an 'in house exception' are quite specific, namely:
- a) the Council must exert control over the entity which is similar to that which it exercises over its own Directorates or Divisions; and
  - b) the entity carries out the essential part of its activities with its owners; and
  - c) the entity must be wholly owned by the Council, or the Council and other public bodies, with no private sector participation.
- 9.8 In deciding to award a contract to a Controlled Entity Chief Officers shall have regard to obtaining Best Value and compliance with State Aid law and to any other relevant matters, and shall include a clause in any contract requiring the Council's consent to any sub-contracting to any entity which is not itself a Controlled Entity.
- 9.9 Only the Head of Law may decide on whether a given entity satisfies the conditions necessary to be a Controlled Entity, such that a contract may be awarded without a competitive procurement. The Head of Law shall maintain and publish on the Council's intranet a list of those Controlled Entities known to satisfy the 'in house' exception.
- 9.10 Where an exemption to any part of these Standing Orders is necessary because of an unforeseeable emergency involving immediate risk to persons or property, or serious disruption to Council services (including any emergency or disruption under the Civil Contingencies Act 2004), a Chief Officer may approve this exemption. The Chief Officer must, as soon as possible thereafter, complete a Contract Standing Orders Exception Notification in support of the action taken and send a copy of the form to the Head of Law and Head of Procurement.
- 9.11 In exceptional circumstances, any requirement to seek more than one tender or quotation may be disapplied 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 Chairman of Policy and Resources Committee.



- 9.12 Any exemption to these standing orders under paragraph 9.11 shall be approved in advance by the Head of Procurement and Head of Law and the granting of any such exemption relating to the award of a contract valued in excess of £250,000 shall be notified to the next meeting of Policy and Resources Committee.
- 9.13 Any decision not to apply a standstill period to an above-threshold procurement, where the law grants the council discretion in the matter, shall be approved in advance by the Head of Procurement or Head of Law.
- 9.14 Other exceptions to these Standing Orders may only be made within the relevant law and with the authority:
- a) of the Council by a direction given generally or in relation to contracts of a specified class, or
  - b) of the Policy and Resources Committee, especially in relation to a specific contract in an emergency or where there is some other special justification.

## **10. Requirements to consult Head of Law and Head of Procurement**

*In addition to those instances outlined in Section 9, this section indicates other occasions where these Orders create a mandatory obligation to consult with the Head of Law and/or the Head of Procurement.*

- 10.1 In calculating whether the estimated Total Value will exceed the EU thresholds, the full aggregation rules in the Public Contracts Regulations 2006 (Regulation 8) apply. Chief Officers shall consult with the Head of Procurement or Head of Law if there is any uncertainty as to the application of these aggregation rules (paragraph 19.3).
- 10.2 All Expressions of Interest must be received by the date and time given in the original advertisement. A Chief Officer may consider exceptions to this regulation in situations where the late submission is genuinely outside the control of the supplier concerned, but only with the agreement of the Head of Procurement or Head of Law (paragraph 24.2a).
- 10.3 Chief Officers shall consult with the Head of Law when they become aware that any significant dispute or claim may arise in relation to a contract or procurement exercise (paragraph 29.4).
- 10.4 Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Head of Procurement and Head of Law (paragraph 29.5).

- 10.5 Chief Officers shall seek the prior agreement of the Head of Procurement before establishing a select list and the Head of Procurement shall maintain a list of all Council Select Lists, and shall ensure that the level of expenditure through each Select List is monitored so as not to risk breaching the EU rules on aggregation (paragraph 22.4).

## **Considerations prior to procurement**

### **11. Procurement Projects**

- 11.1 All procurements involving a formal tender shall be planned and managed as formal projects.
- 11.2 Before initiating any procurement project, a Chief Officer shall – at the earliest opportunity – consult with the Head of Procurement to consider the best approach to the project.
- 11.3 A Chief Officer shall ensure that each procurement project shall produce, as a minimum:
- a) The required set of project control documents, as specified from time to time by the Head of Programme Office.
  - b) Specification – defining the Council’s requirement in terms of the required outputs or outcomes, and adopting appropriate standards.
  - c) Procurement Strategy – defining the proposed procurement approach and assessing options.
  - d) Contract and Performance Management Strategy – defining the proposed approach to contract and performance management and including as a minimum the requirements of section 29.
  - e) Qualification criteria – setting out the relevant criteria and minimum standards that potential suppliers will have to satisfy in order to fully participate in the subsequent stages of the tender process.
  - f) Selection Evaluation Model, where required by the procurement procedure being used – setting out the process and criteria for selection, including any minimum standards to be set.
  - g) Award Evaluation Model – setting out the process and the criteria for tender evaluation and award.

- h) Invitation to Tender (ITT) – detailing the conditions of tender and any specific conditions relating to the tender process and staff transfers.
- i) Contract – setting out the conditions of contract on which the Council will enter into business.

11.4 The content and comprehensiveness of these project documents will vary according to the scale, complexity and risk of each procurement project. Chief Officers should consult with the Head of Procurement for guidance on these matters.

## **12. Corporate Contracts**

12.1 The Head of Procurement may identify a contract for given goods, services or works as a Corporate Contract.

12.2 Where a Corporate Contract exists, this contract (or an alternative Corporate Contract) should normally be used for the procurement of such goods, services or works. No officer shall let, or order under, a separate contract for such goods, services or works without the prior agreement of the Head of Procurement.

12.3 Corporate Contracts may include, but are not limited to:

- a) Collaborative Contracts, including Framework Agreements, let by Eastern Shires Purchasing Organisation (ESPO), or other public authorities.
- b) Contracts, Select Lists or Framework Agreements let by the Council with external suppliers.
- c) Arrangements with Controlled Entities (such as NPS).
- d) Contracts let on behalf of the Council by Controlled Entities.

12.4 The Head of Procurement shall maintain and publish on the Council's intranet a list of approved Corporate Contracts, and of those goods, services and works to which they apply.

## **13. Reserved Areas**

13.1 Certain goods, services or works, because of their nature, require specialist skills and/or expertise to be procured effectively.

13.2 The Head of Procurement shall maintain and publish on the Council's intranet a list of "Reserved" areas of spend and the posts whose occupants are authorised to buy within those areas.

13.3 Only officers who are named Specialist Buyers shall have the authority to enter into contracts, or to place orders, for given Specialist Goods, Services or Works. Any exception to this Regulation must be approved in advance by the Head of Procurement.

13.4 The Head of Procurement may specify - for any given Specialist Goods, Service or Works - financial thresholds, below which the restrictions on procurement activities to Specialist Buyers shall not apply (i.e. non-specialist buyers may procure where a contract's value is below an associated threshold).

#### **14. Collaborative Procurement and Use of Agents**

14.1 In order to secure Value for Money, the Council may make use of collaborative procurement arrangements. Such arrangements may include, for example, collaborative contracts let by:

- a) other local authorities; or
- b) ESPO or other public sector purchasing consortia, or
- c) other UK contracting authorities (e.g. central government departments or agencies), or
- d) controlled entities.

14.2 The Head of Procurement may identify certain collaborative arrangements as Corporate Contracts, having first verified that the conditions stipulated in paragraph 14.5 are met.

14.3 Unless it is already identified as a Corporate Contract, an officer proposing to use a collaborative procurement arrangement should first seek the approval of the Head of Procurement.

14.4 Without prejudice to paragraph 14.5, where a collaborative contract has been let by another public authority, through competition, and in accordance with its own contract standing orders, this contract shall be deemed to comply with the competition requirements within the Council's regulations.

14.5 Before using any collaborative contract, an officer must first verify that:

- a) the contract was procured in accordance with all relevant UK and EU law; and
- b) the contract was advertised appropriately, and specifically that the scope of the advert allowed the contract's use by the Council; and
- c) the contract has been let on appropriate conditions of contract; and
- d) the contract offers, or is reasonably likely to offer, better overall value for money, or benefit to the Council, than the Council could achieve through independent procurement

14.6 Officers must obtain the agreement of the Head of Procurement before using any third party to conduct any procurement exercise on the Council's behalf.

14.7 The Head of Procurement may maintain, and publish on the Council's intranet, a list of third parties authorised to conduct procurements in particular categories without his prior agreement.

## **15. 'Relevant Policies'**

15.1 There are certain Council policies, procedures and practices that all procurement activity must comply with. The Head of Democratic Services shall maintain and publish on the Council's intranet a list of all such Relevant Policies, and Chief Officers shall ensure that any procurement activity is compliant with these Relevant Policies.

## **16. Contracts with Supported Employment Organisations**

16.1 A Chief Officer may reserve the right to participate in a tender or quotation exercise to suppliers that operate a Supported Business, Supported Employment Programme, or a Supported Factory (in accordance with the Regulation 7 of the Public Contracts Regulations 2006).

16.2 To avoid discriminating against Supported organisations in other EU member states, a tendering opportunity which is being reserved in this way must still follow the non-EU Tender Process, or the OJEU Tender Process, as appropriate – and the advertisement and tender documentation shall clearly state that the opportunity is reserved to such suppliers.

## **17. Development of the procurement strategy**

17.1 A Chief Officer shall consult with the Head of Procurement at the planning stage of any significant procurement and, in establishing a procurement strategy for any significant category of procurement, must appraise a proposed procurement in a manner commensurate with its complexity and value, by:

- a) taking into account the requirements from any relevant Best Value review
- b) defining the objectives of the procurement, taking into account user requirements and all Relevant Policies and objectives
- c) considering whether the procurement is for a Critical Service and, if so, the need to obtain specific assurances regarding contractors business continuity plans and arrangements
- d) appraising the need for the expenditure and its priority
- e) when the purchase of new goods is proposed, assessing the alternative options for repair, re-use or recycling

- f) confirming that they are complying with the standing orders on Reserved Areas (see section 13)
- g) checking whether there is a relevant Corporate Contract already in place (see section 12)
- h) confirming that there is Member, or delegated approval for the expenditure
- i) consulting with the relevant Committee Chairman, as required

## **18. Early Market Engagement**

- 18.1. A Chief Officer may consult potential suppliers, in general terms, prior to the issue of a Request for Quotation or an Invitation to Tender about the nature, level and standard of the supply, contract 'packaging' and other relevant matters, provided that this does not prejudice any potential supplier.
- 18.2. However, a Chief Officer must not seek or accept technical advice on the preparation of a Request for Quotation or an Invitation to Tender from any party which may have a commercial interest in them, if this may prejudice the equal treatment of all potential suppliers or distort competition.
- 18.3. A Chief Officer proposing any such early market engagement activity shall first seek the advice of the Head of Procurement.

## The Contracting Process

### 19. Competition Requirements (Identifying which process to use)

19.1 The procurement process to be employed is set out in the table below.

Process to be used	Estimated Total Value (excl VAT)	Higher Limit if approved by Head of Procurement	Additional Requirements	
<b>Single Quote</b> <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	
<b>Three or more quotes</b> <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 20	
<b>Tender Process</b> <i>Advertised via Contracts Finder. May be used with a Select List</i>	Up to EU threshold			
<b>EU Tender Process</b> <i>Advertised via Official Journal of the European Union (OJEU)</i>	Over EU threshold see <a href="http://www.ojec.com/Thresholds.aspx">http://www.ojec.com/Thresholds.aspx</a>			

19.2 The Total Value of a contract shall be the value of the total consideration payable (net of VAT), taking into account any possible extensions to the contract. However:

- a) Where the Council has single requirement for goods, services, or works and a number of contracts have been entered into or are to be entered into to fulfil that requirement, the Total Value of each of those contracts shall be the aggregate of the total consideration payable under each of these contracts.

- b) Where the Council has a requirement over a period of time for goods or services and, for that purpose, enters into a series of contracts, each of less than 12 months duration, the Total Value shall be the aggregate value of the consideration that the Council expects to pay under contracts for the same, or similar, types of goods and services over a 12 month period. No requirement is to be deliberately sub-divided, or its Total Value understated, so as to avoid the obligation to follow the procurement processes set out in these Standing Orders.

19.3 In calculating whether the estimated Total Value will exceed the EU thresholds, the full aggregation rules in the Public Contracts Regulations 2006 (Regulation 8) apply. Chief Officers shall consult with the Head of Procurement or Head of Law if there is any uncertainty as to the application of these aggregation rules.

19.4 Notwithstanding the requirements above, officers may (subject to Paragraph 21 below) use Framework Agreements let by the Council or another body to purchase goods or services of any value.

## **20. The “Wider Interest” Test**

20.1 Chief Officers must consider whether there are any Single Market and/or Value for Money issues surrounding a proposed contract, and also whether it may potentially be of interest to suppliers located in other EU Member States. This decision has to be based on an evaluation of the individual circumstances of the case, such as the subject matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc.) and the geographic location of the place of performance.

20.2 “Wider Interest” refers to those situations where it is reasonable to assume that subject matter of the requirement, or the estimated total value of the tender could be of interest to suppliers in other EU Member States. This will differ according to the individual circumstances of the case.

20.3 If, in the opinion of a Chief Officer, there would be wider interest from EU Member States then this contract must be awarded by the non-EU Tender Process (or by the EU Tender Process where the Total Value also exceeds an applicable EU threshold).

20.4 Paragraphs 20.1 to 20.3 apply to all Relevant Contracts: including the award of services concessions, contracts of value below the EU thresholds, and contracts for services defined as ‘Part B’ services under Schedule 3 of the Public Contracts Regulations 2006.

## **21. Framework Agreements**

21.1 A Framework Agreement is an agreement between a contracting authority and one or more suppliers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.



- 21.2 The use of a Framework Agreement may be appropriate where:
- a) quotations or tenders are regularly obtained for the same or similar types of goods, services, and works; and
  - b) it is not practical or appropriate that the goods, services and works in question be aggregated into a single requirement and/or competed under one procurement; and
  - c) the Total Value of the goods, services and works – if aggregated – would exceed the EU thresholds (see table at 19.1).

21.3 Framework Agreements shall be let and used in full accordance with Regulation 19 of the Public Contracts Regulations 2006, as amended by the Public Contracts (Amendment) Regulations 2009. When the Council has concluded a Framework Agreement with more than one supplier, a specific contract may be awarded:

- a) by the application of the terms laid down in the Framework Agreement without re-opening competition;
- b) by 'further competition' between each capable supplier in full accordance with paragraphs 7-9 of Regulation 19 of the Public Contracts Regulations 2006.

**Please note:** When 'further competition' takes place for goods, services or works, that exceeds the EU Threshold (see section 19) the minimum ten (10) day Standstill Period shall apply.

21.4 Specific contracts let under a Framework Agreement may survive the normal duration of the original Framework Agreement. However, the duration of specific contracts must remain consistent throughout the life of the Framework Agreement. For example, if the previous contracts let under a framework have been for periods of 2-3 years, it would not be acceptable to let a contract for 7 years during the last few months of a Framework Agreement.

## 22. Select Lists

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

22.2 The use of a Select List may be appropriate where:

- a) quotations or tenders are regularly obtained for the same or similar types of goods, services, and works; and
- b) it is not practical or appropriate that the goods, services and works in question be aggregated into a single requirement and/or competed under one procurement; and
- c) the Total Value of the goods, services and works – if aggregated – would not exceed any relevant EU threshold.

22.3 In compiling a Select List, short-listing potential suppliers off a Select List, or awarding to suppliers off a Select List, Chief Officers must not impose conditions causing direct or indirect discrimination against suppliers in other EU Member States.

- 22.4 Chief Officers shall seek the prior agreement of the Head of Procurement before establishing a select list and the Head of Procurement shall maintain a list of all Council Select Lists, and shall ensure that the level of expenditure through each Select List is monitored so as not to risk breaching the EU rules on aggregation.
- 22.5 A third party managed database of suppliers that is approved by the Head of Procurement may be used as a Select List where it is available for the types of goods, services or works required.
- 22.6 A Select List may be either a Rolling Select List or a Set Select List:
- a) With a Rolling Select List a supplier may apply to the Council at any time for inclusion on the Select List.
  - b) With a Set Select List a supplier may apply to the Council only within specific time-periods, in response to specific advertisements placed by the Council.
- 22.7 Before compiling a Select List, a Chief Officer shall document in writing:
- a) the goods, services or works that will be within the scope of the Select List
  - b) whether the Select List shall be a Rolling Select List or a Set Select List
  - c) the estimated value of likely expenditure through the list
  - d) the maximum term (duration) of a Set Select List; or the length of time each supplier will remain on a Rolling Select List before they are required to re-apply
  - e) whether the number of suppliers on the list shall be restricted to a maximum figure (and what that figure is), or be unlimited. The number of suppliers on a Rolling Select List has to be unlimited
  - f) which of the Discretionary Rejection Criteria shall be considered when compiling the Select List
  - g) the selection criteria, and the evaluation process by which suppliers shall be selected for inclusion on the Select List. Selection criteria may be based on:
    - i) economic and financial standing; and
    - ii) technical and professional ability and capacity – including conformance with *appropriate* requirements for health and safety, environmental impact, equality or other such issues
  - h) the information and evidence that will be required from suppliers seeking entry to the Select List, to enable the Council to assess their commercial suitability against the selection criteria
  - i) the non-discriminatory basis by which suppliers on the Select List shall later be selected (short-listed) prior to being invited to submit a quotation or a tender for a specific requirement

- j) the contractual terms that will form the basis for any award made from the Select List

## 22.8 Compiling a Rolling Select List

- a) A notice shall be placed on Contracts Finder or such other electronic portal as the Head of Procurement may determine announcing the establishment of the Select List; and a permanent notice placed on the Council's website.
- b) The advertisement and the notice (or associated documentation) shall clearly state:
  - i) all of the information listed in paragraph 22.7 above
  - ii) that the Council may reject suppliers failing against any of the Mandatory Rejection Criteria or Discretionary Rejection Criteria
  - iii) how suppliers can receive any associated documentation
  - iv) that the Council is not bound to accept any expression of interest
- c) Where suppliers are already registered with a managed database, pursuant to paragraph 22.5, they need not be required to submit information that is already held on that database. However, Chief Officers should verify that such database information is up to date before using it for selection purposes.
- d) At any time, a supplier may apply for entry to the Rolling Select List, by submitting a response to the Council.
- e) Suppliers' responses shall be evaluated in accordance with the selection criteria and the evaluation process described in the advertisement:
  - i) Chief Officers shall reject any suppliers failing against any Mandatory Rejection Criteria, unless in the opinion of the Chief Officer and the Head of Procurement there are over-riding reasons in the Council's interest why a supplier should not be so rejected.
  - ii) Chief Officers may reject any supplier failing against any Discretionary Rejection Criteria described in the advertisement (or in associated documentation).
- f) Suppliers should be informed of the outcome of the evaluation (i.e. whether they have been successful in winning a place on the Select List).
- g) Suppliers are entitled, on request, to receive debrief information explaining the outcome of the evaluation. Information which would prejudice the legitimate commercial interests of any supplier may be with-held.

## 22.9 Compiling a Set Select List

- a) An advertisement shall be placed on Contracts Finder or such other electronic portal as the Head of Procurement may determine and where appropriate on other websites and/or publications, inviting potential suppliers to submit expressions of interest for inclusion on the Select List.
- b) The advertisement (or associated documentation) shall clearly state:

- i) all of the information listed in paragraph 22.7 above
  - ii) the date by which expressions of interest must be received
  - iii) that the Council may reject suppliers failing against any of the Mandatory Rejection Criteria or Discretionary Rejection Criteria
  - iv) how suppliers can receive any associated documentation
  - v) that the Council is not bound to accept any expression of interest
- c) Where suppliers are already registered with a managed database approved by the Head of Procurement they need not be required to submit information that is already held on that database. However a Chief Officer should verify the currency of such database information before using it for selection purposes.
  - d) Suppliers shall be allowed sufficient time to respond to the advertisement, taking into account the time required for them to receive any additional documentation, assess their interest, and prepare their response. A minimum of ten working days must be allowed from the date on which the advertisement is published.
  - e) Suppliers' responses shall be evaluated in accordance with the selection criteria and the evaluation process described in the advertisement:
    - i) Chief Officers shall reject any suppliers failing against any Mandatory Rejection Criteria, unless in the opinion of the Chief Officer and the Head of Procurement there are over-riding reasons in the Council's interest why a supplier should not be so rejected.
    - ii) Chief Officers may reject any supplier failing against any Discretionary Rejection Criteria listed in the advertisement.
  - f) Suppliers should be informed of the outcome of the evaluation (i.e. whether they have been successful in winning a place on the Select List).
  - g) Suppliers are entitled, on request, to receive debrief information explaining the outcome of the evaluation. Information which would prejudice the legitimate commercial interests of any supplier may be withheld.

#### 22.10 Using and maintaining a Select List

- a) A Chief Officer shall use a Select List only in accordance with the standing orders on quotations and tendering (see sections 23 and 25).
- b) A supplier shall be removed from a Rolling Set List once they have been on the list for the length of time specified in the original advertisement. However, prior to this, the supplier shall be notified of their pending removal, and given the opportunity to re-apply.
- c) A Set Select List shall be reviewed at least every two years; and re-competed at least every four years.

- d) At the review of a Set Select List:
  - i) all suppliers currently on the list shall be invited to re-submit up to date information to enable the Council to assess their commercial suitability; and
  - ii) any suppliers no longer meeting the selection criteria (including any applicable Rejection Criteria) shall be removed from the list
- e) At the re-competition of a Set Select List, the suppliers on the expiring Select List should be notified of the advertisement once it has been published.
- f) During the life of a Select List, a Chief Officer may remove any suppliers which:
  - i) regularly do not submit or decline to submit tenders when invited; or
  - ii) consistently submit uncompetitive or non-conforming tenders; or
  - iii) do not meet the required standards of a contract they have been awarded; or
  - iv) no longer meet the selection criteria on which the Select List was compiled

and the Chief Officer must ensure that any such removals are undertaken in a transparent and non-discriminatory manner.

- g) A Chief Officer may terminate a Select List whenever they believe that continued maintenance and/or use of the list is no longer in the Council's best interests. On terminating a Select List, the Chief Officer shall:
  - i) write to all suppliers on the Select List to notify them that the list has been terminated.
  - ii) if the terminated list is a Rolling Select List, remove the relevant advertising notice on the Council's website.

## **23. The Quotation Process**

- 23.1 The Quotation Process applies when the estimated Total Value of a contract is less than the Tender Point (see paragraph 19.1).
- 23.2 The Quotation Process begins by selecting (short-listing) appropriate potential suppliers to be invited to submit quotes:
  - a) Where the table at paragraph 19.1 requires multiple quotations the Chief Officer shall select three to five suppliers, including, where practical at least one supplier based in Norfolk.
- 23.3 A Chief Officer must confirm that the selected supplier(s) has the:
  - a) economic and financial standing sufficient and appropriate to meet the Council's requirement; and

- b) technical and professional ability and capacity sufficient and appropriate to meet the Council's requirement. This may include conformance with appropriate requirements for health and safety, environmental impact, equality or other such issues

23.4 A Select List may be used for the purposes of selecting the supplier(s).

23.5 Where only a single supplier need be selected, a Chief Officer may choose either to:

- a) place an order with the selected supplier, on the basis of a pre-quoted price (such as in a supplier's catalogue) having satisfied themselves that the price to be paid represents good value for money; or
- b) issue a Request for Quotation to the selected single supplier

23.6 Where more than one supplier has been selected the Chief Officer shall issue a Request for Quotation to each selected supplier.

23.7 A Request for Quotation shall be in written form (or suitable electronic form if an automated electronic quotation process is being used i.e. e-quoting or e-tendering), and shall clearly state using plain language:

- a) the description or specification of the Council's requirement, taking into account the Council's rules on standards and technical specifications;
- b) the quantity required;
- c) the delivery time and place;
- d) the basis of the price to be quoted;
- e) the conditions of contract that will apply to any order placed;
- f) the basis on which the quotation will be evaluated, being either 'best Value for Money' or 'lowest price'. Where a quotation is to be assessed on the basis of 'best value for money' the Request for Quotation must set out the criteria by which this will be evaluated;
- g) the date by which quotations are to be received by the Council, which will normally not be less than five working days from the date of issuing the invitation;

23.8 The Chief Officer shall assess the quotation(s) received and:

- a) where quotations are being evaluated on the basis of 'best Value for Money' the quotation offering the best Value for Money – based on consideration of the pre-defined evaluation criteria - shall be accepted (except where no quotation offers sufficient value for money).
- b) where quotations are being evaluated on the basis of 'lowest price' the quotation offering the lowest acceptable price shall be accepted, assuming this quotation meets the specification and the minimum required standards for quality and delivery.

- 23.9 Acceptance will be notified to this supplier by the issue of an order, in accordance with the ordering procedures.
- 23.10 The unsuccessful suppliers shall be notified and, at their request, shall be given the reason why they were unsuccessful without breaching the commercial confidentiality of the other suppliers.
- 23.11 The Chief Officer shall maintain a written record of each quotation process (the quotation process will be automatically logged if an e-quotation, or e-tendering system is being used) and the reasons for the selection (short-listing) and award decisions taken, in accordance with the Council's policies on Record Management and Retention Schedules.

## **24. Requirements applicable to all tendering exercises**

### 24.1 General principles:

- a) All procurements that involve a tender exercise must be run as procurement projects, in accordance with section 11.
- b) In undertaking any tender process, Chief Officers must not impose conditions causing direct or indirect discrimination against suppliers in other EU Member States.

### 24.2 Receiving Expressions of Interest

- a) All Expressions of Interest must be received by the date and time given in the original advertisement. A Chief Officer may consider exceptions to this regulation in situations where the late submission is genuinely outside the control of the supplier concerned, but only with the agreement of the Head of Procurement or Head of Law.

### 24.3 Issuing Invitations to Tender

- a) Where a tendering process involves a process of qualification and selection before the award phase, a Chief Officer shall only issue an Invitation to Tender to those suppliers that have met the required Selection Criteria, including any minimum standards set. Suppliers may be shortlisted to be invited to tender on the basis of marks awarded against the Selection Criteria
- b) A Chief Officer shall ensure that an Invitation to Tender is based on a model approved by the Head of Procurement and includes:
  - i) the date and time by which tenders are to be returned (including, if appropriate, the closing time for any bids entered as part of an e-auction process), and any specific instructions with regards the labelling and submission of tenders
  - ii) a specification describing the Council's requirement (taking into account the Council's rules on use of standards, technical specifications and appropriate policy considerations relevant to the subject matter of the contract), in sufficient detail to enable the submission of competitive tenders
  - iii) the conditions of contract that will apply to any contract formed

- iv) details of the award criteria to be applied in the evaluation of tenders, giving the weightings and/or the relative importance of different sub-criteria
  - v) the method by which any arithmetical errors discovered in the submitted tenders will be dealt with
  - vi) a requirement for tenderers to declare that the content of their tender has not been disclosed to any other party (except where such a disclosure is made in confidence and for a necessary purpose)
  - vii) notification that tenders are submitted to the Council on the basis that they are compiled at the tenderers' expense a statement that the Council is not bound to accept any tender and may terminate the procurement process at any time without liability for tenderers' costs.
- c) Suppliers shall be allowed sufficient time to complete their tenders, taking into account the complexity of the requirement and the contract, and the time required for them to prepare their response. A minimum of ten working days must be allowed from the date on which the invitation was sent.
  - d) All suppliers being invited to tender must be issued with the same information at the same time and subject to the same conditions. Any clarification, supplementary information, or changes to the content or detail of the invitation, must be given on the same basis.
  - e) Chief Officers shall maintain a full record of any communications (written or verbal) with suppliers during the tender or quotation process.
  - f) Where the suppliers invited to tender include a "Controlled Entity", the suppliers shall be instructed to return their tenders to the Head of Democratic Services.

#### 24.4 Receiving Tenders

- a) Where tenders are to be submitted on paper, Chief Officers shall ensure that they are kept secure and un-opened until the specified date and time, after which they shall be opened by two officers who have that responsibility under the scheme of delegation. The precise process to be adopted shall be agreed with the Head of Procurement and the Head of Internal Audit.
- b) If suppliers have not followed the instructions issued within the Invitation to Tender (with regard to how tenders should be delivered, packaged, marked, referenced etc.) such tenders would normally be excluded from further participation in the tender process. However, in exceptional circumstances, the Head of Procurement may permit tenders to be considered in the case of a minor breach by the tenderer, providing the principle of equal treatment of tenderers and the integrity and confidentiality of the tendering process would not be breached.
- c) A record of the returned tenders will be kept which will show the date they were opened and the two officers involved.



- d) In exceptional circumstances, any tenders that are received after the specified date and time, but before the tenders have actually been opened, may be included - but only where the late submission is genuinely outside the control of the supplier concerned, and only with the agreement of the Head of Procurement, who shall in considering whether to waive the deadline have regard to the need to avoid unequal treatment, discrimination or lack of transparency.
- e) Chief Officers may use an electronic tendering and/or electronic auction system to manage part or all of the tendering exercise, including the receipt of tenders, provided that that system is approved by the Head of Internal Audit and Head of Procurement, who shall have due regard to issues of confidentiality, integrity and continued availability of information.
- f) Tenders returned by email or other electronic means shall be rejected, unless they have been sought in accordance with an electronic tendering system approved in accordance with the above paragraph.
- g) However, in exceptional circumstances, the Head of Procurement may approve the acceptance of tenders by other means (such as fax).
- h) Any tender that is received after the tenders have been opened, or which otherwise does not comply with the instructions in the Invitation to Tender, shall be rejected and shall be returned to the tendering supplier with an explanation for this rejection.

## 25. The EU Tender Process

Where the Estimated Value of a contract exceeds any applicable EU Threshold the appropriate EU tendering process shall be employed in accordance with the Public Contracts Regulations 2006 (as amended).

### 25.1 The EU Tender Process applies to:

- a) all goods contracts of Total Value exceeding the EU threshold
- b) all Part A services contracts (excluding services concession contracts) of Total Value exceeding the EU threshold
- c) all works contracts (including works concessions) of Total Value exceeding the EU threshold

*NB: For latest EU thresholds please see <http://www.ojec.com/Thresholds.aspx>*

### **but does not apply to:**

- d) part B services contracts
- e) services concessions contracts
- f) goods, services and works contracts of Total Value below the relevant EU thresholds

- g) any other contracts specifically excluded under the General Exclusions given in Regulation 6 of the Public Contracts Regulations 2006

25.1 All procurements following the EU Tender Process must: comply fully with the requirements of the Public Contracts Regulations 2006, including the need to follow one of the procurement procedures prescribed in this legislation; and

- a) be run as procurement projects, according to section 11; and
- b) be undertaken under the guidance of the Head of Procurement

25.2 The Negotiated Procedure may only be used with the prior written approval of the Head of Law.

25.3 Extended timescales are involved in the EU Tender Process, and so Chief Officers shall consult with the Head of Procurement as soon as they believe that a potential contract will be covered by this process.

## **26. Non-EU Tendering Exercises**

Contracts for Part B services, contracts for service concessions, and contracts for goods, services and works of Total Value below the relevant EU thresholds shall be tendered if they exceed the tender point set in Section 19.

The following requirements apply to such tendering exercises:

### **26.1 Advertising Tender Opportunities**

- a) A tender opportunity shall be advertised in the Official Journal of the European Union (OJEU), or on the e-procurement portal Contracts Finder, or such other electronic portal as the Head of Procurement may determine from time to time and, where necessary, on other websites and/or publications.
- b) Suppliers shall be allowed sufficient time to respond to the advertisement, taking into account the time required for them to receive any additional documentation, assess their interest, and prepare their response. A minimum of ten working days must be allowed from the date on which the advertisement appears on the website.

### **26.2 Selection**

- a) The selection of suppliers shall be against previously published selection criteria, on the basis of suppliers':
  - i) economic and financial standing; and
  - ii) technical or professional ability and capacity – including conformance with appropriate requirements for health and safety, environmental management, equality or other such issues.

- b) Chief Officers shall reject any suppliers failing against any Mandatory Rejection Criteria, unless in the opinion of the Chief Officer and the Head of Procurement there are over-riding reasons in the Council's interest why a supplier should not be so rejected.
- c) Chief Officers shall reject any supplier failing against any previously published Discretionary Rejection Criteria, except in exceptional circumstances and then only with the agreement of the Head of Procurement.
- d) A Chief Officer may reject any suppliers failing to meet previously published minimum standards for selection criteria. Any such minimum standards must be related to and proportionate to the subject matter of the contract.
- e) Chief Officers shall maintain a formal record of the selection evaluation and arrange to notify the outcome to any suppliers who expressed an interest, in a manner prescribed by the Head of Procurement.

### 26.3 Award

- a) Any Contract(s) shall be awarded to the supplier(s) whose tender(s) best meet(s) the previously published award criteria.
- b) Award may be made on the basis of only:
  - i) the 'most economically advantageous tender' (which is equivalent to the best Value for Money); or
  - ii) the lowest price
- c) If awarding on the basis of the 'most economically advantageous tender' (the best Value for Money), a Chief Officer shall use criteria linked to the subject matter of the contract. Such criteria may include, inter alia:
  - i) whole life costs (the initial price, plus the costs of running maintenance, disposal etc for the duration of the contract)
  - ii) quality
  - iii) technical merit
  - iv) aesthetic and functional characteristics
  - v) environmental characteristics
  - vi) after sales service
  - vii) technical assistance
  - viii) delivery date or delivery period or period of completion
- d) A Chief Officer may reject an offered tender as being abnormally low, but only after they have first:

- i) requested in writing an explanation from the supplier for those parts of the tender considered abnormally low; and
  - ii) taken account of the evidence provided in response to such a request; and
  - iii) verified to the supplier those parts of the tender considered abnormally low
- e) Chief Officers shall maintain a formal record of the award evaluation and arrange to notify any suppliers who expressed an interest of the outcome in a manner prescribed by the Head of Procurement.
- f) If, having completed tender evaluation, the Chief Officer believes that one (or more) tender(s) offers good value for money to the Council, they may award a contract to this supplier (or suppliers) in accordance with section 27.
- g) When awarding any contract for goods, services or works which in aggregate value exceeds the EU Threshold (see section 19); a Chief Officer shall apply a minimum ten (10) day Standstill<sup>2</sup> Period and provide, with the Standstill notice, sent to all tenderers and candidates, full reasons for the decision, including the characteristics and relative advantages of the successful tenderer.
- h) Where requested by a supplier, a Chief Officer shall provide debrief information to explain the award decision, setting out the characteristics and relative advantages of the successful tender. Information which would prejudice the legitimate commercial interests of any supplier may be withheld.
- i) Where the non-EU Tender Process is being used to tender a contract for a Part B Service, the EU law concerning award notices still apply; and a Chief Officer is required to place a Contract Award Notice in accordance with Regulation 31 of the Public Contracts Regulations 2006.
- j) Chief Officers shall ensure that whenever a contract is put in place the relevant contract and supplier details are input to the Council's electronic finance system as soon as possible after the contract has been signed/agreed; and before any orders against that contract are likely to arise.

## **27. Conditions of Contract & Contract Formalities**

- 27.1 All contracts must be formally concluded in writing before the supply, service or work begins.
- 27.2 The Head of Procurement in consultation with the Head of Law shall maintain the Council's General Conditions of Contract and the format of orders.

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<sup>2</sup> Notifications should be sent by e-mail whenever possible. However, if traditional mail services have to be used the standstill period must be extended to a minimum 15 calendar days from the day after the Contract Award decision has been sent to suppliers.

- 27.3 Contracts shall be written in plain language and shall adopt either:
- a) the Council's General Conditions of Contract as a bare minimum ; or
  - b) conditions of contract produced by professional bodies and agreed by the Head of Procurement or the Head of Law; or
  - c) conditions of contract developed by or agreed by the Head of Procurement or the Head of Law for specific types of procurement or specific procurement projects; or
  - d) conditions of contract within collaborative contracts let by other public contracting authorities; or
  - e) exceptionally, and where unavoidable, conditions of contract requested by suppliers; but only where the use of these conditions has been previously agreed by the Head of Procurement or Head of Law
- 27.4 The above conditions (27.1 to 27.3) do not apply to low value, one-off retail purchases where a purchasing card is used.
- 27.5 All contracts, irrespective of value, shall as a minimum clearly specify:
- a) a full description of what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, received or completed)
  - b) the quantities to be provided
  - c) the provisions for payment (i.e. the price to be paid and when)
  - d) the time(s) and location(s) for delivery or performance
  - e) the provisions for the Council to terminate the contract
  - f) the provision for indemnity and insurance for service contracts
- 27.6 Where contracts are awarded which involve the transfer of Council Staff, or of former Council staff who were previously the subject of an outsourcing of service, they shall include provisions to ensure that the relevant regulations are complied with and that the Council is indemnified. Where the Council is a third party to any transfer, the contract shall in addition ensure that the Council has access to staff and employee information on request.
- 27.7 The Head of Procurement shall maintain a list of all the contracts let by the Council that involve the transfer of Council staff or of former Council staff, and shall ensure that the Council complies with any statutory reporting requirements regarding such contracts.

- 27.8 Contracts may be concluded by signature by an officer or officers approved to do so under the scheme of delegation, or under the Common Seal of the Council. In the former case, the officer responsible must ensure that the person signing for the other contracting party has the authority to bind it.
- 27.9 Where two signatures are required under the scheme of delegation at least one must be that of a person not involved in the tendering or negotiation of the contract.
- 27.10 Unless otherwise agreed by the Head of Law, a contract must be sealed where:
- a) the Council may wish to enforce the contract more than six years after its end; or
  - b) there is any doubt as to whether valid consideration is being created under the contract.
- 27.11 Contract sealing shall be carried out by the Head of Law or those persons who have been given authority to do so from time to time. This can take place after a quotation or tender has been accepted provided that the completion of this requirement is made a condition of acceptance of the quotation or tender by the Council.

## **Using the Contract**

### **28. Orders & Requisitions & Payment of Invoices**

- 28.1 Every requirement for goods, services or works including those resulting from a quotation or tender, will be contracted for by:
- a) an official NCC order, for any requirement obtained from an external provider;
  - b) an internal requisition (which also includes internal orders where these are used with an in-house trading organisation); or
  - c) a Procurement Card presented in person by the cardholder using chip-and-pin or card details communicated through a “cardholder not present” transaction (e.g. by phone or internet).
- 28.2 Orders and requisitions – including confirmation of urgent orders and requisitions placed verbally – shall be made using one of the Council’s approved electronic procurement systems where this is available or otherwise in writing by post, email or fax.
- 28.3 Orders shall specify the conditions of contract to apply, by reference to the Council’s General Conditions of Contract or – where these are not appropriate – by clear reference to, or inclusion of, the specific conditions of contract to apply.

- 28.4 Orders and requisitions shall be fully completed with no sections left blank. Procurement Card transactions shall be recorded and reconciled using the card issuer's on-line reconciliation system.
- 28.5 With the exception of Procurement Card transactions; before being placed on the supplier, orders and requisitions shall first be authorised by a separate officer to the originator, this officer being authorised to do so under the scheme of delegation. Procurement Card statements shall be reviewed by the cardholder's line manager or budget holder as part of the monthly reconciliation process.
- 28.6 The Head of Finance may, having consulted the Head of Internal Audit, permit the introduction of systems for ordering or requisitioning which do not comply strictly with paragraphs 28.2 to 28.5 where he is satisfied that it is appropriate to do so in the interests of economy and effectiveness.
- 28.7 Invoices relating to orders will be authorised and paid on time in accordance with the Council's Financial Regulations.
- 28.8 Chief Officers may make staged payments on account of the contract sum for contracts provided they are satisfied that the level of payment is in proportion to the work completed and payment is made in accordance with the terms of the contract.

## **29. Contract Management & Variation**

- 29.1 Chief Officers shall ensure that all significant contracts have a suitable written contract management plan in place before signing the contract. Chief Officers shall also manage each contract over its entirety, to a level of detail proportionate to the contract's risk and value.
- 29.2 During the life of a contract, the Chief Officer shall monitor it in respect of:
- a) performance
  - b) compliance with specification and contract
  - c) cost and value for money
  - d) user satisfaction
  - e) risk management
  - f) supplier financial standing
- 29.3 Where a contract involves the transfer of Council staff, or former Council staff who have previously been the subject of an outsourcing of service, a Chief Officer shall monitor that contract in accordance with the requirements of the Code of Practice on Workforce Matters in Local Authority Service Contracts, and provide information on such contracts to the Head of Procurement on request [see also paragraphs 27.6 and 27.7].

- 29.4 Chief Officers shall consult with the Head of Law when they become aware that any significant dispute or claim may arise in relation to a contract or procurement exercise.
- 29.5 Chief Officers may agree variations to contracts provided that these are lawful under EC Treaty obligations and EU and UK law and there is adequate approved budget provision. Before agreeing any variation Chief Officers shall satisfy themselves that a contract variation offers comparable or better value for money than going out to competition or that a contract variation is the only possible approach by virtue of exclusive rights or for reasons of urgency. Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Head of Procurement and Head of Law.
- 29.6 Where a Chief Officer becomes aware that any major contract will exceed by a significant variation the approved budget or time for completion, or is incurring significant risks not initially identified, this shall be reported at the earliest opportunity to the relevant Committee Chairman; if the additional costs cannot be accommodated within the service's budget this shall be reported to the appropriate Committee as required by the Financial Control Standards.

## **Other Requirements**

### **30. Record Keeping**

- 30.1 Chief Officers shall ensure that records and clear audit trails of all actions, decisions and approvals relating to procurement and commissioning activity are kept, including:
- a) any specific exemptions or approvals sought under these Standing Orders
  - b) invitations to quote, suppliers' quotations, evaluation criteria and award decisions
  - c) advertisements, Invitations to Tender, suppliers' Expressions of Interest and Tenders, evaluation criteria and award decisions
  - d) compiling, reviewing and awarding contracts off Select Lists
  - e) all orders and requisitions placed
  - f) any pre-tender market research or early supplier engagement
  - g) communications with suppliers, including any clarifications and post-tender negotiations (to include minutes of meetings)
  - h) contract documents, and any contract variations and extensions



- i) contract management activities and communications with suppliers throughout the period of the contract (to include minutes of meetings)
- j) disposal activities
- k) all other key procurement project documentation

30.2 Records are to be kept for the periods specified in the Norfolk Record Retention Schedule, available at:

[http://www.norfolk.gov.uk/consumption/groups/public/documents/general\\_resources/NCC030053.xls](http://www.norfolk.gov.uk/consumption/groups/public/documents/general_resources/NCC030053.xls)

30.3 The Council's policy is that orders should be placed via our electronic ordering systems and it is the intention to move towards universal electronic ordering. However, in exceptional circumstances where access to these systems is not currently available, Chief Officers must maintain a record of any alternative purchasing methods used; including use of requisition books and paper purchase orders.

30.4 Chief Officers shall make available for inspection any of the above records when requested by anyone entitled to inspect these records.

### **31. Prevention of Corruption & Declaration of Interests**

31.1 Officers shall comply with the Council's Code of Conduct for Employees and the Council's Whistleblowing Procedure. In particular:

- a) no officer shall use or be seen to use their position to obtain any personal or private benefit (including benefit accruing to connected third parties) from any contract entered into by the Council;
- b) officers' attention is drawn to the provisions of the Code of Conduct relating to the separation of roles during tendering.

31.2 With regards to any contract that has been proposed or entered into by the Council, officers must disclose in writing to their Chief Officer any instances:

- a) where they have any relationship with a supplier; or
- b) where they have any personal interest (financial or non-financial) which could reasonably be considered to conflict with the Council's interests.

## **32. Procurement Guidelines**

32.1 In support of these Standing Orders, the Head of Procurement may issue guidance, procedures and standard documents as Procurement Guidance. Chief Officers shall comply with such guidance when undertaking procurement activities, including contract management.

## **33. Standards, Technical Specifications and Evidence of Qualifications**

33.1 In describing the goods, services or works required through a contract, a Chief Officer may lay down 'technical specifications' defining required characteristics – such as quality levels, performance, safety, labelling, or environmental performance levels.

33.2 Such technical specifications may be laid down in the specification issued with a Request for Quotation or with an Invitation to Tender; and in the conditions of contract.

33.3 Technical specifications should not refer to a specific make or source, or a particular process, or to trade marks, patents, types or a specific origin or production unless such a reference is:

- a) justified by the subject matter of the contract; and
- b) approved in advance by the Head of Law; and
- c) unless the Head of Law directs otherwise, accompanied by the words "or equivalent".

33.1 In the use of standards to define a technical specification, a Chief Officer shall adopt the order of preference outlined in Regulation 9 (6) of the Public Contract Regulations 2006.

33.2 Each and any reference to a standard must be accompanied by the words "or equivalent".

33.3 If suppliers are required to submit certificates, diplomas or other evidence of formal qualifications, documents from other EU Member States offering an equivalent level of guarantee shall be accepted.

## Summary of Main Responsibilities

### Chief Officers:

must ensure that their staff comply with the Contract Standing Orders (Paragraph 4.4);

must ensure that, within their Directorates, schemes of delegation exist which identify which officers have responsibility (paragraph 4.7);

must ensure that officers undertaking procurement and commissioning have skills, competencies, and knowledge appropriate to the scope, risk and complexity of their activity (paragraph 4.9);

shall determine on a case by case basis whether funding is to be considered as a Grant or a Relevant Contract by reference to the guidance published by the HM Treasury and National Audit Office (paragraph 7.7);

shall ensure that any procurement activity is compliant with Relevant Policies (paragraph 15.1);

must consider whether there are any Single Market, Value for Money or Wider Interest issues surrounding a proposed contract (section 20);

shall seek the prior agreement of the Head of Procurement before establishing a select list (paragraph 22. 4);

shall maintain a full record of any communications (written or verbal) with suppliers during the tender or quotation process (paragraph 24.3e);

shall apply a minimum ten (10) day Standstill Period, after notifying all parties concerned of the intention to award a contract, when awarding contracts for goods, services or works which, in aggregate, value exceeds the EU Threshold (see section 19);

shall ensure that Contract Award Notices for all Part B Services tenders are advertised in the Official Journal of the European Union, in accordance with Regulation 31 of the Public Contracts Regulations 2006 (paragraph 26.3i);

shall ensure that all significant contracts have a suitable written contract management plan in place before signing the contract (paragraph 29.1);

shall ensure that records and clear audit trails of all actions, decisions and approvals relating to procurement and commissioning activity are kept (paragraph 30.1);

must maintain a record of any alternative purchasing methods used (paragraph 30.3)

shall comply with such guidance when undertaking procurement activities, including contract management (paragraph 32.1);

**Head of Law:**

shall decide on whether a given entity satisfies the conditions necessary to be a Controlled Entity (paragraph 9.9);

shall maintain and publish on the Council's intranet a list of those Controlled Entities known to satisfy the 'in house' exception (paragraph 9.9);

shall authorise the use of Negotiated Procedure where applicable (paragraph 25.3);

shall, in consultation with the Head of Procurement, maintain the Council's General Conditions of Contract and the format of orders (paragraph 27.2);

shall be responsible for 'sealing' in the circumstances outlined in (paragraph 27.10);

shall maintain, in consultation with the Head of Procurement, the Council's General Conditions of Contract and the format of orders (paragraph 27.2);

**Head of Procurement:**

shall be responsible for the procurement of all contracts to fulfil a corporate-wide requirement (paragraph 4.5)

may identify a contract for given goods, services or works as a Corporate Contract (paragraph 12.1);

shall maintain and publish on the Council's intranet a list of approved Corporate Contracts, and of those goods, services and works to which they apply (paragraph 12.4);

shall maintain and publish on the Council's intranet a list of "Reserved" areas of spend and the posts whose occupants are authorised to buy within those areas (paragraph 13.2);

may specify - for any given Specialist Goods, Service or Works - financial thresholds, below which the restrictions on procurement activities to Specialist Buyers shall not apply. (paragraph 13.4);

may identify certain collaborative arrangements as Corporate Contracts, having first verified that the conditions stipulated in paragraph 14.5 are met (paragraph 14.2);

may maintain, and publish on the Council's intranet, a list of third parties authorised to conduct procurements in particular categories without his prior agreement (paragraph 14.7);

shall be consulted by Chief Officers at the planning stage of any significant procurement (paragraph 17.1);

may, in exceptional circumstances, permit tenders to be considered in the case of a minor breach by the tenderer, providing the principle of equal treatment of tenderers and the integrity and confidentiality of the tendering process would not be breached (paragraph 24.4b);

shall approve use of electronic tendering and electronic auctioning in conjunction with the Head of Internal Audit. (paragraph 24.4e);

shall, in consultation with the Head of Law, maintain the Council's General Conditions of Contract and the format of orders (paragraph 27.2);

shall maintain a list of all the contracts let by the Council that involve the transfer of Council staff or of former Council staff (paragraph 27.7);

may issue guidance, procedures and standard documents as Procurement Guidance. (paragraph 32.1);

### **Head of Democratic Services**

shall maintain and publish on the Council's intranet a list of Relevant Policies (paragraph 15.1);

### **Head of Finance**

may, in the interest of economies and effectiveness, permit the introduction of systems for ordering or requisitioning (paragraph 28.6);

### **Policy and Resources Committee**

shall be notified, at their next available meeting, of any exemptions to these standing orders approved by the Head of Procurement and Head of Law (under paragraph 9.11) that relate to the award of a contract valued in excess of £250,000 (paragraph 9.12);

shall be responsible for authorising any other exemptions to these Standing Orders, for example emergency situations or where other special justifications apply (paragraph 9.14b);

shall be notified of any instances where a Chief Officer reports an unforeseen variation to the approved budget that cannot be accommodated within the service's budget (paragraph 29.6);

### **The Relevant Committee Chairman**

must be consulted where an exemption to CSO would result in the letting of contracts valued at more than £100,000 (paragraph 9.11)

must be consulted and reported to, at the earliest opportunity, when a Chief Officer becomes aware that any major contract will exceed by a significant variation the approved budget or time for completion, or is incurring significant risks not initially identified (paragraph 29.6);

## Glossary of Defined Terms

Term	Definition for the purposes of these Standing Orders
<b>Aggregated Value</b>	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.
<b>Best Value</b>	<p>The duty, which part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.</p> <p>This terminology has now in many instances been superseded by Value for Money.</p>
<b>British Standard</b>	A standard adopted by a British standards organisation and made available to the general public.
<b>Chief Officer</b>	A Chief Officer as defined by Article 8 of the Council's Constitution.
<b>Contract Standing Orders</b>	The rules, forming part of the Constitution, defining procurement practices, and the issue and management of contracts in Norfolk County Council.
<b>Controlled Entity</b>	An entity (organisation) satisfying the in-house exemptions established through Teckal and associated European Court of Justice case law. The Council is not required to run a competitive procurement before contracting with a Controlled Entity.
<b>Corporate Contract</b>	A contract identified by the Head of Procurement as the Council's preferred contract for the purchase of specific goods, services or works. With certain exceptions, Chief Officers (or their duly delegated staff) purchasing such goods, services or works must use a Corporate Contract whenever available.
<b>Critical Service</b>	A service whose provision has been determined as critical to the Council's business continuity or service operations.
<b>Discretionary Rejection Criteria</b>	At the selection stage of a procurement, a Chief Officer <i>may</i> reject a supplier on one or more grounds, namely that the supplier:

	(a) being an individual is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;
	(b) being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;
	(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;
	(d) has been convicted of a criminal offence relating to the conduct of his business or profession;
	(e) has committed an act of grave misconduct in the course of his business or profession;
	(f) has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
	(g) has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
	(h) is guilty of serious misrepresentation in providing any information required of him under this regulation;



	(i) in relation to procedures for the award of a public services contract, is not licensed in the relevant State in which he is established or is not a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member.
<b>European Standard</b>	A standard adopted by a European standards organisation and made available to the general public.
<b>Grant</b>	A payment made by the Council providing financial support in an area of work, designed and proposed by the Grant recipient, which the Council wishes to sponsor and which contributes to the Council's overall aims and objectives.
<b>International Standard</b>	A standard adopted by an international standards organisation and made available to the general public.
<b>Invitation to Tender</b>	The document issued by a Chief Officer to those suppliers that have satisfied selection criteria, inviting them to submit a tender to the Council.
<b>Mandatory Rejection Criteria</b>	At the selection stage of a procurement, a Chief Officer shall reject any supplier where that supplier, or its directors, has been convicted of any of the following offences:-
	(a) conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA;
	(b) corruption within the meaning of the Bribery Act 2010,
	(c) the offence of bribery as detailed in the Bribery Act 2010;
	(d) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of –

	(i) the offence of cheating the Revenue;
	(ii) the offence of conspiracy to defraud;
	(iii) fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
	(iv) fraudulent trading within the meaning of section 993 of the Companies Act 2006;
	(v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
	(vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or (vii) destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968; or
	(e) money laundering within the meaning of the Money Laundering Regulations 2003.
<b>Non-Commercial Matters</b>	The Local Government Act 1988 identifies a list of Non-Commercial Matters' that must not be taken into account when contracting:
	(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').
	(b) Whether the terms on which contractor's contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only
	(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.
	(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').

	(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
	(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
	(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.
	(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.
	Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.
<b>Non-EU Tender Process</b>	Contracts for Part B services, contracts for service concessions, and contracts for goods, services and works of Total Value below the relevant EU thresholds shall be tendered if they exceed the relevant threshold set in Section 19
<b>Procurement Card</b>	A corporate credit card which has been agreed for use by the Council by the Head of Finance
<b>Procurement Guidance</b>	Guidance, procedures and standard documents as contained within the Procurement intranet site ( <a href="http://intranet.norfolk.gov.uk/purchasing/default.htm">http://intranet.norfolk.gov.uk/purchasing/default.htm</a> ) and/or issued from time to time by the Head Of Procurement in support of these Contract Standing Orders. Chief Officers shall comply with the Procurement Guidance when undertaking procurement activities.
<b>Procurement Project</b>	Any significant procurement exercise within the Council, being run according to a recognised project management methodology.
<b>Rejection Criteria</b>	Grounds on which a Chief Officer shall or may reject a supplier seeking to be selected as part of a procurement process (see Discretionary Rejection Criteria and Mandatory Rejection Criteria).
<b>Relevant Contracts</b>	Any Council contracts which are covered by the scope of these Contract Standing Orders.
<b>Relevant Policies</b>	Council policies, procedures and practices which any procurement activity must comply with. The Head of Democratic Services shall maintain the list of Relevant Policies.
<b>Request for Quotation</b>	A request (usually in written form) issued by a Chief Officer to suppliers, inviting them to submit a quotation to the Council.

<b>Reserved Area</b>	Goods, Services or Works that require specialist skills and/or expertise to be procured effectively, as determined by the Head Of Procurement.
<b>Select List</b>	A list of pre-qualified suppliers used for running quotations or non-EU tenders.
<b>Services Concession</b>	Services Concessions are defined in the Commission Interpretative Communication (2000 OJ C121/2000p 2) as 'whereby a public authority entrusts a third party – by means of a contractual act or a unilateral act with the prior consent of the third party – the total or partial management of services for which that authority would normally be responsible and for which the third party assumes the risk.'
<b>'Supported' Businesses/Employment Programmes/Factories</b>	A service, scheme, or establishment where more than 50% of the workers are disabled persons who by reason of the nature or severity of their disability are unable to take up work in the open labour market.
<b>Transfer of Staff</b>	A transfer of staff from the Council to a service provider, or the TUPE transfer of staff originally transferred out of the Council to a new provider under a re-tender of a contract.
<b>Value for Money</b>	The optimum combination of whole-life cost and quality (or fitness for purpose) to meet the user's requirement.
<b>Wider Interest Test</b>	The need to consider whether tenders below the EU thresholds would be of interest to suppliers in EU member states and, if so, the need to advertise via suitable portal that EU suppliers can access.

## PART 8.1

### MEMBERS' CODE OF CONDUCT

I ..... undertake to observe Norfolk County Council's Members' Code of Conduct.

Signed: ..... Date: .....

#### Introduction to the Code

This Code of Conduct is a key part of the Authority's discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.

The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.

The Council's Standards Committee hears breaches of the Code and decides on sanctions against members found to be in default. Working closely with the Council's Monitoring Officer and Independent Person, the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute, the Code is the Authority's public statement on the promotion and maintenance of high standards of conduct in public life.

Every member and co-opted member of Norfolk County Council, must sign an undertaking to observe the Code in the terms set out below.

#### The Code

As a member or co-opted member of Norfolk County Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act 2011 provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a Member of Norfolk County Council my conduct will in particular address the statutory principles of the Code by:

- Championing the needs of residents – the whole community and in a special way all my constituents and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Norfolk nor the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

The Localism Act provides for the disclosure and registration of Disclosable Pecuniary Interests ("DPIs"). I agree to notify the Monitoring Officer of my DPIs as soon as I become aware of them and in any event within 28 days. The Monitoring Officer will retain a register of my DPIs and will publish these on the Authority's website. If I have a DPI in a matter to be considered at a meeting and I have not notified the Monitoring Officer of that DPI, I shall disclose it to the meeting. In all cases where I have a DPI in a matter to be considered at a meeting I will not speak or vote at that meeting.

If a matter to be considered at a meeting affects, to a greater extent than others in my division:

- my wellbeing or financial position or
- that of family or close friends
- that of a club or society in which I have a management role
- that of another public body of which I am a member

then I will declare an interest (an "Other Interest") but provided it is not a DPI I may speak and vote on the matter.

## PART 8.2

### GIFTS AND HOSPITALITY – CODE OF CONDUCT FOR MEMBERS

#### 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 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. 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 provides an offence of bribing another person or being bribed. This could apply to the holder of a public office where the intention is to bring about an improper performance of a relevant function or an activity by another person or to reward such improper performance. Conviction could result in a fine or imprisonment.
- 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.

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. 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.

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.
- (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.

## PART 8.3

### PROTOCOL ON MEMBER/OFFICER RELATIONS

#### INTRODUCTION

1. This protocol deals with the working relationships between the elected members on the County Council and the officers of the Council. Its purpose is to ensure the smooth running of the Council's processes.
2. The protocol is based on the principle that an officer's duty is to all Members of the Council as a single corporate body. Officers have, therefore, to provide information, offer advice and give assistance in the formulation of policy proposals impartially to all political groups who wish such information, advice or assistance.

#### Principles for Member/Officer working

3. Councillors and Officers are servants of the public. The effectiveness of the outcomes they are able to deliver for residents is dependent on a strong and constructive relationship which adheres to a set of clear principles. These principles are:
  - Mutual respect for each other's roles and responsibilities.
  - Dealings between Members and Offices should be courteous, and conducted in a constructive and positive way.
  - Neither party should seek to take unfair advantage of their position or seek to exert undue influence.
  - Respecting the confidentiality of information given and received as part of County Council business.
  - Concerns as to the conduct of officers should be made to the relevant Chief Officer, and of Members, to the Monitoring Officer

#### ROLES

4. Members and Officers have distinctive responsibilities. Councillors are responsible to the electorate and to the County Council. Officers are responsible to the Council, and also have a public service role. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council and its Committees. Officers are responsible for ensuring the effective and efficient operations of services the Council commissions or delivers. Some Council officers hold statutory positions, and have particular public responsibilities. These Officers are:

Head of Paid Service (Managing Director)

Chief Finance Officer (Head of Finance)  
Monitoring Officer  
Director of Children's Services  
Director of Adult Social Services (Functions undertaken by Director of Community Services)  
Chief Fire Officer  
Director of Public Health (DPH)

The specific roles and responsibilities of these Officers are set out in Article 8

5. The specific roles and functions of Councillors are contained in Article 2 paragraph 2.3 of the Constitution. Broadly these are:-

- As politicians – expressing political values and supporting the policies of the group to which they belong.
- As representatives and advocates – engaging with their communities to represent the division or ward and the citizens who live there.
- As decision makers, on Full Council, its committees and joint committees.
- As policy makers – developing and reviewing policy and strategy.
- Monitoring and reviewing policy implementation and service quality.
- As community leaders and networkers – through active partnerships with other organisations.

6. In broad terms officers have the following main roles:-

- Managing and providing the services for which the Council or a committee has given them responsibility and being accountable for the efficiency and effectiveness of those services and for proper and lawful practice in discharging their responsibilities.
- Giving professional and impartial advice to the Council, its committees and individual members in respect of its services.
- Initiating policy proposals as well as implementing agreed policy.
- Ensuring that the Council always acts in a lawful manner.

## **OFFICERS AND WHOLE COUNCIL**

7. Officers are required at all times to serve the whole Council and to implement and deliver the Council's decisions and policies.

## **OFFICERS AND COMMITTEES**

8. In the effective running of the Council's Committees, good working arrangements between Members and Officers will support sound decision making which is in the best interests of Norfolk people.

9. Reports to Committees will be produced by Officers. In developing reports for decision, Officers will present information and advice in a way which is clear and evidence based, ensuring there is opportunity for constructive challenge and debate.

10. Early engagement between Officers and Members Advice should be built in to the Committee's work programme to ensure that Members avoid taking any unlawful or unworkable decisions.
11. Any decision by committees must take into account advice from the appropriate officer. An officer's obligation to the whole Council requires that such advice is given and that the advice is independent. Committee members must not seek to suppress or amend any aspect of such professional advice. The appropriate officer will place on record his/her professional advice to the committee and ensure that the advice is considered when a decision is taken
12. Whenever officers represent the decisions of a committee, members who are not on that committee will need to recognise that in so doing the officer is representing a decision made by Members.

## **OFFICERS AND INDIVIDUAL MEMBERS**

13. Any Group Leader, Committee Chairman or Group Spokesman or may request a private and confidential briefing from a Chief Officer or Head of Unit on matters which have already been, or may be, discussed by the Council or one of its decision making or advisory bodies. All requests should be made to the appropriate Chief Officer or Head of Unit. Briefings shall remain strictly confidential and are not to be shared with other members of the Council unless so permitted by the relevant Member. In addition, briefings should not be used by Members or Chief Officers to pre-empt the decision-making processes laid down in the Constitution. Other Members may seek private and confidential briefings with the agreement of their group leader.
14. Except for the confidential matters referred to above, information given to a Group Leader, Committee Chairman or Group Spokesman will where possible be shared with the relevant representatives of the other political groups.
15. In general the Council encourages dialogue between members and officers, during working hours and taking into account the proper processes, on all issues affecting the Council.
16. The rights of Members to documents and information of the Council are set out in section 7 of Part 7.4 of the Constitution, (Access to Information Procedure Rules). In circumstances where the Chief Officer and Member disagree as to whether the Member is entitled to the information the matter will be referred to the Managing Director, for decision. If the matter is still unresolved, it will be decided by the Council itself.

## **OFFICERS AND POLITICAL PARTY GROUPS**

17. There is statutory recognition for Political Groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.



18. On the invitation of a Group Leader a Chief Officer or his/her nominee may attend a Group meeting to give factual information. In such circumstances the following guiding principles apply:
- a) No officer is obliged to accept an invitation to a Group meeting;
  - b) No officer is entitled to insist on attending a Group meeting;
  - c) The duration of an officer's attendance at a Group meeting will be at the discretion of the Group but an officer may leave if he/she feels uncomfortable remaining at the meeting;
  - d) An officer accepting an invitation to the meeting of one group must not decline an invitation to advise another Group on the same subject;
  - e) An officer who is not a chief officer will not be invited to attend a Group meeting, but a chief officer may nominate such an officer to attend on his behalf;
  - f) An officer's advice to the Group meeting must be confined to matters of factual information or professional expertise;
  - g) An officer must give substantially the same advice to each Group on any matter raised by more than one;
  - h) An officer must not divulge to any member of the Council the views expressed by members at a meeting of a Group to which the member in question does not belong;
  - i) An officer must be afforded an opportunity of verifying any record of his/her advice contained in the minutes of a Group meeting;
  - j) No member will refer in public or in meetings of Council or committees, or in communication with the media, to advice or information given by an officer in any Group meeting.

## **OFFICERS AND LOCAL MEMBERS**

19. It is essential for the proper running of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions. It is the duty of each chief officer to ensure that all relevant staff are aware of the requirement to keep local members informed and that the timing of such information allows members to respond appropriately and contribute to relevant decisions. Local members must also be kept informed about matters affecting their division during the formative stages of policy development and consideration by committees of the Council and about significant operational matters within the Division.

20. Issues may affect a single electoral division but others may have a wider impact in which case any number of members will need to be kept informed.
21. Local members have an important role to play in representing the County Council in their divisions, responding to the concerns of their constituents, meeting with partners and serving on outside organisations.
22. Whenever a public meeting is organised by the Council to consider a local issue all the members representing the electoral divisions affected should as a matter of course be invited to attend the meeting.
23. Similarly whenever the Council undertakes any form of consultative exercise the local members must be consulted.

## **ACCESS TO PREMISES**

24. Members are welcome to visit any premises owned and used for the delivery of services by Norfolk County Council when doing so as part of their county council responsibilities. If such visits are needed for a personal or employment need, or as a governor or trustee, members should agree these arrangements for the visit with the local manager.
25. In addition any council member wishing to visit a school must also obtain the permission of the head teacher. The same applies when wishing to visit residential establishments on council business. If members wish to visit premises outside their division as part of their Norfolk County Council duties they should also inform the member for that division and the relevant committee chairman. Where committee chairmen wish to visit premises outside their division they should inform the member for that division. At all times when making visits, members are required to comply with any health and safety, security or other workplace rules and regulations and not interfere with the provision of services to the public.
26. Members do not have rights to:
  - Visit premises for purposes unrelated to their duties as Members of the Council.
  - Enter premises owned by Norfolk County Council but let to or legally occupied by other persons
  - Enter premises not owned or leased by Norfolk County Council.
  - Enter premises operated by Companies in which the Norfolk County Council has an interest without the Company's permission.

## **PART 8.4**

### **PRINCIPLES AND PROTOCOLS FOR DEALING WITH THE MEDIA**

#### **1. Background and Introduction**

The media team at Norfolk County Council aims to provide an efficient and timely response to media enquiries and raise the positive public profile of the authority by actively promoting accurate and balanced media coverage of its work and activities.

Norfolk County Council is committed to effective communications so that citizens of the county are well informed about the services that affect their lives every day. The local media play a valuable role in Norfolk life as they have the ability to reach large numbers of local residents.

The County Council aims to provide a service to the media, which is responsive and understands their needs. This is built on a basic principle of wanting to be open and transparent about the decisions the County Council takes and who is accountable for those decisions.

The Unit operates within the terms and spirit of a legal framework set out in the Local Government Act of 1986, which states that:-

“A local authority shall not publish any material which in whole, or in part, appears to be designed to affect public support for a political party”.

The Act defines publicity as “any communication, in whatever form, addressed to the public at large or to a section of the public”.

The Unit operates within the national Code of Recommended Practice on Local Authority Publicity first published by the Government in August 1988 and revised in 2001 and 2011.

The revised code states that publicity issued by local authorities should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity.

Nothing in the code is designed to override section 2 of the Act as described above.

These media protocols have been revised to take account of both the County Council’s move to a committee system in May 2014, and evolving demands of the media.

As the move from Cabinet to Committee style of governance is a fundamental change for the Authority, it is recognised that there should be a review of how the protocols are operating, six months after their adoption.

#### **1. Principles**

Underpinning the work of the media team is a number of fundamental principles.

## **Members first**

All appropriate Members should be sent news releases before they are sent to the media – so that they have time to digest and consider the issue prior to any media enquiry. They should not hear first from the media. Where appropriate, on urgent news items, the media officer will telephone the relevant Member(s) to check receipt.

**Members actively involved.** The content of all principal news releases should be shared and developed in draft stages with the appropriate Committee Chairman.

**Staff informed.** Media releases will be agreed with the principal officers and distributed to them prior to release. They will also be posted on the internet site on the day of publication.

**Honest.** The Unit never knowingly misleads the media on a story or issue. Staff are in a long-term relationship with the local media in particular and they must trust our counsel and respect our honesty of approach.

**Accessible and timely.** Staff are firm, friendly but polite in dealings with the media, always ensure contact numbers are accurate and appropriate and return calls efficiently to recognise competing pressures on deadlines etc. The timeliness of the response rate to media enquiries is recorded and a media officer is available to the media on a 24-hour basis, seven days a week.

**Fair.** The Unit does not routinely favour one media source over another. Where appropriate, staff will identify the relative importance of media sources and be able to clearly justify any strategy that promotes one over another.

## **2. Organisation**

Media releases are organised as follows:-

**News releases** – deal proactively with substantial news matters that the council wants to promote, publicise or explain. They will often arise from items being raised or considered by Members, Member decisions, important visits, matters of policy or a wide range of external matters.

**Public information notices** – provide important, factual information about normal day-to-day activities of the council. They include matters such as road works and closures, minor emergencies – such as the closure of offices, schools or other premises to which the public normally have access and basic event information.

**News statements** – are statements that give reactive comment to a particular media request. Written statements are principally used in respect of sensitive issues to be sure that the council's position cannot be open to possible misinterpretation or misrepresentation.

Releases are targeted to those media outlets that cover the relevant geographical area or specialism. The Unit will avoid issuing releases to all media outlets regardless of content.

### **3 Protocols**

#### **Issuing of agendas**

All committee papers will be made available to the media five working days before the meeting concerned and posted on the Internet. This is a function carried out by Democratic Services.

#### **Media in attendance**

Members of the media must be provided with any additional papers which may have been issued on the day.

#### **Motions and questions**

Motions and questions from individual councillors shown on the agenda will not be publicised through County Council news releases in the interests of fairness.

#### **Debate reporting**

If a member of the media who has not attended the meeting wants to find out what was said during a debate, officers will tell them to contact the appropriate Committee Chairman directly and offer to provide opposition contacts. Staff from the Communications Unit can report back to the media on any decision/recommendation reached.

Journalists are free to 'tweet' from council meetings and members of the Communications Unit will tweet factual decisions made by committees and Full Council depending on the newsworthiness of the issue being debated.

Radio broadcasting of Full Council debates can be arranged in advance of the meeting provided party leaders are consulted and an agreement reached between themselves and the Chairman of the County Council.

#### **Advance publicity for council meetings**

As a matter of routine, media releases will accompany the publication of papers for all the main committees of the County Council.

Where necessary and appropriate because of the issues under debate, releases will be prepared to accompany the papers for other meetings of the council.

#### **Political quotes and names media contacts**

In many cases it is appropriate to include a quote from the appropriate elected Member(s). This may be the Chairman on civic matters, or the Leader of the Council on matters where political lobbying or in his or her leadership role, but will most often be the Chairman of the relevant committee with responsibility for the area concerned.

Where this is the case, the attributing phrase used will be 'Councillor xxxxxx who is the Committee Chairman with responsibility for yyyyyy'. Should the Chairman be unavailable for any reason (holiday or sickness for example) a quote will be sought from the Vice Chairman of the committee.

Where a news release specifically relates to an issue affecting a particular area or geographical division, the local Member will be advised by email, or phones as appropriate and sent the release prior to distribution to the local media.

His/her name will always be added to the contacts list and the Communications Unit will also seek a quote from the local Member, offering advice and guidance in the usual way.

The local Member concerned will sign off the final wording. In seeking the local member quote, the Unit will be clear about the relevant timeframe and wherever possible, ensure this gives sufficient time for a response without affecting media requirements or effective performance. However, the local Member concerned will be responsible for responding in a timely manner.

In the event of Area committees being established, press releases will be produced in support of the committee's work and the Chairman of that committee quoted.

The Chairman of the County Council (and in his/her absence, the Vice Chairman) has an important part to play in ceremonial events carried out on behalf of the County Council. The Chairman's activities will be published as appropriate.

In all cases, the names and contact details for the political spokesmen will be included. Only group political contacts will be given to ensure political balance. The general policy is that this will be the relevant Committee Chairman and Opposition Spokesmen, though by agreement with the relevant party this may vary as appropriate. The contents of each release will be shared with spokesmen in advance of the main release and copied at that time to the Political Assistants.

In all cases, the relevant departmental/officer contact will also be included, followed by that of the named media officer.

All quotes should be cleared with the named person before use. In the event of situations where an appropriate Member's quote is needed and the Member is unavailable for checking, the appropriate Group Leader will be contacted for guidance. Officers will not approve Members' quotes.

Any quotes on matters relating to the development of County Council policies will always come from the appropriate Committee Chairman or the Leader of the Council as appropriate. This principle will also apply to any letters written for publication.

Officers will respond to media requests for interviews/information on matters involving the giving of background technical or practical operational information, non-policy matters, matters involving the implementation of policies or matters of professional responsibility.

Officers should be used as lead spokesmen or women when the County Council's reputation can be enhanced by raising the profile of a perceived 'expert'.

In the event of the threat of inaccurate stories that could damage the reputation of the Authority, Unit staff will respond by challenging the story at source, rather than waiting for it to be published.

In the event of inaccurate and damaging stories being published, the Unit will contact the newspaper concerned and seek redress – this may include a letter of clarification being published or a follow-up story being carried (see Letters for publication).

#### **a) Distribution – News Releases**

News releases may be initiated in departments, but always vetted and approved by the Head of Communications or Media Manager prior to release and issued through the Communications Unit on NCC communications headed paper.

Exceptions are as follows:-

In the case of the Museums Service, where there are named marketing officers, general releases will be sent to the Communications Unit for information at the same time as they are sent to the media.

However the release of any news on a policy matter, or of a controversial nature, should be cleared in advance with the Head of Communications or Media Manager.

The principles and protocols contained herein should be applied accordingly.

#### External distribution

To all relevant media (print and broadcast and specialist) by e-mail as appropriate. In the event of major news issues, the media officer will phone principal news desks to advise them that a release is coming.

In addition, news releases will always be posted on the council's website on the date of publication.

#### Internal Distribution

#### Members

All Members named on a news release – either in the text or the contacts list – will receive their copy to ensure that they receive their copy before the media.

All news releases are emailed to all Members as a matter of routine.

Where an issue has a particular relevant to an electoral division or divisions, the Local Member(s) will also be sent information before it is released to the media. If necessary, media officers will phone the local member and advise them of what is happening and post a copy of the release by 1<sup>st</sup> class post to their home address.

#### Officers/staff in general

All named officers will receive an e-mail copy of the approved release and all Chief Officers will be sent all press releases as a matter of routine.

## **b) Public Information Notices**

Public Information Notices will give clear, factual information in plain English and always provide the relevant departmental contact number.

### **Distribution**

External

Using the email distribution system to all appropriate local media.

Internal

Members

Local Members will receive the notice by email or fax where it relates to a particular divisional issue that may prompt constituent concern or query.  
(N.B. Significant closures etc. that are likely to prompt general media interest will form the subject of news releases and be subject to the system above).

Officers/staff in general

They will be sent by email as appropriate to all named contacts prior to release or at the same time and a copy emailed to the appropriate Chief Officer for information.

## **c) News Statements**

News statements will be issued where necessary and appropriate in response to a particular request for comment. They will be printed on news release paper, clearly headed 'statement' and issued on request.

## **d) Attributing comments and quotes**

Quotes and comments will normally be attributed to a named person – Member or Officer, so that people know who to get in touch with in the event of further concern etc. This means that the Communications Unit actively request the media to attribute quotes as opposed to the 'a council spokesman said' approach.

## **e) Use of Embargoes**

Embargoes should only be used sparingly. This would most typically be when a news release is linked to a launch event, when an issue of confidentiality requires it, or when a third party requires it (e.g. announcement of award or additional funding). Embargoes are not legally enforceable and are adhered to by general local agreement.



## **(f) Media Training**

The Communications Team will provide training to both councillors and staff which encourages a positive relationship with the media and provides information on the best ways to get their information across.

## **g) News Releases on Partnership issues or Projects**

Partnership working is an increasingly common feature of our activities. Where we are either issuing or participating in the release of news on a partnership matter, we will ensure that:-

Norfolk County Council's role or contribution is identified appropriately and the release includes quotes from named County Council Members or Officers.

The Norfolk County Council logo is included with others on the release paper.

The text of the release is shared in draft stages between partners and approved by the relevant communications leads prior to distribution.

The method, manner and timing of distribution are also agreed in advance by the relevant communications leads.

The relevant County Council Committee Chairman will be consulted as usual but may not be quoted where it is agreed that the County Council is not the lead agency and in the interests of producing succinct media releases.

Wherever possible, such news releases should be issued on joint paper, with contact details for each organisation.

## **h) Norwich Highways Agency Committee**

Where the Joint Highways Agency Committee (NHAC) is concerned, agreed communication protocols are already in place between NCC and Norwich City Council governing the production and publication of all media and PR materials. They are as follows:-

At their centre the essence of this protocol, as before, is 'no surprises'.

It is that:-

A named communications officer from Norfolk County Council and Norwich City Council will support the work of NHAC.

All media releases, publicity information and consultation materials associated with NHAC will be jointly branded and agreed in advance by the appropriate elected Member of the County Council and the City Council, the relevant Chief Officer and both communications officers.

A quote from a Member of the County Council and City Council administration will be included in media activity. One of these will normally be the Chairman; in this case, the Chairman's quote will come first.

The basis for media briefings will be cleared in advance through the Chairman, Vice Chairman and agreed communications leads and conducted with communications officer support.

Communication officers will notify each officer of any approaches from the media on NHAC issues and resultant Council responses.

Any report of NHAC issues or on NHAC policy will be agreed through the Chairman and Vice Chairman at a minimum, before wider publication either externally or within partner agencies. The timetable for publication will also be agreed in advance.

Public involvement activities – including consultation – will be carried out in a way that ensures that the policy requirements of both partners are fulfilled in terms of principles and practice.

Both communication units will ensure a timely response to requests for comment and approval to ensure that essential deadlines are met.

#### **i) Communications Support for Schools**

Practical support for schools is offered in times of particular difficulties or success. This is a paid for service and can be in the form of general advice and guidance, media releases, fielding media calls, media briefings/news conferences.

In general terms:-

The content of all media releases will be cleared in advance with the Headteacher and, if possible, the Chairman of Governors.

Any media release will make it clear it is being issued on behalf of the school concerned and headed with the name of the school governing body as appropriate.

Relevant school contact names and numbers will be included on any release except where prior agreement has been reached that communications team staff should field all calls in the first instance.

The councillor with responsibility for schools will be kept fully informed on media issues affecting schools in line with the 'no surprises' principle.

#### **j) Run-up to Elections**

The County Council follows the guidelines set out in the Code of Practice on Local Government publicity, namely that "the period between the notice of election and the election itself, publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute.

Consequently, no County Councillors will be quoted in any releases during the period outlined above.

Wider publicity initiatives also need to be considered carefully during this period. The Code states that: local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that that identifies them with any members or groups of members.

Any prospective candidates (parliamentary, county and district) requesting visits to County Council premises must always be treated equally. County Council staff should not be included in any photographs that candidates might arrange, to avoid any impression of one party being favoured over another.

Further guidance to officers and members is available from the document on Election Guidance agreed with Chief Officers and Party Leaders before the June 2013 County Council elections.

### **k) Political Press Releases**

Press releases issued by Political Assistants on behalf of the different political groups on the Authority will, by agreement of the Party Leaders be passed to the corporate press office shortly after the release has been issued. The press office will then pass releases to the relevant Committee Chairmen, Party Leaders and Chief Officers.

All of the Authority's releases, once published, are posted on the council's website and are emailed to Political Assistants.

### **l) Letters for Publication**

The Communications Unit will, in consultation with appropriate Committee Chairman consider the need to reply to letters and articles about the Council or its services that appear in the press and help draw up letters for publication, if appropriate. In such cases, the Committee Chairman concerned will sign the letter or agree who else is best to respond having seen and approved the text prior to it being submitted. A copy of the letter will be sent to the Leader and Deputy Leader at the time it is submitted for publication. If the issue requiring a response is general in nature, the response may come from the Leader of the Council.

Where letters raise issues of a party political nature, Group Leaders, aided by their Political Assistants, will consider and deal with any required response as considered necessary and appropriate.

### **m) Dealing with Confidential Items**

The Council has some discretion over enquiries from journalists about the result of items discussed as an exempt item ("below the line").

The Unit will always seek to give the outcome of an issue taken 'below the line' – unless there are over-riding reasons not to do so, such as the handling of personal and sensitive issues affecting staff or clients, or financial and commercial issues.

Members of the Communications Unit should consider each case individually, striking a balance between what is reasonable for an Authority to release, while taking into account any effects on individual service users that publicity may bring.

In these circumstances, officers should liaise with the department concerned before deciding the best course of action to follow.

## Part 8.5

### STANDARDS COMMITTEE PUBLICITY PROTOCOL

#### 1. Introduction

- 1.1 This protocol does not seek to replicate unnecessarily the publicity issues dealt with in the Procedure for Local Standards Hearings. It is primarily aimed at providing a framework for dealing with Press queries outside the context of any Standards Committee hearing.
- 1.2 Under Article 8 of the European Convention on Human Rights everyone has the right to respect for their private and family life. This may be interfered with if authorised by law and if it is necessary in a democratic society in the interests of, amongst other things, protecting people's morals (which would include protecting standards of behaviour in public life).
- 1.3 Article 10 deals with the right to freedom of expression which, again, can only be interfered with as prescribed by law for specific purposes including the protection of morals, the protection of rights of others and for preventing the disclosure of information received in confidence.
- 1.4 Depending on the nature of the allegation, the hearing may or may not be held in public. However, that is not necessarily the right approach for dealing with publicity about allegations of misconduct prior to a hearing.

#### 2. Allegations

Allegations about breaches of the County Council's code of conduct for members may be referred to the Standards Committee. The County Council will only comment on such allegations to the extent of confirming (or not, as the case may be) statements put to the Council by the press.

#### 3. Hearings

- 3.1 It would be sensible for there to be one spokesperson for the Standards Committee to whom all queries are directed from the Press. This would normally be through the Communications Team. Such an arrangement helps to ensure that a consistent message is given to the public.
- 3.2 To the extent that member comment is appropriate the Chairman of the Committee will be the only member who comments in the Press on cases about the Council's code of conduct for members. In the Chairman's absence this role will be taken on by the Vice-Chairman. In either case, statements will be made with advice from the Communications Team and any release issued from that office in line with council practice.

3.3 There are conflicting human rights issues to be balanced. There is a clear public interest in promoting the integrity and honesty of public authorities and public confidence in them. Hearings should be held in public unless the Standards Committee decides that protecting the privacy of someone involved is more important than the need for a public hearing.

#### 4. **Defamation**

4.1 Comments made by a member or officer during a hearing will generally attract quasi-privilege (unless made maliciously) and, therefore, be protected from defamation proceedings. However, the same does not apply to comments made to the press outside the meeting so it is important that any such comments are cleared through the Communications Team or Legal Services.

4.2 In general any such comments should be confined to statements of fact. Where one is asked for an opinion this should be declined.

#### 5. **Press Notices**

5.1 The findings of a Standards Committee will normally be published. Where the committee finds that a member did not breach the code of conduct a notice will not be published if the member objects.

5.2 The notice will identify the member concerned, the fact that they have been found to have breached the code, the details of that breach, the reasons for the committee's findings and specify the sanction imposed.

5.3 Any press release from the Chairman of the Standards Committee will confine itself to the issues that should be contained in the press notice. Where the committee finds that a member did not breach the code of conduct a press release will not be issued if the member objects. However, if asked, the Communications Team would confirm the outcome.

## PART 8.6

### PLANNING PROCEDURES - CODE OF BEST PRACTICE

#### 1. Introduction

- 1.1 This is a 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 matters determined by the County Council and enforcement matters considered by the Planning Regulatory 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 Part 8.1 of the Council's Constitution.

2.2 There will be a standing item on the agenda of all committees to facilitate the declarations of interest.

2.3 To assist Councillors in this difficult area training will be provided in accordance with this code.

### 3. Pre Determination

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 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 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 that fact 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.

3.5 Where however in the situation referred to in paragraph 3.4 such members have already decided in their own minds how the application should be decided then they must declare an interest and not take part in the determination.

### 4. Development Proposals Submitted by Councillors and Officers

4.1 The County Council fully recognises 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 that 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/she should declare the interest and withdraw from the room during consideration of the matter.

## 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.
- c) 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 by officers (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 (Regulatory) Committee

The County Council has a scheme for public speaking which is set out at Part 4.4 of the Constitution.

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 Environment, Transport and Development 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.

## **ANNEX 1**

### 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.

## PART 8.7

### MEMBERS PROTOCOL FOR CONTRACTS AND PURCHASING

#### 1. Introduction

- 1.1 The County Council procures goods, services and works on a large scale, via tendering exercises or negotiations, and subsequently manages the resultant contracts and takes decisions around contract extension or termination.
- 1.2 The purpose of this protocol is to define the role of Members of the County Council in the taking of these decisions and to assist them in the exercise of that role.

#### 2. Principles

2.1 This protocol is based upon the following principles-

- protecting the personal integrity of Council members and officers
- ensuring the financial and probity interests of the Council are protected
- ensuring decisions are based on complete and sound information and advice from appropriate professional staff
- ensuring decisions are in accordance with the Council's agreed processes and standards
- protecting the Council, its Members and Officers from undue pressure or inappropriate contact from contractors and parties with a commercial interest in a transaction
- ensuring openness and accountability in decisions relating to contracts and purchasing

2.2 Against this background the protocol covers the following:-

- (a) the overall role of Members in such decisions
- (b) Contract Standing Orders
- (c) Code of Conduct
- (d) gifts and hospitality
- (e) lobbying
- (f) the related transactions form
- (g) confidentiality



3. (a) The Overall Role of Members in such Decisions

The County Council's governance arrangements provide for:-

- (i) The full County Council to adopt Standing Orders for the letting of contracts.
- (ii) The Council's Committees to take decisions relating to major contracts, in particular major partnership working.
- (iii) But otherwise, for decisions to be taken by Chief Officers under Contract Standing Orders, subject to the involvement of committee chairmen in certain defined areas.

(b) Contract Standing Orders

The County Council has adopted Contract Standing Orders, the purpose of which is to govern the letting of Council contracts, and in particular to ensure that contracts are let competitively and in a way which not only ensures that the Council secures Best Value but also that the probity interests of the Council are protected. These Standing Orders generally place the responsibility for procurement with Chief Officers. The Policy and Resources Committee may be involved in authorising procurement exercises in accordance with Contract Standing Orders, in the following circumstances:-

- (i) Authorising exemptions not otherwise covered in the Standing Orders.
- (ii) Receiving reports where Chief Officers have applied certain of the exemptions.

(c) Code of Conduct

Councillors are bound by the Members' Code of Conduct and Chapter 7 of the Localism Act 2011, the requirements of which include:-

- (i) The registration of a range of interests including:-
  - employment or office
  - contracts
  - land
  - leases
  - political sponsorship
  - shareholdings

(d) Gifts and Hospitality Code of Conduct

The County Council has also adopted a Code of Conduct which places major restraints on the extent to which Members may receive gifts and hospitality. The key points of this Code are that:-

- (i) Offers of gifts and hospitality can only be accepted in very limited circumstances, and should be registered with the County Council. In particular, the Code contains the general principles that a Councillor should never accept gifts or hospitality as an inducement or reward for anything done by them nor should they be accepted if it places a Councillor under an improper obligation.
- (ii) Offers should be refused where they:-
  - Appear to be an inducement or reward for something expected from the Councillor or;
  - Are from commercial organisations or private individuals over £25.00 in value.

(e) Lobbying

It is a well established part of the political process that those who may be affected by a proposed decision of a Local Authority should seek to influence that decision. In many cases, they will approach their local Councillor or Members of the relevant decision-making bodies. However, it is essential that the process of lobbying does not undermine the decision-making processes and that Councillors are seen to determine matters on their merit.

As a result, where a Councillor is likely to become involved in a decision on a particular procurement he or she should make it clear, in any situation where they are approached by or on behalf of anyone interested in procuring the contract, not to enter into any discussion. Rather, potential Contractors must be directed to the relevant Chief Officer.

In addition, Councillors should not seek to influence the procurement decisions of Officers, but it is entirely appropriate for Members to understand how and why decisions were taken.

(f) The Related Transactions Form

The Code of Practice on Local Authority Accounting requires that the County Council must disclose in its annual accounts details of all transactions between the Council and individual Councillors, members of their close families or of the same household, and companies, partnerships, trusts or other entities in which they or their close family or members of their household have a controlling interest. To facilitate this process, the Director of Finance writes annually to all Councillors asking them to disclose any relevant transactions.

(g) Confidentiality

Commercial transactions, by their nature, involve the commercial activities of one or more party other than the Council. They will involve the disclosure to the Council of matters of commercial confidentiality, such as Business Plans, and pricing structure, disclosure of which to a competitor or to the market could be very detrimental. The maintenance of confidentiality is essential both to maintain the integrity of a competitive procurement process and to ensure that those who have commercial dealings with the Council know that they can rely upon the Council to protect their commercial secrets, and are therefore able to be open with the Council.

On the other hand, it is important that Councillors should have access to relevant information necessary to enable them to understand the business of the Council and to ensure that it is being conducted in accordance with the policies and budgets of the Council and to the highest standards of propriety. The Council therefore ensures all Councillors have the information necessary to enable them to perform their duties, but the corollary to that is that Councillors should only request access to confidential information where there are clear reasons why they need access to the information for the performance of their obligations, and should ensure that they do not disclose confidential information to unauthorised persons or organisations.

If an Officer is concerned that a Councillor's request for access to confidential information may be inappropriate then under the terms of the Access to Information Protocol (within Part 7.4 of the Constitution) adopted by the Council, it must be referred to the Monitoring Officer for advice. If it is then still not considered appropriate to release the information and the Councillor disagrees the matter will be referred to the Managing Director who will consult the relevant Group Leader before making a decision.

## PART 8.8

### REGISTER OF MEMBERS' INTERESTS

1. The Head of Law, as the County Council's Monitoring Officer, has established, and maintains, a register of the interests of the members and co-opted members of the County Council, as required by Section 29 of the Localism Act 2011.
2. This register contains details of the following types of members' interests:-

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority -
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) -
	(a) the landlord is the relevant authority; and
	(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where -
	(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
	(b) either -
	(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share of capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

3. The register is located in Room 529 of County Hall, Martineau Lane, Norwich.
4. The register is open to inspection by the public.
5. Members' interests are published on the County Council's website unless the Monitoring Officer has agreed that the interest if disclosed, could lead to the member being subject to violence or intimidation (section 22 of the Localism Act 2011).

## **PART 8.9**

### **GUIDANCE FOR MEMBERS SERVING ON OUTSIDE BODIES**

#### **Introduction**

- 1.1 The County Council appoints Members and, less often, officers to serve on a wide range of outside bodies, including companies, charities and other public bodies.
- 1.2 The purpose of this guidance is to summarise the legal position of Councillors and officers whom the County Council appoint to serve on outside bodies. It is not intended to be an exhaustive explanation of the law and if further advice is required the Head of Law should be contacted.
- 1.3 Separately, the County Council has put in place guidelines for making appointments to outside bodies, in particular for helping to decide when appointments should be made and whether they should be members or officers. Occasionally, this may mean it is appropriate for the County Council to have observer status only e.g. where there is likely to be a major conflict of interest or a financial risk for the appointee.
- 1.4 The County Council has also agreed the introduction of arrangements to provide officer support for members appointed to certain outside bodies and also for members to report back to the Council in appropriate cases. In this respect, members should refer to the relevant chief officer for advice and guidance relating to the outside body to which they are appointed.

#### **General**

- 2.1 Before accepting the directorship or trusteeship of an external organisation, the member or officer should consider how onerous the responsibilities are likely to be and should only accept the office if satisfied that they have the time and capacity to undertake them.
- 2.2 Consideration should also be given to whether there is likely to be any significant conflict of interest between the role as a director or trustee and their role as a Councillor or officer. If such a conflict is likely to arise to a significant degree then the role should not be taken on.
- 2.3 Also, the member or officer should assess the risks of things going wrong which might raise the prospect of a personal liability. Matters to be taken into account are the nature of the functions of the outside body and the amount of money it holds or deals with. For example, some external companies handle considerable sums of money in the course of each year and have major functions. On the other hand, the risks associated with relatively small local charities (e.g. educational charities) are much less.

- 2.4 Members and officers who serve on outside bodies must exercise independent judgement in the interests of the organisation in which they are involved. Whilst it is recognised that they may have a commitment to representing the County Council on the outside organisation, they must also be aware that it is their responsibility to decide what view to take on any question before the organisation. Where a member or officer serves on the outside body in a representative capacity, this should be made clear to that body. There will be a fine line to tread between the duty to the outside body and to the County Council.
- 2.5 Ultimately the member or officer in acting as a Director or Trustee or member of a Management Committee of an outside body, must act in accordance with that body's interests, and not those of the Council or even the council tax payers at large. A mandate from the Council to vote one way or the other would put the member or officer in breach of the duty to the organisation. It is permissible to take account of the County Council's wishes, but not to vote simply in accordance with them. The overriding duty in considering an item before the outside body is to vote in accordance with the interests of that organisation.
- 2.6 A member or officer serving on an outside body must also ensure that avoidable loss is not incurred in managing that body. Individual responsibility cannot be avoided by not reading the papers or failing to ask for appropriate reports. Professional advice should also be sought where appropriate.
- 2.7 If there is a major dispute between the County Council and the outside body then the Council's representative can be placed in an untenable position. In these circumstances, the appointee should take advice from either the Managing Director, the relevant Chief Officer or the Head of Law.
- 2.8 At the end of the day, it is possible that a representative on an outside body may find themselves unable to adequately carry out their responsibilities properly, both as a member or officer of the County Council and as a Director/Trustee/Committee Member of the outside body. That would be an exception, and should not deflect those appointed to outside bodies from being prepared to participate in the management and running of outside organisations.
- 2.9 Finally, it is recommended that:-
- (a) Upon being appointed to an outside body, appointees obtain essential documents such as the outside body's governing document and the latest annual report and accounts
  - (b) Appointees to outside bodies should take advice from the Head of Finance or the Head of Law (as appropriate) if they have any financial or other concerns about the body to which they have been appointed.

## Company Directors

### 3.1 Company Directors have the following duties:-

A duty to the company (not individual shareholders) to act honestly and in good faith and in the best interests of the company as a whole. This means taking proper care of the assets of the company.

A general duty of care and skill to the company. This means that Directors must exercise a degree of skill as may reasonably be expected from someone with that individual's particular knowledge and experience. However, Directors are not deemed to be experts, but are expected to use due diligence and to obtain expert advice if necessary.

Directors must exercise independent judgement, although they may take account of the interests of any third party whom they represent. This may well require interests to be declared (see below). However Directors cannot vote simply in accordance with the Council's mandate.

Directors are not allowed to make a profit from their position. They must therefore disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the company's Articles of Association.

Directors must ensure compliance with the Companies Act in relation to the keeping of accounts and making of returns to the Registrar of Companies and the information to be shown on stationery.

There is a duty to have regard to the interests of the company's employees, particularly, for example, in respect of health and safety.

Directors also have a range of accounting and financial responsibilities, including the preparation of accounts for each financial year, ensuring accounting records are maintained sufficiently to demonstrate the company's day to day transactions, approving the annual accounts and laying them before a general meeting and ensuring that annual accounts and reports are sent to shareholders and anyone else entitled to receive them.

### 3.2 Individual Directors can also be liable in certain circumstances, including the following:-

A company can only act within the scope set out in its Memorandum of Association, and those Directors who knowingly cause the company to act beyond these activities will be liable personally.

Directors may also be liable for breach of trust, if they misapply the money or property of the company. Directors may also be liable if they fail to take action to prevent the breach of a Co-Director of which they are aware.



In the event of a failure to act in accordance with the best interests of the company, or if Directors use their powers improperly or make a personal profit from their position as a Director, then they may be personally liable for loss to the company and may be required to give to the company the personal profit made.

If the level of skill and care shown by a Director falls below that which could reasonably be expected and the company suffers loss, the Director will be liable for the loss incurred. However, if it believes the Director acted honestly and reasonably, a Court may excuse the Director from this liability.

If a Director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, the Court may require the Director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the Director took all reasonable steps to minimise the loss to the creditors.

Directors will also be liable if to their knowledge the company carried on business with intent to defraud creditors or any other person, or for any other fraudulent purpose.

Where a company fails to pay National Insurance contributions and this is due to fraud or neglect on the part of any director(s) of the company, they may be held personally responsible for the outstanding contributions.

- 3.3 Finally, Information (apart from confidential information) must be given to other councillors about their activities as required by the local authority.

## **Charity Trustees**

- 4.1 Trustees must acquaint themselves with the terms of the Trust. In the case of a charity which is also a company, these terms will be found in the Memorandum and Articles of Association. Other Trusts will be found in the document under which the charity was established, such as a will or deed of gift or constitution.

- 4.2 Charity Trustees have the following duties:-

Trustees must act in accordance with the terms of the Trust.

The property of the charity must be used for the purposes for which the charity was set up. It must also be applied fairly between those properly entitled to benefit from it.

Trustees have a duty to exercise such care and skill as is reasonable in the circumstances having particular regard to any special knowledge or experience that they have or holds themselves out as having. In addition, where a Trustee acts in the course of a business or profession, particular regard must be had to any special knowledge or experience which it is reasonable to expect of a person acting in the course of that kind of business or profession.

Trustees must always act in the interests of the charity and of its beneficiaries or potential beneficiaries and without regard to their own private interests. This means that Charity Trustees must not put themselves in a position where their interests and duties conflict.

The work must generally be unpaid. Trustees may be paid for their expenses from the charity's income and, very occasionally, the Charity Commission may allow wider remuneration where this is in the interests of the charity.

Trustees cannot benefit either directly or indirectly from the charity.

They must act reasonably and prudently in all matters relating to the charity and must always bear in mind the interests of the charity. They should manage the charity as carefully as if they were running their own business. Although they may delegate certain of their functions under the Trustee Act 2000 and also under any powers in the trust document, they remain legally responsible and must supervise and control the work of officers.

Trustees must act in accordance with all relevant legislation.

They have a duty to provide information to the Charity Commissioners. Most charities (except small ones with an annual income under £1000 a year) are required to register under the charities legislation. The Charity Commissioners rely on this information when making a decision about a charity, so it is very important that it is accurate. It is an offence to give the Charity Commissioners false or misleading information, or to alter, conceal or destroy charity documents which may be required by the Commissioners.

All registered charities are subject to a number of accounting and reporting requirements, depending on their income and expenditure. These involve maintaining proper accounts, preparing the annual statement of accounts and an annual report and in some cases submitting them to the Charity Commission; and where the charity's gross income and total expenditure exceeds £10,000, making an annual report to the Charity Commission. Charity trustees are under a duty to ensure that these accounting and reporting requirements are carried out and to approve the annual report and accounts.

The accounts of registered charities with a gross income or total expenditure exceeding £10,000 must, at the option of the trustees, be either audited or independently examined. In addition if either income or expenditure has been more than £250,000 in either of the previous two financial years then accounts must be audited by a registered auditor.

Retaining accounting records and statements of account for at least 6 years.

## Management Committees

- 5.1 Groups which are not charitable trusts or limited companies are "unincorporated associations" and have no separate legal identity from their members. The rules governing the members' duties and liabilities will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and registerable as a charity (in which case the rules in paragraph 3 will apply).
5. Broadly, management committee members must act within the terms of the constitution, and must take reasonable care in exercising their powers.
- 5.3 Generally, members of management committees are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the committee members are personally liable for the shortfall. If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint liability for the agent's actions. Members of the management committee will have a personal liability if they act outside the authority given them or if they do not comply with the law.

## Other Public Bodies

- 6.1 There are bodies created by an Act of Parliament to carry out particular functions and whose constitution is set out in the legislation relating to that specific body. Examples include the Broads Authority, Internal Drainage Boards and school governing bodies.
- 6.2 The powers of the members of the body and duties and liabilities of those members individually and collectively depend upon the wording of the legislation in question. In general terms, however, the position of a member is similar to that of a councillor. It is therefore wise for a member of any of these bodies to obtain information for themselves from that body on its powers and duties, its Standing Orders and other procedures which they must follow and financial or other regulations which govern the conduct of its business.
- 6.3 In addition, conflicts of interest can occasionally arise for such appointees. In this respect, the general provisions described in Section 2 will apply.
- 6.4 Finally, there is the developing area of partnerships and partnership boards. Generally, these are not legal entities in their own right and members are appointed purely to represent the County Council. In these circumstances the specific duties referred to above will not therefore tend to apply nor will there be a potential for a conflict of interest. On the other hand, the position may well be different if a separate legal entity is formed as part of the partnership working.

## Interests

- 7.1 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. However, the effect of the Code of Conduct is that in most (but not necessarily all) cases a Member will not have a Disclosable Pecuniary Interest (and therefore need not make any declaration)) if the matter relates to an outside body to which the County Council have appointed the Member as its representative.
- 7.2 If you do not have a Disclosable Pecuniary Interest you may nevertheless have another 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.

- 7.3 When members discuss at Council meetings matters relating to an outside body on which they serve, they may take account of that outside body's interest. However, they must not vote simply in accordance with the mandate of that outside body. In short, the primary consideration is the public interest.

## Indemnities

- 8.1 Local Authorities now have express powers to indemnify members and officers who represent them on outside bodies. In exercise of these powers, the County Council has agreed to indemnify all members and officers who represent the County Council on outside bodies against claims made against them while serving on that body, subject to the following:-
- (a) The indemnity only applies to the extent that the outside body does not have in place relevant insurance cover.
  - (b) The indemnity does not extend to criminal actions, any other intentional wrong doing, fraud, recklessness or the bringing of an action for defamation.
  - (c) The appointment to the outside body must be approved by members or alternatively, in the case of an officer appointment, by the Managing Director.
  - (d) The indemnity will not apply if the appointee, without the express permission of the County Council, admits liability or negotiates or attempts to negotiate a settlement of the claim.
  - (e) The indemnity is given on the condition that the County Council may, at its discretion, take over the defence of any case to which the indemnity relates and to see any legal advice obtained by the member or officer concerned.

- 8.2 As to the provision of indemnities by the outside body to which a member or officer has been appointed:-
- (a) Companies can now give their Directors indemnities. However, such indemnities cannot cover:-
    - (i) the Director's liability to the company itself or to other companies within the same group;
    - (ii) fines imposed on a Director in criminal proceedings or in respect of a sum payable to a Regulatory Authority by way of penalty for non-compliance with any requirement of a regulatory nature; or
    - (iii) liabilities incurred by a Director in defending criminal proceedings where convicted, or in defending any civil proceedings brought by the company, or an associated company in which judgement is made against such Director.
  - (b) With regard to Charitable Trusts, an indemnity can be given from the Trust Fund provided the Trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability, but not for criminal acts, fraud etc. There will be no problem if the Trustees themselves pay the premiums but if they are paid out of the Charitable Funds the Trustees will need to consent to the Charity Commission unless the Trust Deed specifically allows it.
  - (c) With regard to Management Committees, members will be entitled to an indemnity if they act in accordance with the Constitution and are not at fault. It is also possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the Constitution.

## Related Issues

Finally, there are three related issues:-

- (a) Occasionally, the County Council will be represented on outside bodies by third parties, rather than members or officers. This guidance applies in principle to these representatives, although some parts of it will necessarily not apply e.g. Section 7.
- (b) From time to time, officers are, as a result of their position with the County Council, appointed to serve on an outside body by the body itself, rather than by the County Council. Examples include serving on the managing body of a professional association or appointment to a national body as a local authority representative. Again, most of the principles contained in this guidance will apply to that situation, depending on the nature of the outside body.

- (c) Finally, officers may from time to time be asked to serve in their private capacity on outside bodies funded by the Council. This can often give rise to a conflict of interest for the officer, particularly in the situation where the officer is employed within the funding department. In these circumstances, the County Council takes the view that there will be circumstances where an officer should not serve on the outside body because of the potential for a conflict of interest.

## Further Information

If you require any further information about the issues raised in these Guidance Notes please contact the following:-

For legal/constitutional advice - Victoria McNeill, Practice Director, nplaw,  
on (01603) 223415

For audit advice - Adrian Thompson, Chief Internal Auditor,  
on (01603) 222784

For strategic funding advice - John Holland, Financial  
Projects Accountant, on (01603) 222807

For advice on Risk Management, please contact Stephen Andreassen, Strategic Risk Manager, on (01603) 223934

For advice on Tax issues, please contact Hayley Buckland, Tax Accountant, on (01603) 223177

## Checklist

Checklist for protecting Members and officers appointed to external bodies. A local authority appointing members and officers to external bodies can ensure the necessary protections are in place by applying the following checklist. It should:

- Ensure powers permit participation in the type of body and in the manner envisaged.
- Ensure internal policies are complied with and ongoing decision-making will not be compromised by the individual members participating in the organisation.
- Train all members and staff on liabilities, for example by making a standard advice note available.
- Check every external company carries insurance cover for directors.
- Ensure individuals appointed to outside bodies have training on recognising and addressing conflicts of interest.

- Ensure that the external body provides an indemnity and insurance for members appointed to it, or that the Council's indemnity insurance covers extended liability.
- Consider whether a resolution is required to indemnify all members and officers participating in external organisations.
- Take whatever steps are necessary to record the appointment in the members' register of interests

With regard to the appointment of officers, the County Council should:

- Ensure job descriptions are extended to include work for external bodies (with the appropriate approvals, for example from the Chief Executive or director).
- Extend the standard indemnity to include approved outside work where it comes within the extended job description.
- Have regard to the remuneration ceiling applied by law to directors of local authority controlled or influenced companies.

## PART 8.10

### PROTOCOL ON THE USE OF MEDIA EQUIPMENT AT MEETINGS HELD IN PUBLIC

1. The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens. There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. The circumstances in which termination or suspension might occur could include:
  - public disturbance or suspension of the meeting;
  - the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed;
  - where it is considered that continued recording, photography, filming, webcasting might infringe the rights of any individual,
2. In allowing this, the Council asks those recording proceedings not to edit the film/ record/ photographs in a way that could lead to misinterpretation of the proceedings or from editing an image or views expressed in a way that may show a lack of respect towards those being photographed/filmed/ recorded.
3. At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.
4. Anyone wishing to record must let the Chairman of the meeting know and the recording must be overt (i.e. clearly visible to anyone at the meeting).
5. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will facilitate this by ensuring that any such request not to be recorded is respected by those doing the recording. Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in advance of the meeting to seek advice and guidance. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.