

Cabinet
1 July 2024
Public & Local Member Questions

	Local Member Question Time
7.1	Question from Cllr Maxine Webb
	Could the cabinet member please provide the numbers and details of the outcomes of SEND tribunal appeals lodged last year, including how many are still outstanding and the cost to the council in legal fees?
	Response from the Cabinet Member for Children's Services
	In the calendar year 2023, 359 appeals to the Special Educational Needs and Disabilities (SEND) Tribunal were lodged. 68 appeals are yet to be resolved. As in previous years the majority (85%) were brought by parents who wanted a special school rather than a mainstream school named in the child's Education Health and Care Plan (EHCP).
	Of the 291 which have concluded, the majority were concluded without requiring a hearing. Of those, 195 by consent 49 were conceded. Of those decided at final hearing, 30 were allowed. 8 were partially dismissed/allowed, 6 were dismissed. 3 appeals were struck out.
	Legal fees are calculated on a financial rather than calendar year basis and for the financial year 23/24 was £890,000
	Supplementary question from Cllr Maxine Webb
	What are the projected figures, and costs, for this year?
	Response from the Cabinet Member for Children's Services
	Based on appeals to the SEND tribunal lodged to date, we are anticipating higher numbers than were lodged in 2023. 87% of appeals lodged to date have also been lodged because a parent is seeking a special school rather than a mainstream school to be named in the child's EHCP. It is too early to provide forecast figures for legal costs as budget forecasting for period 3 has not yet commenced. This could be provided at a future date when budget forecasting starts.
7.2	Question from Cllr Emma Corlett
	For over two months, the Short Breaks page on the council's website has been showing a message advising that there will be a significant delay before a new application can be processed and that it is "unable to give a timescale". With the long summer holidays approaching, new families who would be eligible will therefore be forced to go without any break or financial help for their children to attend suitable activities.
	Response from the Cabinet Member for Children's Services
	Every year around spring, parents are advised of a potential delay due to April being the busiest period for short break annual reviews, where the large majority align with the fiscal year and recommissioning of provision. Additionally, the number of applications for short breaks have increased over the last 2 years, with over 776 received already since January. Additional staffing hours are sourced for this period to minimise the

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	impact for applicants and every effort is made not to delay the outcome of applications. The satisfaction rate for the service remains high with 95% of parents satisfied with the service they receive.
	Supplementary question from Cllr Emma Corlett
	What will the council be doing to help those families and for how much longer does the cabinet member foresee this situation continuing?
	Response from the Cabinet Member for Children's Services
	The staff capacity in the short breaks team will expand in July to reflect the increase in the number of applications and children accessing the service. Amendments have also been made to the online portal application form to ensure that the correct information is ascertained when a family apply for a short break to avoid any delays or unsuitable applications. Within our short breaks strategy, we have committed to introducing a RAG (Red, Amber, Green) rating system, which will reduce the frequency required for some reviews where needs are less complex or unlikely to change. This new approach is being implemented this year, which will reduce the volume of annual reviews required in the spring term.
7.3	Question from Cllr Chrissie Rumsby
	Cllr Plant rightly asserted that the constitution makes him as the cabinet member responsible for Highways, the decision maker. Most people recognise the importance of managing the street scene to provide a better environment for insects, pollinators and wildlife but neglect rather than sympathetic management is the predominant feature in many locations in the city. When did he decide it was acceptable to neglect so many verges, roundabouts and flower beds on highways land leaving many parts of our Fine City so scruffy and unkempt?
	Response from the Cabinet Member for Highways, Infrastructure and Transport
	When managed for nature, road verges hold significant potential to provide a range of ecosystems. They can serve as hotspots of wildflowers and pollinators in intensively cultivated or urban landscapes. Species-rich grassland, a result of enhanced management, stores significantly more carbon than species-poor grasslands, making it a crucial carbon sink. As Cllr Rumsby correctly states, managing the streetscene is vital and as such the highway verges in the City are cut four times a year as part of our maintenance programme. There were strong growing conditions towards the end of the first cut and before the second cut, meaning that grass has grown quickly. Our contractor is currently working their way around the whole City area, so if there are areas of highway verge where there is still long grass, they will be cut shortly.
	Supplementary question from Cllr Chrissie Rumsby
	Community groups that want to take over highways land for community gardening projects or to improve their neighbourhoods face numerous barriers. Will the cabinet member produce a guide for those wanting to undertake such projects, provide positive support, advice and assistance for Norfolk residents and groups and agree members highways and environment funds could qualify to help get such projects off the ground?

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	<p>Response from the Cabinet Member for Highways, Infrastructure and Transport</p> <p>Current national legislation allows licensing of such activity only to other councils and adjacent landowners. However, a Roadside verges policy is currently being devised and worked up by Norfolk County Council Officers in conjunction with a commissioned provider that has helped develop policies for other Local Authorities. This might be able to explore wider participation of verge and planting maintenance, and we will take this into account.</p> <p>Once the policy has been shared and agreed by Cabinet further steps will be made to advise and assist residents wishing to take projects forwards potentially via our customer facing website, however the discussions around funding for such projects are not possible until the policy has been agreed.</p>
7.4	<p>Question from Cllr Terry Jermy</p> <p>In the light of the unexpectedly early general election we now know a new government will be in place before council is due to make a decision on devolution in July. As there is no need to take a decision on changing governance until later in the year this provides an opportunity to refresh and improve the county deal for Norfolk including two terms of a Directly Elected Leader unless the law changes. Does the Leader agree it makes sense to defer the decision on future governance until autumn so we can assess the impact of a new government rather than rush a decision we may regret for many years?</p>
	<p>Response from the Leader and Cabinet Member for Strategy and Governance</p> <p>Full Council resolved in December for a further discussion to be held in July and therefore this will need to be brought back to that meeting and it will be for council to consider how it wishes to proceed at that time. Until we know the outcome of the General Election, speculation on what may or may not happen to our in-principle deal on devolution, is premature.</p> <p>Growth and productivity are central to the plans and priorities of both the main parties, and devolution is recognised as the vehicle that can enable that to happen. We know how important the deal is for our residents, businesses and communities if we are to grow our economy, create opportunity and tackle inequalities in our county. There remains a strong commitment from our partners and the wider business and education communities to progress the level 3 devolution deal and to access the additional funding and opportunities that are contained within it. We will continue to focus on this, as was agreed by full council, and once the results of the General Election are known, we will engage and work with any incoming government in order to deliver the immediate benefits for Norfolk that would come with a devolution deal. This includes asking government to confirm the current commitment to us and to explore further extensions to devolution for our county, in order to give us the funding and powers we need to accelerate growth and tackle the challenges that we face.</p>
7.5	<p>Question from Cllr Steve Morphew</p> <p>Cllr Jamieson was agitated at my question last month concerning COVID grants being spent on day to day matters despite the cabinet report in June saying that P80 para 4.6. Originally intended but apparently not needed for COVID purposes that money has been diverted into reserves and used for day to day spending. Will he now address my</p>

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	<p>previous question and tell Norfolk what other earmarked reserves intended for specific projects have been diverted to fill day to day spending gaps?</p>
	<p>Response from the Cabinet Member for Finance</p>
	<p>Thank you for your question. The paragraph referred to states “Covid grants and other grants and contributions brought forward at 31 March 2023 resulted in reserves and provisions being £38.687m higher than had been assumed at the time of budget setting. The majority of these reserves have been used to mitigate risks to planned service provision during 2023- 24. The net total for reserves and provisions at 31 March 2024 has decreased by £29.046m when compared with the opening balance at 1 April 2023, down to £172.636m.” The commentary related to the totality of the Council’s reserves and not specifically covid grants. The approach adopted represents a prudent means to use reserves in the optimal way to deliver value for money. The use of reserves is fully reported in the Budget Book (planned use of reserves), Financial Monitoring reports to Cabinet during the year (changes to budgeted use of reserves), and the Statement of Accounts (outturn position for the year).</p>
	<p>Supplementary question from Cllr Steve Morpew</p>
	<p>Cllr Jamieson was also dismissive of the importance of the appropriate cabinet member attending Scrutiny though I was grateful for Cllr James assurances on evidence and transparency of future budget challenge rounds Cllr Jamieson has resisted previously and look forward to that. Scrutiny meeting dates have been known for many months and there is a deputy cabinet member so will he assure me that Scrutiny meetings considering council finances will take priority in future?</p>
	<p>Response from the Cabinet Member for Finance</p>
	<p>Thank you for your question. I have a strong track record of attending Scrutiny, and other Committees, to present the Council’s financial position, and respond to Members’ questions, and I absolutely recognise the vital importance of this activity. On this occasion I unfortunately had another important commitment which could not be rescheduled. I therefore sent my apologies and asked my Cabinet colleague to step in for me, which she kindly did. I can absolutely assure you that I will continue to make every effort (as I always have done) to attend future Scrutiny meetings. Where I am unable to do so, I will seek to provide an appropriate alternative representative as on this occasion.</p>
7.6	<p>Question from Cllr Julie Brociek-Coulton</p>
	<p>As another school year ends I am reminded it is now another year we have been asking about the future of Angel Road junior school, and another year the SEND crisis has deepened. Opportunities this much loved, empty, neglected and deteriorating school building provides for conversion to support the education for young people with additional needs have been met with repeated refusals to make any decisions or plans in the full knowledge the building will return to the county albeit after unfathomable delays. Rather than waste another year and face regular questions from me highlighting this failure will the cabinet member make the decision for implementation as soon as practicable.</p>

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	Response from the Cabinet Member for Children's Services
	<p>As the local Member is aware, the surrender of the lease for Angel Road Junior School is dependent on securing a renewed lease for the Angel Road Infant School. This process has now been substantially progressed to secure the County Council's position, but will require approval from the appropriate Cabinet Members.</p> <p>In parallel, a cyclical refresh of the SEND (Special Educational Needs and Disabilities) data for the County is imminent and this will allow us to understand the types of need and demand in the Norwich area. If there is a clear demand, next steps would include the Council commissioning a full assessment of the Angel Road site and buildings and would need to consider whether SEND accessibility standards are possible in the buildings, and ability to accommodate parking and drop-off requirements associated with this kind of school provision on the site.</p>
	Supplementary question from Julie Brociek-Coulton
	<p>Late, short notice reductions in SEND funding to schools adds yet more challenges to an already difficult situation for schools, young people with additional needs and their families. It also shows the situation with SEND provision is getting worse and the Safety Valve agreement with the government is inadequate and poses risks to the council's financial viability. What does the cabinet member intend to do to protect those our SEND provision is currently letting down?</p>
	Response from the Cabinet Member for Children's Services
	<p>We continue to implement our Local First Inclusion programme using the 'safety valve' investment from DfE (Department for Education) alongside Norfolk County Council investment for both revenue (£100+million) and capital (£145+million) combined. This is focussed in equal measure on increasing our specialist provision and ensuring local mainstream inclusion is provided for the majority of the 27,000+ Children and Young People with SEND (Special Educational Needs and Disabilities) in Norfolk. Our long term plan is already securing improvements through our new School & Community Teams (providing free at the point of delivery support to schools) alongside providing record levels of additional funding to mainstream schools for 'top-up' funding. The recent 'short notice reductions' mentioned have been as a result of the need to 'live within our means' but the change is a reduction in the overspend level but the budget remains higher than previously, for example this budget area was as low as £9million five years ago and is now set at £35million in the current year. It is acknowledged that SEND pressures are a national issue but in Norfolk we continue to implement our improvement plan and will do so with commitment and integrity for long term benefits for Children and Young People.</p>
7.7	Question from Cllr Brenda Jones
	<p>Congratulations to James Bullion on his confirmation at the CQC. This has resulted in a vacancy at the head of Adult Social Care that provides an opportunity for a long overdue overhaul of care commissioning and delivery across all age groups and abilities. Dealing with the continuing workforce crisis, poor standards compared to other councils, and funding crisis while we contract with more than 400 providers and are being ripped off by profiteers exploiting the shortage of places for vulnerable children should not be delayed any longer. Why has this opportunity not been grasped?</p>

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	<p>Response from the Cabinet Member for Adult Social Care</p> <p>Thank you for your question.</p> <p>I would like to start by congratulating James for his new role and I would also like to wholeheartedly thank Debbie for her leadership over the last year.</p> <p>The role of Director of Adult Social Services (DASS) is a statutory role, and as a senior strategic leader, is responsible for significant elements of the council’s budget as well as being responsible for supporting many thousands of Norfolk residents with their care. Therefore we are recruiting to this post with immediate effect.</p> <p>Our new DASS will continue to work with this administration, the executive leadership team and our teams to shape our services for the future. This is a great county to live and work in and we hope to attract a high calibre of candidates for this critical role, which we are shortlisting this week.</p>
7.8	<p>Question from Cllr Mike Sands</p> <p>Despite assurances given by the cabinet member following the public opposition to the closure of closure of Wensum Lodge, replacement provision has not been found for some courses. Will the cabinet member set out which courses have not been found alternative locations and explain why the assurances were given and Wensum Lodge closed when she must have known full well no alternatives were viable, which means she knowingly misled council and residents.</p> <p>Response from the Cabinet Member for Communities and Environment</p> <p>I do not believe that I have misled anyone. We highlighted from the start that some leisure courses need specialist equipment and/or non-standard locations to deliver, notably silversmithing and pottery courses, and that it would be more challenging to identify potential alternative locations that are viable because of this.</p> <p>We have secured alternative locations for other types of courses and continue to offer these.</p> <p>Silversmithing and pottery courses were paused when the Adult Learning service withdrew from Wensum Lodge last year. Since that time, we have been exploring alternative venues. These courses are funded by the income they generate and therefore we need to ensure that any solution is affordable. We have carried out a lot of work to identify potential alternative locations, including viewing many potential venues and drafting up plans for a small number which appeared promising. However, when looking in detail, it has become apparent that the specialist needs could not be met without incurring significant costs. We are continuing to evaluate options, but need to balance any development against the investment needed and the viability of the courses we offer. Cllr Sands will also remember from the report on Wensum Lodge the <u>significant</u> capital investment that was needed in Wensum Lodge to keep it running.</p> <p>We understand that many people enjoyed attending these courses and they will be disappointed that we are not in a position to currently offer any new programmes at this time.</p>

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	We continue to offer a range of creative and performing arts opportunities, including courses like drawing and painting, creative writing, poetry, theatre making, singing, creative textiles and more. There are also a number of alternative providers who provide these courses across the County.
7.9	Question from Cllr Colleen Walker
	The purpose of parking restrictions is to discourage inappropriate parking. Enforcement and fines are a deterrent and punishment for ignoring them and help fund the system. The more successful the restrictions are at deterring rule breaking the less income will be generated. However Cllr Plant is now relying on more people breaking the law to fund the enforcement regime. Is his business model really reliant on getting more people to break the law in order to pay for the admin costs?
	Response from the Cabinet Member for Highways, Infrastructure and Transport
	The cost of parking enforcement is largely financed by the fines issued for illegal and other parking contraventions. This has been the case for many years. The level of this monitoring is subject to the degree of enforcement required and therefore costs are proportionate to the demand. If the parking restrictions are successful in deterring the parking contraventions, then administration costs, which are spread across all enforcement actions and locations, would also decrease accordingly.
	Supplementary question from Cllr Colleen Walker
	The cost of the transfer of back office functions was substantially underestimated. Can he explain, preferably avoiding the acronyms that make it hard to read the Parking Partnership report even for those who are familiar with the system, why he let this happen especially as it was supposed to be a cost saving change?
	Response from the Cabinet Member for Highways, Infrastructure and Transport
	The cost of the operation of the back-office service will still generate the forecast cost saving compared with the cost of providing the service previously. As per the minutes of the Parking Partnership on two occasions Norwich City Council have been asked to substantiate the recharge of up to £400k. As yet we are still awaiting a response.
7.10	Question from Cllr Brian Watkins
	A white paper produced by the LGA ahead of the General Election has outlined a worrying funding gap of £6.2 billion for councils in England over the next 2 years. This Conservative Government has failed to address funding shortfalls for local government, the next government has a mammoth challenge in front of them to ensure that council's such as ours are able to continue delivering essential services, a challenge that we also must confront. We already face substantial budget deficits, is this council prepared for what is to come?
	Response from the Cabinet Member for Finance
	Thank you for your question. The Council is well aware of the financial challenges it faces and articulates these regularly in (amongst others) the Budget Book, Financial Monitoring reports to Cabinet during the year, the Statement of Accounts, and in various consultation responses to Government. I am on record as saying that there is significant

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	<p>uncertainty about future funding for the Council beyond the current year, 2024-25, and in terms of the difficult decisions likely to be needed as part of setting a balanced Budget for 2025-26. We are therefore not complacent and the Budget Process for 2025-26 is already underway following decisions made by Cabinet in May. You can be assured that I, and the wider Council, will continue to strenuously lobby the next government for adequate and sustainable funding for Norfolk to enable us to continue delivering the vital services which are relied upon by so many people across the county.</p>
	<p>Second question from Cllr Brian Watkins</p>
	<p>The General Election is just around the corner, this Conservative Government failed to confirm full funding for the Norwich Western Link which continues to be in a state of limbo. There has been no guarantee by the Labour Party, the likely next Government, that the council will receive the money needed to make up the almost £40m deficit for the project. On the occasion that this money is not allocated by a new Government, will the Cabinet Member commit to looking at alternative plans for the link road?</p>
	<p>Response from the Cabinet Member for Highways, Infrastructure and Transport</p>
	<p>Your question is premature and speculative and we are awaiting guidance to be published by DfT (Department for Transport) regarding the potential funding uplift for the Norwich Western Link, and other infrastructure projects across the country, which was raised following the Network North announcements late last year. If 100% of the Outline Business Case funding from DfT is not confirmed, the Council would fund the project in the manner detailed in the 4 December 2023 Cabinet report. The overall borrowing capacity of the Council is managed alongside the capital programme and is managed at a level that is deemed affordable.</p>
7.11	<p>Question from Cllr Steffan Aquarone</p>
	<p>A new Government will bring new ideas for devolution, and potentially improved terms on deals. On the occasion that new improved deals are offered under a Labour Government, would the Leader of the Council allow a vote to explore these at the expense of scrapping our current in-principal deal, which is not without its shortfalls.</p>
	<p>Response from the Leader and Cabinet Member for Strategy and Governance</p>
	<p>Full Council resolved in December for a further discussion to be held in July and therefore this will need to be brought back to that meeting and it will be for council to consider how it wishes to proceed at that time. Until we know the outcome of the General Election, speculation on what may or may not happen to our in-principle deal on devolution, is premature.</p> <p>Growth and productivity are central to the plans and priorities of both the main parties, and devolution is recognised as the vehicle that can enable that to happen. We know how important the deal is for our residents, businesses and communities if we are to grow our economy, create opportunity and tackle inequalities in our county. There remains a strong commitment from our partners and the wider business and education communities to progress the level 3 devolution deal and to access the additional funding and opportunities that are contained within it. We will continue to focus on this, as was agreed by full council, and once the results of the General Election are known, we will engage and work with any incoming government in order to deliver the immediate benefits for Norfolk that would come with a devolution deal. This includes asking</p>

	<p>Local Member Question Time</p> <p>government to confirm the current commitment to us and to explore further extensions to devolution for our county, in order to give us the funding and powers we need to accelerate growth and tackle the challenges that we face.</p>
	<p>Second question from Cllr Steffan Aquarone</p> <p>This Council's planning committee in June voted to progress with the Sheringham tip planning process. Given that the decision overlooked the District Council position, have they provided for the funds to defend legal action against breach of AONB legislation? If so, how much has been set aside to mitigate possible time delays and legal costs?</p>
	<p>Response from the Cabinet Member for Environment & Waste</p> <p>Planning Committee members were advised and made fully aware of North Norfolk District Council's position on the Sheringham replacement recycling centre, which was set out both in the committee report and in the officer presentation to Members on the day of the meeting.</p> <p>If a legal challenge was to come forward by North Norfolk District Council, or another interested party, the County Planning Authority would have expected to have been placed on notice by now. To date, this has not been the case and if there was a challenge, funds to any defend legal action would come from existing council budgets.</p>
7.12	<p>Question from Cllr Tim Adams</p> <p>The Local Government and Social Ombudsman found that, on multiple occasions, this council failed to provide Speech and Language Therapy to children who were entitled to it. Such provision is vital for children to reach their full education. In addition to this revelation, it was also suggested by the LGSCO that more children, yet unidentified, are likely to have been affected. How many children have been identified as not receiving vital SALT provision despite being entitled to it, and what message does the Cabinet Member have for their families for whom they have failed?</p>
	<p>Response from the Cabinet Member for Children's Services</p> <p>We have recently been working with the LGSCO (Local Government and Social Care Ombudsman) on a Speech Therapy related complaint/investigation. However, this related to decisions that were taken in academic year 2021/2022 and were resolved by the summer of 2022. The most recent complaint has been confirmed by the LGCSO this week as being resolved fully and related to historic and not current issues. We continue to invest in Speech and Language Therapy provision jointly with the Integrated Care Board.</p>
7.13	<p>Question from Cllr David Sayers</p> <p>I am concerned about the progress of active travel initiatives in King's Lynn as outlined in the February 2022 Local Cycling and Walking Infrastructure plans. Please could the cabinet member provide an update on the status of priority cycling and walking routes, what funding has been secured and allocated to these routes, the implementation timeline for the proposed routes by the end of this administration in 2025 and the challenges which have been encountered? Ensuring these plans progress effectively is vital for our residents, and our own sustainable transport goals.</p>

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	<p>Response from the Cabinet Member for Highways, Infrastructure and Transport</p> <p>As a Member of Kings Lynn Borough Council you will be aware that there is a substantial level of investment in active travel schemes in King’s Lynn and the surrounding area. Over £1m of funding from Active Travel England is being invested in delivering three schemes in King’s Lynn (Edward Benefer Way), Old Hunstanton and Sandringham. These are all in the design stage and programmed for delivery within the next 9-12 months. There is also Town Deal funding secured by the Borough Council of King’s Lynn and West Norfolk of just over £3m, which is delivering 13 schemes, ranging from barrier removal to cycleway resurfacing, new crossings and junction improvements. The barrier work has been delivered and the surfacing work is taking place this August. Crossing and junction improvements will follow later this year. We are also working closely with the Borough Council to deliver £300,000 of funding secured through the Rural England Prosperity Fund to deliver active travel improvements in the form of footway / cycleway improvements and new signage during 2024/25. All of these active travel schemes are being delivered in close partnership with the Borough Council and in consideration with other schemes delivered through the Bus Service Improvement Plan and through development. The Local Cycling and Walking Infrastructure Plan (LCWIP) for King’s Lynn identifies improvements we want to make to the walking, wheeling and cycling network and we will continue to seek funding to deliver these through all available means.</p> <p>The £85m West Winch Housing Access Road (WWHAR), for which the County Council has submitted an Outline Business Case (OBC), will provide key active travel infrastructure. This, in combination with active travel provision delivered by the individual development sites in the West Winch Growth Area (WWGA), will provide a comprehensive network of active travel route to encourage the uptake of sustainable transport modes.</p> <p>A successful bid was made by the County Council to the government’s Levelling Up Fund and we were awarded £24.1m towards the £26.9m King’s Lynn Sustainable Transport And Regeneration Scheme (STARS). This will provide improvements to walking and cycling around the town centre gyratory and also provide significant changes to the historic Southgates area, providing walking and cycling improvements at this key location. These changes will make this wider area much more active travel friendly and enable connections to other LCWIP routes.</p>
	<p>Second question from Cllr David Sayers</p> <p>I am aware of at least one business which has provided services to NCC and experienced late payments. Could the Cabinet Member provide assurances that Norfolk County Council is fully compliant with The Public Contracts Regulations 2015, specifically what measures are in place to ensure payments are made promptly, how are delays in payments monitored/addressed and what steps are being taken to ensure small businesses receive payments on time? It is vital that this Cabinet prioritises this issue in order to support our local economy.</p>
	<p>Response from the Cabinet Member for Finance</p> <p>Thank you for your question. For the 2023/24 financial year, 98.56% of undisputed invoices were paid within 30 days of receipt. The Council is compliant with Public Contracts Regulations 2015 and publishes payment performance and late payment</p>

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	liabilities by 31 st July annually on its external website here: https://www.norfolk.gov.uk/article/39418/Payments-to-suppliers . The Council operates a “No PO, No Payment” policy so that purchase orders are issued prior to goods / services being delivered, which prevents payment delays connected to orders being raised retrospectively. Late payments are closely monitored on a continual basis and the Council’s Payments Team works closely with suppliers and internal service departments to ensure policies that support prompt payment are adhered to.