

NORFOLK COUNTY COUNCIL CONSTITUTION

Index

	Item
	Executive Summary
Articles	
1.	The Constitution
2.	Members of the Council
3.	The Public and the Council
4.	The Full Council
5.	Chairing the Council
6.	Overview and Scrutiny Arrangements
7.	The Executive
8.	Regulatory and Other Committees
9.	The Standards Committee
10.	Joint Arrangements
11.	Officers
12.	Decision-making
13.	Finance, Contracts and Legal Matters
14.	Review and Revision of the Constitution
15.	Suspension and Publication of the Constitution
Appendices	
1.	Summary of Executive Arrangements
2.	Composition and Terms of Reference of Regulatory and other Committees
2A.	Statutory Scrutiny
3.	Delegations to Members of the Executive
4.	Joint Committees
5.	Scheme of Delegated Powers to Officers
6.	Proper Officer Provisions
7.	Council Procedure Rules
8.	Committee Procedure Rules
9.	Cabinet Procedure Rules
10.	Overview and Scrutiny Procedure Rules
11.	Councillor Call for Action Guidance
12.	Budget and Policy Framework Procedure Rules
13.	Access to Information Procedure Rules
14.	Officer Employment Procedure Rules
15.	Financial Regulations
16.	Contract Standing Orders
17.	Members Code of Conduct
18.	Planning Procedures – Code of Best Practice
19.	Gifts and Hospitality – A Code of Conduct for Councillors
20.	Members Protocol for Contracts and Purchasing
21.	Standards Committee: Rules of Procedure for Hearings
22.	Protocol on Member/Officer Relations
23.	Principles and Protocols for Dealing with the Media
24.	Standards Committee Publicity Protocol
25.	Member Allowances Scheme
26.	Details of the Members of the Executive
27.	Corporate Management Structure
28.	Public Speaking at Committees
29.	Register of Members' Interests
30.	Monitoring Officer Protocol
31.	Protocol on the use of media equipment at meetings held in public
32.	Procedure for appointing Members to serve on external bodies
33.	Guidance for Members serving on outside bodies

COUNTY COUNCIL CONSTITUTION - EXECUTIVE SUMMARY

1. Introduction

This Constitution reflects the Council's decision on 10 December 2018 to adopt a leader and cabinet form of Executive. It came into effect on 07 May 2019.

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

2. Overview

How the Council operates

The Council is composed of 84 councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year.

How Decisions Are Made

The Executive is part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader and up to nine other councillors whom the Leader appoints. Together they are known as the Cabinet. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall budget and the policy framework. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There is a Scrutiny Committee and three Select Committees which together constitute the Council's overview and scrutiny arrangements pursuant to section 21 of the Local Government Act 2000.

The Scrutiny Committee monitors the decisions made by the Cabinet, Officers making executive decisions on delegated authority and other decisions. The Scrutiny Committee can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision maker reconsiders the decision.

The Select Committees develop policies and advise the Council or Cabinet on forthcoming decisions. The Select Committees discharge this function through requiring reports to be produced for their consideration, commissioning further work as necessary and reporting to Cabinet and Council.

The Norfolk Health Overview and Scrutiny Committee includes both County and District Councillors and has powers to scrutinise National Health Service bodies in Norfolk. The role and powers exercised by the Norfolk Health and Overview Scrutiny Committee are detailed in **Appendix 2A**.

The Council's Staff

The Council employs officers to give advice, implement decisions and manage the day-to-day delivery of its services including making decisions delegated to them. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationship between officers and members of the Council.

The Public's Rights

The public have a number of rights in their dealing with the Council. These are set out in more detail in **Article 3**. Some of these are legal rights, whilst others depend on the Council's own processes.

Members of the public have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;

- petition to request a referendum on different form of executive;
- ask questions
- speak at meetings of the Planning (Regulatory) Committee
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council about any dissatisfaction they have with an action or lack of action by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights conferred on them by law.

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 appendices, is the Constitution of the Norfolk County Council.

1.3.1 Purpose of the Constitution

The Purpose of the Constitution is to:

- i. enable decisions to be taken efficiently and effectively;
- ii. create a powerful and effective means of holding decision makers to public account;
- iii. ensure that no one will review or scrutinise a decision in which they were directly involved;
- iv. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- v. support the active involvement of the public in the process of local authority decision-making;
- vi. provide a means of improving the delivery of services across Norfolk;
- vii. help councillors represent their constituents effectively; and
- viii. enable the Council to provide clear leadership to the community in partnership with the people of Norfolk, District, Town and Parish Councils, businesses and other organisations.
- ix. to set out the respective responsibilities of members and officers of the Council and how they inter-relate.

1.4 Application 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 14**.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

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

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

2.2 Election and terms of councillors

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

2.3 Roles and functions of Councillors

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

2.4 Rights and duties

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

2.5 Conduct

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

2.6 Allowances

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

Norfolk County Council – Role Profiles

NORFOLK COUNTY COUNCILLORS

Role and Function

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

All within the knowledge that Norfolk wishes to build:

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

Key Responsibilities

- 2.1 To represent the community to the authority, through the various forums available and by being effective community leaders.
- 2.2 To fulfil the legal and locally determined requirements placed on an elected Member, including the completion of statutory declarations in a timely manner and compliance with all relevant codes of conduct.
- 2.3 To participate effectively as a Member of any Committee or other body to which the Member is appointed, including related responsibilities for the services falling within its

terms of reference and its liaison with other public bodies, and to promote better understanding and partnership working.

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

CHAIR OF THE COUNCIL

The Chair is elected annually by full Council.

Role and Responsibilities

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

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

VICE-CHAIR OF THE COUNCIL

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

Role and Responsibilities in support of the Chair

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

LEADER OF THE COUNCIL

Key Responsibilities

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

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

DEPUTY LEADER OF THE COUNCIL

Role and Responsibilities

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

CABINET MEMBER

Key Responsibilities

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

DEPUTY CABINET MEMBERS

Role and Responsibilities

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

GROUP LEADER

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

Role and Responsibilities

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

associations etc.

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

CHAIR OF THE SCRUTINY COMMITTEE

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

Role and Responsibilities

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

spokespersons on the Scrutiny Committee and Select Committees.

10. To maintain effective working relationships with the Chief Officers and other key officers.

CHAIR OF SELECT COMMITTEE

The Chairs of these Committees are elected by the Council

Role and Responsibilities

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

CHAIR OF PLANNING (REGULATORY) COMMITTEE

The Chair of this Committee is elected by the Council

Role and Responsibilities

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

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

VICE CHAIROF COMMITTEES

Vice Chairs are elected by Council.

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

1. To perform the role and responsibilities of Chair of the relevant Committee where the Chair of the relevant Committee is absent.
2. To undertake such roles and responsibilities as may be delegated to them by the Chair of the relevant Committee which are within scope of the role and responsibilities of the Chair of the relevant Committee.

OPPOSITION GROUP SPOKESPERSONS

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

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

Role and Responsibilities

In respect of activities within the portfolio:-

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

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

MEMBER CHAMPION

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

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

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

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

ARTICLE 3 – THE PUBLIC AND THE COUNCIL

3.1 Public rights

Members of the public have the following rights:

- i. Voting and petitions. People on the electoral roll for Norfolk have the right to vote and sign a petition to request a referendum on a different form of governance.
- ii. Information. Representatives of the media and members of the public have the right to:
 - a) attend meetings of the Council, the Cabinet and Council committees, except where confidential or exempt information is likely to be disclosed and the meeting is held in private;
 - b) find out what key decisions will be taken by the Leader and Cabinet and when;
 - c) see agendas for meetings, reports by officers, background papers and records of decisions;
 - d) inspect the Council's accounts and make representations to the external auditor.

Public rights to information are explained in more detail in the Access to Information Procedure Rules.

- iii. Participation. The rights of the public to speak and ask questions in meetings are explained in more detail in the Cabinet and Committee Procedure Rules in **Appendices 8 and 9**.
- 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.

3.2 Responsibilities of the Public

Members of the public must not be violent, abusive or threatening to councillors or officers and must not willfully 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 4 – THE FULL COUNCIL

4.1 Meanings

- i. **Policy Framework.** This means:
 - a) County Council Business Plan
 - b) New Anglia Strategic Economic Plan
 - c) Annual investment and treasury management strategy
 - d) Joint Health and wellbeing strategy
 - e) Children and young people's strategy
 - f) Adoption statement of purpose
 - g) Fostering statement of purpose
 - h) Adult social care strategy (currently promoting independence)
 - i) Local Transport Plan
 - j) Norfolk County Council Waste strategy and policies
 - k) Minerals and Waste development framework
 - l) Fire and Rescue Integrated Risk Management Plan
 - m) Youth Justice Plan
 - n) Public Health Annual Report
 - o) Asset Management Plan

The Policy Framework to be reviewed annually by the Corporate Select 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.

4.2 Functions of the full Council

The full Council will exercise the following functions:

- i. adopt and change the Constitution (except that minor changes and corrections may be made by the Monitoring Officer in accordance with any powers delegated to them);
- ii. approve the annual Council Budget;
- iii. set the limits for virement or other Budget changes by the Leader, the Cabinet, Cabinet Members, Committees or officers.
- iv. set the limits defining key financial decisions.

- v. approve the Policy Framework and the strategies and policies that sit within it;
- vi. determine any decision referred to it by the Scrutiny Committee which is contrary or not wholly in accordance with the Council's Budget or Policy Framework,
- vii. appoint and remove the Leader of the Council;
- viii. approve the Terms of Reference for Committees, deciding on their composition, and making appointments to them;
- ix. appoint the Chair and Vice Chair of Committees;
- x. appoint representatives to outside bodies, unless the appointment is an executive function or has been delegated by the Council;
- xi. adopt a Members' Allowances Scheme and Code of Conduct;
- xii. confirm the appointment of the Head of Paid Service;
- xiii. confirm the appointment of the Returning Officer;
- xiv. make, amend, revoke, re-enact, or adopt byelaws, and promoting or opposing the making of local legislation or personal Bills;
- xv. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- i. the annual meeting
- ii. ordinary meetings
- iii. extraordinary meetings

and they will be called and conducted in accordance with the Council Procedure Rules set out in Appendix 8.

4.4 Responsibility for functions

The Council discharges other functions through committees and officers. **Appendices 2, 2A and 5** set out the committees and officers who discharge those functions. Those Appendices set out all the functions of the Council that are not the responsibility of the Leader and Cabinet.

ARTICLE 5 - CHAIRING THE COUNCIL

5.1 Role and function of the Chair

The Chair and Vice-Chair will be elected by the Council annually.

The Chair of Council and in their absence, the Vice-Chair will have the following roles and functions:

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

ARTICLE 6 – OVERVIEW AND SCRUTINY BODIES

6.1 General

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

6.2 Scrutiny Committee

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

6.3 Membership of the Scrutiny Committee

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

6.4 Powers of the Scrutiny Committee

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

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

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

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

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

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

6.5 Select Committees

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

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

6.6 Membership and Areas of Responsibility of Select Committees

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

People and Communities Select Committee

13 members

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

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

Infrastructure and Development Select Committee

13 members

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

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

(3) Corporate Select Committee

13 members

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

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

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

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

6.7 Powers of Select Committees

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

6.8 General

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

ARTICLE 7 - THE EXECUTIVE

This Part of the Constitution records the arrangements made by the Leader for the allocation of responsibilities and the discharge of executive functions by them, Cabinet Members and Officers. Wherever arrangements are not specifically made for the discharge of executive functions by Cabinet Members or officers, those functions remain with the Leader. The Leader may make new arrangements for the discharge of executive functions by Cabinet Members or officers at any time on either a temporary or permanent basis

7.1 Role

The Executive will carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.2 Form and composition

The Executive will consist of the Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Leader.

7.3 Leader

- i. The Leader will be a councillor elected to the position of leader by the Council. The leader holds office until the next election of all Members of the Council unless they: -
 - a) resigns from the office; or
 - b) is no longer a councillor; or
 - c) is removed from office by resolution of the Council following a recommendation to that effect by the Standards Committee or following a change in political control of the Council; or
 - d) is removed from office by resolution of the Council following their removal from the position of Leader of their Group.
- ii. In the period between a Council election and the date when a new Leader is elected, decisions which are the responsibility of the Leader and Cabinet or individual members of the Cabinet will be taken by the Head of Paid Service in consultation with: -
 - a) the Leader of the Group with an overall majority of seats; or
 - b) in the event of there being no Group with an overall majority of seats, with all Group Leaders.

7.4 Deputy Leader

- i. The Leader will appoint one of the Members of the Cabinet as their Deputy. The Deputy Leader may take day to day decisions on behalf of the Leader during their absence as notified to the Monitoring Officer (or if the absence is unforeseen, as confirmed by the Head of Paid Service). The Deputy Leader may not vary the arrangements made by the Leader under Articles 7.4 to 7.8 inclusive, or alter any arrangements made by the Leader under this Constitution for the exercise of executive functions, except for: -
 - a) changes consequent upon the dismissal of a Leader during the period until a new Leader is elected; or
 - b) where, in the opinion of the Head of Paid Service, the Leader is incapacitated for such a period of time that the efficient operation of the Council would be significantly impaired.

7.5 Other executive members

- i. Other executive members must be elected Members of the Council appointed to the Cabinet by the Leader. They hold office for a period determined by the Leader, which must terminate no later than the next election of all Members of the Council, unless: -
 - a) they resign from office; or
 - b) they are no longer councillors; or
 - c) they are removed from office by the Leader who must give written notice of any removal to the Member concerned and the Head of Paid Service. The removal will take effect upon receipt of the notice by the Head of Paid Service; or
 - d) the Council removes them from office by resolution following a recommendation to that effect by the Standards Committee.

7.6 Proceedings of the Cabinet

Proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules set out in **Appendix 9**.

7.7 Responsibility for functions

The exercise of functions which are the responsibility of the Executive will be determined by the Leader. In this respect, the Leader may arrange for functions to be exercised by individual members of the executive (including the Leader) and officers or joint committees.

The Leader will maintain lists as set out in **Appendices 3, 4 and 5** setting out which individual members of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

The Leader will also designate the general areas of responsibility of the individual members of the Cabinet and list these responsibilities in **Appendix 3**.

7.8 Deputy Cabinet Members

The Leader may appoint non-executive Members as Deputy Cabinet Members to advise and assist Cabinet Members and who may deputise for the relevant Cabinet Member in their absence in accordance with the Cabinet Procedure Rules as set out in **Appendix 9**. Such Members may not discharge any function given to the Cabinet Member and are not members of the Executive.

7.9 Terms of Reference of the Cabinet

- i. The Leader has arranged for the Cabinet to exercise the following functions which are the responsibility of the Executive;
 - a) to exercise all the executive functions of the Council except to the extent that they are reserved to the full Council, exercisable by other Committees or exercisable by individual members of the Executive or Chief or other Officers under delegated powers.
 - b) to prepare, for adoption by the Council, the budget and the plans which fall within the policy framework.
 - c) to make recommendations to the Council on matters reserved to the Council.
 - d) to exercise the following "local choice" function:
 - placing staff at the disposal of other authorities where the placement is in connection with functions exercised by the Executive
 - e) to establish appropriate arrangements for the delivery of cross-cutting/cross-departmental functions.
 - f) to receive reports and recommendations from the Scrutiny Committee and Select Committees.
- ii. The Leader will not arrange for the powers set out in paragraph 7.9 (i) above to be exercised otherwise than by the Cabinet without first consulting the Cabinet, except:
 - a) in the case of urgency; or
 - b) in the case of the initial delegations set out in **Appendices 3, 4 and 5** contained within the Constitution approved by the County Council at its meeting on 7 May 2019.
- iii. In the case of urgency, the Leader may exercise the powers set out in paragraph (i) above subject to compliance with the Call-In Procedure, the Budget and Policy Framework Procedure Rules and the Access to Information Procedure Rules.
- iv. In the case of urgency, the Head of Paid Service may, in the absence of the Leader and Deputy Leader, exercise the powers set out in paragraph 7.9(i). above, subject: -
 - a) to having first consulted the relevant Cabinet Member or, in their absence, the relevant Deputy Cabinet Member, and
 - b) to compliance with the Call-In Procedures, the Budget and Policy Framework Procedure Rules and the Access to Information Procedure Rules.

7.9 Details of Cabinet Members

Details of the Cabinet Members are set out in **Appendix 26**.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council appoints committees to discharge functions which are not the responsibility of the Executive as set out in **Appendix 2 and 2A** of this Constitution.

The Member representation on these Committees and panels is politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.1 Standards Committee

The Council has established a Standards Committee to support the proper conduct of the Council's business by Members.

ARTICLE 10 - JOINT ARRANGEMENTS

10.1 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

10.2 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. These arrangements are described in **Appendix 4**.

10.3 Joint Committees

The County Council also appoints with those other authorities Joint Committees to exercise these functions. The membership, terms of reference and functions of these Joint Committees and the rules governing the conduct and proceedings of their meetings are also described in **Appendix 4**.

10.4 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.

10.5 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.

ARTICLE 11 - OFFICERS

11.1 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 (Functions currently undertaken by Executive Director of Community and Environmental Services)

Chief Finance Officer (Functions undertaken by Executive Director, Finance and Commercial Services)

Monitoring Officer (Functions undertaken by Chief Legal Officer)

Director of Children's Services (Functions undertaken by Executive Director of Children's Services)

Director of Adult Social Services (Functions undertaken by Executive Director of Adult Social Services)

Executive Director of Community and Environmental Services

Executive Director of Strategy and Governance

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. The Head of Paid Service is accountable to the Executive and to the Council on the manner in which the discharge of the Council's functions is coordinated. A description of the overall departmental structure of the Council showing the management structure and deployment of officers is set out in **Appendix 27**.

- (c) **Head of Paid Service and Chief Officers.** The most senior posts in the structure are designated as the Head of Paid Service 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 roles of the Head of Paid Service and Chief Officers are:

- (i) to support and advise the Council, Executive, Scrutiny Committees and other 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 and Executive 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 Head of Paid Service and the individual Chief Officers are:

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
Executive Director of Community & Environmental Services	Public Health, Environment and Waste, Highways and Transportation, Economic Development, Fire and Rescue, Trading Standards Emergency Planning, Customer Services, Cultural Services, Adult Education, Broadband Delivery Project. Drug and Alcohol Commissioning.
Executive Director of Children's Services	Statutory functions in respect of Children's Services. Education of children and young people. Children's Early Help, Social and Welfare Services for Children and vulnerable young people.
Executive Director of Adult Social Services	Statutory functions in respect of Adult Social Services, Adult Social Work, Integrated Health and Social Care, Commissioning.
Executive Director, Finance and Commercial Services	Statutory responsibilities of the Chief Finance Officer (Section 151 officer) Budgeting and Financial Management, Exchequer Services, Pensions, Investment and Treasury Management, Risk & Insurance, Property, Audit. ICT and Procurement and Transactional Services.
Executive Director, Strategy & Governance	HR, nplaw, Democratic Services, Communications, Intelligence and Analytics and Strategy.

- (f) Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council has designated the following posts as shown:

Head of Paid Service
Executive Director of Community and Environmental Services
Chief Finance Officer
Executive Director, Finance and Commercial Services
Monitoring Officer
Chief Legal Officer

These posts will have the functions described in Article 11.2 to 11.4 below.

11.2 Functions of the Head of Paid Service

- (1) The Head of Paid Service 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 decision-making process (the executive, scrutiny, full Council and other committees)
 - (c) together with the Chief Legal Officer, responsibility for a system for record keeping for all the local authority's decisions (executive or otherwise)
 - (d) representing the Council on partnership and external bodies (as required by statute or the Council)
- (2) The Head of Paid Service 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.

11.3 Functions of the Chief Legal Officer as Monitoring Officer

As Monitoring Officer, the Chief Legal Officer 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 Head of Paid Service and the Chief Finance Officer report to the full Council, or to the Executive in relation to an executive function, if they 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 executive decisions, including the reasons for those decisions and relevant officer reports and background papers, are made publicly available.
- (5) Advise whether decisions of the executive 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 **Appendix 29** and ensures it publicity and updating.

Appendix 30 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.

11.4 Functions of the Executive Director, Finance and Commercial Services as Chief Finance Officer

As Chief Finance Officer the Executive Director, Finance and Commercial Services will:

- (1) After consulting with the Head of Paid Service and the Chief Legal Officer, report to the full Council, or to the Executive in relation to an executive function, and the Council's external auditor if they consider 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.

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

The Council will provide the Head of Paid Service, Chief Finance Officer and Chief Legal Officer 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.

11.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in **Appendix 22**.

11.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in **Appendix 14**.

ARTICLE 12 - DECISION MAKING

12.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in **Appendices 2, 2A, 3, 4 and 5**.

12.2 Principles of decision making

These principles will underpin the way the Council makes its decisions: -

- (1) Actions agreed will be in proportion with what the Council wants to achieve.
- (2) Appropriate consultation will have been 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 Equalities and Human Rights legislation.
- (4) The presumption that all decisions made by the Council, the Executive and Committees should be made in public with only those issues that need to be exempt by virtue of the Access to Information Rules will be taken in private.
- (5) Decisions will be clear about what they aim to achieve and the results that can be expected.

In addition, in the case of all decisions taken by the Executive or a Committee or individual member of the Executive, a statement will be published which includes details of the options considered and the reasons for the decision.

12.3 Types of decision

- (1) Decisions reserved to Full Council.

Decisions relating to the functions listed in **Article 4.2** will be made by the full Council and not delegated.

- (2) Key decisions
 - (i) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in **Appendix 13**.
 - (ii) A key decision is defined as either
 - (a) any decision in relation to an executive function which results in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which a decision relates; or
 - (b) any decision which is likely to have a significant impact on communities living or working in an area comprising two or more electoral divisions

For this purpose, the Council has agreed that a key decision is any decision which

- recommends a budget to the full Council
- proposes an amendment to the Council's Policy Framework (as defined in Article 4.1 of this Constitution)
- involves the adoption of any other policy or a works programme
- involves the expenditure or savings of more than £1.25M 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 the value of £1.25M unless covered by a specific item in the budget
- involves a budget virement of funding in excess of the virement limits set out in **Appendix 15** (financial regulations) of this 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

Together with any other decision which the Monitoring Officer in consultation with the Leader and Head of Paid Service considers to be a key decision within the Regulations.

12.4 Procedures of the full Council

Subject to Article 12.8, the Council meeting will follow the Council Procedure Rules set out in **Appendix 7** when considering any matter.

12.5 Procedures of the Executive

Subject to Article 12.8 the Executive will follow the Cabinet Procedure Rules set out in **Appendix 9** when considering any matter.

12.6 Procedures of the Scrutiny committee

The Scrutiny Committee will follow the Scrutiny Procedure Rules set out in **Appendices 8 and 10** when considering any matter.

12.7 Procedures of other committees and sub-committees established by the Council

Subject to Article 12.8, other Council committees and sub-committees will follow the Committee Procedure Rules set out in **Appendix 8**.

12.8 Decision making by Council bodies acting as tribunals

The Council, a Committee, a councillor or an officer acting as a tribunal 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.

ARTICLE 13 - 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 **Appendix 15** of this Constitution.

2.0 CONTRACTS

2.1 Every contract made by the Council will comply with the Contract Standing Orders set out in **Appendix 15** of this Constitution.

2.2 In addition, the Executive Director, Finance and Commercial Services and Chief Legal Officer 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 Chief Legal Officer 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 Chief Legal Officer considers that such action is necessary to protect or pursue the Council's interests. In the case of proceedings of special significance, the Chief Legal Officer is expected to consult with the Head of Paid Service 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 **Appendix 5** 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 Chief Legal Officer or other person authorised by them, 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 award with a value exceeding £30,000 entered into on behalf of the Council must be evidenced by way of a contract. 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 Chief Legal Officer. 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 Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised by him/her.

ARTICLE 14 – 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 Chief Legal 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 Chief Legal 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 Substantive changes to the Constitution must be approved by Full Council only after consideration of the proposal by the Corporate Select Committee. Changes to factual references, changes required by a change in the law and consequential changes will be made by the Chief Legal 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 Chief Legal Officer.

ARTICLE 15 – SUSPENSION AND PUBLICATION OF THE CONSTITUTION

1.0 Suspension of the Constitution

1.1 The Articles of this Constitution may not be suspended.

1.2 The rules of the Council set out in the Appendices 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 Chief Legal 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 Chief Legal Officer.
- (3) Ensure that the Executive Summary of the Constitution is made widely available and is updated as necessary.
- (4) Ensure that the Constitution is kept up to date and available on the Council's website.

APPENDIX 1

SUMMARY OF EXECUTIVE ARRANGEMENTS

The Council's Executive arrangements comprise the parts of this Constitution listed below:

1. Article 6 (Overview and Scrutiny Arrangements) and Appendix 10 (Overview and Scrutiny Procedure Rules).
2. Article 7 (The Executive) and Appendix 9 (the Cabinet Procedure Rules).
3. Article 10 and Appendix 4 (Joint Arrangements).
4. Article 12 (Decision Making) and Appendix 13 (Access to Information Procedure Rules).
5. Appendix 3 (Delegations to Members of the Executive).
6. Appendix 5 (Scheme of Delegated Powers to Chief Officers)

APPENDIX 2

COMPOSITION, TERMS OF REFERENCE OF REGULATORY AND OTHER COMMITTEES

PLANNING (REGULATORY) COMMITTEE

Composition

13 Members of the Council but may not include any members of the Cabinet.

Substitutes will be drawn from a nominated panel of trained 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.

Additionally, the Planning Regulatory Committee shall:

1. Deal with those nationally significant infrastructure project consultations, where the promoter/applicant is Norfolk County Council
2. Deal with explosives
3. Review applications under the Marriage Act 1994
4. Deal with registration of common land and village greens and variation of rights of common
5. Deal with public rights of way and access (insofar as they are not executive functions of the Council)
6. 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.

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).

PENSIONS COMMITTEE

Composition

5 members of the Council which may include 2 members of the Cabinet

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.

AUDIT COMMITTEE

Composition

7 Members of the Council, on a politically balanced basis. Cabinet members may not be members of this Committee. No more than 1 Scrutiny Committee Member to serve on this Committee but may not serve as Chair.

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 the 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 of all clients against the audit plan and proposed amendments to the Council's audit plan.
5. Ensure there are effective relationships between internal audit and external audit, other 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 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, 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 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. Norfolk 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.

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 Chair of the Committee.

HEALTH AND WELLBEING BOARD

Composition:

Relevant Cabinet member for Adults, Public Health/ and Prevention
Relevant Cabinet member for Children's Services and Education
Leader of the Council or their nominee
Director of Public Health*
Head of Paid Service (or their nominee), Norfolk County Council
Director of Children's Services*
Director of Adult Social Services*
Chair of Healthwatch Norfolk*
Representatives agreed with each of the CCGs*
Representatives agreed with all 7 District/City/Borough Councils
Area Director NHS England East Sub Region Team
Three representatives from the voluntary sector, as agreed through Norfolk
Voluntary, Community and Social Enterprise System Leadership Group
Norfolk's Police and Crime Commissioner
Norfolk's Chief Constable
Norfolk & Waveney Sustainability & Transformation Partnership (Chair)
Norfolk & Waveney Sustainability & Transformation Partnership (Executive Lead)
Cabinet Member for Community Health & Safety - Waveney District Council (or its
successor authority)
East Coast Community Healthcare CIC
James Paget University Hospital NHS Trust
Norfolk Community Health & Care NHS Trust
Norfolk Independent Care
Norfolk & Norwich University Hospital NHS Trust
Norfolk & Suffolk NHS Foundation Trust
Queen Elizabeth Hospital NHS Trust
Cambridgeshire Community Services NHS Trust

* 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. 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.

3. Lead the development, with Norfolk County Council and Norfolk's Clinical Commissioning Groups, of the Joint Health and Wellbeing Strategy (JH&WBS).
4. Undertake the Norfolk Pharmaceutical Needs Assessment (PNA)
5. Speak up for Norfolk, championing the health and wellbeing needs of the people of Norfolk at a local, sub-regional and national level and challenging central government policy where it conflicts with locally identified priorities,
6. 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, including, for example, housing.
7. Work as system leaders to drive the further integration of health and social care services, and other public services and to ensure collaboration across the health and social care system, seeking assurance of the vision of the Norfolk and Waveney Sustainability and Transformation Plan (STP)
8. Promote the sharing of good practice and learning across the Norfolk health and wellbeing system, through workshops, training sessions, HWB events, good practice awards, etc
9. Seek assurance on whether the Clinical Commissioning Groups' (CCGs) commissioning plans take proper account of the JH&WBS, and provide a view to NHS England, as part of the annual performance assessment of CCGs, on the CCGs' contribution to the delivery of the JH&WBS.

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 Board

Questions by the Public

The public are entitled to ask questions at meetings of the Health and Wellbeing Board, in line with the following procedures:

1. How to ask a question

A question must be put in writing and in advance:

- a) 2 working days' notice of the question is given in writing to the Head of Democratic Services; e.g. no later than 9:00am on the Monday preceding the Health and Wellbeing Board meeting on a Wednesday

Or

- b) If the question relates to urgent matters, and it has the consent of the chair to whom the question is to be put, and the content of the question is given to the Head of Democratic Services by 4pm on the day before the meeting.

2. *Who may ask a question and about what*

A person resident in Norfolk, or who is a non-domestic ratepayer in Norfolk, or who pays Council Tax in Norfolk, may ask at a public meeting of the Health and Wellbeing Board through the Chair any question within the terms of reference of the Health and Wellbeing Board about a matter for which the Board has collective responsibility or particularly affects the Board. This does not include questions for individual Board members where responsibility for the matter sits with the individual organisation.

3. *Rules about questions*

- a) Number of questions - At any public Health and Wellbeing Board meeting, the number of questions which can be asked will be limited to one question per person plus a supplementary. No more than one question plus a supplementary may be asked on behalf of any one organisation. No person shall be entitled to ask in total under this provision more than one question, and a supplementary, to the Health and Wellbeing Board in any six-month period.
- b) Other restrictions - Questions are subject to a maximum word limit of 110 words. Questions that are more than 110 words will be disqualified. The total time for public questions will be limited to 15 minutes. Questions will be put in the order in which they are received
- c) Supplementary questions - One supplementary question may be asked without notice and should be brief (fewer than 75 words and take less than 20 seconds to put). It should relate directly to the original question or the reply. The Chair may reject any supplementary question s/he does not consider compliant with this requirement.

4. *Response*

The Chair shall exercise their discretion as to the response given to the question and any supplementary.

Not attending - If the person asking the question indicates they will not be attending the Board meeting, a written response will simply be sent to the questioner.

Attending - If the person asking the question has indicated they will attend, response to the questions will be made available at the start of the meeting and copies of the questions and answers will be available to all in attendance. The responses to questions will not be read out at the meeting.

Supplementary question - The Chair may give an oral response to a supplementary question or may require another Member of the Board or Officer in attendance to answer it. If an oral answer cannot be conveniently given, a written response will be sent to the questioner within seven working days of the meeting.

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

5. *Rejection of a question*

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

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

Standards Committee

Composition

The Standards Committee is composed of seven non-Cabinet councillors appointed on a politically balanced basis.

Terms of reference

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) convene sub-Committees of three non-Cabinet Council Councillors (drawn from at least two political parties and where possible, gender balanced) to hear complaints against Councillors relating to conduct, ethics and propriety referred to them by the Chief Legal Officer. Such sub-Committees to have power to take no further action or such actions as are necessary and permitted under arrangements for dealing with standards allegations which are published on the Council's website.

Employment Committee

Composition

The Employment Committee is composed of seven councillors appointed on a politically balanced basis but to include the Leader of the Council, the Deputy Leader of the Council and the Leader of the majority opposition group.

Terms of reference

1. To be responsible for the appointment of the Head of Paid Service and senior officers defined in the appendix to the Officer Employment Procedure Rules. This power includes the establishment of ad hoc Appointment Panels to discharge this function.
2. To be responsible for taking disciplinary action in respect of the Head of Paid Service, and other senior officer as required by legislation. This power includes the establishment of ad hoc Appointment Panels to discharge this function.
3. To designate the Council's "Proper Officers"

APPENDIX 2A

STATUTORY SCRUTINY

1.1 General

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

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

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

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

2. Norfolk Health Overview and Scrutiny Committee

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

2.1 Membership of the Norfolk Health Overview and Scrutiny Committee

(a) Membership

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

(b) Contributions from others

- The Committee will invite contributions from commissioners and providers of local NHS funded healthcare, Local Healthwatch, client groups, voluntary organisations, patients and public, or any other stakeholder involved in 'health'.

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

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

Aims of the Committee

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

Legal background

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

Roles

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

- Arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of Norfolk;

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

2.3 Operation of the Norfolk Health Overview and Scrutiny Committee

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

3. Norfolk Police and Crime Panel

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

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

3.1 Functions of the Norfolk Police and Crime Panel

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

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

5. The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.

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

4. Scrutiny of Norfolk Community Safety Partnership

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

The 'responsible authorities' in Norfolk are: -

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

Role of the Sub Panel

- 4.2 The role of the Norfolk Countywide Community Safety Partnership Sub Panel is to: -
 - Scrutinise on an annual basis to the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the

Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.

- Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.
- Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to the Communities Committee.

Membership of the Sub Panel

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

APPENDIX 3

DELEGATIONS TO MEMBERS OF THE EXECUTIVE

This Appendix sets out the general areas of responsibility of each member of the Cabinet and those functions of the Executive which are carried by a Committee or individual member of the Executive.

1. Individual areas of responsibility

The individual areas of responsibility of the members of the Cabinet are

Leader
Deputy Leader
Cabinet Member for
Cabinet Member for
Cabinet Member for
Cabinet Member for
Cabinet Member for
Cabinet Member for
Cabinet Member for
Cabinet Member for

2. Delegations to Committees and individual members of the Executive

Pursuant to the power contained in Article 7.7 the Leader has determined that the following functions of the Executive be exercised in the following ways:

- (a) *by a Committee (the Planning and Highways Delegations Committee) comprising the relevant Cabinet Members for XXX*

This Committee will exercise the following powers:

- (i) as County planning authority, or as Minerals and Waste planning authority, in responding to consultations (including whether to mount a legal challenge to a decision) by District Councils on major planning applications or to equivalent proposals, including nationally significant infrastructure projects & offshore proposals by other organisations;
- (ii) as highway authority, where the local member disagrees with the proposal from the Executive Director of Community & Environmental Services to issue a recommendation of refusal on highway grounds
- (iii) as County planning authority, or as minerals and waste planning authority, in responding to District Councils on local plans at the various stages of consultation.
- (iv) to comment on the planning policy documents of other bodies including the Marine Management Organisation.
- (v) In the case of urgency, the County Council's response will be determined by the relevant Cabinet Member.

Except in the case of urgency, these powers will be exercised in consultation with a non-voting panel of representatives of the Planning Regulatory Committee, comprising the Chair and Vice-Chair of the Committee and the other group spokespersons.

In the event that the Cabinet members cannot agree a resolution, the County Council's response will be determined by the Leader.

(b) by the Leader

- (i) making and revoking appointments to any office or outside body where the appointments are in connection with functions exercised by the Executive
- (ii) giving consent to appointments to Joint Committees which are made by the full Council

In any case where the appointment will include members from the Opposition Groups, the Leader will first consult with the Leaders of those groups before making the appointments.

(c) by the relevant Cabinet Member(s) responsible for Highways, Transport and Infrastructure

To consider objections to the following Orders and proposals where either the local member does not agree, or the Executive Director of Community & Environmental Services considers the scheme is contentious:

- (i) Traffic Regulation Orders, including experimental orders
- (ii) Traffic calming measures
- (iii) Footway conversion schemes
- (iv) Speed limits.

In respect of the route hierarchy and in conjunction with the Executive Director of Community & Environmental Services to exercise discretion in local signing at those sites where concern has been expressed.

(d) by the relevant Cabinet Member(s) responsible for Finance

- (i) To agree property transactions involving individual acquisitions and disposals of land, buildings or other property interests where the consideration is between £250,000 and £1.25M.
- (ii) To authorise the making of compulsory purchase orders in consultation with the relevant Cabinet Member.

APPENDIX 4

JOINT ARRANGEMENTS

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
The LGPS ACCESS Joint 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 **Appendix 9**).

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 XX of the Access to Information Procedure Rules in Appendix 14.

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 XX).

(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 XX.

(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) a fair parking adjudication service for Appellants including visible independence of Adjudicators from the parking authorities in whose areas they are working;
- (b) consistency of adjudication across the service;
- (c) 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;
- (d) 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 Chair 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.

(g) LGPS ACCESS JOINT COMMITTEE

(i) MEMBERSHIP

Norfolk County Council
Cambridgeshire County Council
East Sussex County Council

Essex County Council
Hampshire County Council
Hertfordshire County Council
Isle of Wight Council
Kent County Council
Northamptonshire County Council
Suffolk County Council
West Sussex County Council

Each Council should be represented by one member of the respective Council. In Norfolk's case this will normally be the Chair of the Pensions Committee

(ii) ROLES AND RESPONSIBILITIES

These are set out in the Joint Committee's terms of reference contained in the Inter-Authority Agreement. They include procuring and managing an operator, appointing professional advisors and making recommendations to the Councils concerning Pool Assets

(iii) ADMINISTRATION

The Constitution of the Joint Committee is set out in the Inter-Authority Agreement entered into in July 2017

APPENDIX 5

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 Executive 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, the Leader, the Cabinet, or a 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 Head of Paid Service 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, the Leader, the Cabinet 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 XX);
 - (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 key decision falling within the definition set out in Article 12.3 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 £1.25M 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 £1.25M 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

Together with any other decision which the Monitoring Officer in consultation with the Leader and Head of Paid Service considers to be a key decision within the Regulations.

5. A Chief Officer need not exercise their delegated power in any particular matter and must not do so if in their opinion the matter involves questions of policy as yet undecided by the Council or Committee or any substantial change from previous practice.
6. The Leader, with the exception of functions which are not to be the responsibility of the Executive, may following consultation with the Head of Paid Service and Monitoring Officer, withdraw any delegations made by them by giving written notice to that effect to the relevant Chief Officer and copied to the Head of Paid Service and Monitoring Officer. The delegation may be withdrawn either generally or in a specific case and the withdrawal will take effect immediately the notice is given. The notice withdrawing the delegated power will also state who will exercise the delegated power in the place of the relevant Chief Officer. In the case of the delegation of a professional or technical matter, that person must be someone suitably qualified.

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 their 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 their absence, or
 - (b) when they are otherwise not available to exercise it at the relevant time.
 - (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 also be required to liaise with and inform:
- (a) the relevant Cabinet Member regarding the exercise of powers and duties in appropriate cases;
 - (b) the local Member on those issues listed in the Local Member Protocol at the end of this Appendix.
4. A Chief Officer need not exercise their delegated power in any particular matter and unless prohibited by law, 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 Chair and the main political group Spokespeople 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. 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.
9. This Scheme does not apply to the statutory responsibilities placed on the Head of Paid Service, Executive Director of Finance and Chief Legal Officer nor to any non- statutory tasks which Central Government from time to time requests of individual Chief Officers.

10. Any decision or appointments made, or authorisation given by a Chief or other Officer before 7 May 2019 remains effective and in force unless or until expressly revoked.

B. OFFICERS' SCHEME OF DELEGATED POWERS

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

Head of Paid Service

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, consulting where practicable with the Group Leaders and Chair of the Scrutiny Committee.
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 divide electoral divisions into polling districts at local government elections.
6. To make appointments to Committees in consultation with the relevant Group Leader.

EXECUTIVE 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 Spokesperson.
- (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.

EXECUTIVE DIRECTOR OF ADULT SOCIAL 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, community care and residential homes but excluding decisions on the closure, relocation or change of use of residential establishments and day establishments.

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL 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 with regard to Adult Education, Customer Services, Libraries, Museums, Archaeology, Archives and the Arts but excluding the withdrawal or major modification of public facilities.

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, Fire and Rescue, 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 has been informed of the proposed response.
- (3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning 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) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agricultural Analysts in accordance with the Agriculture Act 1970, Section 67.3(b).
- (12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management 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 three or more individual representations raising planning related objections;
 - (b) approval of minerals and waste applications requiring Environmental Impact Assessments;
 - (c) approval of applications for County matters and County Council development where no more than four individual representations raising planning-related objection are received and the Executive Director of Community and Environmental Services determines, in consultation with the Chair of the Planning (Regulatory) Committee, that the application should be determined by the Committee.
- (13) To refuse applications on the grounds that there is insufficient information to determine whether or not the application accords with the development plan.
- (14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010
- (15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010
- (16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).

- (17) 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.
- (18) 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.
- (19) 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.
- (20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990.
- (21) To grant Street Works licences.
- (22) To permit the deposit of builders skips on the highway.
- (23) To license the planting, retention and maintenance of trees etc on the highway.
- (24) To licence works in relation to buildings etc which obstruct the highway.
- (25) To consent to temporary deposits or excavations in streets.
- (26) To dispense with the duty to erect hoardings or fences.
- (27) To restrict the placing of rails, beams etc over highways.
- (28) To consent to the construction of cellars etc under streets.
- (29) To consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- (30) To remove things deposited on highways so as to be a nuisance.

- (31) To assert and protect the rights of the public to the use and enjoyment of highways.
- (32) To create footpaths, bridleways and restricted byways by agreement or by order.
- (33) To divert, stop up and extinguish footpaths, bridleways and restricted byways.
- (34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000.
- (35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
- (36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways.
- (37) To temporarily divert footpaths, bridleways and restricted byways.
- (38) To exercise functions relating to the making good of damage and removal of obstructions from public paths.
- (39) To authorise the erection of stiles etc on footpaths and bridleways.
- (40) To designate footpaths as cycle tracks.
- (41) To enter into agreements under Section 278 of the Highway Act 1980.
- (42) To license the movement of cattle from a market.
- (43) To license the movement of animals under specific disease orders.
- (44) To permit the placing of scaffold/hoarding on the highway.
- (45) To licence the cultivation of areas subject to full highway rights.
- (46) To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed.

EXECUTIVE DIRECTOR 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, firefighting, fire safety, explosives and petroleum and the functions conferred on the local authority under Article 25 of the Fire Safety Order 2005, the Fire and Rescue Services Act 2004 and the Fire and Rescue National Framework.

- (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

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
- Emergency planning

CHIEF LEGAL OFFICER

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.

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 but excluding reviews under the Marriages Act.
3. the Coroners Service
4. making appointments to the Norfolk Valuation Panel
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.

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 Cabinet.
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

EXECUTIVE 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 Executive Director</i>
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility.

EXECUTIVE 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 Executive 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 - Education	
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 - Education	
c. Variations to the Scheme of Local Management of schools and any cases of a withdrawal of delegated powers.	Reserved to Executive 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	

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

EXECUTIVE DIRECTOR OF ADULT SOCIAL 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.	Executive Director or Assistant Director
j. Declaring land to be surplus to the requirements of their service.	Executive Director
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility

In the absence of the Executive Director, any Assistant Director is authorised to act on their behalf. In matters requiring a professional social work decision, the appropriate Assistant Director's advice will be sought, where possible.

EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES

GENERAL DELEGATION

Each member of the Adult Social 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 Executive Director of Adult Social 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.	Executive Director 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

CHIEF LEGAL OFFICER

The following powers will be exercised by the Chief Legal Officer 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.	Practice Director Nplaw
(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 with sealing and signing of contracts limited to M grade nplaw officers and above and to the Head and Assistant Head of Democratic Services.
(4) To deal with Blight Notices and Purchase Notices.	M grade nplaw officers and above

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.	Head of Registration and Coroner's Service
(2) To exercise the Council's functions in respect of the Marriages Act 1994.	Head of Registration and Coroner's Service
(3) To exercise the Council's functions in respect of the Coroner's Service.	Head of Registration and Coroner's Service
(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.	Head of Registration and Coroner's Service
(6) To approve premises for the solemnisation of marriages.	Head of Registration and Coroner's Service
(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.	Head of Registration and Coroner's Service

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

GENERAL DELEGATION

Each member of the Community and Environmental Services 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 Executive Director of Community and Environmental Services, in respect of adult education, customer services, libraries, museums, archaeology, archives, arts, 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 but excluding the withdrawal or major modification of public facilities

Specific delegations are detailed below.

Specific and general delegations relating to the Statutory posts within Community and Environmental Services (Chief Fire Officer and Director of Public Health) are detailed later in this document.

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.

Area of Delegation	Officer(s)/Range of Grades
(a) Issuing and serving statutory notices.	Scale H and above graded officers
(b) Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	Scale H and above graded Officers
(c) Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Scale M and above graded Officers Network Co-ordinators (Street Works)
(d) Signing (legal) documents.	Scale M and above graded Officers Highways Development Management Service Officers Scale K and above

(e) Authorising entry onto land.	Scale M and above graded officers
(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).	Scale M and above graded officers
(h) Making Statutory Orders and Schemes.	Scale H and above graded Officers
(i) Instituting criminal proceedings.	Scale M and above graded Officers
(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

EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

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.

Area of Delegation	Officer(s)/Range of Grades
(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.	Members of Departmental Management Team Head of Planning Senior Planners Scale K and above Highways Development Management Service Officers Scale J and above
(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 has been informed of the proposed response.	As (1) above
(3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning authority and county planning authority	As (1) above

<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>Scale H and above graded Officers</p>
<p>(5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.</p>	<p>Team Manager (Network Management) Network Co-ordinators (Street Works)</p>
<p>(6) To exercise the Council's functions relating to land drainage.</p>	<p>Scale M and above graded officers</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>Head of Trading Standards Head of Planning</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>Head of Trading Standards Head of Planning</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>Head of Trading Standards</p>
<p>(10) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>	<p>Officers Scale H and above</p>
<p>(11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agriculture Analysts in accordance with the Agriculture Act 1970, Section 67.3(b)</p>	<p>Head of Trading Standards</p>
<p>(12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management except for:</p> <p>(a) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have three or more individual representations raising planning related objections;</p>	<p>Head of Planning Principal Officers Scale L and above</p>

<p>(b) approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>(c) approval of applications for County Matter and County Council development where no more than four individual representations raising planning-related objection are received and the Executive Director of Community and Environmental Services determines, in consultation with the Chair of the Planning (Regulatory) Committee, that the application should be determined by the Committee.</p>	
<p>(13) To refuse applications on the grounds that there is insufficient information to determine whether or not the application accords with the development plan.</p>	<p>Head of Planning Principal Planners Scale L and above</p>
<p>(14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010</p>	<p>Scale L and above graded officers</p>
<p>(15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010</p>	<p>Scale L and above graded officers</p>
<p>(16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).</p>	<p>Head of Planning Principal Planners Scale L and above</p>
<p>(17) To exercise the Council's powers and duties in respect of obtaining information as to interests in land under</p>	<p>Head of Planning Principal Planners Scale L and above</p>

Section 330 of the Town and Country Planning Act 1990.	
(18) 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	Head of Planning Principal Planners Scale L and above
(19) 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: - <ul style="list-style-type: none"> • 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. 	Head of Planning Principal Planners Scale L and above
(20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990	Head of Planning Principal Planners Scale L and above
(21) To grant Street Works licences	Inspector (Street Works) Grade G and above
(22) To permit the deposit of builders skips on the highway	Inspector (Street Works) Grade G and above
(23) To license the planting, retention and maintenance of trees etc on the highway	Highway Engineer Scale K and above
(24) To licence works in relation to buildings etc which obstruct the highway	Highway Engineer Scale K and above

(25) To consent to temporary deposits or excavations in streets	Highway Engineer Scale K and above
(26) To dispense with the duty to erect hoardings or fences	Highway Engineer Scale K and above
(27) To restrict the placing of rails, beams etc over highways	Highway Engineer Scale K and above
(28) To consent to the construction of cellars etc under streets	Highway Engineer Scale K and above
(29) To consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Highway Engineer Scale K and above
(30) To remove things deposited on highways so as to be a nuisance	Highway Engineer Scale K and above
(31) To assert and protect the rights of the public to the use and enjoyment of highways	Highway Engineer Scale K and above
(32) To create footpaths, bridleways and restricted byways by agreement or by order	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(33) To divert, stop up and extinguish footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(37) To temporarily divert footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(38) To exercise functions relating to the making good of damage and removal of obstructions from public paths	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(39) To authorise the erection of stiles etc on footpaths and bridleways	Highway Engineer Scale K and above Environment Service Managers Scale L and above

(40)	To designate footpaths as cycle tracks	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(41)	To enter into agreements under Section 278 of the Highway Act 1980.	Scale M and above graded officers
(42)	To license the movement of cattle from a market.	Scale M and above graded officers
(43)	To license the movement of animals under specific disease orders	Scale M and above graded officers
(44)	To permit the placing of scaffold/hoarding on the highway	Inspector (Street Works) Grade G and above
(45)	To licence the cultivation of areas subject to full highway rights	Highway Engineer Scale K and above
(46)	To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed.	Scale M and above graded officers.

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 Fire Officer Area Manager
RR (Fire Safety) Order 2005 – Article 30 – Enforcement Notices	Chief Fire Officer Deputy Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer Fire Safety Advisor
RR (Fire Safety) Order 2005 – Article 29 – Alterations Notices	Chief Fire Officer Deputy Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer 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).	M and above

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

**NORFOLK COUNTY COUNCIL
CONSTITUTION
ANNEX TO APPENDIX 5**

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.

ADULT SOCIAL 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.

COMMUNITY AND ENVIRONMENTAL SERVICES

HIGHWAYS AND TRANSPORT

- Road and bridge design.
- Publicity statements relating to highway maintenance schemes.
- 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.
- 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.
- Definitive Map Modification Order applications.
- RUPP Reclassification Orders.
- Applications re: new village greens.

ENVIRONMENT AND PLANNING

- 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.
 - 'County Matter' planning applications.
 - Formulation of the Minerals Local Plan.
 - Planning applications under Regulation 3 of the Town and Country Planning General Regulations 1992.

TRADING STANDARDS

- 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.

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.

NORFOLK FIRE AND RESCUE 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.

CUSTOMER SERVICES

- Proposals or changes relating to divisional or major customer access

arrangements.

CORPORATE PROPERTY TEAM (or agents on instruction)

- Property reviews
- Property sale particulars.
- Property disposals (freehold/leases over 7 years)
- Planning applications on surplus property or for County Council developments.
- Property acquisitions by lease or purchase.
- Partnership projects.
- Planned maintenance programme for local properties.

RESOURCE -

NPLAW

- Temporary Traffic Regulation Orders.
- Cycle Track Orders.
- Applications re: common land.

CORPORATE PLANNING AND PARTNERSHIPS SERVICE

- Initiatives relating to collaborative working with partnership projects, equalities and community relations.

DEMOCRATIC SERVICES

- 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 Chair's office.

COMMUNICATIONS

- Informing local members of divisional news, issues/events.

PUBLIC HEALTH

- Communicable Disease Outbreaks
- Significant Health Protection Issues
- Launch of any national/countywide road safety campaigns to be made from local school

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.

APPENDIX 6
'PROPER OFFICER' PROVISIONS

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 Head of Paid Service.
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 Chair	Head of Paid Service
Section 89 (1) (b) of the 1972 Act	Receipt of notice of casual vacancy from two local government electors	Head of Paid Service
Paragraph 4 (2) (b) and	Signature of summons to attend meetings	Head of Paid Service
Paragraph 4 (3) of Schedule 12 to the 1972 Act	Receipt of notices regarding address to which summons to meeting to be sent	Head of Paid Service

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	Executive Director of Finance
Section 228 (3) of the 1972 Act	Inspection of Accounts	Executive Director of Finance
Section 191 of the 1972 Act	Function with respect to Ordnance Survey	Executive Director of Community and Environmental Services
Paragraph 28 of Schedule 16 to the 1972 Act	Receipt of deposit of lists of protected buildings	Executive Director of Community and Environmental Services

Section 59 (1) of the Highways Act 1980	Issuing certificates in respect of expenses due to extra-ordinary traffic	Executive Director of Community and Environmental Services
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	Executive Director of Community and Environmental Services

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 Head of Paid Service.

APPENDIX 7

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. Chair 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 Chair of Council is not present;
- (ii) elect a chair of Council;
- (iii) approve the minutes of the last meeting;
- (iv) elect a vice chair of Council;
- (v) receive any announcements from the chair;
- (vi) receive any declarations of interest from members;
- (vii) appoint a scrutiny committee, three select committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions and determine their size and membership and any changes to their terms of reference;
- (viii) appoint the chair and vice-chair of the Scrutiny Committee, the three Select Committees and Planning Regulatory Committee;
- (ix) make appointments to outside bodies except to the extent that this is the responsibility of the Executive or has been delegated by the Council;
- (x) deal with any business which is required by law to be done;
- (xi) consider any business set out in the notice convening the meeting;
- (xii) consider motions under Rule 9 of these Rules;
- (xiii) answer questions under Rule 8.3 of these Rules.
- (xiv) Consider any other business specified in the summons to the meeting,

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 chair

- (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 Chair and Vice Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any announcements from the Chair;
- (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) receive reports and recommendations of the Cabinet and other committees and deal with Member questions to Cabinet Members;
- (viii) consider motions under Rule 9 of these Rules;
- (ix) receive reports and recommendations from the Scrutiny Committee and from the Norfolk Health Overview and Scrutiny Committee and on intentions to make referrals to the Secretary of State;
- (x) receive reports from the Select Committees
- (xi) receive reports about the business of joint arrangements and external organisations;
- (xii) answer questions under Rule 8.3 of these Rules;
- (xiii) 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 Chair at their 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 Head of Paid Service to call additional Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chair of the Council;
- (iii) the monitoring officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the chair of the council and they 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 Head of Paid Service may vary the time and place of the meeting if they consider 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 Chair 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 Head of Paid Service will send a summons signed by him to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted.

6. CHAIR OF MEETING

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

7. QUORUM

The quorum of a meeting of the Council will be 21 members. During any meeting if the Chair 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 Chair. If the Chair 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 Leader or the chair of a committee any question without notice concerning an item within the report of the Cabinet or committee, when that item is under consideration by the Council. A maximum overall period of 30 minutes shall be allowed for questions to Cabinet Members, with a maximum of 5 minutes for questions to an individual Cabinet Member, both periods to be extendable at the discretion of the Chair. Questions to Cabinet Members can relate to anything within the remit of the Cabinet Member's portfolio and are not limited to items in the Cabinet 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 Cabinet. Questions shall not require prior notice. The Leader may ask Cabinet Members to answer questions where appropriate.

8.3 QUESTIONS ON NOTICE

A member of the Council may ask:

- the Chair;
- the Leader or relevant Cabinet member;
- the chair 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 Chair 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 Chair, 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 their 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.

9.5 If the subject/matter of any motion, of which notice has been given comes within the remit of the Cabinet or relevant committee, it will be moved and duly seconded in formal terms only and thereupon will stand referred without discussion to Cabinet or the relevant committee, for consideration and report.

10. MOTIONS WITHOUT NOTICE

- (1) The following motions may be moved without notice: -
 - (a) to appoint a chair of the meeting at which the motion is moved if the Chair or Vice-Chair 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 continues 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 Chair 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 chair 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 Chair, 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 Chair.

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

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 Chair will ask the proposer of the original motion if they are willing to alter their motion in accordance with the amendment. If they accept, the amendment becomes the substantive motion and is debated. If the proposer of the original motion is unwilling to alter their motion, the Chair 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 Chair 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 they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

11.8 WITHDRAWAL OF MOTION

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

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 continues 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 Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

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

11.12 POINT OF ORDER

A member may raise a point of order at any time. The Chair 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 they consider it has been broken. The ruling of the Chair 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 Chair 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 CHAIR'S CASTING VOTE

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

13.3 FORM OF VOTING

- (i) Voting will be by show of hands. If in the opinion of the Chair the result is uncertain they 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.
- (ii) At the Budget meeting in February each year, all motions and amendments relating to budget decisions will be conducted by recorded vote and the minutes of the proceedings of the meeting will record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

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 Chair may at their 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 Chair may at their discretion call for a vote: -
 - (a) by each member when called upon announcing the name of the person for whom they vote; 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 their 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 Chair 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.

- (iv) Appointment of the Chairs and Vice-Chairs of Committees may be made through the approval of a slate of nominations.

14. MINUTES

14.1 SIGNING THE MINUTES

The Chair will sign the minutes of the proceedings at the next suitable meeting. The only part of the minutes that can be discussed is their accuracy and any question as 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 their 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, they must intimate their presence to the Head of Democratic Services.
- (3) If any member intends to leave a meeting and not to return, they shall inform the Chair 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 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 Chair but may choose to either stand or remain seated.

17.2 CHAIR STANDING

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

17.3 MEMBER NOT TO BE HEARD FURTHER

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

17.4 MEMBER TO LEAVE THE MEETING

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

17.5 GENERAL DISTURBANCE

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

18. DISTURBANCE BY PUBLIC

18.1 REMOVAL OF MEMBER OF THE PUBLIC

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

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 Chair 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 be 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 Chair 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.

APPENDIX 8

COMMITTEE PROCEDURE RULES

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

1. **TIME AND PLACE OF MEETINGS**

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

2. **NOTICE OF MEETINGS**

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

3. **CHAIR OF MEETING**

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

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

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

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

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

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

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

5.3 **NOTICE OF QUESTIONS**

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

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

OR

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

5.4 **NUMBER OF QUESTIONS**

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

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

5.5 RESPONSE

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

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

6. QUESTIONS BY MEMBERS

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

6.2 NOTICE OF QUESTIONS

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

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

OR

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

6.3 NUMBER OF QUESTIONS

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

6.4 RESPONSE

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

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

7. RULES OF DEBATE

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

7.1 NO DEBATE OR VOTE UNTIL MOTION SECONDED

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

7.2 RIGHT TO REQUIRE MOTION IN WRITING

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

7.3 SECONDER'S SPEECH

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

7.4 CONTENT AND LENGTH OF SPEECHES

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

7.5 WHEN A MEMBER MAY SPEAK AGAIN

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

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

7.6 Amendments to motions

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

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

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

7.7 Alteration of motion

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

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

7.8 **Withdrawal of motion**

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

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

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

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

7.10 **Closure motions**

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

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

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

7.11 Point of order

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

7.12 Personal explanation

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

8. MINUTES

8.1 SIGNING THE MINUTES

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

9. RECORD OF ATTENDANCE

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

10. EXCLUSION OF PUBLIC

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

11. MEMBERS' CONDUCT

11.1 SPEAKING

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

11.2 CHAIR STANDING

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

11.3 MEMBER NOT TO BE HEARD FURTHER

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

11.4 MEMBER TO LEAVE THE MEETING

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

11.5 GENERAL DISTURBANCE

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

12. DISTURBANCE BY PUBLIC

12.1 REMOVAL OF MEMBER OF THE PUBLIC

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

12.2 CLEARANCE OF PART OF MEETING ROOM

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

13. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

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

14. SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES

14.1 SUSPENSION

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

15. COMMITTEES

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

16. VOTING IN COMMITTEES

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

17. ADJOURNMENT OF COMMITTEE MEETINGS

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

18. RIGHTS OF OTHER MEMBERS TO ATTEND COMMITTEE MEETINGS

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

19. INTERPRETATION OF RULES OF PROCEDURE

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

APPENDIX 9

CABINET PROCEDURE RULES

Meetings of the Cabinet

1. Meetings of the Cabinet will be held on such dates and at such times and venues as the Leader will decide.
2. The Head of Democratic Services will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to all Members of the Cabinet. The agenda and papers will normally be sent out at least five clear working days before the meeting. The agenda and papers will be sent at the same time to all other Members of the Council.

Agendas

3. The agenda for each meeting of the Cabinet will comprise:
 - (a) Apologies for absence
 - (b) the minutes of the previous meeting for approval and signing
 - (c) declarations of interest
 - (d) matters referred to Cabinet by the Scrutiny Committee, Select Committees or by full Council
 - (e) public question time
 - (f) any local member issues/questions raised by Members
 - (g) any non-local member issues/questions raised by Members (to be taken at the Leaders discretion)
 - (h) issues and reports brought forward by the relevant Cabinet Member or Chief Officer
 - (i) any report by the Head of Paid Service, Director of Finance and Commercial Services or Monitoring Officer.
 - (j) such other items as the Leader decides
4. The Leader may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. They must state these reasons at the meeting and they must be recorded in the minutes.

Quorum

5. The quorum for a meeting of the Cabinet is the Leader (or the Deputy Leader in their absence) and five other Members.

Record of Attendance

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

Chairing

7. The Leader (or the Deputy Leader in their absence) will be the Chair of meetings of the Cabinet.

Attendance Rights of Members

8. If a Cabinet member is unable to attend a meeting of the Cabinet, they may nominate a Deputy Cabinet Member to attend in their place. These members may attend and speak at meetings of the Cabinet but may not vote and are not members of the Executive.
9. Subject to the Access to Information Procedure Rules and paragraph 10 and the Access to Information Rules, any Member of the Council may attend any meeting of the Cabinet, including those parts of the meeting when the public are excluded. They may speak on any item on the agenda of the meeting but only with the consent of the Chair.
10. If the Cabinet is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, the Chair may exclude from the meeting any Member who is not a member of the Cabinet.

Member Questions

11. If a Member of the Council wishes to ask a question under 3(e) or (f) above, they must give 2 working days' notice of the question to the Head of Democratic Services, e.g. by 5.00 p.m. on the Wednesday preceding a Cabinet meeting on Monday. The number of questions which can be asked at a meeting will be limited to two per Member (or one question plus a supplementary). Responses to the substantive questions will be given to the questioner in writing before the start of the meeting and copies of the question and response will be available to all in attendance. The responses to substantive questions will not be read out at the meeting. A questioner who asks only one substantive question will be entitled to ask a supplementary question and if they do so, a response to it will be given orally by the Chair, or such other Member of Officer as is determined by the Chair. Supplementary questions are subject to a limit of 75 words. If a response to a supplementary question cannot conveniently be given orally, a written answer will be sent to the questioner within 7 working days of the meeting.

12. The total time for Member questions will be limited to 15 minutes. If the questioner is not present at the meeting or if any questions remain unanswered within that timescale, written responses will be sent to the questioners within 7 working days of the meeting.

Public Questions

13. A person resident in Norfolk, or who is a non-domestic ratepayer in Norfolk, or who pays Council Tax in Norfolk, may attend meetings of the Cabinet and, by giving two working days' notice, e.g. by 5.00 p.m. on the Wednesday preceding a Cabinet meeting on Monday, may ask any question on any matter in respect of Cabinet's delegated powers. Eligibility to ask questions at Cabinet does not extend to County Council employees asking questions relating to their employment.
14. The number of questions which may be asked at a meeting will be limited to one per person (or one plus a supplementary) in any six-month period. Substantive questions are subject to a maximum word limit of 110 words. Substantive questions that are in excess of 110 words will be disqualified. Responses to the substantive questions will be given to the questioners in writing before the start of the meeting and copies of the questions and responses will be available to all in attendance. The responses to substantive questions will not be read out at the meeting. A questioner who asks only one substantive question will be entitled to ask a supplementary question and, if they do so, a response to it will be given orally by the Chair. 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 7 working days of the meeting.
15. Public Question Time will be limited to 15 minutes in total. If the questioner is not present at the meeting or if any questions remain unanswered within that timescale, a written response will be sent to the questioner within 7 working days of the meeting.

Conduct of meetings

16. The Chair will conduct the business of the meeting so as to encourage decision by consensus.
17. Subject to the rules regarding the declaration of interests, every member is entitled to express a view on each item of business.
18. Following debate, the Chair will summarise the discussion and formulate a proposition which they will put to the Cabinet for agreement. A vote will not be taken unless the Chair so decides but any Member who dissents from a decision of the Cabinet is entitled to have that dissent recorded in the minutes, provided this request is made immediately upon the decision having been taken.
19. If necessary to maintain an orderly discussion, the Chair may:
 - (a) require a vote to be taken by a show of hands
 - (b) restrict the number of times any Member may speak

- (c) restrict the length of speeches
 - (d) adjourn the discussion to a later meeting
20. In the event of a vote being taken and the votes for and against being equal, the Chair has a second or casting vote.
21. If necessary to maintain order, the Chair may:
- (a) with the consent of the Cabinet, require a member of the Cabinet, Council or the public to leave the room
 - (b) may direct a Member to be silent
 - (c) may adjourn or terminate the meeting.

Public Misconduct

22. If a member of the public interrupts a meeting or otherwise behaves irregularly, improperly or offensively, the Chair may request that they leave the room or order that they is removed. In the event of a general disturbance, the Chair may suspend the meeting or direct that the public be excluded from it. No one so removed or excluded will be permitted to return to the meeting.

Discussion of Employees

23. No discussion will take place concerning an individual employee unless the Chair has decided whether to discuss the matter in public or private session.

Provisions on conflicts of interest

24. Where a matter arises at a meeting which relates to an interest which is a Disclosable Pecuniary Interest (DPI) the relevant Member must declare the existence and nature of the interest even where it has been entered in the County Council's register of interests unless the matter is a 'sensitive interest' as described by the Localism Act 2011. The relevant Member must then leave the meeting room and may not participate in any discussion, vote on, or discharge any function related to the matter. Where the matter is a 'sensitive interest' the relevant Member need not declare the nature of the interest but must still withdraw from the meeting without participating.
25. Where a matter arises at a meeting which relates to or affects an 'Other Interests' the relevant Member must declare the existence and nature of the interest unless it has been entered in the County Council's register of interests.
26. An 'Other' interest is one which affects, to a greater extent than others in their division the relevant Member's:
- own wellbeing or financial position or
 - that of family or close friends
 - any body –
- (a) exercising functions of a public nature

- (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
of which the Member is in a position of general control or management
27. Where an 'other interest' arises, the relevant Member will declare an interest (an "Other Interest") but may speak and vote on the matter.

Interpretation of Rules of Procedure

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

APPENDIX 10

OVERVIEW AND SCRUTINY PROCEDURE RULES

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

(a) Agenda Planning

The Chair and the Scrutiny Committee will agree:

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

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

(b) Questioning

- (i) The Chair may permit a Member not on the Scrutiny Committee (including Members of the Cabinet) to speak and ask questions of those being scrutinised if a matter on the agenda has a particularly significant impact on that Member's division or if the Committee is considering a call-in made by the Member concerned.
- (ii) Members should endeavour not to request detailed information from officers at meetings of the Committee, unless they have given prior notice through the officer supporting the Committee. If, in the course of question and answer at a meeting of Committee, it becomes apparent that further information would be helpful, the officer being questioned

may be required to submit it in writing to the Scrutiny Committee Members.

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

(c) Formulation of Recommendations and Reports

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

APPENDIX 11

COUNCILLOR CALL FOR ACTION (CCfA) GUIDANCE

1.0 What is a Councillor Call for Action (CCfA)?

- 1.1 Councillor Calls for Action were introduced by section 119 of the Local Government and Public Involvement in Health Act 2007 ('the Act'). They are one of a number of measures aimed at empowering local people and communities, improving local democracy and accountability and strengthening the role of councillors as community leaders and advocates.
- 1.2 A CCfA gives powers to councillors to help them tackle local problems on behalf of their constituents by calling for consideration of any issue of concern affecting their division by the Scrutiny Committee, including the Health Overview and Scrutiny Committee.
- 1.3 Section 119 of the Act inserts a new section 21A into the Local Government Act 2000 which enables any Member of the authority to refer any local government matter to the Scrutiny Committee, whether or not the Member is a member of that committee, and to have this matter discussed at a meeting of the committee. A "local government matter" is defined as a matter which:
 - relates to the discharge of any function of the authority,
 - affects all or part of the electoral area for which the member is elected or any person who lives or works there, and
 - is not an excluded matter (see section 5 below)
- 1.4 Section 126 of the Act makes provision for CCfA's on crime and disorder matters – see section 3 below.

2.0 Existing provisions in the County Council's Constitution

- 2.1 The County Council's constitution allows a wide remit for the Scrutiny Committee. Article 6 provides that:

The Council appoints the Scrutiny Committee from among the non-executive Members of the Council to review or scrutinise decisions made or other action taken in accordance with:

- any functions which are the responsibility of the Executive, including decisions made/actions taken directly by the Executive itself and those decisions/actions delegated to Chief Officers and individual members of the Executive; and
- any functions which are not the responsibility of the Executive.

The Scrutiny Committee may make reports or recommendations to either the Cabinet or to the County Council with respect to:

- the discharge of any functions which are the responsibility of the Executive;
- the discharge of any functions which are not the responsibility of the Executive; or
- matters which affect Norfolk or its inhabitants.

3.0 Crime and disorder matters

- 3.1 Section 19 of the Police and Justice Act 2006, as amended by section 126 of the Local

Government and Public Involvement in Health Act 2007, requires every local authority to have a crime and disorder committee with the power to review and scrutinise, and make reports and recommendations, regarding decisions made or other action taken by the responsible authorities in connection with the discharge of their crime and disorder functions. For Norfolk, these “responsible authorities” are:

- the County Council
- District councils
- Norfolk and Suffolk Community Rehabilitation Company
- the Chief Constable for Norfolk Constabulary
- Health – Clinical Commissioning Groups
- Norfolk Fire and Rescue Service

3.2 At the County Council, the Scrutiny Committee will act as the designated Crime and Disorder Committee.

3.3 Section 126 of the Local Government and Public Involvement in Health Act 2007 provides for any member to refer any local crime and disorder matter to the Crime and Disorder Committee and have it discussed at a meeting of the Committee. A “local crime and disorder matter” is defined as a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour and other behaviour adversely affecting the local environment), or
- the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

3.4 Where the crime and disorder committee makes a report or recommendations in response to a CCfA, it must provide a copy to any of the responsible authorities for crime and disorder (see section 3.1.above) or any other individuals or bodies as it considers appropriate. Any organisation or individual who is provided with such a report or recommendations has a duty to:

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

4.0 **Before making a Councillor Call for Action**

4.1 Guidance makes it clear that CCfA’s are intended as a last resort, to be used when all other means of resolving an issue have proved to be unsuccessful. As a minimum, it is expected that the councillor concerned will have satisfied themselves that the issue is not an excluded matter (see section 5 below), and has approached at least the following to seek a resolution:

- any relevant local service manager
- any relevant partnership bodies or local groups
- the relevant Cabinet member
- the relevant District Councillor(s)

5.0 **What a Councillor Call for Action should NOT be used for**

5.1 The following matters are “excluded matters” that cannot be the subject of a Community Call for Action:

- Any matter relating to a licensing or planning decision.
- A matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Commission for Local Administration in England – otherwise known as the Local Government Ombudsmen).
- A matter which is vexatious, discriminatory or not reasonable to be on the agenda for, or discussed at, a meeting of the Scrutiny Committee.

5.2 However, a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to the Scrutiny Committee, notwithstanding the fact that the allegation specifies matters which are outlined in paragraph 5.1 above.

6.0 **The CCfA process at Norfolk County Council**

6.1 The same process will apply irrespective of whether the CCfA concerns a “local government matter” or “a crime and disorder matter”.

6.2 Notice of a CCfA should be sent in writing to the Head of Democratic Services. Such notice should include the following information as a minimum:

- A summary of the issue involved
- What outcomes the local member is hoping to achieve
- Action already taken, including details of people and organisations already contacted and why this has failed to resolve the issue
- Key dates or timescales, if relevant

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

6.3 On receipt of a CCfA, the Head of Democratic Services will, as appropriate:

- Establish that the subject of the CCfA is not an excluded matter
- Advise the member concerned of other possible means of resolving the issue or other information requirements

6.4 Legitimate CCfA's will be referred by the Head of Democratic Services to the Chairman of the Scrutiny Committee and the supporting officer(s). Where the Head of Democratic Services considers the matter to be urgent, it will also be placed on the agenda for the next meeting of that committee. If the matter is not considered urgent, it will be placed on the scrutiny work programme for the next meeting so a way forward and timescale for its consideration can be agreed by the full committee.

6.5 Whilst it is not a requirement, it is expected that the member making the CCfA will attend the committee meeting to introduce the issue and answer any questions.

6.6 Where a CCfA is listed as a separate agenda item on a committee's agenda, it will be considered as a scrutiny item and the usual processes will be followed e.g. the relevant Cabinet Member(s) and any other internal or external stakeholders will be invited, and reports requested, as appropriate.

6.7 Copies of any reports or recommendations made by the Scrutiny Committee in response to a CCfA must be provided to the Member who initiated it. Similarly, where a Committee decides not to make a report or recommendations, it must notify the Member concerned of its decision and the reasons for it.

7.0 Involvement of external partners

- 7.1 The 2007 Act gives the Scrutiny Committee of the County Council greater powers to scrutinise services outside of the Council and to require a response from the providers of those services (see sections 1.4 and 3.1 above). It is important that this scrutiny takes place in an atmosphere of informed trust and co-operation.

APPENDIX 12

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

These Rules include the standing orders required by Regulation 3 (i) (b) (ii) and Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001.

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 4 of this Constitution.

2. Process for developing the Policy Framework

- 2.1 Once a budget or a policy or a strategy within the Policy Framework is in place, it is the responsibility of the Leader to ensure its implementation.
- 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 Leader will publish to all Council Members a timetable for making proposals to the Council, and arrangements for consultation on those proposals. This may include a debate by the full Council at the time any draft document is published for consultation.
 - (2) Before commenting to the Leader or Executive on the topic and proposals, the Scrutiny Committee may:
 - (a) take evidence from Cabinet Members and officers
 - (b) commission research within budgeted resources
 - (c) consult Norfolk organisations and electors or other organisations and persons.
 - (3) Having considered any report by the Scrutiny Committee, the Leader or Executive will agree proposals for submission to the Council and report to Council on how any recommendations from the Scrutiny Committee have been taken into account.
 - (4) The Council will consider the proposals and may:
 - (a) adopt them
 - (b) amend them
 - (c) refer them back to the Leader for further consideration
 - (d) substitute its own proposals in their place
 - (5) In considering the matter, the Council will have before it the report from the Leader or Executive and the Scrutiny Committee, including a report of any minority views expressed in that Committee's debate.
 - (6) The Council's decision must be published, and a copy must be given by the Head of

Democratic Services to the Leader. The notice of decision will be dated and will either:

- (a) state that the decision will be effective immediately (if the Council accepts the proposals without amendment or if the Leader has consented to any amendment(s) during or following the debate);
- (b) or (if the Council has any objections to the proposals), specify the objections and instruct the Leader that the Executive is required to reconsider, in the light of the objections, the proposals which were submitted to Council. The notice must specify a period of 5 working days beginning on the day after the Leader receives the notice, within which the Leader may:
 - i) submit for the Council's consideration a revision of the proposal as amended by the Executive, with the Executive's reasons for any amendments to the draft proposal; or
 - ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for and such disagreement.
- (7) If the Council has raised objections to a draft proposal as in (6) (b) above, the matter will be reconsidered by the Council at its next meeting. The Council must at that meeting, before making its final decision on the matter, take into account:
 - (a) any amendments made to the draft proposals
 - (b) the Executive's reasons for the amendments
 - (c) any disagreement that the Executive has with any of the Council's objections and the reasons for that disagreement

which the Leader has submitted to the Council or informed the Council within the period specified. The Council will make its final decision based on a simple majority. The decision will then be published and take effect immediately.

- (8) 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 Executive.
- (9) The Head of Paid Service 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 subject to prior notification of such changes to the Leader, any relevant Cabinet Member and the Chair of the Scrutiny Committee.

3. Procedure for developing the Budget

- 3.1 The process for proposing the Budget, Council Tax level, Capital Programme and Borrowing is:
 - (1) the Leader will publish to all Council Members each autumn a review of the issues relating to the Budget for the next financial year and a timetable of the arrangements for the preparation and agreeing of the Budget;
 - (2) these issues may be considered by the Scrutiny Committee, who may make submissions to the Leader in accordance with the timetable;
 - (3) the Leader will publish a draft Budget no later than three weeks before the Budget meeting of the Council and will submit the draft Budget to the Scrutiny Committee for

consideration prior to its submission to the Council;

- (5) the Council will consider the Leader's budget proposals and may:
 - (a) adopt them
 - (b) amend them
 - (c) refer them back to the Leader for further consideration
 - (d) substitute its own proposals in their place.
- (6) In considering the budget, the Council will have before it the report from the Leader or Cabinet and any comments of the Scrutiny Committee;
- (7) If the Council's budget meeting is held before 8th February, the following procedure will apply:

the Council's decision will be published, and a copy given by the Head of Democratic Services to the Leader no later than the day following the meeting. The notice of decision will be dated and will either:

- (a) state that the decision will be effective immediately (if the Council accepts the proposals without amendment or if the Leader has consented to any amendment(s) during or following the debate); or
- (b) if the Council has any objections to the budgetary proposals, then before it reaches a decision on the budget, it must inform the Leader of the objections and instruct the Leader that the Executive is required to reconsider, in the light of the objections, the budget proposals. The notice will specify a period of five working days beginning on the day after the Leader receives the notice, within which the Leader may:
 - (i) submit for the Council's consideration a revision of the budget proposals as amended by the Executive, which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the budget proposals: or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- (8) If the Council has raised objections to the draft budget proposals as in (7) (b) above, the matter will be reconsidered by the Council at a meeting to be held no later than 7 working days after the original meeting. The Council must at that meeting, before making a final decision on the budget, take into account:
 - (a) any amendments made to the budget proposals
 - (b) the Executive's reasons for those amendments
 - (c) any disagreement that the Executive has with any of the Council's objections
 - (d) the Executive's reasons for that disagreement

which the Leader has submitted to the Council, or informed the Council of, within the period specified. The Council will make its final decision based on a simple majority. The decision will then be published and take effect immediately.

- (9) If the Council's budget meeting is held on or after 8th February, there will be no provision for objections to be referred to the Executive and the Council's decisions on the budget will be final and based on a simple majority.

Decisions at variance with the framework

3.2 The Leader, the Cabinet, the Council's Committees, Cabinet Members and any Officers, Joint Committees or bodies discharging executive functions of the Council under joint arrangements cannot take decisions which would be:

- (1) contrary to the Policy Framework (unless the Council has delegated to the Executive the power to vary the plan or strategy in question);
- (2) contrary to or not wholly in accordance with the budget and provisions in Contract Standing Orders or Financial Regulations in respect of the budget;
- (3) contrary to or not wholly in accordance with the plan or strategy for the control of the Council's capital expenditure or borrowing and provisions in Contract Standing Orders or Financial Regulations in respect of such a plan or strategy;

All decisions described in (1), (2) and (3) above can only be taken by the full Council except in the circumstances set out in the Urgent Decisions at Variance to the Budget and Policy Framework process as below.

3.3 If the Leader, the Cabinet, the Council's Committees, individual Cabinet Members and any Officers, Joint Committees or bodies discharging executive functions want to make a decision that they consider might be contrary to the budget and policy framework, they must take advice from the Monitoring Officer (in the case of the policy framework) and/or Chief Finance Officer (in the case of the budget) as to whether the decision they want make would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.

3.4 If, following consultation with the Head of Paid Service and relevant Chief Officer, the advice of either of Monitoring Officer or Chief Finance Officer is that the decision would not be in line with the existing budget and/or policy framework, then the proposed decision must be referred by the Leader or Executive to the Council, unless the decision is a matter of urgency, in which case the procedure below in paragraph 3.9 will apply.

3.5 Also, if following consultation with the Head of Paid Service and relevant Chief Officer, the Monitoring Officer or Chief Finance Officer consider that a proposed decision is not in line with the budget and/or policy framework, irrespective of whether they have been consulted by the decision-taker, that decision may only be taken by the Council.

3.6 The procedure to be used in such circumstances is:

- (1) If the decision is one that would otherwise be taken by an Officer it must instead be referred to the Leader or Executive;
- (2) The Leader or Executive will refer the matter with a recommendation to the Council to decide;
- (3) The matter will be considered at the next meeting of the Council when the Council may:
 - (a) agree the decision be taken
 - (b) amend the Budget or Policy Framework to reflect the decision
 - (c) reject the proposed decision
 - (d) ask the Leader or Executive to reconsider the matter.

- (4) In the event of a decision being referred back to the Leader or Executive by the Council, the Leader or Executive must reconsider the matter on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. The reconsidered decision will be reported back to the full Council for further consideration. The decision taken by the full Council will be final based on a simple majority.
- 3.7 A decision will not take effect until the process set out in sub-paragraphs (1)-(4) above has been completed.
- 3.8 If, following advice from the Head of Paid Service, Monitoring Officer, Chief Finance Officer or relevant Chief Officer, the Scrutiny Committee consider that a decision which has been taken is contrary to the policy and/or budget framework, it may refer the decision to Council. In such cases the Council could either:
- (1) determine that the decision was contrary to the policy and/or budget framework and therefore a matter for Council to decide and take the decision itself; or
 - (2) determine that the decision was not contrary to the policy and/or budget framework and therefore a matter for the Executive to decide. In this case the Council would have the option of requesting that the decision maker reconsider the decision if it believed that a different decision would have been more appropriate.

Urgent Decisions at Variance to the Budget and Policy Framework

- 3.9 If a decision at variance to the budget and policy framework has to be taken for reasons of urgency before the procedures set out above would otherwise be completed, it may be taken provided that the Chair of the Scrutiny Committee has been consulted and the following procedure is followed:
- (1) The Head of Paid Service or relevant Chief Officer, in consultation with the Monitoring Officer agree that the making of the decision is a matter of urgency and cannot reasonably be deferred; and
 - (2) the individual or body by whom the decision is to be made obtains from the Chair of the Scrutiny Committee, or if that person is unable to act, from the Chair of the Council or, in their absence, from the Vice-Chair, agreement in writing that the decision needs to be made as a matter of urgency
 - (3) the individual or body by whom the decision is made must submit, as soon as reasonably practical after the decision has been made, a report to the full Council giving details of:
 - (a) the decision;
 - (b) the reasons why it was urgent;
 - (c) the reasons for the decision

If agreement is not obtained as in (2) above, the matter must be referred to the full Council for decision.

APPENDIX 13

ACCESS TO INFORMATION PROCEDURE RULES

1. Meetings

- 1.1 Procedure Rules 1.2-1.8 below apply to all meetings of the Council, Cabinet, the Council's Committees and Joint Committees.

Rights to attend meetings

- 1.2 Members of the public and the media may attend all meetings, subject to the exceptions specified in the particular rules that govern meetings of the Council, the Cabinet and the Council's Committees and Joint Committees as well as the exceptions below.

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 they considers the reports 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 Head of Paid Service 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 Annex 1 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.

ANNEX 1

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 Senior 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 Head of Paid Service, 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 person's 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.

ANNEX 2

**PROTOCOL RELATING TO THE DISCLOSURE OF INFORMATION HELD BY THE COUNCIL
IN RELATION TO MEMBERS**

- (1) The County Council on its computer systems or premises holds a significant amount of information that is received or created by Councillors. The County Council complies with its legal obligations to ensure the security of data that it holds. Save for information created or received by a Councillor for private or political purposes, other information created or received by a Councillor will be regarded as held by the County Council.
- (2) Councillors have the right to expect that information that relates to them and produced by them which is held by the Council, will not be accessed and/or disclosed to third parties without their written consent or as may required by law.

APPENDIX 14

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 Head of Paid Service any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Council. The Head of Paid Service or Chief Officer must bring any such disclosure to the attention of the Chair of the Employment 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 them.

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 SENIOR OFFICERS

For the purposes of this Part of the Constitution, a list of Senior Officers is provided in Part A of the Appendix.

Where the Council proposes to appoint the Head of Paid Service or a Senior Officer and it is not proposed that the appointment will be made exclusively from among their existing officers, the Head of Human Resources 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 Employment 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.

4. APPOINTMENT OF SENIOR OFFICERS

- (a) An Appointment Panel will appoint Senior Officers. The Panel will be appointed for this purpose by the Head of Paid Service in consultation with the Group Leaders and must be politically balanced. The Panel may comprise or include some or all the members of the Employment Committee.

5. OTHER APPOINTMENTS

- (a) The appointment of officers other than as provided above, and other than assistants to political groups, is the responsibility of the Head of Paid Service or their nominee and may not be made by councillors. In this respect they have 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 Chair to speak with the head of department about the person specification prior to the post being advertised.

A list of posts for which such informal arrangements would be appropriate is provided in Part B of the Appendix.

- (b) 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:

Any disciplinary action in respect of the Head of Paid Service, Chief Finance Officer and Monitoring Officer will comply with the Local Authorities (Standing Orders) (England)

Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

7. DISCIPLINARY ACTION IN RESPECT OF SENIOR OFFICERS

- (a) The Head of Paid Service will be responsible for taking disciplinary action in respect of Senior Officers including their dismissal.
- (b) The Council’s Disciplinary Procedure will apply, except in the case of disciplinary action in respect of the Chief Finance Officer or Monitoring Officer. The Head of Paid Service will consult the Head of HR and the Chief Legal Officer as to any disciplinary process or proposed disciplinary action relating to Senior Officers.

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 their nominee. In this respect they have arranged for Chief Officers to exercise these functions in respect of such staff within their Departments (see para 8 of the table below).

Councillors will not be involved in disciplinary action against or the dismissal of any officer except (a) as provided in the Regulations referred to in Section 6 above, (b) where such involvement is necessary for any investigation or inquiry into alleged misconduct, 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 Chief Officers and the Head of Human Resources 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, taking advice from the Head of HR and any other specialist advisers as necessary.

Powers Delegated	Chief Officer(s)
Salaries and Wages and General Conditions of Service	Exercising Powers Delegated
1. To implement national agreements, except discretionary clauses not related to previous decisions taken by committees.	Head of Human Resources, and appropriate Chief Officer(s).

<p>2.To determine gradings of posts (other than Senior 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 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</p>
<p>3. To adjust locally agreed rates of pay provided any proposed adjustment follows closely adjustment agreed to national rates which existed prior to the local determination.</p>	<p>Head of Human Resources</p>
<p>4.To determine annual pay awards for Centrally Employed Teachers within the framework provided by the national School Teachers' Pay and Conditions Document</p>	<p>Executive Director of Children's Services, in consultation with the Head of Human Resources</p>
<p>5. To exercise discretionary powers with regard to the Local Government Pension Scheme, within the policy framework agreed by the County Council.</p>	<p>Chief Legal Officer, with Head of Human Resources.</p>
<p>6. To determine pay awards for Coroners within the framework provided by the national Joint Negotiating Committee for Coroners.</p>	<p>Head of Democratic Services in consultation with Head of Human Resources.</p>

Miscellaneous Staffing Matters	
7. To recognise the contribution of staff over and above their contracted role in accordance with the Council's Recognition policy.	Head of Human Resources
8. To reimburse in whole or part, as considered appropriate, but subject to a maximum amount of £2,500 , 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.	Appropriate Chief Officer in consultation with the Chief Legal Officer.
9. To make loans to employees for the acquisition of houses in accordance with an approved scheme.	Head of Human Resources in consultation with Executive Director of Finance & Commercial Services
10. 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.	Head of Human Resources.

APPENDIX

Part A

Senior Officers for the purposes this section of the Constitution:

Executive Director of Children's Services
Executive Director of Adult Social Services
Executive Director of Community and Environmental Services
Executive Director of Finance and Commercial Services
Executive Director of Strategy and Governance
Director of Public Health
Chief Fire Officer
Chief Legal Officer and Monitoring Officer
Head of Democratic Services
Head of Information Management and Technology
Head of Procurement
Assistant Director of Growth and Development
Head of Communications

This list will be updated from time to time to reflect changes to posts.

Part B

Members may be involved informally with the appointment of officers who report directly to Executive Directors and who have a lead role for a service.

Or

Members may be informally involved in appointments to the following posts

Lead Officers responsible for:

Adult Social Work and Health:

- Early Help and Prevention
- Social Work
- Commissioning
- Service Delivery

Children's Services:

- Education
- Children's Social Work
- Early Help
- Quality and performance

Environment and Transport:

- Highways
- Transport
- Cultural Services
- Environment
- Planning
- Economic Development

Finance and Commercial Services:

- Property
- Budgeting and Financial Management
- Pensions Management and Treasury

Strategy and Governance

- Human Resources
- Communications
- Intelligence and Analytics
- Strategy

Appendix 15

FINANCIAL REGULATIONS

Background

- A. The County Council's governance structure is laid down in the Constitution, which sets how the County Council operates; how decisions are made; and how procedures are followed.
- B. The County Council has adopted a Cabinet form of governance.
- C. Elected members are responsible for "ownership" of the County Council's financial management. Responsible Budget Officers (RBOs) 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 is responsible for the corporate and strategic management of the County Council. The Head of Paid Service must report to, and provide information for, the County Council, its Cabinet and Committees. Furthermore, the Head of Paid Service is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service 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 Executive Director of Finance and Commercial Services 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 2015
 - The Local Government Acts 2000 and 2003
 - The Localism Act 2011
- F. The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services 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. Within these Financial Regulations, the terms Statutory Finance Officer, Chief Finance Officer, and Section 151 Officer all refer to the Executive Director of Finance and Commercial Services.

Contents

1. Status of Financial Regulations
 - 1.1 Purpose and Scope
 - 1.2 Key Roles and Responsibilities

2. Financial Management
 - 2.1 Introduction
 - 2.2 The Council
 - 2.3 The Cabinet
 - 2.4 Scrutiny Committee
 - 2.5 Statutory Officers
 - 2.5.1 The Head of Paid Service
 - 2.5.2 The Monitoring Officer (Chief Legal Officer)
 - 2.5.3 The Chief Finance Officer (Executive Director of Finance and Commercial Services)
 - 2.6 The Money Laundering Reporting Officer
 - 2.7 Executive Director of Finance and Commercial Services
 - 2.8 Corporate Board
 - 2.9 Executive Directors
 - 2.10 Other Financial Accountabilities
 - 2.10.1 Accounting Policies
 - 2.10.2 Accounting Records and Returns
 - 2.10.3 Annual Statement of Accounts

3. Financial Planning
 - 3.1 Introduction
 - 3.2 Revenue Budget
 - 3.3 Capital Budget
 - 3.4 Medium Term Planning and Budget Preparation
 - 3.5 Asset Management Plan
 - 3.6 Decisions
 - 3.7 Budget Monitoring and Control
 - 3.8 Virement
 - 3.9 Treatment of Year-End Balances
 - 3.10 Maintenance of Reserves

4. Governance, Risk Management and Internal Control
 - 4.1 Governance
 - 4.2 Internal Control and Internal Audit
 - 4.3 Risk Management
 - 4.4 External Audit
 - 4.5 Anti-Fraud and Corruption
 - 4.6 Money Laundering and Proceeds of Crime
 - 4.7 Treasury Management
 - 4.8 Norfolk Pension Fund

- 5. Assets, Systems, Processes and Records
 - 5.1 Introduction
 - 5.2 Data Management
 - 5.3 Financial Processes and General Data Protection Regulations
 - 5.4 Schemes of Authorisation and Financial Responsibility
 - 5.5 Income
 - 5.6 Payments to Employees, Third Parties and Members
 - 5.7 Taxation
 - 5.8 Trading Accounts
 - 5.9 Monitoring Reporting
 - 5.10 Companies, Trusts and Charities
 - 5.11 Early payments and loans to suppliers and service providers
 - 5.12 Contract Standing Orders
 - 5.13 Assets
 - 5.14 Retention of Financial Records

- 6. External Arrangements
 - 6.1 Introduction
 - 6.2 Partnerships
 - 6.3 External Funding
 - 6.4 Financial Guarantees
 - 6.5 Work for Third Parties
 - 6.6 State Aid and Competition
 - 6.7 Private Finance 2 (PF2)
 - 6.8 Social Impact Bonds (SIBs)

Annex A
Revenue
Capital

Annex B
Section 114 Process

1. Status of Financial Regulations

1.1 Purpose and Scope

1.1.1 These Financial Regulations provide the basis for managing the County Council's financial affairs. They provide a framework for decision-making, which sets out how specific statutory powers and duties are complied with, as well as reflecting best professional practices. This document also acts as a reference point to other documents which include the detailed policies and procedures behind these Financial Regulations.

1.1.2 The Financial Regulations 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.

1.2 Key Roles and Responsibilities

1.2.1 The Regulations identify the financial responsibilities of the County Council, Cabinet and its Committees, the Executive Director of Finance and Commercial Services and other Executive Directors.

1.2.2 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.

1.2.3 The Executive Director of Finance and Commercial Services 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.

1.2.4 The Executive Director of Finance and Commercial Services is responsible for reporting, where appropriate, breaches of the Financial Regulations to the County Council, Cabinet and the Audit Committee.

1.2.5 The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services and set out how the Regulations will be implemented. Financial Procedures are described in separate guidance and have the same status as the Financial Regulations.

1.2.6 Executive Directors 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 and intranet ([iNet](#)) pages.

1.2.7 The Executive Director of Finance and Commercial Services is responsible for ensuring that both elected members and officers are sufficiently competent, trained and informed regarding 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 for the operational delivery of financial processes in line with the agreed policy. The financial management responsibilities for particular members' groups and individual post-holders are detailed in this section.

2.2 The Council

2.2.1 The County Council is responsible for adopting and changing the principles of governance and for approving or adopting the policy framework and budget within which the Council operates.

2.2.2 The principles of decision making, and the roles of the Leader, Cabinet, Select Committees, and Scrutiny Committee are set out in Articles 6, 7 and 12 of the Norfolk County Council Constitution.

2.3 The Cabinet

2.3.1 The Cabinet is responsible for all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

2.4 Scrutiny Committee

2.4.1 Scrutiny Committee reviews or scrutinises decisions made or other action taken in accordance with:

- (i) any functions which are the responsibility of the Executive, including decisions made/actions taken directly by the Executive itself and those decisions/actions delegated to Chief Officers and individual members of the Executive; and
- (ii) any functions which are not the responsibility of the Executive.

2.5 Statutory Officers

2.5.1 The Head of Paid Service

The Head of Paid Service is accountable to the County Council and Cabinet for the manner in which the discharge of the Council's functions is coordinated.

2.5.2 The Monitoring Officer (Chief Legal Officer)

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. They are also responsible, in conjunction with the Head of Paid Service and the Executive Director of Finance and Commercial Services, for reporting to the County Council and Cabinet if they consider 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. 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 (Executive Director of Finance and Commercial Services)

The Council has designated the Executive Director of Finance and Commercial Services 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 2015
- The Local Government Pension Scheme Regulations 1974 and 1997
- The Local Government Pension Scheme Regulations (Management and Investment of Funds) 1998
- The Localism Act 2011

There are other Statutory Officer roles as set out within the Constitution, these include: Executive Director of Children's Services, Executive Director of Adult Social Services, Chief Fire Officer and Director of Public Health.

2.6 The Money Laundering Reporting Officer

The Chief Legal Officer is appointed as the Money Laundering Reporting Officer and the Practice Director, nplaw 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 Executive Director of Finance and Commercial Services

2.7.1 The Executive Director of Finance and Commercial Services has statutory duties in relation to the financial administration and stewardship of the County Council. This statutory responsibility cannot be overridden.

2.7.2 The Executive Director of Finance and Commercial Services is also subject to compliance with Statements of Professional Practice issued from time to time.

2.7.3 The role of Executive Director of Finance and Commercial Services complies with the principles in the CIPFA best practice statement on the "Role of the Chief Financial Officer in Local Government." This statement confirms that the Executive Director of Finance and Commercial Services is not only a servant of the Council, but also has a fiduciary responsibility to local taxpayers as a trustee of public monies.

2.7.4 The Executive Director of Finance and Commercial Services 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 Cabinet
- providing financial information on the corporate position of the County Council
- providing financial advice and information on all the County Council's services
- preparing the overall revenue budget and capital programme, including the three-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

2.7.5 The Executive Director of Finance and Commercial Services 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 Finance Business Partners for each service to concurrently support the Executive Director of Finance and Commercial Services and their Service Executive Director on key financial matters. Finance Business Partners report to the Assistant Director Finance.

2.7.6 The Head of Profession role of the Executive Director of Finance and Commercial Services 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.” The Assistant Director Finance performs the role of the Deputy Section 151 Officer.

2.7.7 **Section 114 of the Local Government Finance Act 1988** requires the Executive Director of Finance and Commercial Services to report to each member of the Council, and the External Auditor, if the County Council’s Cabinet 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.

2.7.8 Details of the process which would be followed in the event of a report being issued under section 114 of the Local Government Finance Act 1988 are set out in Annex B. Section 114 of the 1988 Act also requires:

- the Executive Director of Finance and Commercial Services 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 Assistant Director Finance is nominated to deputise for the Executive Director of Finance and Commercial Services.
- the Authority to provide the Executive Director of Finance and Commercial Services with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

2.7.9 The Executive Director of Finance and Commercial Services is responsible for ensuring that all services are appropriately supported by skilled finance professionals. The Executive Director of Finance and Commercial Services is assisted in providing strategic financial support to services by Finance Business Partners.

2.8 Corporate Board

In addition to individual responsibilities, the Leader, Deputy Leader and Executive Directors (including the Head of Paid Service) form the Corporate Board, which, acting together and corporately is responsible for:

- Advising on draft financial policies for consideration by Cabinet.
- Working closely with Cabinet in developing financial policies.
- Being the primary mechanism for collectively ensuring the delivery of the Council's corporate financial policies.

2.9 Executive Directors

2.9.1 Executive Directors 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 Executive Director of Finance and Commercial Services;
- for consulting with the Executive Director of Finance and Commercial Services and seeking approval on any matter liable to materially affect the County Council's finances before any commitments are entered or incurred. This includes notification to the Executive Director of Finance and Commercial Services as soon as possible in the event of identification of overspending or of a shortfall in income against the budget approved by the Council; and
- for ensuring that budget monitoring is undertaken monthly, and that costs are contained within budget. In the event of identification of overspending or a shortfall in income against the budget, Executive Directors are responsible for ensuring that corrective action is managed in a rigorous manner.

2.9.2 Executive Directors should maintain a written record where decision-making has been delegated to members of their staff, including seconded staff.

2.9.3 Executive Directors' role includes working with outside bodies and accessing additional funds and resources to support the County Council's programme of work.

2.10 Other Financial Accountabilities

2.10.1 Accounting Policies

The Executive Director of Finance and Commercial Services is responsible for ensuring appropriate accounting policies are in place and that they are applied consistently across the County Council.

2.10.2 Accounting Records and Returns

The Executive Director of Finance and Commercial Services 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.

2.10.3 Annual Statement of Accounts

The Executive Director of Finance and Commercial Services 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 2015. 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.

Financial Planning

2.11 Introduction

2.11.1 The Executive Director of Finance and Commercial Services, 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.

2.12 Revenue Budget

2.12.1 The consolidated revenue budget is proposed by the Cabinet and is 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 the Cabinet, subject to the arrangements set out in paragraph 3.7.5 below.

2.13 Capital Budget

2.13.1 The capital budget is approved by the County Council considering Cabinet's recommendations. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects, how the programme is to be funded, and any impact on the revenue budget.

2.14 Medium Term Planning and Budget Preparation

3.4.1 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 sets out the approach and financial context for the County Council. The Medium Term Financial Strategy also 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 council tax precept for the following financial year at the February County Council meeting. Executive Directors 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.

3.4.2 Cabinet is responsible for setting the parameters and providing guidance on the preparation of the budget in consultation with the Executive Director of Finance and Commercial Services. 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
- fluctuations in demand, and inflation
- changes in grant funding
- best value
- government guidelines
- accounting standards
- the Prudential Code
- The County Council Plan
- Asset Management Plan
- Reserves, general and earmarked
- Arms' length bodies

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 and owner;
- equality and rural impact assessment, to ensure all the necessary key cross cutting issues are considered, including equality and sustainability; and
- Budget proposals pro-forma templates where appropriate to ensure that budget proposals are developed on a consistent basis.

- 3.4.3 The Executive Director of Finance and Commercial Services is responsible for ensuring that rolling three-year revenue and capital budget proposals are prepared on an annual basis for consideration by Cabinet. Cabinet 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. Cabinet 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 Select Committees and the Scrutiny Committee and of the need for statutory and other consultation on the budget proposals.
- 3.4.4 It is the responsibility of Executive Directors 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.
- 3.4.5 The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In accordance with established culture and practice, proposed budget amendments received in accordance with Financial Regulations will be published in advance of the County Council meeting at which they are to be discussed.
- 3.4.6 The County Council will consider the budget proposals and may adopt them, amend them or substitute its own proposals in their place prior to March 1st. 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 Corporate Property Officer (Head of Property) is responsible for ensuring an Asset Management Plan is prepared / updated / reviewed on an annual basis for consideration by Cabinet 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. Details of financial implications must be provided before any financial decision can be taken. Decisions which commit the County Council to spending over £100m must be referred to Full Council.

3.6.2 The Executive's Terms of Reference are set out in Article 7 of the Constitution and confirm that Cabinet is responsible for taking key decisions which incur significant expenditure or make significant savings, and decisions which have an impact on a significant proportion of Norfolk's residents. The Head of Paid Service in consultation with the Leader shall determine, in relation to any decision to be taken under delegated authority, if it is a decision which may incur significant expenditure, make significant savings, or may affect a significant proportion of Norfolk's residents, and in such a case the decision shall be made by the Executive.

3.7 **Budget Monitoring and Control**

3.7.1 The Executive Director of Finance and Commercial Services is responsible for monitoring income and expenditure against approved revenue and capital budget allocations and for reporting to Executive on the overall position monthly.

3.7.2 The Executive Director of Finance and Commercial Services is responsible for monitoring the prudential indicators and reporting to Executive on the overall position monthly.

3.7.3 The Executive Director of Finance and Commercial Services 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 Executive Directors 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 Executive Director of Finance and Commercial Services. Executive Directors are responsible for alerting the Executive Director of Finance and Commercial Services and the relevant Cabinet Member(s) or the Leader, 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 Cabinet

3.7.5 Any policy proposal, which would have the effect of increasing a Service Department's budget, must be supported by a funding proposal setting out how it can be accommodated within the Service Department's existing budget. Such proposals must be made available to the Executive Director of Finance and Commercial Services at least five working days before the meeting at which they are to be proposed and must be finalised two working days before the meeting in order that the Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In the event that the proposal falls outside the scope of the Policy Framework as set out in Article 4 of the Constitution, it must be referred to Full Council for consideration.

3.7.6 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 Chief Legal Officer and the Head of Procurement in consultation with the Executive Director of Finance and Commercial Services.

3.8 Virement

- 3.8.1 Virement is the process of transferring the budget 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 virements between Departments. Executive Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Executive Director of Finance and Commercial Services 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 Any under and overspendings by Service Departments are required to be reported to Cabinet as part of year-end reporting. Cabinet 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 Executive Director of Finance and Commercial Services 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 Executive Directors and totals agreed by Cabinet.
- 3.9.3 The Executive Director of Finance and Commercial Services 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 Executive Directors and totals agreed by Cabinet. Any slippage on the capital programme will be carried forward to the next financial year and reported to Cabinet.

3.10 Maintenance of Reserves

- 3.10.1 It is the responsibility of the Executive Director of Finance and Commercial Services to review the County Council's financial risks and planning assumptions and advise the Cabinet and the County Council on prudent levels of reserves and of general balances as part of setting the budget. 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.
- 3.10.2 The annual revenue budget sets out details of the purpose for which earmarked reserves are held and high-level forecasts for the use of such reserves. The timing of the use of reserves may however be uncertain and the annual budget setting process therefore provides the framework in which the use of reserves is agreed. In agreeing the annual revenue budget, the County Council is approving the use of reserves for the purposes for which they have been earmarked, and it is recognised that the timing of this use will be dependent on operational requirements and other factors.

3.10.3 Where it is proposed that reserves are to be used for a purpose other than that for which they have been earmarked, this will be subject to approval by Cabinet in-year, based on the advice of the Executive Director of Finance and Commercial Services, with reference to a recommendation from the relevant Executive Director as appropriate in respect of service reserves. There is a general presumption that Cabinet will normally approve recommendations for the use of earmarked reserves which are made by Executive Directors, except where there are wider implications for financial control across the County Council, or delivery of the Council's budget plans. If the Executive Director of Finance and Commercial Services advises that a decision about the use of reserves may have broader implications, Cabinet will recommend a course of action but refer the matter to be decided by the County Council.

3. Governance, Risk Management and Internal Control

3.1 Governance

3.1.1 The Audit Committee is primarily responsible for Governance, Risk Management and Internal Control throughout the County Council. Its Terms of Reference are reviewed annually and published as part of Appendix 2 of the Constitution. Any changes are approved by the County Council. The composition is politically balanced and is reviewed at each appointment to the Committee.

3.1.2 Other member-led bodies that also have a role in governance and internal control include the County Council, the Corporate Select Committee in any review of the Constitution for approval by full Council and with respect to members, the Standards Committee.

3.2 Internal Control and Internal Audit

3.2.1 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.

3.2.2 The Executive Director of Finance and Commercial Services 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.

3.2.3 It is the responsibility of Executive Directors, having regard to advice from the Executive Director of Finance and Commercial Services, to establish sound arrangements for internal control including planning, appraising, authorising and controlling their operations to achieve continuous improvement, economy, efficiency and effectiveness and in order to achieve their targets.

3.2.4 The Accounts and Audit Regulations 2015 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.

3.2.5 The Leader of the Council and the Head of Paid Service 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.

3.3 Risk Management

3.3.1 The County Council through the Cabinet is responsible for approving the County Council's Risk Management Policy and Framework and ensuring that proper insurance exists where appropriate.

3.3.2 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 the County Council.

3.3.3 The Executive Director of Finance and Commercial Services 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 Cabinet on proper insurance cover where appropriate. The Executive Director of Finance and Commercial Services will also report on the Corporate Risk Register quarterly to the Cabinet, to each meeting of the Audit Committee, and ensure that Executive Directors report their full departmental risk register to the Cabinet at least once per annum.

3.4 External Audit

3.4.1 Public Sector Audit Appointments Limited (which replaced the Audit Commission with effect from 1 April 2015) is responsible for appointing external auditors to each local authority. The duties of the external auditor are governed by the Local Audit and Accountability Act 2014.

3.4.2 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.

3.4.3 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 National Audit Office. The Executive Director of Finance and Commercial Services, in conjunction with Executive Directors, must ensure that the organisation makes best use of resources and that taxpayers and / or service users receive value for money.

3.5 Anti-Fraud and Corruption

3.5.1 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 maintaining a strong anti-fraud and corruption culture through its Anti-Fraud and Corruption Strategy. This is designed to:

- Encourage prevention;
- Promote detection;
- Identify a clear pathway for investigation; and
- Fulfil the requirements of Section 17 of the Crime and Disorder Act 1998

3.5.2 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.

3.5.3 Executive Directors 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.

3.5.4 Under the Anti-Fraud and Corruption Strategy, an Executive Director is required to immediately inform the Executive Director of Finance and Commercial Services of any financial irregularity or suspected financial irregularity.

3.5.5 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).

3.6 Money Laundering and Proceeds of Crime

3.6.1 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.

3.6.2 The County Council has nominated the Chief Legal Officer 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.

3.6.3 Executive Directors 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 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.

3.7 Treasury Management

3.7.1 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.

3.7.2 The County Council is responsible for the setting and revising of prudential indicators and for the approval of the Annual Investment and Treasury Strategy.

3.7.3 The County Council has delegated responsibility to the Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services 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.

3.7.4 The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services will regularly report to the Treasury Management Panel and the Cabinet on treasury management policies, practices, activities and performance monitoring information.

3.7.5 The Executive Director of Finance and Commercial Services is responsible for:

- monitoring performance against prudential indicators, including reporting significant deviations to the Cabinet and County Council as appropriate.
- ensuring all borrowing and investment decisions, both long and short term, are based on cash flow monitoring and projections.
- 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.
- the provision and management of all banking services and facilities to the County Council.

3.8 Norfolk Pension Fund

3.8.1 The Local Government Pension Scheme (LGPS) is a national pension scheme, with its own regulator (the Ministry of Housing, Communities and Local Government), which is administered locally.

3.8.2 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.

3.8.3 Norfolk County Council delegates all its responsibilities as Administrator of the scheme to the Pensions Committee who act as quasi-trustee of the Fund.

3.8.4 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.

3.8.5 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.

3.8.6 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 2016. The 2016 Regulations introduced the requirement for LGPS funds to pool investment assets from the 1st April 2018.

3.8.7 In order to facilitate the pooling of assets, the Norfolk Pension Fund has entered into an Inter-Authority Agreement with 10 other Administering Authorities, collectively known as the ACCESS (A Collaboration of Central, Eastern & Southern Shires) Pool. The ACCESS Funds are Cambridge, East Sussex, Essex, Hampshire, Hertfordshire, Isle of Wight, Kent, Norfolk, Northamptonshire, Suffolk and West Sussex.

3.8.8 The Pensions Committee is also responsible for the appointment and monitoring of Investment Managers, Custodian and other related service providers to the Fund.

- 3.8.9 The Executive Director of Finance and Commercial Services is responsible for the administration and financial accounting of the Norfolk Pension Fund. The Executive Director of Finance and Commercial Services is responsible for the preparation of the Pension Fund statutory accounts and annual report. The County Council delegates responsibility for the approval of the annual Pension Fund statutory accounts to the Audit Committee.
- 3.8.10 The Norfolk Pension Fund has adopted an Investment Strategy Statement (formerly the 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 Investment Strategy Statement.
- 3.8.11 The Pension Fund maintains a Funding Strategy Statement, which sets out the Fund's approach to funding liabilities, based on principles agreed by the Pensions Committee. The Pension Fund is committed to providing clear, relevant, accessible and timely information to all stakeholders and to this end publishes and maintains a Customer Care and Communication Strategy Statement and a Governance Statement.
- 3.8.12 The Executive Director of Finance and Commercial Services 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.
- 3.8.13 In line with all public service pension schemes, LGPS Funds are required to have a local Pensions Board. The Board helps ensure that the Fund is managed and administered effectively and efficiently and complies with the Code of Practice on Governance and Administration of Public Service Pension Schemes issued by the Pensions Regulator. In Norfolk the local pension board is known as the Pensions Oversight Board and is made up of scheme member and scheme employer representatives with an independent chair.

4. Assets, Systems, Processes and Records

4.1 Introduction

- 4.1.1 Robust systems and procedures are essential to an effective framework of accountability and control.

4.2 Data Management

- 4.2.1 The Corporate Board is responsible for ensuring that policies and procedures are in place to enable management of data to support effective decision-making.
- 4.2.2 It is the responsibility of the Executive Director to ensure data management policies are understood and used effectively within their services.

4.3 Financial Processes and General Data Protection Regulations

4.3.1 The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services must approve any changes made by Executive Directors to the financial processes or the establishment of new processes, including IT systems.

4.3.2 Executive Directors must ensure that any processing (computerised or manual) that involves personal information is registered in accordance with the General Data Protection Regulation 2018 and that all staff are aware of their responsibilities under the Act and advice from the Information Commissioner.

4.3.3 Executive Directors must ensure that all staff are aware of their responsibilities under Freedom of Information legislation, and that procedures are in place to ensure compliance.

4.3.4 Executive Directors 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.

4.3.5 To ensure that open data which is published corporately is accurate and complete, Executive Directors 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.

4.4 Schemes of Authorisation and Financial Responsibility

4.4.1 It is the responsibility of Executive Directors to ensure that the scheme of authorisation and financial responsibility is implemented using Budget Manager and is operating effectively. The scheme of authorisation and financial responsibility identifies staff authorised to act on the Executive Director's behalf, or on behalf of the County Council, in respect of payments, income collection and procurement (including ordering). 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 and financial responsibility.

4.5 Income

4.5.1 The Executive Director of Finance and Commercial Services is responsible for the provision and management of all income collection arrangements for the County Council.

4.5.2 Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control. The [Debt Recovery Policy and Framework](#) forms part of the Financial Procedures and is required to be followed by all parties involved in the recovery of monies owed to the Council.

4.6 Payments to Employees, Third Parties and Members

4.6.1 Except for schools, the Executive Director of Finance and Commercial Services 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.

4.7 Taxation

4.7.1 The Executive Director of Finance and Commercial Services is responsible for advising Executive Directors, 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.

4.7.2 The Executive Director of Finance and Commercial Services 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.

4.8 Trading Accounts

4.8.1 Cabinet 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 service should operate as a separate trading unit.

4.8.2 The Executive Director of Finance and Commercial Services is responsible for the form of the trading accounts included in the Trading Framework document. Executive Directors 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.

4.9 Monitoring Reporting

4.9.1 Executive Directors 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 Executive Director of Finance and Commercial Services is responsible for regularly reporting the details (including compliance with the Prudential Code) to Cabinet.

4.9.2 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 Chief Legal Officer and the Head of Procurement in consultation with the Executive Director of Finance and Commercial Services.

4.10 Companies, Trusts and Charities

4.10.1 Cabinet is responsible for:

- Approving the establishment and viability (including the business case) of all new companies, trusts and charities.
- Approving investments in other companies, trusts and charities, in which the County Council has a financial interest except where the investment is within criteria Cabinet has previously delegated to an Executive Director.
- Taking decisions as shareholder and sole trustee where appropriate.
- Monitoring and receiving reports on the County Council's companies.

4.10.2 Executive Directors are responsible for informing the Chief Legal Officer and Executive Director of Finance and Commercial Services of any new proposals, to ensure that legal and financial considerations are properly considered before any arrangements with an outside body or creation of a new company, trust or charity are considered.

4.10.3 Executive Directors are also responsible for ensuring tight controls are in place for the financial management of loan and guarantor arrangements with Norfolk County Council owned companies. This includes ensuring the Executive Director of Finance and Commercial Services is presented with robust business cases and signed loan agreements.

4.10.4 The Executive Director of Finance and Commercial Services 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.

4.10.5 All relevant companies must have their accounts incorporated and consolidated within the County Council's financial accounts in accordance with proper accounting standards and best financial practice. The Executive Director of Finance and Commercial Services is responsible for ensuring the proper financial accounting treatment and compliance with current legislation.

4.10.6 The appointment and removal of directors to companies, trusts and charities in which the County Council has an interest must be made by County Council, having regard to the advice of the Executive Director of Finance and Commercial Services and the recommendation of Cabinet. The directors will then have a statutory duty to the company, trust or charity and must therefore act in accordance with the Companies and / or Charities Act where applicable.

4.10.7 The Executive Director of Finance and Commercial Services and Chief Legal Officer should be contacted for assistance at an early stage to discuss the proposals.

4.11 **Early payments and loans to suppliers and service providers**

4.11.1 In the normal course of business, the County Council may on occasion make **early payments** (in advance of contractual payment terms) to support suppliers or service providers experiencing cash flow difficulties. Early payments will be made on a case by case basis, entirely at the discretion of the County Council, and taking into account the overall value of the contract and the implications of any failure of service provision. Payments in these circumstances will be agreed by the relevant Finance Business Partner for the service area, with notification provided to the Executive Director of Finance and Commercial Services and / or Assistant Director of Finance. In marginal cases, or where there is doubt about the ongoing viability of a supplier, it may be appropriate to undertake a Financial Assessment of the supplier before any early payment is agreed. Early payments will normally be recovered through an adjustment to subsequent contractual payments, and the arrangements for repayment terms **must** be agreed before any early payment is made.

4.11.2 **Loans** may be made in exceptional circumstances outside of contractual agreements or where no contract or payment relationship exists. This has the potential to arise (for example) in the context of a third-party organisation experiencing financial difficulty, where the failure of the third party would significantly impact upon services the Council provides or is responsible for. Loans will be considered on a case by case basis, entirely at the discretion of the County Council, and taking into account the overall level of the loan and the implications of any failure of service provision. Loans in this context would be intended generally for short term cash flow purposes and to ensure the continuity of a service, or to avoid additional costs arising from any provider failure, although it is recognised that other circumstances necessitating a loan may also arise and this list is not comprehensive.

4.11.3 The Executive Director of Finance and Commercial Services has discretion to consider making a short-term loan in the above circumstances, whilst also considering:

- the ability of the loan recipient to repay and the provision of a robust plan to demonstrate how the situation which gave rise to the need for a loan will be resolved (it is also likely that a Financial Assessment of the recipient will be required);
- any potential state aid issues, particularly in respect of determining an appropriate interest rate for the loan, which should be set with reference to the published margin [tables](#); and
- the duration and value of the loan sought.

4.11.4 Loans will be requested through the relevant Finance Business Partner for the service area, in consultation with the Executive Director for the service. Loans will not be made until they have been approved by the Executive Director of Finance and Commercial Services, or the Assistant Director of Finance, following consultation with the Leader and / or Deputy Leader in the case of a loan over £50,000 and / or for a loan period in excess of six months.

4.11.5 Loans may be repaid either by instalment or as a lump-sum. The terms of the loan, including arrangements for repayment, must be agreed and a loan agreement signed by both parties before any loan can be made. The service area initiating the loan will be required to identify a cost centre which will bear the cost of the loan in the event of a failure by the loan recipient to make repayments as agreed. The Executive Director for the service should consider the need to make the relevant Cabinet Member(s), Leader and / or Deputy Leader aware of this potential cost to the service budget.

4.12 Contract Standing Orders

4.12.1 Executive Directors are responsible for ensuring that the procurement of all goods, works and services is undertaken in accordance with the Council's Contract Standing Orders.

4.12.2 Contract Standing Orders form part of the County Council's Constitution and are the rules that govern how procurement will be undertaken by the Council, and what processes must be followed.

4.12.3 Any award with a value exceeding £30,000 entered into on behalf of the Council must be evidenced by way of a contract. 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.

4.13 Assets

4.13.1 Executive Directors should ensure that records of assets are properly maintained and securely held (in practice property asset records are kept by the Corporate Property Team on behalf of Executive Directors). Executive Directors 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.

4.13.2 In making disposals officers will have due regard to the provisions of the Local Government Act 1972 (section 123) concerning best consideration, subject to the discretion afforded to authorities by the General Disposal Consent (England) 2003 (see DCLG Circular 06/2003). All decisions to dispose at less than best consideration will be referred to Cabinet for determination.

4.13.3 Disposal must be made by competitive process unless the Executive Director of Finance and Commercial Services authorises otherwise. The appointment of agents to handle disposals is subject to the normal provisions of Council Standing Orders.

4.13.4 All property disposals (including lease surrenders/assignments), acquisitions and other property transactions (such as granting / taking licences, granting of easements and wayleaves to statutory undertakers etc., granting tenancies at will) are to be made only by the Council's Corporate Property Officer (Head of Property). In reaching decisions on the disposal of land and property, the County Council should give due consideration to the advice of the Corporate Property Officer (Head of Property). The Council's named and designated Corporate Property Officer (Head of Property) may, in accordance with arrangements approved by the Executive Director of Finance and Commercial Services, dispose of property assets, acquire property assets and approve of property transactions as set out in the tables at 4.13.6 and 4.13.7 below. Proposals for disposals, acquisitions and other property transactions must involve the Local Member as set out within the Local Member Protocol in the Constitution (Annex to Appendix 5 of the Constitution).

4.13.5 Land and buildings declared surplus by a service will be reviewed by the Corporate Property Strategy Group and where there is no alternative beneficial use such property will be reported to Cabinet to confirm its status as a surplus asset to be disposed of and/or exploited for income purposes.

4.13.6 The disposal of surplus assets will be undertaken as follows:

Property		Other Assets	
Disposal value* £m	Responsibility and authorisation	Disposal value* £m	Responsibility and authorisation
Above £0.500m (unless disposal specifically agreed within the annual budget-setting process)	Cabinet	Above £0.500m	Cabinet
£0.050m up to and including £0.500m	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services, and relevant Cabinet Portfolio Holder, Leader or Deputy Leader	£0.250m up to and including £0.500m	Executive Director in consultation with Executive Director of Finance and Commercial Services
Up to £0.050m	Corporate Property Officer (Head of Property)	Up to £0.250m	Executive Director
All disposals at less than best consideration	Cabinet	All disposals at less than best consideration	Cabinet

(irrespective of value)		(irrespective of value)	
Leases**			
Operational properties – lease out or lease out renewals at a rent of £25,000 or more per annum, or the term is for 10 years or more	Cabinet		
Operational properties – lease out or lease out renewals at a rent below £25,000 per annum, and the term is for less than 10 years	Corporate Property Officer (Head of Property)		
Commercial properties – lease out or lease out renewals at a rent of £50,000 or more per annum, or the term is for 10 years or more	Cabinet		
Commercial properties – lease out or lease out renewals at a rent below £50,000 per annum, and the term is for less than 10 years	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services		
Farm Business Tenancies			
Farm business tenancies or renewals at a rent of £50,000 or more per annum, or the term is for 10 years or more	Cabinet		
Farm business tenancies or renewals at a rent below £50,000 per annum, and the term	Corporate Property Officer (Head of Property) in consultation with the Executive Director of		

is for less than 10 years	Finance and Commercial Services and relevant Cabinet Portfolio Holder, Leader or Deputy Leader		
Other Property Transactions			
Granting of all:	Corporate Property Officer (Head of Property)		
i. leases, licenses, easements and wayleaves to statutory undertakers.			
ii. tenancies at will			

* Disposal value in this table refers to the valuation of the asset, irrespective of the consideration to be received.

** For the purposes of leases, a distinction is made between the Operational Property Estate and the Commercial Property Estate as follows:

Operational Estate:

The operational estate relates to those property assets used principally for service delivery. At times parts of the operational estate may temporarily not be required for service delivery but are retained where there will be a future use. An example could be an office building. In addition, parts of the estate are let out to support service delivery by a third party on the council's behalf, for example a depot. In these instances, the asset would be let to derive an income.

Commercial Estate:

The council holds some assets for economic development reasons (investment properties), which are let out to businesses to support the policies and aims of economic development as well as deriving a rental income. In this situation, the ebb and flow of leases requires commercial agility to be able to react to market demands. To support this requires the Corporate Property Officer (Head of Property) to be able to agree terms of a lease quickly as circumstances dictate.

4.13.7 Acquisitions of assets will be undertaken as follows:

Property		Other Assets	
Acquisition value £m	Responsibility and authorisation	Acquisition value £m	Responsibility and authorisation
Above £0.250m	Cabinet	Above £0.250m	Cabinet
£0.050m up to and including £0.250m	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services, and relevant Cabinet Portfolio Holder, Leader or Deputy Leader	Below £0.250m	Executive Director
Below £0.050m	Corporate Property Officer (Head of Property)		
Leases			
Lease acquisitions and renewals where the proposed rental is £25,000 or more per annum, or the term of the lease or renewal is for ten or more years	Cabinet		
Lease acquisitions and renewals where the proposed rental is below £25,000 per annum, and the term of the lease or renewal is for less than ten years	Corporate Property Officer (Head of Property)		
Lease acquisitions, lease renewals and wayleaves where they apply to standard statutory obligations / undertakings for the installation of plant	Corporate Property Officer (Head of Property)		

and equipment by statutory undertakers			
Other Property Transactions			
Acquiring licenses not exceeding one year	Corporate Property Officer (Head of Property)		

4.13.8 The government has consulted on regulations (the proposed Local Authorities (Functions and Responsibilities) (England) Regulations 2015) which would require any decision to dispose of land and buildings with a value above £500,000 to be agreed by the Full Council. The regulations above show the responsibility is with Cabinet pending the outcome of the consultation. As at February 2019 these have not yet been enacted. If enacted, the following thresholds would apply:

Disposal value	Responsibility and authorisation for land and buildings
Up to £0.050m	Corporate Property Officer (Head of Property)
Between £0.050m up to but not including 0.500m	Corporate Property Officer (Head of Property) in consultation with the Executive Director of Finance and Commercial Services, and relevant Cabinet Portfolio Holder, Leader or Deputy Leader.
£0.500m or above and all disposals at less than best consideration (irrespective of value)	Full Council

4.13.9 The County Council has an aspiration to at least maintain the size of its current County Farms estate, under the County Farms policy agreed by the County Council in October 2014. To that end any capital receipts from the sale of County Farm land will be treated in the following way:

For all County Farms land that is sold:

- If it is sold as **agricultural land**, 100% of the capital receipt will be hypothecated towards further acquisitions of County Farm land / capital improvements to the County Farm estate that produce a revenue uplift.

- If it is sold as **residential/development** land:
 - A valuation will be undertaken to establish the value of the land, should it have been sold without planning permission. That value will then be hypothecated towards further County Farm acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.
 - The balance of the sale value will be split:
 - 65% towards general capital receipts to be utilised by the Council for any purpose.
 - 35% will be put into a reserve for the use of County Farms for further acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.
 - If this reserve reaches £3m in value, then any additional receipts will be made available for general Council use for any purpose.

4.14 Retention of Financial Records

4.14.1 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. Executive Directors should ensure records are maintained and held securely for the correct period, after which they should be disposed of in accordance with the procedures.

5. External Arrangements

5.1 Introduction

5.1.1 Where the County Council operates in a devolved environment or through a partnership or other arrangements, the Executive Director of Finance and Commercial Services 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.

5.2 Partnerships

5.2.1 The County Council has formal representation on many external boards.

5.2.2 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.

5.2.3 The Executive Director of Finance and Commercial Services 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 Executive Director of Finance and Commercial Services and Chief Legal Officer must 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.

5.2.4 Executive Directors are responsible, in consultation with the Executive Director of Finance and Commercial Services and Chief Legal Officer, 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.

5.3 External Funding

5.3.1 The Executive Director of Finance and Commercial Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the County Council's accounts. Executive Directors are responsible for ensuring that the Executive Director of Finance and Commercial Services is notified of external funding bids at an early stage.

5.4 Financial Guarantees

5.4.1 Executive Directors must inform the Executive Director of Finance and Commercial Services of all proposals that may require a financial guarantee prior to implementation.

5.4.2 The Executive Director of Finance and Commercial Services is responsible for ensuring that any proposed financial guarantee requirement is within the powers of the County Council and shall consult with the Chief Legal Officer as appropriate.

5.4.3 Requirements for suppliers to provide the County Council with either bonds or guarantees shall be agreed with the Corporate Property Officer (Head of Property) (for property contracts) or the Head of Procurement (for other contracts)

5.5 Work for Third Parties

5.5.1 Cabinet 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 Executive Directors.

5.6 State Aid and Competition

5.6.1 Executive Directors 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.

5.6.2 If an Executive Director is unsure as to whether a payment would constitute State Aid or anticompetitive practice, the advice of the Executive Director of Finance and Commercial Services should be sought in consultation with the Chief Legal Officer where appropriate.

5.7 Private Finance 2 (PF2)

5.7.1 Private Finance 2 (PF2) is the current model of Private Finance Initiative (PFI) for new Government projects. At the Autumn Budget 2018, the Government announced that it would no longer use PF2, although existing PFI and PF2 contracts were not affected by the announcement. In the event that PF2 or a successor scheme were to become an option in future, Executive Directors considering such projects should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission to the County Council or Cabinet (Cabinet if less than £100m).

5.7.2 County Council / Cabinet are responsible for approving PF2 projects at all key stages. The Executive Director is responsible for ensuring that such approvals are sought and obtained from County Council / Cabinet in a timely manner following recommendation by the Project Board, in accordance with the approved PF2 process.

5.7.3 The Executive Director of Finance and Commercial Services 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.

5.7.4 Executive Directors are responsible for:

- preparing a business case for submission to County Council / Cabinet 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 County Council / Cabinet
- 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 Executive Director of Finance and Commercial Services of any matter that may lead to termination under the contract. Cabinet 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 Cabinet 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

5.7.5 Executive Directors 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 Executive Director of Finance and Commercial Services is responsible for ensuring that the alternative proposal has a value equal to the foregone deductions.

5.7.6 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 Council's Debt Recovery procedure. When considering the thresholds for approval of the write off, all deductions due in a financial year should be aggregated together.

5.7.7 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 Executive Director to ensure that the Executive Director of Finance and Commercial Services has all the relevant information regarding these arrangements and of any material financial matters. It is the responsibility of the Executive Director of Finance and Commercial Services to account for the arrangements in accordance with the relevant regulations and proper accounting practice.

5.8 Social Impact Bonds (SIBs)

5.8.1 Social Impact Bonds (SIBs) are a means of commissioning services where payment or funding for the service is conditional on the achievement of specified outcomes. Executive Directors considering such projects should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission to Cabinet.

5.8.2 Cabinet is responsible for approving SIB projects. The Executive Director is responsible for ensuring that such approvals are sought and obtained from Cabinet in a timely manner.

5.8.3 The Executive Director of Finance and Commercial Services 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
- endorsing the outline business case, including underlying financial assumptions, value for money, and ability to deliver
- ensuring that the financial implications of all SIBs are incorporated in financial planning.

5.8.4 Executive Directors are responsible for:

- preparing a business case for submission to Cabinet at an appropriate point
- 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 are carefully made and reviewed to ensure that they are robust, that a sufficient budget is available to fund the anticipated level of outcome payments, and there are measures in place to limit the County Council's exposure to uncapped outcome payments
- ensuring that procedures are in place to limit, as far as reasonably possible, the likelihood of the County Council failing to pay the investor on time, or otherwise defaulting or making an overpayment

5.8.5 It is the responsibility of the Executive Director to ensure that the Executive Director of Finance and Commercial Services has all the relevant information regarding the arrangements for the SIB and of any material financial matters. It is the responsibility of the Executive Director of Finance and Commercial Services to account for the arrangements in accordance with the relevant regulations and proper accounting practice.

Annex A

Norfolk County Council's Scheme of Virement

Background

1. The scheme of virement is intended to enable Cabinet, Executive Directors 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 Executive Director of Finance and Commercial Services 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. Executive Directors 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. Executive Directors 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. Executive Directors 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 an Executive Director 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), and where the virement has a value in excess of £200,000.
7. Cabinet is responsible for agreeing virement between services where the virement has a value of up to £200,000, subject to the prior agreement of the virement by the service department(s) concerned.
8. 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.

9. All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services.
10. Executive Directors may delegate authority to make virements to other officers, consistent with the above and in accordance with formally agreed departmental arrangements.

Capital

11. County Council is responsible for agreeing virements between services and schemes (as shown in the Capital Budget document produced by the Executive Director of Finance and Commercial Services).
12. County Council is also responsible for agreeing virements greater than £250,000 within services or schemes (as defined above).
13. All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services and subject to the service’s overall financial provision for capital spending not being exceeded in the current and future years.

Annex B

Norfolk County Council process for the issue of a report under Section 114 of the Local Government Finance Act 1988

Background

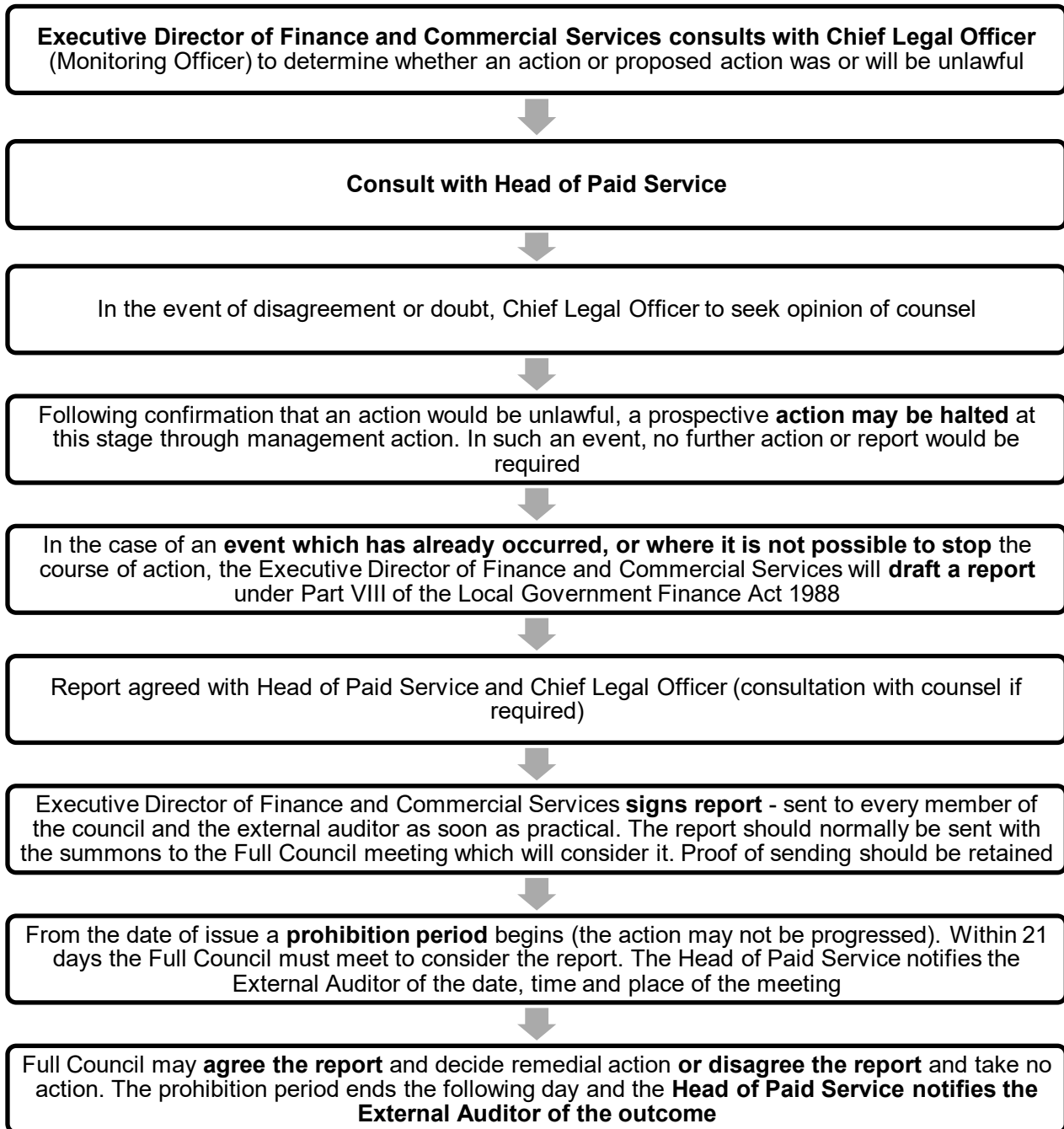
1. Section 114 of the Local Government Finance Act 1988 requires a report to all the authority's members to be made by the Section 151 Officer (Executive Director of Finance and Commercial Services) in consultation with the Monitoring Officer (Chief Legal Officer) if there is, or is likely to be, unlawful expenditure or an unbalanced budget. The Executive Director of Finance and Commercial Services takes a view of the robustness of the Council's budget across the whole period covered by the Medium Term Financial Strategy. Making a report under section 114 is likely to have serious implications and this Annex therefore sets out the process and controls which will be adopted prior to such a report being made. It should be noted that the objective of these Financial Regulations and, more broadly, the Council's effective financial management and reporting procedures, is to minimize the prospect of the Executive Director of Finance and Commercial Services being required to make such a report, and such an eventuality is to be avoided if possible.
2. The Executive Director of Finance and Commercial Services has a duty to report to the authority if they believe:
 - that a decision involves, or would involve, unlawful expenditure (114 (2) (a));
 - a course of action is unlawful and is likely to cause a loss or deficiency (114 (2) (b));
 - an entry of account is unlawful (114 (2) (c)).
3. In such circumstances, the Executive Director of Finance and Commercial Services is required to make a report to the authority and send a copy to every member and the external auditor. The Full Council must consider the report within 21 days and the action to which the report relates must not be pursued until this has taken place. Full Council must decide whether it agrees or disagrees with the report and determine the action it proposes to take.
4. The Executive Director of Finance and Commercial Services is also required to inform the authority in the event they believe that expenditure is likely to exceed available resources (114 (3)). The authority then may not enter into agreements incurring expenditure until the report has been considered by the full council.
5. Information leading to the preparation of a section 114 report might arise from a council officer (including a member of the Finance and Commercial Services department), a member of the council, the public, or from the authority's auditors. Members and officers should note that it is the Executive Director of Finance and Commercial Services' duty to investigate possible issues which might lead to a formal report. The statutory duty to make a report rests with the Executive Director of Finance and Commercial Services.
6. A report made under section 114 (2) requires the Executive Director of Finance and Commercial Services to make a judgement that a decision or course of action is unlawful. Such a decision will only be made after consultation with the Chief Legal

Officer (Monitoring Officer). A report made under section 114 (3) relates to a financial judgement which may be reached by the Executive Director of Finance and Commercial Services alone, although consultation with the Head of Paid Service and Chief Legal Officer (Monitoring Officer) is still required in case other corporate and legal issues arise as a result of the report.

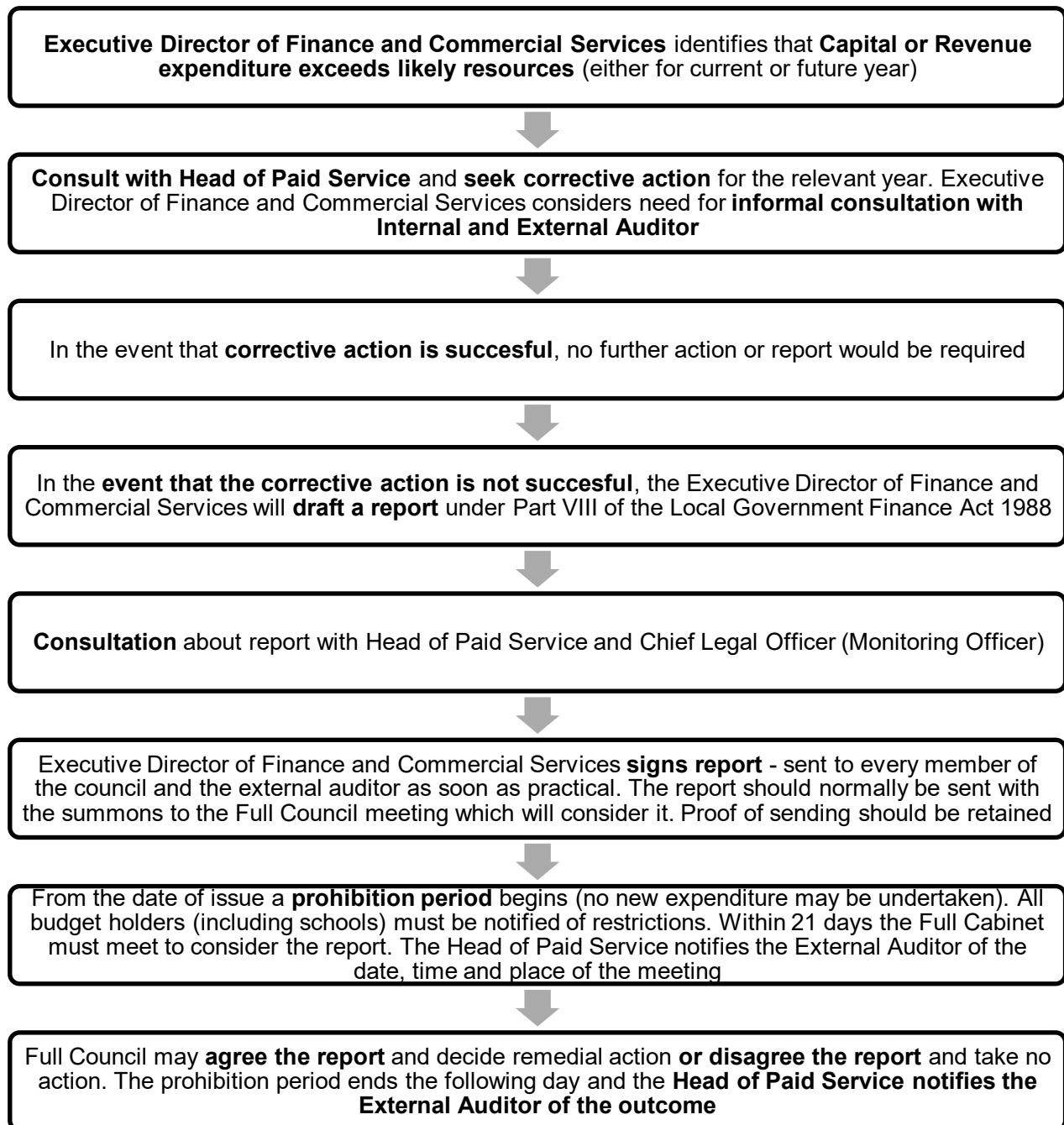
7. These Financial Regulations adopt the recommendations of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, where further information about the issuing of a section 114 report can be found.

Section 114 Process

8. The process for the issuing of a report under section 114 (2) in relation to an unlawful decision or course of action (either retrospective or potential) is as follows:



The process for the issuing of a report under section 114 (3) in relation to an unbalanced budget position is as follows:



Exceptions and other considerations

9. There are a number of circumstances which would not necessarily result in the preparation of a section 114 report. These include:
 - Emerging matters or a developing situation. This would include occasions where a view is requested on a proposal which may be under consideration but which if pursued could result in a reportable matter. A simple preliminary request would not give rise to a need to report, although any further developments would need to be monitored.
 - Items of trivial expenditure or loss of income.
 - Cases of discovered fraud (which may in any case lead to criminal prosecution) would not normally result in a requirement for a section 114 report but will be dealt with under the Council's existing Anti-Fraud and Corruption Strategy, as referenced elsewhere within the Financial Regulations.
 - A committee overspend in and of itself is unlikely to give rise to a section 114 report, which would only be required where the Council's total resources are likely to fall short of expenditure and the Executive Director of Finance and Commercial Services judges that there is no reasonable prospect of the position being resolved or mitigated.
10. The above list is not exhaustive. In these and similar circumstances, the Executive Director of Finance will give consideration to the need for a report under section 114, in consultation with other officers as required.
11. In the case of a developing situation, careful consideration will need to be given to the timing of any report, in particular to distinguish between an emerging situation and an actual one. Every reasonable action will be taken to avoid the need for a section 114 report by providing timely financial advice including alternative options to avoid an emerging reportable situation from ultimately arising.

Further action

12. The Executive Director of Finance and Commercial Services' statutory duties under section 114 are discharged once a report has been issued to Full Council. In the event that Full Council does not agree with a report issued under section 114, it is likely that any further formal action would be taken by the External Auditor through the issue of an advisory notice under section 29 (schedule 8) of the Local Audit and Accountability Act 2014 or by applying to the court for a declaration under section 31 of the above Act.

Appendix 16

Contract Standing Orders

Contents

1. Notice to external parties
2. Context
3. Interpretation
4. Responsibilities
5. Schemes of delegation
6. Applicability and scope
7. Choice of procurement process
8. Specialist Purchases and Corporate Contracts
9. Reserved contracts
10. Exemptions to these standing orders
11. Relevant considerations
12. Contracts and formalities
13. Contract management and variation
14. Grants
15. Conduct of tendering and competitive processes
16. Record keeping
17. Prevention of corruption and declaration of interests

1. Notice to external parties

- a. 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.
- b. 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.
- c. In seeking quotations or inviting tenders, the Council is not making an offer to enter into any contract for the supply

2. Context

- a. The Council is a contracting authority for the purposes of public procurement law and is legally bound to comply with certain practices and procedures in the award, management and variation of contracts.
- b. The law requires the council to treat suppliers and potential suppliers equally and without discrimination and to act in a transparent and proportionate manner. Procurement activity is also subject to state aid law
- c. All procurement activity must comply fully with the requirements of the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 and other legislation.
- d. Procurement is subject to local government law, including the general duty of best value, and to equalities legislation.
- e. Certain procurement exercises are subject to the Public Contracts (Social Value) Act 2012.
- f. Procurement in specific fields – such as tendering for public transport and procurement undertaken on behalf of the NHS – is subject to specific legislation.
- g. Compliance with these standing orders does not of itself ensure compliance with all applicable law in every circumstance.

3. Interpretation

- a. In these standing orders:
 - i. “CCR 2016” means the Concession Contracts Regulations 2016;
 - ii. the “CCR award process” is the process set out in CCR 2016 for the award of concession contracts;
 - iii. “central purchasing body” has the meaning given to it in PCR 2015;
 - iv. “Contracts Finder” has the meaning given to it in PCR 2015;
 - v. a “controlled entity” is an entity which the Chief Legal Officer has determined to meet the conditions set out in regulation 12(1) of PCR2015 and has included in the list of controlled entities as required by paragraph 6 (k) of these standing orders;

- i. “Official Journal of the European Union” or “OJEU” means the supplement to that journal in which PCR 2015 states that notices concerning procurement processes are to be placed, or any successor publication designated for the same purpose after the UK leaves the European Union;
- ii. “PCR 2015” means the Public Contracts Regulations 2015 (as amended);
- iii. the “PCR thresholds” means the threshold amounts set in regulation 5 of PCR 2015, or in the case of works or service concession contracts, the threshold amounts set in regulation 9 of CCR 2016;
- iv. “PCR tender processes” are the processes stipulated in PCR 2015 for advertising and conducting procurement processes where the value of the anticipated contract exceeds the relevant PCR threshold;
- v. a “relevant contract” is a contract for pecuniary interest between the Council and any other contracting party, except for
 - a. contracts relating to the lending of money by the Council and the raising of capital by the Council (but do include the procurement of financial services);
 - b. agreements regarding the acquisition, disposal, or transfer of land, leases of pre-existing property, and licenses – the rules governing these are outlined in the Hierarchy of Decision Making on Property Matters Under the Constitution of Norfolk County Council;
 - c. the award of grants by the Council;
 - d. the purchase of historical documents, works of art or museum specimens;
 - e. contracts of employment between the Council and an individual; and
 - f. contracts for loans.

4. Responsibilities

- a. The Head of Procurement has overall responsibility for procurement by the council and shall consult as necessary with the Chief Legal Officer and the Executive Director of Finance and Commercial Services.
- b. Chief Officers are responsible for compliance with these standing orders within their directorates.
- c. Officers shall comply with guidance issued by the Head of Procurement when undertaking procurement activities.
- d. Any duty or obligation stated in these standing orders to be the duty or obligation of the Head of Procurement or the Chief Legal Officer may be delegated by them to another officer provided that the delegation is in writing.
- e. The Head of Procurement authorises the placement of notices on Contracts Finder and in the Official Journal of the European Union.

- f. Invitations to tender may only be issued, and tender processes managed, by officers authorised to do so by the Head of Procurement, or by organisations approved by them to act as procurement agents on behalf of the council.

5. Schemes of delegation

- a. Chief Officers shall put in place schemes of delegation which identify which officers have responsibility (and the level of their financial delegation) for:
 - i. agreeing tender processes and procurement plans;
 - ii. approving tender and contract documents;
 - iii. awarding contracts;
 - iv. approving orders and the payment of invoices;
 - v. managing contracts, including performance monitoring and the agreement of specification and price variations.

6. Applicability and scope

- a. These standing orders apply to all officers of the Council. Officers must ensure that any agents, consultants or contractual partners they allow to act as procurement agents on behalf of the Council (e.g. Norse Group companies, when procuring on behalf of the Council) also comply with them.
- b. These standing orders do not apply to maintained schools, whose procurement activities are governed by the Council's Local Management of Schools Scheme.
- c. These standing orders apply to all relevant contracts made by, for, or on behalf of the Council, including when the Council is acting jointly or on behalf of other public bodies.
- d. Paragraph 14 of these standing orders applies to grants.

7. Choice of procurement process

This paragraph 7 is to be read in conjunction with paragraph 8 below.

Thresholds

- a. The nature of the procurement process to be followed is set out in the tables below, subject to paragraphs (d) to (k) and depends on the total value of the contract being procured.
- b. In exercising his discretion to approve a higher limit for awarding a contract without a competitive process or without a published competitive process, the Head of Procurement shall have regard to considerations including best value, compliance with state aid law and (for so long as the council is subject to EU procurement law or equivalent legal duties) the likely interest in the contract from suppliers based in other EU states.
- c. The Head of Procurement has the discretion to require any contract or class of contracts to be procured via a competitive process.

d. The total value of a contract is to be calculated in the manner prescribed by PCR 2015.

Table 1: social and other specific services listed in Schedule 3 to PCR 2015.

	Process	Value limit (excluding VAT)	Higher limit if approved by the Head of Procurement	Additional requirements
A	Single quote (with evidence of value for money, such as research into typical prices or rates)	Up to £1,000 (or £10,000 if approved by an officer at grade N or above)	Up to £200,000	Contract award notices must be published on Contracts Finder for contracts with a value of £25,000 or more.
B	(a) Request for quotation issued to three or more capable bidders other than via a framework agreement or dynamic purchasing system, or (b) Request for quotation issued to all capable bidders in the relevant lot of a framework agreement or dynamic purchasing system; or (c) Allocation of work within a framework agreement or similar arrangement in accordance with procedures set out in that arrangement.	Up to £50,000	Up to PCR threshold	
C	Openly advertised competitive process below PCR threshold	Up to the relevant PCR threshold.		

	Process	Value limit (excluding VAT)	Higher limit if approved by the Head of Procurement	Additional requirements
D	<p>(a) PCR tender process; or</p> <p>(b) competition under a dynamic purchasing system or framework let in accordance with PCR 2015; or</p> <p>(c) award under a single-operator framework agreement; or</p> <p>(d) award under a multi-vendor framework agreement without reopening competition subject to regulation 8(a) of PCR 2015; or</p> <p>(e) purchase of services from or via a central purchasing body in accordance with regulation 37 of PCR 2015; or</p> <p>(f) process complying with Section 7 of PCR 2015 advertised by means of a contract notice or a prior information notice complying with regulation 75.</p>	Over the relevant PCR threshold		Part 7.2 of the Constitution sets out circumstances where a decision must be taken by the Full Council. These include any decision that commits the Council to revenue or capital expenditure of over £100m

Table 2: other services, works, concession contracts and supplies

	Process	Estimated total value (excluding VAT)	Higher limit if approved by the Head of Procurement	Additional requirements
A	Single quote (with evidence of value for money, such as research into typical prices or rates)	Up to £1,000 (or £10,000 if approved by an officer at grade N or above)	Up to £100,000 for supplies and services; £1,250,000 for works	Contract award notices must be published on Contracts Finder for contracts with a value of £25,000 or more.
B	(a) Request for quotation issued to three or more capable bidders other than via a framework agreement or dynamic purchasing system, or (b) Request for quotation issued to all capable bidders in the relevant lot of a framework agreement or dynamic purchasing system	Up to £50,000	Up to PCR threshold	
C	Tender process below PCR threshold	Up to the relevant PCR threshold.		Any invitation to tender must be advertised on the government's Contracts Finder website in addition to any other publication

	Process	Estimated total value (excluding VAT)	Higher limit if approved by the Head of Procurement	Additional requirements
D	<p>(a) PCR tender process; or</p> <p>(b) CCR award process in the case of concession contracts; or</p> <p>(c) competition under a dynamic purchasing system or framework let in accordance with PCR 2015; or</p> <p>(d) award under a single-operator framework agreement; or</p> <p>(e) award under a multi-vendor framework agreement without reopening competition subject to regulation 8(a) of PCR 2015; or</p> <p>(f) purchase of services from or via a central purchasing body in accordance with regulation 37 of PCR 2015.</p>	Over the relevant PCR threshold		Part 7.2 of the Constitution sets out circumstances where a decision must be taken by the Full Council. These include any decision that commits the Council to revenue or capital expenditure of over £100m.

Specific categories of expenditure

Highway works

- e. Where a third-party commissions works that tie into or modify the Council's highway and the Council sets the specification, PCR 2015 may apply. Such works may:
 - i. be undertaken by a highways contractor appointed by the Council under these standing orders; or
 - ii. where the relevant Chief Officer permits, and subject to requirements for the placing of contract award notices, and where the value is below the PCR threshold for works, be undertaken by another contractor appointed by the third party that meets the Council's reasonable requirements including professional and financial standing, insurance cover and technical competence.

Local bus services

- f. Where an officer wishes to let a contract for the purchase of season tickets on a local bus service registered as such with the local traffic commissioner, and only two bus operators have registered such services on the bus corridor concerned, the requirement at Row B of table 2 to obtain three quotations is to be read as requiring two quotations from the two operators concerned.

Legal services

- g. The Chief Legal Officer may commission legal services of the types set out in regulation 10 (d) of PCR 2015 without competition.

Software

- h. Where the Council has purchased perpetual software licences, the Head of Procurement in consultation with the Head of Information Management and Technology may authorise the purchase of software maintenance services without competition from the software licensor, where the provisions of regulation 32 (2) (b) (iii) PCR 2015 apply or the purchase is otherwise lawful.

Inter-authority cooperation

- i. The above requirements for competition do not apply if the proposed arrangement is within regulation 12 (7) of PCR 2015.

Controlled entities

- j. Where a supplier to the Council is a controlled entity, the above requirements for competition do not apply. However, there will be a need to ensure compliance with both Best Value and State Aid law (and any other relevant matters that may arise from time to time) before doing so.
- k. Only the Chief Legal Officer may decide whether a given entity is a controlled entity. The Chief Legal Officer shall maintain a list of controlled entities and publish it on the Council's intranet.

8. Specialist Purchases and Corporate Contracts

- a. Certain goods, services or works, because of their nature, require specialist skills and/or expertise to be procured effectively.
- b. The Head of Procurement may maintain and publish on the Council's intranet a list of these reserved areas of spend and the thresholds at which restrictions apply ("Specialist Purchases"). They may also specify on that list, the posts whose occupants are authorised to buy within those areas and thresholds ("Specialist Buyers").
- c. Only officers who are named Specialist Buyers shall have the authority to enter into contracts for these Specialist Purchases.
- d. The Head of Procurement may maintain and publish on the Council's intranet a list of contracts that are to be used exclusively for particular purposes ("Corporate Contracts"). No officer shall let or use any other contract for these purposes.
- e. Any exception to this paragraph 7 must be approved in advance by the Head of Procurement.

9. Reserved contracts

- a. The Council may restrict the right for organisations to participate in the award of a Contract to classes of organisation that meet the conditions of either regulation 20 or regulation 77 of PCR 2015.

10. Exemptions to these standing orders

- a. Exemptions may be granted as follows

i. Subject to the law, a Chief Officer may approve an exemption to any part of these standing orders that is necessary because of an emergency creating immediate risk to persons or property or causing serious disruption to Council services (including any emergency or disruption under the Civil Contingencies Act 2004). The Chief Officer must, as soon as possible, notify the Head of Procurement.
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ii. In exceptional circumstances and subject to the law, any requirement to seek more than one tender or quotation may be disapplied, subject to consultation in advance with the Leader of the Council (for exemptions valued over £100,000) and authorisation in advance by the Head of Procurement and Chief Legal Officer.
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iii. Any other exemption to these standing orders may only be made within the relevant law and with the authority of the Cabinet.

- b. The Head of Procurement shall ensure that all exemptions granted for the award of contracts valued in excess of £250,000 are reported to Cabinet within three months of their being granted.

11. Relevant considerations

- a. An officer proposing to undertake a procurement exercise shall:
 - i. appraise the need for the expenditure and its priority in light of budgetary constraints;
 - ii. confirm that there is member, or delegated, approval for the expenditure;
 - iii. secure the involvement of the procurement team at an early stage;
 - iv. confirm that the proposed procurement complies with paragraph 7 (Specialist Purchases and Corporate Contracts) of these standing orders;
 - v. consider whether it is necessary to consult – whether as a matter of good practice, to comply with Best Value Statutory Guidance or the Public Contracts (Social Value) Act 2012, or to support compliance with the public-sector equality duty under the Equality Act 2010; and
 - vi. comply with the public-sector equality duty.
- b. In setting the specification, selection criteria and tender evaluation criteria, the relevant officer shall have regard to policy, reputational and legal considerations including:
 - i. alignment with the council's policies, priorities and objectives;
 - ii. minimisation of whole-life cost – not just initial costs;
 - iii. the requirements of the Public Contracts (Social Value) Act 2012;
 - iv. the public-sector equality duty;
 - v. the requirement to include accessibility criteria for disabled persons or design for all users (regulation 42 of PCR 2015);
 - vi. the need to deter crime and disorder (section 17 Crime & Disorder Act 1998);
 - vii. the criticality of the service and the need for assurances as to bidders' financial stability and/or business continuity arrangements;
 - viii. assessment and management of risks to health, safety and the environment;
 - ix. mitigation of modern slavery risks in the supply chain.

12. Contracts and formalities

- a. All contracts must be formally concluded in writing before the supply, service or work begins.
- b. A purchase order must be raised prior to any works or services commencing or goods being procured.
- c. Contracts shall be written in plain English and shall adopt either:
 - i. conditions of contract developed by or agreed by the Head of Procurement for specific types of procurement or specific procurement projects; or
 - ii. conditions of contract produced by professional bodies and agreed by the Head of Procurement; or

- iii. conditions of contract within collaborative contracts let by other public contracting authorities; or
 - iv. the Council's General Conditions of Contract as a bare minimum; or
 - v. exceptionally, conditions of contract requested by suppliers; but only where the use of these conditions has been previously agreed by the Head of Procurement.
- d. All contracts, regardless of value, shall as a minimum clearly specify:
- i. a full description of what is to be supplied or done;
 - ii. the quantities to be provided;
 - iii. the provisions for payment (i.e. the price to be paid and when);
 - iv. the time(s) and location(s) for delivery or performance;
 - v. the provisions for the Council to terminate the contract; and
 - vi. the provisions for indemnity (where required) and insurance.
- e. Conditions of contract shall require transmission of payment by the council within thirty days of a valid, undisputed invoice and shall incorporate the terms required by regulation 113 of PCR 2015 regarding prompt payment of sub-contractors.
- f. In accordance with regulation 71(3) of PCR 2015, in the case of works contracts and in respect of services to be provided at a facility under the direct oversight of the Council, the conditions of contract shall require that, no later than when the performance of the contract commences, the main contractor shall notify to the Council the name, contact details and legal representatives of its subcontractors, involved in such works or services, in so far as known at the time.
- g. The above conditions (9a to 9f) do not apply to low value, one-off retail purchases where a purchasing card is used.
- h. 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 by the Council, they shall include provisions to ensure that the relevant pension requirements 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.
- i. Contracts may be concluded by signature by an officer or officers approved to do so under the department's scheme of delegation, or under the Common Seal of the Council.
- j. 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.
- k. Unless otherwise agreed by the Chief Legal Officer, a contract must be entered into as a deed where:
- i. the Council may wish to enforce the contract more than six years after its end; or
 - ii. there is any doubt as to whether valid consideration is being created under the contract.

- I. Contract sealing shall be carried out by an officer authorised by the Chief Legal Officer. 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.

13. Contract management and variation

- a. The officer responsible shall ensure that all significant contracts have a suitable written contract management plan in place. Officers shall also manage each contract over its entirety, to a level of detail proportionate to the contract's risk and value.
- b. Where an existing contract remains subject to the former Code of Practice on Workforce Matters in Local Authority Service Contracts, the responsible officer shall ensure that compliance with that code is monitored.
- c. Officers shall consult with the Head of Procurement as soon as reasonably practicable when they become aware that any significant dispute or claim may arise in relation to a contract or procurement exercise.
- d. Chief Officers may agree variations to contracts provided that these are lawful under PCR 2015 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.
- e. Where a Chief Officer becomes aware that any major contract will exceed by a significant margin 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 Cabinet member; if the additional costs cannot be accommodated within the service's budget this shall be reported to Cabinet as required by the Financial Control Standards.

14. Grants

- a. A grant may be made where the Council is not performing a statutory duty, but the provision can be demonstrated to assist with its wider aims and objectives. A grant need not be made via a competitive process.
- b. Officers must satisfy themselves, taking advice as necessary, that any proposed transaction is a grant rather than a contract for services before treating it as such.
- c. Where the Council is using grant monies itself or passing grant monies to a third party, the application of that money shall be subject to the requirements of the relevant grant funding body. The fact that a transaction is funded by a grant made to the Council does not automatically mean that that transaction is also a grant.
- d. When making a grant the relevant officer shall:
 - i. treat all potential grant applicants fairly;
 - ii. act in a fair, transparent and consistent manner in relation to the making of the grant;

- iii. set out the terms of the grant, in writing;
- iv. ensure that best value is met and that there is no state aid infringement.

15. Conduct of tendering and competitive processes

- a. The appropriate competitive process must be chosen according to the requirement and the value of the contract over its full lifetime, including any possible contract extensions, as set out in paragraph 6.
- b. In order to secure best value, officers may make use of collaborative procurement arrangements, with the approval of the Head of Procurement. Such arrangements may include, for example, collaborative contracts let by
 - i. other local authorities, or
 - ii. ESPO, other public sector purchasing consortia, or other UK contracting authorities (e.g. central government departments or agencies), or
 - iii. controlled entities.
- c. When inviting tenders or quotations, officers must set out clearly:
 - i. the terms on which the tender of procurement process is being conducted;
 - ii. the deadline for response (which must be reasonable)
 - iii. the applicable conditions of contract;
 - iv. the specification;
 - v. how the tender or quotation will be evaluated.
- d. Technical specifications
 - i. Technical specifications shall be formulated in accordance with regulation 42 of PCR 2015.
- e. Receipt and evaluation of tenders
 - i. Officers shall use an electronic tendering and/or electronic auction system approved by the Head of Procurement to manage the tendering exercise, including the receipt of tenders.
 - ii. Subject to the law the Head of Procurement has discretion to deal with non-compliant tenders, including whether to accept tenders after the submission deadline has passed (where exceptional circumstances prevail) and whether to seek clarification of a response.
- f. Standstill period
 - i. Officers shall observe a standstill period between provisional award and award where the law requires.
 - ii. For those procurements above the PCR threshold where observance of a standstill period is voluntary, a standstill period shall nevertheless be observed unless the Head of Procurement decides otherwise.

- g. The European Single Procurement Document (ESPD)
 - i. The Council and its agents may receive a completed ESPD in place of published pre-qualifying questions or tender response which shall be accepted provided that it demonstrates that it is compliant, it demonstrates that the bidder meets the relevant requirements, it is submitted by the published deadline and through the required e-communications tool.
 - ii. The Head of Procurement must be consulted prior to the rejection of any ESPD where the information contained in the ESPD or lack thereof is the reason for the rejection.

16. Record keeping

- a. Officers shall ensure that records of procurement activity are created and retained:
 - i. in all cases, sufficient to justify decisions taken in all stages of the procurement procedure and the subsequent creation and management of the contract;
 - ii. in accordance with the Council's retention policies; and
 - iii. for procurement exercises covered by Part 2 of PCR 2015, in accordance with regulations 22, 83 and 84 of PCR 2015.

17. Prevention of corruption and declaration of interests

- a. Officers shall comply with the Council's Code of Conduct for Employees. In particular:
 - i. no officer shall use or appear 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;
 - ii. officers' attention is drawn to the provisions of the Code of Conduct relating to the separation of roles during tendering;
- b. 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:
 - i. where they have any relationship with a supplier; or
 - ii. where they have any personal interest (financial or non-financial) which could reasonably be considered to conflict with the Council's interests or to favour or appear to favour one supplier over another.
- c. The Council's whistleblowing procedure applies to the letting, management and performance of contracts.

APPENDIX 17

MEMBERS' CODE OF CONDUCT

Iundertake 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 ("DPs"). I agree to notify the Monitoring Officer of my DPs as soon as I become aware of them and in any event within 28 days. The Monitoring Officer will retain a register of my DPs 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 affects, to a greater extent than others in my division:

- my wellbeing or financial position or
- that of family or close friends
- any body –
 - (a) exercising functions of a public nature
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

of which I am in a position of general control or management

then I will declare an interest (an "Other Interest") but provided it is not a DPI I may speak and vote on the matter.

APPENDIX 18

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 The majority (90%) of planning matters are normally dealt with by officers under delegated powers. Only the most controversial and contentious matters are determined through the County Council's Planning Regulatory Committee. 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.
- 1.6 Failure to follow recommendations contained in this code could be considered in investigations into allegations of maladministration and might also indicate a breach of the Members Code of Conduct in Appendix 17 of the Constitution.

2. DECLARATION OF INTERESTS

- 2.1 The provisions of the Members Code of Conduct relating to interests are in Appendix 17 of the Constitution.

- 22 There will be a standing item on the agenda of all committees to facilitate the declarations of interest.
- 23 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 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 Chief Legal Officer 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 Chief Legal Officer 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 they 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 they have 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. Information submitted less than 48 hours before the committee sits may not be seen until after a decision has been made and therefore not considered when determining the application. Similarly, the Chair may refuse to entertain material submitted for circulation on the day of the committee

10. PUBLIC SPEAKING AT PLANNING (REGULATORY) COMMITTEE

The County Council has a scheme for public speaking which is set out at Appendix 8 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 Minerals and Waste Plan and relevant Local and neighbourhood 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

123 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.

124 The visit will be chaired by the Chair (agreed or substitute) of the Planning Regulatory Committee. It will be at their discretion whether to allow those invited to the site visit to address the Members and this will be based on 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.

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

126 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.

127 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.

14. TRAINING

14.1 It is recognised that the planning system is complex, ever-changing and therefore essential that Councillors have adequate and regular training.

14.2 Training for members of the Committee (and substitutes) will take the form of mandatory and non-mandatory (but desirable) sessions. The mandatory training session consists of a half-day session which addresses the role of the committee. Before serving on the committee, councillors must attend the session and must attend a “refresher” session on an annual basis while they serve on the committee. Shorter, 45-minute (non-mandatory) sessions will be provided prior to each planning committee. As much notice will be given of the training sessions as possible. The training programme will be the responsibility of the Executive Director of Community and Environmental Services in consultation with the Chief Legal Officer.

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 Executive Director of Community and Environmental Services 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 Executive Director of Community and Environmental Services, if possible using the County Council's customer complaint form. They will investigate the complaint and provide a written response. If this is still unsatisfactory, the complainant should write to the County Council's Head of Paid Service who will carry out an internal review independent of the Community and Environmental Services 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 Chair or one of the Officers will also refer to these additional comments during the introduction of the report.

APPENDIX 19

GIFTS AND HOSPITALITY – A 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 Chief Legal 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 they have 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 Chair of the Council's Officer together with a written statement identifying the information set out in Paragraph 3(b) below. The Chair'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 [Chair'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 Chair.

(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 Chief Legal 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 Chief Legal 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 Councillor must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Chief Legal Officer, setting out the information set out in Paragraph 3(b) above. The Chief Legal 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, they 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 Chief Legal Officer who has such delegated authority, together with a recommendation as to whether the gift should be accepted. The Chief Legal 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 Chief Legal 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 Chief Legal 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.

APPENDIX 20

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 Leader and Executive 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 the Executive 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 Executive 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 Executive Director of Commercial Services and 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 Procedure Rules 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 Head of Paid Service who will consult the relevant Group Leader before making a decision.

APPENDIX 21

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' that may be considering the allegation against a member.
4. 'Legal Adviser' 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 adviser 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 Chair 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 Chair 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 Chair 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 Chair 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.

Power to regulate own proceedings

32. The Chair of a hearings sub-committee has the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter being dealt with at a meeting of the hearings sub-committee.

APPENDIX 22

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, the Leader, the Executive and the Council's 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

Executive Director of Finance and Commercial Services (Section 151 Officer)

Chief Legal Officer (Monitoring Officer)

Executive Director of Children's Services

Executive Director of Adult Social Services

Chief Fire Officer

Director of Public Health (DPH)

The specific roles and responsibilities of these Officers are set out in Article 11.

5. The specific roles and functions of Councillors are contained in Article 2 paragraph

1.3 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, the Executive, and the Council's Committees (including 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, the Executive, the Council's Committees, joint Committees where appropriate 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. This Constitution includes provision for a single party Cabinet and a clear division between the Cabinet and Scrutiny roles of members.

8. However, Officers are required always to serve the whole Council and will need to exercise judgement in fulfilling this obligation whilst maintaining the distinction between Cabinet and Scrutiny.

OFFICERS AND COMMITTEES

9. Any decision by the Leader, by Cabinet collectively and individual Cabinet Members 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. Cabinet members must not seek to suppress or amend any aspect of such professional advice.
10. Reports to the Cabinet will be produced by officers and there will also be occasions when a Cabinet member prepares a report. In either situation the appropriate officer will place on record their professional advice to the Cabinet and ensure that the advice is considered when a decision is taken. Procedures exist to ensure that this happens.
11. Whenever officers represent the decisions of the Leader or of the Cabinet, non-Cabinet members will need to recognise that in so doing the officer is representing a decision made by Members.
12. Similar principles will apply to decisions taken by Committees (including joint Committees) of the Council.

OFFICERS AND OVERVIEW AND SCRUTINY

13. It is critical to the smooth and effective running of the Council that officers provide the same high levels of impartial advice to the Scrutiny Committee as they do to the Executive. Specific guidance is contained in the document "Scrutiny at Norfolk County Council".

OFFICERS AND INDIVIDUAL MEMBERS

14. Any Group Leader, Cabinet member, Group Spokesperson, Scrutiny Committee Chair or Committee Chair may request a private and confidential briefing from a Chief Officer or head of the relevant 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 the 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.
15. Except for the confidential matters referred to above, information given to a Group Leader, Cabinet Member, Group Spokesperson, Scrutiny Committee or other Committee Chair will where possible be shared with the relevant representatives of the other political groups.
16. 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.

17. The rights of Members to documents and information of the Council are set out in the 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 Head of Paid Service, for decision. If the matter is still unresolved, it will be decided by the Council itself.

OFFICERS AND POLITICAL PARTY GROUPS

18. 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.
19. On the invitation of a Group Leader a Chief Officer or their 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 they feel 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 their advice contained in the minutes of a Group meeting;
 - j) No member will refer in public or in meetings of Council, the Cabinet or committees, or in communication with the media, to advice or information given by an officer in any Group meeting.

OFFICERS AND LOCAL MEMBERS

20. 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 contribute to those decisions. Local members must also be kept informed about matters affecting their division during the formative stages of policy development and consideration by the Select Committees or other committees of the Council and about significant operational matters within the Division.
21. 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.
22. 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.
23. 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.
24. Similarly, whenever the Council undertakes any form of consultative exercise the local members.

ACCESS TO PREMISES

25. 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.
26. 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, the relevant Cabinet Member and the relevant Committee Chair. Where Cabinet Members and Committee Chairs 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.

27. 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.

APPENDIX 23

PRINCIPLES AND PROTOCOLS FOR DEALING WITH THE MEDIA

1. Introduction

Norfolk County Council is committed to effective communications so that residents are well informed about its services. The communications team works to promote and protect the Council's reputation, providing accurate and balanced media coverage of its work and activities.

The team operates within the terms and spirit of a legal framework 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".

This covers *"any communication, in whatever form, addressed to the public at large or to a section of the public"*.

Publicity issued by local authorities must be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity e.g. during a pre-election "purdah" period.

2. Principles

Underpinning the work of the communications team are several fundamental principles.

Members actively involved. The content of all principal news releases should be shared and developed in draft stages with the lead Member for the relevant service (usually the Cabinet Member). All members whose contact details are included in press releases should be alerted to releases before they are sent to the media so that they have time to digest the issue prior to any media enquiry. This alert will come by email. They should not hear first from the media. This applies to:

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 Council website on the day of publication.

Honest. The media team never knowingly misleads the media on a story or issue. Staff are in a long-term relationship with the local media and trust in our approach is critical.

Accessible and timely. Staff are polite but firm in dealings with the media, always ensuring contact numbers are accurate and returning calls efficiently to recognise competing pressures on deadlines. 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 media team 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.

3. Protocol

a) Clearance of media releases, statements and interviews:

Media activity on behalf of the Council – statements, press releases and interviews – should be cleared by the following: i) the communications team; ii) relevant Cabinet Member or, where applicable, in their absence, Deputy Cabinet Member; iii) relevant senior officers.

This is to ensure “no surprises”, factual accuracy and consistency of Council messaging. (The only exceptions are the Museums and Libraries Services where releases that do not relate to policy or controversial matters may be released by the Services if they are simultaneously sent to the communications team). The Communications Team will use its best endeavours to supply press releases as early as possible to opposition spokespersons.

b) Interviews by politicians:

The communications team is available to broker interviews with and offer advice to Cabinet Members and the Leader (unless pre-election purdah restrictions are in place). This enables the team to brief interviewees, to improve their chances of success and to ensure that we can log the resultant coverage.

To assist this process, we would encourage politicians to let us know if they are approached by the media. However, the team recognises that politicians are free to make their own arrangements with the media, especially on party political matters.

If a senior politician is not available to be quoted or do an interview, a senior officer can take their place with consent from the Leader/Deputy Leader.

c) Interviews by officers:

No officer should speak to the media about Council issues without the prior approval of the communications team. This is to ensure “no surprises”, factual accuracy and consistency of Council messaging. It also ensures that the officer can be briefed by the communications team, which reduces the risk of an unsuccessful interview. Ideally, officers who take part in interviews should have had media training.

As stated in 3.b - a senior officer can only be interviewed or quoted in a press release with consent from the Leader/Deputy Leader.

d) Political releases and statements:

Political groups are responsible for producing releases and statements relating to their group and party-political issues. Political Assistants will pass these to the communications team shortly after issue and the communications team will share them with the relevant Cabinet Members, Group Leaders and Executive Directors. The communications team

cannot be involved in this work, under the Government's code of practice.

All councillors are entitled to comment on any subject in their electoral division but must be clear that this is their opinion and not the opinion necessarily of the council. Any councillor who is unsure of this position can seek advice from the communications team. The communications team cannot always provide quotes for local members on electoral divisional matters.

e) Members quoted in Council press releases:

Cabinet Members and/or the Leader should be quoted in Council releases relating to their service area, unless the Council is in a pre-election purdah period, in which case, officers should be quoted.

f) Circulation to local Members:

Where a Press releases or statement relates to a specific part of the county it should be shared with the relevant local Members before they are issued to the media, for their information. The local Member's contact details will be included on the release and local Members will be invited to quote in press releases where a quote is appropriate. The local Member will sign off the quote and is responsible for responding in a timely way.

Other information, for example following a meeting, that directly affects local members, will be circulated to them by the relevant departmental officer team.

g) Circulation to Group Leaders:

Group Leaders and Members whose contact details are included on press releases should be promptly alerted to press releases before they are issued to the media, for information. This alert will be by email.

h) Publication of press releases on the Council's website:

The communications team will publish general press releases and statements – in other words, those issued to all media – on its website and may share them on social media. It will not publish statements provided to specific media outlets or resulting from specific media enquiries but will keep a record of them on its internal system.

i) Publication of Committee, Cabinet and full Council agenda papers:

Papers are published, where possible, five clear days before a Council, Cabinet or Committee meeting takes place. The Council generally issues a press release about certain items on the agenda at the same time the agenda is published. Group Leaders will be given copies of such releases and the reports to which they relate in advance of publication, so they have time to digest the issue prior to any media enquiry. This alert will be by email.

j) Motions and questions:

Motions and questions from individual members shown on an agenda will not be publicised by the Council as a matter of fairness.

k) Pre-election purdah period:

Pre-election restrictions stop the Council from launching and publicising any new initiatives. Publicity must be restricted during this period to “business as usual” activity that pre-dates the calling of the election. Any publicity, event or activity must not involve Members including members if they are standing for district elections.

l) Press releases:

The communications team will email press releases to all Members as a matter of course and to all relevant local, regional and national media contacts and will update our distribution list when we become aware of new outlets or journalists. We will also post releases online and, where appropriate Tweet links to them and post them on Facebook, if that is judged to be the best way to reach a particular audience.

m) Council meetings:

Council meetings are recorded as a matter of course and the media and public are free to film, record or photograph Council meetings provided they notify the Chairman of the Council and do not disrupt proceedings. We encourage broadcasters, as a courtesy, to inform the communications team in advance of any meetings they intend to record or film, due to the size of their equipment, so that we can suggest which part of the room they can film from.

n) Public Information Notices

Public Information Notices will give information and always provide the relevant departmental contact number. They will be distributed to all appropriate local media. Relevant local Members will receive the notice by email where it relates to a divisional issue that may prompt constituent concern or query.

A copy will be emailed to the named officer contacts and appropriate Executive Director for information.

o) News Statements

News statements will be issued by the communications team 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.

p) Attributing comments and quotes

Quotes and comments will normally be attributed to a named person, Member or Officer as appropriate, so that people know who to get in touch with in the event of further interest. This means that the communications team actively request the media to attribute quotes as opposed to the ‘a council spokesman said’ approach.

q) 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.

r) News Releases on Partnership issues or Projects

Where we are either issuing or participating in the release of news on a partnership matter, the communications team will ensure that the Council's role or contribution is identified appropriately, and the release includes quotes from named Members or Officers and that the Council logo is included with others on the release paper.

s) 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.

Both communication units will ensure a timely response to requests for comment and approval to ensure that essential deadlines are met.

t) 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 Head teacher and, if possible, the Chair 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 Cabinet Member with responsibility for schools will be kept fully informed on media issues affecting schools in line with the 'no surprises' principle.

u) Letters for Publication

The communications team will, in consultation with the appropriate Cabinet Member, 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 Cabinet Member 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.

v) 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 communications team 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 team should consider each case individually, striking a balance between what is reasonable for an Authority to release, while considering 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.

w) Social Media

The Council will use social media, including Twitter and Facebook, to promote its news, in addition to conventional media. The communications unit is responsible for the Council's main channels and has the discretion to write and post material without clearance, provided it is in line with the social media protocol and the Council's key messages.

Members and staff who use social media are reminded that reporters and the public can view their posts and use them in stories. Social media activity should not be used to damage the reputation of the Council.

APPENDIX 24

STANDARDS COMMITTEE PUBLICITY PROTOCOL

1. Introduction

- 1.1 This protocol does not seek to replicate unnecessarily the publicity issues dealt with in the Rules of Procedure for Standards sub-Committee 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 Chair 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 Chair's absence this role will be taken on by the Vice-Chair. 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 Chief Legal Officer.

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 Chair 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.

APPENDIX 28

PUBLIC SPEAKING AT COMMITTEES

(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/supporters 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 Chair. The Chair 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

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 Chair, be given a maximum of five minutes at the microphone. Others may ask to speak, and this again is at the discretion of the Chair.

(C) HEALTH AND WELLBEING BOARD

7. Appendix 2 of the Constitution sets out the rules and procedure for asking questions at this Committee.

APPENDIX 29

REGISTER OF MEMBERS' INTERESTS

1. The Chief Legal Officer, 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: -

Subject	Prescribed description
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 32 of the Localism Act 2011).

APPENDIX 30

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 which in Norfolk is discharged by the Chief Legal 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 Head of Paid Service, Executive Director of Finance and Commercial Services, and Head of Democratic Services 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, their Deputy and the senior officers at nplaw 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, Deputy or the senior staff at nplaw.
- (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, they 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 their 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 Head of Paid Service and the Executive Director Finance and Commercial Services, they are 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 the Leader, Cabinet Members, the Executive or Committee Chairs 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 Council's, Corporate Board, Executive Directors 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 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 Head of Paid Service (as the Council's Head of the Paid Service) and to the Executive Director of Finance and Commercial Services (as the Council's Section 151 Officer).
 - (h) After consultation with the Head of Paid Service and the Executive Director of Finance and Commercial Services, 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 they have previously advised the County Council, they must consult the Head of Paid Service who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Head of Paid Service or request a neighbouring authority to make their Monitoring Officer available to the County Council to investigate the matter and report to the Head of Paid Service and/or the County Council as appropriate.

Annex

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 their 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 access 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.

APPENDIX 31

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 Chair 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 Chair 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 Chair 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 Chair 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.

APPENDIX 32

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 Appendices 2, 2A and 4, the Council also establishes and appoints to a number of panels/boards/working groups. Save for appointments reserved to Full Council, the Council has delegated authority to appoint to these bodies to the Leader of the Council.
- 1.2 Having consulted with the Group Leaders, at the first ordinary meeting of the Council's Cabinet of the municipal year and throughout the year, the Council's Leader shall confirm appointments to these bodies. The Leader shall keep under review, making substitutions and further appointments as the need arises from resignations or changes made to these bodies as through changes approved the Constitution by Full Council.
- 1.3 Having consulted with the Group Leaders, at the first ordinary meeting of the Council's Cabinet of the municipal year and throughout the year, the Council's Leader shall also keep under review the continued appropriateness of Member Champions and to make appointments.

2. External bodies

- 2.1 The Council is represented on several external organisations. This reflects the Council's community leadership role. The Council has delegated authority to appoint to these bodies to the Leader of the Council. Guidance for serving on outside bodies is set out in Appendix 32 of this constitution.
- 2.2 Having consulted with the Group Leaders, at the first ordinary meeting of the Council's Cabinet of the municipal year and throughout the year, the Council's Leader shall confirm appointments to these bodies. The Leader 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 their position as the Council's representative.

APPENDIX 33

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 Chief Legal Officer 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 Head of Paid Service, the relevant Chief Officer or the Chief Legal Officer.
- 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 Executive Director of Finance and Commercial Services or the Chief Legal Officer (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 wellbeing or financial position
 - that of your family or close friends
 - any body –
 - (a) exercising functions of a public nature
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are in a position of general control or management

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

- 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 Head of Paid Service.
 - (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 – Helen Edwards, Chief Legal Officer, on (01603) 223415

For audit advice - Adrian Thompson, Chief Internal Auditor, on (01603) 222784

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.