

# Cabinet

Date: **Monday 2 March 2020**  
Time: **10am**  
Venue: **Edwards Room, County Hall, Norwich**

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

## Membership:

Cllr Andrew Proctor	Chairman. Leader and Cabinet Member for Strategy & Governance.
Cllr Graham Plant	Vice-Chairman. Deputy Leader and Cabinet Member for Growing the Economy.
Cllr Bill Borrett	Cabinet Member for Adult Social Care, Public Health & Prevention
Cllr Margaret Dewsbury	Cabinet Member for Communities & Partnerships
Cllr John Fisher	Cabinet Member for Children's Services
Cllr Tom FitzPatrick	Cabinet Member for Innovation, Transformation & Performance
Cllr Andy Grant	Cabinet Member for Environment & Waste
Cllr Andrew Jamieson	Cabinet Member for Finance
Cllr Greg Peck	Cabinet Member for Commercial Services & Asset Management
Cllr Martin Wilby	Cabinet Member for Highways, Infrastructure & Transport

## WEBCASTING

This meeting will be filmed and streamed live via YouTube on the NCC Democrat Services channel. The whole of the meeting will be filmed, except where there are confidential or exempt items and the footage will be available to view via the Norfolk County Council CMIS website. A copy of it will also be retained in accordance with the Council's data retention policy. Members of the public may also film or record this meeting. If you do not wish to have your image captured, you should sit in the public gallery area. If you have any queries regarding webcasting of meetings, please contact the committee Team on 01603 228913 or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

## A g e n d a

### 1 To receive any apologies.

### 2 Minutes

Page 5

To confirm the minutes from the Cabinet Meeting held on Monday 3 February 2020.

### 3 Members to Declare any Interests

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

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

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
  - Exercising functions of a public nature.
  - Directed to charitable purposes; or
  - 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.

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

### 5 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team ([committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)) by 5pm on **Wednesday 26 February 2020**. For guidance on submitting a public

question, view the Constitution at <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee>

## **6 Local Member Issues/Questions**

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team ([committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)) by **5pm on Wednesday 26 February 2020.**

- |           |   |                 |
|-----------|---|-----------------|
| <b>7</b>  | <b>Emergency Services Collaboration – Update.</b><br>Report by the Executive Director of Community & Environmental Services                         | Page <b>36</b>  |
| <b>8</b>  | <b>Norfolk Fire and Rescue Service – HMICFRS Improvement Plan update.</b><br>Report by the Executive Director of Community & Environmental Services | Page <b>48</b>  |
| <b>9</b>  | <b>Repton Property Developments Ltd Business Plan.</b><br>Report by the Executive Director of Finance & Commercial Services.                        | Page <b>76</b>  |
| <b>10</b> | <b>NCC HH Limited – Articles of Association</b><br>Report by the Executive Director of Finance & Commercial Services.                               | Page <b>97</b>  |
| <b>11</b> | <b>NCC Nurseries Limited – Articles of Association</b><br>Report by the Executive Director of Finance & Commercial Services                         | Page <b>132</b> |
| <b>12</b> | <b>Disposal, acquisition and exploitation of property.</b><br>Report by the Executive Director of Finance & Commercial Services                     | Page <b>167</b> |
| <b>13</b> | <b>Finance Monitoring Report 2019-20 P10: January 2020.</b><br>Report by the Executive Director of Finance & Commercial Services                    | Page <b>176</b> |
| <b>14</b> | <b>Highway Parish Partnership Schemes 2020/21</b><br>Report by the Executive Director of Community & Environmental Services                         | Page <b>206</b> |
| <b>15</b> | <b>Norfolk Library Strategy.</b><br>Report by the Executive Director of Community & Environmental Services  | Page <b>221</b> |
| <b>16</b> | <b>Hethel Innovation Ltd and Scottow Enterprise Park.</b><br>Report by the Executive Director of Community & Environmental Services                 | Page <b>230</b> |
| <b>17</b> | <b>Peer Review Action Plan.</b><br>Report by the Executive Director of Strategy & Governance  | Page <b>250</b> |
| <b>18</b> | <b>Delegated Decisions Reports</b>  |                 |

**Decisions by the Cabinet Member for Highways, Infrastructure & Transport.**

- DfT 'Pinch Point' Bid Submission Page **264**
- Recommendations of the Greater Norwich Development Partnership Board Page **274**
- Proposed Minor Amendments to Planning Obligations Standards 2020 Page **281**

**Decision by the Cabinet Member for Communities & Partnerships**

- Building Contractor for Norwich Castle: Gateway to Medieval England Development Page **318**

**Decision by the Executive Director of Community & Environmental Services.**

- Residual Waste: Suffolk Inter-Authority Agreement Page **325**

**19 Exclusion of the Public**

Cabinet is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

- 20 Disposal, acquisition and exploitation of property.** Page **330**  
Exempt Appendix to the report by the Executive Director of Finance & Commercial Services.

Chris Walton  
Head of Democratic Services  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: 21 February 2020

**Cabinet**  
**Minutes of the Meeting held on Monday 3 February 2020 at**  
**10am in the Edwards Room, County Hall, Norwich**

**Present:**

Cllr Andrew Proctor	Chairman. Leader & Cabinet Member for Strategy & Governance.
Cllr Bill Borrett	Cabinet Member for Adult Social Care, Public Health & Prevention.
Cllr Margaret Dewsbury	Cabinet Member for Communities & Partnerships.
Cllr John Fisher	Cabinet Member for Children's Services.
Cllr Tom FitzPatrick	Cabinet Member for Innovation, Transformation & Performance.
Cllr Andy Grant	Cabinet Member for Environment & Waste.
Cllr Andrew Jamieson	Cabinet Member for Finance
Cllr Greg Peck	Cabinet Member for Commercial Services & Asset Management.
Cllr Graham Plant	Vice-Chairman and Cabinet Member for Growing the Economy.
Cllr Martin Wilby	Cabinet Member for Highways, Infrastructure & Transport.

**Other Members Present:**

Cllr Steve Morpew	Cllr Danny Douglas
Cllr Alexandra Kemp	
Cllr Bev Spratt	
Cllr Brenda Jones	
Cllr Haydn Thirtle	

**Executive Directors Present:**

Tom McCabe	Executive Director of Community & Environmental Services and Head of Paid Service.
Gary Heathcote	Director of Commissioning (for Executive Director of Adult Social Services)
Helen Edwards	Chief Legal Officer and Monitoring Officer
Simon George	Executive Director of Finance & Commercial Services
Fiona McDiarmid	Executive Director of Strategy & Governance
Sara Tough	Executive Director of Children's Services

**1 Apologies for Absence**

There were no apologies for absence.

**2 Minutes**

The minutes from the Cabinet meeting held on Monday 13 January 2020 were agreed as an accurate record and signed by the Chairman.

### **3 Declaration of Interests**

There were no declarations made.

### **4 Items of Urgent Business**

4.1 There were no items of urgent business.

### **5 Public Question Time**

5.1 The list of public questions and responses is attached at Appendix A.

5.2 As a supplementary question, Ms Jenn Parkhouse, on behalf of the Wensum Valley Alliance, asked if Norfolk County Council would now consider, in view of the fact the issue of mitigation for wildlife in general and bats in particular, regarding the Norwich Western Link had been brought into question by the broadcast of the "Inside Out" programme on BBC1 on Monday 27 January, if the Outline Business Case should be withdrawn from the DfT for reconsideration and revision.

The Chairman deferred the question to the Cabinet Member for Highways, Infrastructure & Transport who responded that the preferred route had been chosen and that Norfolk County Council would continue to work with Natural England, the Environment Agency and all statutory bodies on any mitigation measures required to ensure the project was successfully delivered.

5.3 As a supplementary question, Mr Robin Ward stated he managed a service which was working on Pathway 3 and asked if Norfolk County Council could put formal and quantifiable numbers on the Pathway 3 project which would allow his service to say they were providing jobs and getting people into work or volunteering or was the Pathway project more informal.

The Chairman deferred the question to the Cabinet Member for Adult Social Services, Public Health & Prevention who replied that one of the headline indicators would be the number of people in employment which, in Norfolk was about half of the achievement of comparator councils. He added that in order to get the best and most helpful outcomes, a suite of criteria would be something providers would be urged to deliver.

### **6 Local Member Questions/Issues**

6.1 The list of Local Member questions and the responses is attached at Appendix B.

6.2 As a supplementary question, Cllr Ed Maxfield said that, whilst appreciating the matter was an internal matter for the Norfolk & Suffolk Foundation Trust (NSFT), he was slightly disappointed that the Chairman had not taken the opportunity to give a more forceful response. Cllr Maxfield added that, as Norfolk County Council worked closely with the Trust in a number areas, if the Chairman would take account of joint working situations and the impressions

cast on the County Council and the NSFT by this attitude to patients, clients, service users and if he would use the joint working arrangement to impress on the leadership of NSFT that the sort of behaviour exposed wasn't acceptable in a public sector organisation and express a desire to change the way they approached their concept of service to local people.

The Chairman responded that anything a public body could do to ensure the views of all public bodies were in accordance with our view was something we would want, as regarding perception and actual conduct, we would want to ensure everyone followed our lead.

- 6.3 Cllr Danny Douglas asked, as a supplementary question, and referring to the A47 towns, if the Leader would commit to examining Councillor Harry Clarke of Dereham (Breckland Council) to review the new rail improvement fund (announced on 30 January) regarding the restoration of rail services principally to Dereham, either via the existing railway or a new alignment via the A47 and further into Fakenham and elsewhere in Norfolk. He added that such a development could alleviate the massive gap in scheduled transport investment between road and sustainable transport.

The Chairman deferred the question to the Cabinet Member for Highways, Infrastructure & Transport who agreed to provide a written response to the question.

- 6.4 As a supplementary question Cllr Kemp said she was not reassured about the improvements in life chances for the children in the deprived area of South Lynn at the local secondary school, where the recent Ofsted report had judged the quality of education, behaviour and attitudes and the leadership and management inadequate. Cllr Kemp referred to the statement from Cabinet that there had been a dramatic reduction in the high number of exclusions and suspensions, although this was because the school roll was falling and she asked what Children's Services was doing to encourage a more child-centred ethos in KES, building confidence and self-esteem so children from disadvantaged homes and children in care could thrive and also end the current practice of children being warehoused for hours in detention doing no work and missing out on learning.

The Chairman deferred the question to the Cabinet Member for Children's Services who reassured Cllr Kemp that Children's Services was working well in King's Lynn. The exclusion numbers had fallen for permanent exclusions from 11 to zero through working with the school, the local community and parents. He added that fixed-term exclusions had reduced from a peak of 172 to 90-101 in a couple of months and was now down to 1 fixed-term exclusion. The Cabinet Member continued that this indicated exactly what work was being carried out with the local community, schools and parents and children to ensure children in King's Lynn were not disadvantaged.

- 6.5 Cllr Brenda Jones said that her question had asked for the numbers in each of the specific groups and she had hoped the response would reflect numbers for each group rather than a general total. As a supplementary question, Cllr Jones asked if she could have the specific numbers for each group.

The Leader deferred the question to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health & Prevention who agreed to provide a written response if the information was available.

## **7 King's Lynn Transport Strategy and Implementation Plan**

- 7.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out the King's Lynn Transport Strategy and Implementation Plan.
- 7.2 The Executive Director of Community and Environmental Services highlighted that an evidence-based transport strategy for King's Lynn had been sought to close the lack of strategy. The plan was seen as the first step in that process by working with King's Lynn and West Norfolk Borough Council to identify the right schemes and highlight opportunities over the next five-plus years.
- 7.3 The Cabinet Member for Highways, Infrastructure & Transport said this was a very good starting point for King's Lynn by introducing the report and moving the recommendations.
- 7.4 The Cabinet Member for Finance welcomed the setting up of a steering group for this Policy, adding that the report was a useful starting point which provided a good foundation to build upon. The Cabinet Member added that he saw this as a menu of options rather than as a prescribed plan as there were a number of areas where the report was sub-optimal and which the steering group would help, particularly in the prioritisation of car parking in the town centre, improving bus times and increased bus usage. The Cabinet Member also asked if the steering group could widen its remit to include west Norfolk rather than purely King's Lynn on its own to gain a wider coordination of other initiatives and transport methods, particularly improvements to enable the dualling of the railway from Ely to King's Lynn in order to double train into King's Lynn which, in his opinion, should be included.

In response the Cabinet Member for Highways, Infrastructure & Transport agreed that this was a good starting point for the Steering Group to take on board some of the points raised and to decide its priorities for King's Lynn and whether it wanted to include west Norfolk in its remit.

- 7.5 The Vice-Chairman and Cabinet Member for Growing the Economy welcomed the report adding that this was something that had been in place in Great Yarmouth for approximately 20 years, with a steering group working with the County Council, on the back of which £200m of inward investment had been coming to Great Yarmouth. The Cabinet Member added that he was pleased to see King's Lynn and West Norfolk Borough Council were picking this up. He also agreed with the Cabinet Member for Finance comments about prioritising what was needed to ensure efforts were concentrated on the right priorities.
- 7.6 The Cabinet Member for Innovation, Transformation and Performance backed up the comments made by the Cabinet Member for Finance that the scope should be widened to include west Norfolk and not focus just on King's Lynn, as well as the comments about trains as King's Lynn was a popular choice for people in that area to catch trains to London as well as going North.

7.7 The Chairman summed up that the points made by the Cabinet Member for Highways, Infrastructure & Transport had highlighted in his introduction to the report as to what the project was, as well as highlighting that this was a starting point. He asked if the Executive Director of Community & Environmental Services wished to comment on the wider aspects of the project.

7.8 The Executive Director of Community & Environmental Services agreed that there was a challenge outside of King's Lynn and the aim of improving the accessibility and connectivity which would lead to improved economy and he reassured Cabinet that the Steering Group would work through the proposals and would not stop at the town boundary.

#### 7.9 **Decision**

Cabinet considered the report and **RESOLVED** to:

1. **Agree** and adopt the King's Lynn transport strategy and implementation plan.
2. **Establish** a West Norfolk Transport and Infrastructure Steering Group, consisting of elected Members from both Councils, to oversee and advise on these matters within the Borough area.
3. **Note** that work on a Sustainability Appraisal is being carried out in conjunction with work on the Local Transport Plan.

#### 7.10 **Alternative Options**

Refer to Cabinet report.

#### 7.11 **Reasons for Decision**

Over recent years Kings Lynn has not benefitted from significant funding from government sources like the New Anglia Local Enterprise Partnership (LEP). The Transport Strategy and Implementation Plan will provide a pipeline of schemes that have been derived from a sound evidence base and been informed by stakeholder opinion. Some measures are being developed further already and when funding sources are identified they can be taken forward for detailed design and construction. For other schemes in the implementation plan, these can be further developed to suit possible future funding programmes as appropriate, for example from the LEP.

### 8 **The Blue Badge (Disabled Persons) Parking Scheme**

8.1 Cabinet received the report by the Executive Director of Community & Environmental Services, setting out the revised national policy for determining eligibility and also Norfolk County Council's appeals process. The policy was designed to operate a scheme which was fair and equitable for the residents of Norfolk as a whole, so those meeting the national eligibility criteria could fully enjoy the benefits. The Blue Badge (Disabled Persons) Parking Scheme was extended on 30 August 2019 to include those with non-visible ('hidden') disabilities such as autism and mental health conditions.

8.2 The Cabinet Member for Communities & Partnerships introduced the report, highlighting that the Blue Badge Scheme had been extended in August 2019 to include non-visible disabilities. She added that the report sets out the revised

national policy for determining eligibility and also added that Norfolk had a higher number of disabled people than other counties – estimated at 2% of its population with a disability or long-term illness. Therefore, Norfolk had one of the largest volumes of blue badge applications, with an average of 16000 applications processed each year which was expected to increase to 20000 by the end of 2019/20. The Cabinet Member continued that although the number of applications was high, the applications were usually completed in less than the 6-8 week average completion time, which was due to the increased capacity for dealing with them to ensure there was no backlog of applications waiting to be processed. The Cabinet Member moved the recommendations in the report.

8.3 In response to a question from the Cabinet Member for Highways, Infrastructure & Transport about whether Norfolk County Council had a good record of enforcement of the blue badge scheme, the Cabinet Member for Communities and Partnerships said that the application scheme was dispensed by customer services, supported by the occupational health team in Adult Social Services; enforced by Highways; with the legal process provided by Trading Standards. She added that if someone was unsuccessful in their application and requested a review of the decision, those reviews were carried out by a qualified occupational therapist.

8.4 The Chairman reiterated that the revised Policy was based on the new Government Policy.

## 8.5 **Decision**

Cabinet **RESOLVED** to

- **Note** the new national criteria for eligibility under the Blue Badge (Disabled Persons) Parking Scheme.
- **Approve** the County Council's policy for the implementation of the Blue Badge scheme.

## 8.6 **Alternative Options**

An alternative option would be to relax eligibility criteria and issue badges to applicants not meeting the guidelines published by the DfT. However, there is a need for consistency at a local and national level and the proposed policy delivers against the fundamental principles detailed at sections 2.1.1, 2.1.2 and 2.1.3 at the same time as enabling a standard approach to enforcement.

## 8.7 **Reason for Decision**

The policy was considered to be the most effective way for the Council to fulfil its statutory obligation and ensure a scheme which is fair and equitable for the residents of Norfolk and consistent with national standards.

## 9 **Holding Highways England to Account**

9.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out the details of the Office of Rail and Road (ORR) consultation on their revised policy for Holding Highways England to

Account. The deadline for receipt of responses to the consultation was 14 February 2020.

- 9.2 The Executive Director of Community & Environmental Services stated that it had been a matter of frustration for the wider community in Norfolk since 2014 that the A47 improvements were not forthcoming. He added that the report included a draft response to the Consultation that the Office of Road and Rail (ORR) Regulation had issued which gave an opportunity to try to focus Highways England on the delivery of schemes that several Government's had committed to and hopefully, over the next 12-18 months, some delivery would be seen.
- 9.3 In introducing the report, the Cabinet Member for Highways, Infrastructure & Transport stated that everyone was frustrated at the time it was taking to get the schemes developed. He added that funding had been agreed in 2014 for RIS1 schemes and that Highways England had yet to deliver those schemes.
- 9.4 The Cabinet member for Highways, Infrastructure & Transport updated Cabinet on the following points which had arisen from the Infrastructure & Development Select Committee meeting held on 29 January 2020:
- The Select Committee recognised that Members and Officers have made efforts to work with Highways England and help them to understand Norfolk's issues and priorities and support them to bring much needed improvements to the county. It is unfortunate that these efforts have not resulted in the appropriate improvements being secured for Norfolk.
  - The Select Committee strongly recommends to Cabinet that the County Council's response to the consultation clearly makes the following points:
    1. That we do not consider Highways England to be fit for purpose.
    2. We are extremely concerned that Highways England appear to be unable to bring projects to delivery in a timely fashion, meaning much needed funding promised for local communities remains unspent.
    3. We do not believe that such significant levels of public funding should be managed by an unelected and undemocratic organisation.
  - The Select Committee recommends to Cabinet that the Leader, the Cabinet Member and Norfolk MPs take immediate and collective action to address the unaccountability and inefficiency of Highways England and for the Government to explore the establishment of an alternative body with demographic and geographical accountability.

The Cabinet Member went on to highlight some of the topics the A47 Alliance had been working on with the County Council, businesses and MPs along the route, saying that a very successful dual-it campaign had been held in conjunction with Archant, culminating in a reception at Westminster, hosted by David Powles from Archant.

The Cabinet Member also highlighted that the Leader had recently written to the new Prime Minister, Boris Johnson and in November, the Prime Minister had

pledged to complete the A47 dualling. He added that the Alliance continued to push for delivery on RIS1 schemes and officers from the County Council continued to meet with managers from Highways England.

- 9.5 The Cabinet Member for Growing the Economy stated that the dualling campaign had commenced in 2012 with a business case being presented to Westminster in 2013; in 2014 Highways England had been awarded £300m for five schemes and said that if those five schemes had been delivered in the last five years, the business case proved there would have been at least a £500m upsurge in Norfolk's economy.

The Cabinet Member added that he was frustrated by the incompetence of the organisation that had been awarded the money and had not yet delivered anything and that they had actually pushed back schemes which were supposed to have been delivered in the RIS1 timetable. He continued that the RIS2 timetable was now approaching and it was his fear that the £300m would not be enough for the five schemes and they would start talking about taking money from RIS2 to fund RIS1 projects.

The Cabinet Member stated that the incompetence of Highways England in not delivering the schemes in a timely manner meant Norfolk would lose out again and Highways England needed to be accountable for that.

The Cabinet Member agreed with the comments made by the Infrastructure & Development Select Committee that Highways England were not fit for purpose.

- 9.5 The Cabinet Member for Adult Social Care, Public Health and Prevention agreed that the level of frustration was high, as moving the timetable was not something Highways England consulted on, they just moved the start date. The Cabinet Member said he was particularly interested in this scheme as it went right through the middle of his Division, where a number of villages had been waiting for six years to find out where the road was going to see how it affected them. He also added that David Cameron, when he was Prime Minister, had visited Hockering and announced the scheme, which meant that there had been three general elections since then and no ground had been broken.

The Cabinet Member also highlighted that £300m had been awarded in 2015, with no indexation of this money, which meant there would be issues about who could be making up any funding gap between the original money allocated for the scheme and the final costs.

The Cabinet Member added that one of the most frustrating things was that no-one from Highways England was prepared to be accountable and added that he fully supported the recommendations in the report and the findings of the Infrastructure & Development Select Committee.

- 9.6 The Cabinet Member for Communities & Partnerships stated that the starting dates slipping made local people question if the scheme would actually happen. She added that she was a Member of the A47 Alliance in 2014 and had nominated the dualling of North Tuddenham to Easton, which had been agreed and formed part of RIS1 in 2020. She continued that some years later, the project had slipped and that it could 2020/21 before commencement and recently she had been told that it would be 2021 but in the latter quarter,

therefore likely to be in March 2022, making residents think the scheme would never happen.

9.7 The Cabinet Member for Innovation, Transformation & Performance said that the delays with the A47 dualling affected the whole of Norfolk; the economic wellbeing; the bringing in of business; tourism and the quality of life for residents. He therefore felt it was really important that Highways England were held to account for their failure to deliver.

9.8 The Chairman referred Cabinet to the report and the paragraph “Members may wish to review the proposed response and consider whether we wish to invite ORR to hold a public hearing to review Highways England’s performance on the A47, or even consider transferring responsibility for delivery (including budget) from Highways England to Norfolk County Council”, adding that Cabinet would like to make that happen.

9.9 The Cabinet Member for Highways, Infrastructure & Transport agreed that the points in paragraph 9.8 above should be included and felt that the recommendations from the Select Committee should also be included in the response to the consultation.

9.10 In summing up, the Chairman clarified that Cabinet agreed the response to the consultation as set out in the report, subject to the addition of the points raised by the Cabinet Member for Highways, Infrastructure & Transport from the Infrastructure & Development Select Committee meeting, together with the inclusion of inviting ORR to hold a public hearing to review Highways England’s performance on the A47 and consider transferring responsibility for delivery (including budget) from Highways England to Norfolk County Council.

#### 9.11 **Decision**

Cabinet **RESOLVED** to

**Agree** the response to the consultation, as set out in the report, with the addition of the following:

- Invite Office of Rail and Road (ORR) to hold a public hearing to review Highways England’s performance on the A47, and consider transferring responsibility for delivery (including budget) from Highways England to Norfolk County Council.
- We do not consider Highways England to be fit for purpose.
- We are extremely concerned that Highways England appear to be unable to bring projects to delivery in a timely fashion, meaning much needed funding promised for local communities remains unspent.
- We do not believe that such significant levels of public funding should be managed by an unelected and undemocratic organisation.

#### 9.12 **Alternative Options**

If the County Council chooses not to respond to the consultation it means that the opportunity is lost to outline our concerns and contribute to ensuring better performance in the future.

#### 9.13 **Reason for Decision**

Norfolk County Council has worked hard to achieve government commitment to improvements on trunk roads. However, performance in delivering the current round of schemes on the A47 has been agonisingly slow and there is concern about the effectiveness of Highways England's delivery. We are anticipating that the subsequent trunk road programme, for 2020 to 2025, will be announced soon. This review by ORR provides an opportunity to ensure more effective delivery of these important schemes.

## **10 Norwich Western Link**

10.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out the next stages for the project and specifically seeking Cabinet's approval to the proposed procurement process and timescales as set out. The proposals build on the learning and experience gained from other major projects, including the Great Yarmouth Third River Crossing.

10.2 The Executive Director of Community & Environmental Services highlighted that the former Northern Distributor Route (NDR) had been designed approximately 10 years ago to the standards at that time and had been ultimately tested and approved at Public Inquiry. The Norwich Western Link was being designed to today's standards and requirements including environmental mitigation. Norfolk County Council had chosen to go beyond this by committing to a net bio diversity gain for the proposal and subject to Cabinet approval, a business case for the scheme would be developed and this would ultimately be tested at public inquiry by an independent inspector.

10.3 In introducing the report and moving the recommendations, the Cabinet Member for Highways, Infrastructure & Transport said that the Norwich Western Link was a priority scheme for Norfolk County Council and that since it had been agreed as a priority in 2016, work had kept to timescale and he thanked everyone for achieving that.

The Cabinet Member said it was hoped to start construction in 2022 with the road being fully opened in 2025.

The Cabinet Member also highlighted the purpose of the report, the strategic objectives and the proposals for the next financial year, together with the financial implications as set out in the report.

10.4 The Cabinet Member for Commercial Services and Asset Management said that, as the entire Norwich Western Link route ran through his Division from start to finish, he fully supported the recommendations, adding that he was pleased to see a further public consultation would be held as some of the residents in his division were affected more than others and they would be pleased to see that some of their concerns could be taken into consideration.

The Cabinet Member added that he was in favour of the scheme, particularly as some of his constituents were suffering from rat-running through their villages, which was likely to continue until the NWL was built. He added that he was being lobbied by various environmental groups who were concerned about the effect on the environment and highlighted the work county farms was

doing to plant 1m trees to mitigate the environmental impact. He added that work had already started on county farms, with a commitment to a net gain of 1 million trees to replace those removed for the road, with 150 trees being planted at a care farm together with 18000 hedging plants and 152 trees at three properties, hopefully by the end of March 2020.

- 10.5 The Cabinet Member for Innovation, Transformation & Performance supported the Norwich Western Link and although his division didn't run through the link road, the Broadland Northway had brought benefits to his division, allowing residents easy access to the airport and allowing them to travel to and from Fakenham and other parts of the division without having to cut through Norwich. The Western link was important for his division as it would help cement the economic importance of Fakenham and the existing manufacturing businesses there, allowing access for jobs and allowing easier access for travelling further afield. He continued that there had been recent press reports about ambulance response times and building the NWL could help improve those response times.
- 10.6 The Chairman highlighted the paragraphs in the report which demonstrated the links to this project with Transport for Norwich and the Transforming Cities Fund which highlighted the work around sustainable transport for Norfolk.
- 10.7 The Cabinet Member for Communities & Partnerships added that as well as improving response times for the ambulance service, the Norwich Western Link would improve response times for the Norfolk Fire & Rescue Service.

10.8 **Decision**

Cabinet **RESOLVED** to:

1. **Approve** the contracting strategy outlined in the report and agree that an OJEU (Official Journal of the European Union) contract notice should be published in due course.
2. **Agree** the proposed approach to social value.
3. **Agree** the proposed high-level evaluation criteria set out in the report.
4. **Delegate** to the Executive Director of Community & Environmental Services authority to approve the detailed valuation criteria and weightings, in consultation with the Cabinet Member for Highways, Infrastructure & Transport and the Head of Procurement, taking account of the views of the Norwich Western Link Member Working Group.
5. **Proceed** with a public consultation on the emerging details of the preferred route.

10.9 **Alternative Options**

Refer to paragraph 5 of the report.

10.10 **Reason for Decision**

Procurement will enable the D&B contractor to be engaged and allow them to feed into statutory process and provide robust costs and construction methodology, thereby reducing the project risks. This approach has been

developed following practice developed from other major projects, notably the Great Yarmouth Third River Crossing.

## **11 Life Opportunity Services for adults with learning disabilities and/or autism.**

11.1 Cabinet received the report by the Executive Director of Adult Social Services describing the proposal to transform Life Opportunities for adults with learning disability and/or autism and analyses the impact for service users and the provider market.

11.2 The Director of Commissioning, Adult Social Services advised that, in Norfolk 3.1% of the people with learning disabilities the council supported were in paid employment. Across England this figure was 5.9% and our neighbours in the eastern region achieved 8%. He added that if Norfolk County Council could perform as well as the east of England neighbours, it could mean a further 125 people would be in paid work in Norfolk.

The Director of Commissioning continued that the proposal in the report was to make changes to support more people and was about piloting different approaches to support people with more complex needs or who required more support to develop skills. The proposals in the report upheld the ambitions of the users who had co-produced our local learning disabilities strategy “My Life, My Ambition, My Future”.

11.3 In introducing the report and moving the recommendations, the Cabinet Member for Adult Social Care, Public Health & Prevention said he was pleased to present this report to Cabinet as it was something that had been in gestation for a number of years and which had come out of a decision by the previous Administration run by Cllr George Nobbs, to implement a radical reshaping of day centres which was associated with cuts of several £m to the programme. The Cabinet Member continued that the new Administration had considered the proposals unsustainable and non-deliverable and work was undertaken to see how the proposals could be changed and refocused.

Work commenced by commissioning a new strategy, to be co-produced by service users “My Life, My Ambition, My Future” which was completed in 2018. This outlined the aspirations of the service users to have a more normal life and become more integrated in society, together with having more variation to reflect the different levels of disability. That document has helped formulate the proposals contained in the report to Cabinet for three distinct pathways within the Life Opportunities Framework:

1. Promoting Independence Pathway – will support people to develop life skills , providing greater opportunities to access mainstream activities and take part in training or learning activities.
2. Wellbeing Pathway – will support people with complex and challenging needs which often require specialist equipment and facilities as well as specially trained staff
3. Skills and Employment Pathway. Will support people into employment through a tailored employment and outcomes plan .

The Cabinet Member for Adult Social Care, Public Health and Prevention continued that providers were very keen to engage with supporting people into paid employment, with discussions about the pathways happening during the normal course of events with the social worker of the service user which would eliminate the need for additional paperwork and also hopefully alleviating stress for the service user.

- 11.4 The Cabinet Member of Community & Partnerships, as the Member Champion for Equality and Diversity, welcomed the proposals which would give service users more choice.
- 11.5 The Cabinet Member for Growing the Economy asked if there were any other pilot schemes happening. In reply the Cabinet Member for Adult Social Care, Public Health & Prevention advised that, if Cabinet agreed the proposals, the pilot would be launched immediately.
- 11.6 The Cabinet Member for Children's Services endorsed the initiative, and said that he knew someone who had taken part in the trial pilot and had found it so rewarding they were now trying to find employment in a placement closer to their home as they had previously been cycling from Fakenham to Wells. He added that he understood there may be some opportunities to engage with smaller parish councils who may be able to help get them on the pathway.
- 11.7 The Cabinet Member for Finance supported the initiative which he felt was a very welcome addition to the transformation programme being put in place as part of "Together for Norfolk" and Norfolk Futures as this would help the County Council to deliver the Adult Social Services programme, helping reablement and this, along with other service departments and the transformation programme would then help create a more effective service.
- 11.8 The Chairman added that this project was not about financial savings, it was about the project being cost-neutral and he also emphasised that this was a new model of pathway delivery which would support people to have more skills to enable people to be more confident.

11.9 **Decision**

Cabinet **RESOLVED** to:

- a) **Agree** the phased implementation of the Life Opportunities framework.
- b) **Agree** to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework.
- c) **Agree** the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019.
- d) **Agree** that future reports to Cabinet and Committees relating to matters of Learning Disability and/or Autism are accompanied by an easy read version.

11.10 **Alternative Options**

Refer to Cabinet report.

11.11 **Reason for Decision**

Refer to paragraph 5.1 to 5.5 of the Cabinet report.

## **12 Human Resources and Finance System Transformation Project**

12.1 Cabinet received the report by the Executive Director of Strategy and Governance providing an update on the Programme and requesting approval for the decision to award the contract be delegated to the Executive Director of Strategy & Governance, as Programme Sponsor, in consultation with the Executive Director of Finance & Commercial Services, the Leader of the Council and the Cabinet Member for Innovation, Transformation and Performance.

12.2 In introducing the report and moving the recommendations, the Cabinet Member for Innovation, Transformation and Performance highlighted that the project had arisen from the realisation that the existing Financial and HR programmes were reaching the end of their life and the opportunity had been taken to replace them, whilst transforming the service delivery which had presented an opportunity to realise savings and improve services.

Corporate Select Committee were overseeing the implementation programme which was working well. The Select Committee had received reports in May and November 2019 and held an all-member workshop in November 2019 with further workshops planned for February 2020, to engage Members in the scope of the programme, explain the technology opportunities to transform the service and realise savings.

The Cabinet Member highlighted that, following the procurement process, the tenders had been received on 20 December 2019 and these were currently being evaluated with a view to awarding the contract on 31 March 2020.

12.3 The Cabinet Member for Adult Social Care, Public Health & Prevention endorsed the report and fully supported the recommendations. He added that good progress was being made on this vital project to deliver over £20m of net savings to the Council, after the £12m to implement the project had been paid. He added that this was not coming from front-line services but was coming out of efficiencies through the county council.

### **12.4 Decision**

Cabinet **RESOLVED** to:

- **Note** the progress made on the procurement of a cloud-based ERP system.
- **Delegate** the decision on award of the contract to the Executive Director of Strategy & Governance, as Programme Sponsor, in consultation with the Executive Director of Finance & Commercial Services, the Leader of the Council and the Cabinet Member for Innovation, Transformation and Performance.

### **12.5 Alternative Options**

None.

## 12.6 **Reasons for Decision**

Delegating the procurement decision will allow the programme to proceed at pace with the successful supplier mobilising their resources in good time. Any delay in the programme at this stage will impact the planned go-live of the new system (October 2021) and incur costs; a delay of 6 months has been costed as resulting in additional project costs in the order of £250,000, plus additional supplier costs. There would also be a delay in realising benefits and savings.

Delegating the decision is felt to be the most practical way of keeping the Programme on track in terms of both timescale and benefits realisation and is consistent with other major procurement processes

## 13 **Acquisition of Pump Farm, Weston Longville**

13.1 Cabinet received the report by the Executive Director of Finance & Commercial Services setting out proposals aimed at supporting Norfolk County Council priorities by acquiring a property to support the Norwich Western Link project.

13.2 The Cabinet Member for Commercial Services and Asset Management introduced the report and moved the recommendations to purchase Pump Farm Weston Longville for £1.25m on terms agreed and instruct the Head of Property to oversee the implementation of the acquisition.

### 13.3 **Decision**

Cabinet **RESOLVED** to :

- **Agree** to the purchase of Pump Farm, Weston Longville for £1,250,000 on terms agreed and instruct the Head of Property to oversee the implementation of the acquisition.

### 13.4 **Alternative Options**

The acquisition of Pump Farm, Weston Longville by agreement is the result of the issue of a Blight Notice.

### 13.5 **Reason for Decision**

The acquisition of Pump Farm, Weston Longville supports the Norwich Western Link project.

## 14 **Finance Monitoring Report 2019-20 P9: December 2019**

14.1 Cabinet received the report by the Executive Director of Finance & Commercial Services giving a summary of the forecast financial position for the 2019-20 Revenue and Capital Budgets, General Balances and the Council's Reserves at 31 March 2020, together with related financial information.

14.2 In introducing the report, the Cabinet Member for Finance highlighted the following:

- The revenue budget overspend had been reduced in Period 9 from £3.969m to £1.921m, a decrease of £1.775m. During this period Children's Services overspend had been increased by £1.1m to £13.3m which was a net figure.
- The main reason for the increased overspend was down to additional placement costs although there were also additional transport costs, which could be partly ameliorated by the increase in the finance general underspend as additional capital receipts were being used to repay debt rather than the revenue budget as well as capitalising some transformation costs.
- On 30 January 2020, the Department for Education had confirmed the Dedicated Schools Grant (DSG) conditions in line with their recent consultation which clarified that Norfolk County Council was not required to fund the Dedicated Schools Grant deficit. It would be carried forward, but in essence it would mean that the Auditors would not be expecting to qualify our accounts on a DSG deficit in future.
- It should be noted an early years underspend was used to partly offset a high needs block. Confirmation from the DfE was sought who confirmed this was acceptable.
- In terms of balancing the overall position by the end of March 2020, a grant from the Local Government departments and Section 31 grant guidance had changed, which should see some money coming back to the County Council.
- All departmental projected overspends were being reviewed and between now and the end of March 2020 it was expected that the Adult Social Services overspend in particular would reduce, although that depended on the remaining winter months. Any remaining shortfall at that stage would be found from reviewing reserves.
- The Cabinet Member was confident that a balanced budget would be achieved by the end of the financial year.
- The Cabinet Member for Finance moved the recommendations as set out in the report.

14.3 The Chairman reiterated that the overall overspend had reduced with the expectation that the 2019-20 budget would balance by the end of the year.

14.4 The Cabinet Member for Children's Services thanked the Cabinet Member for Finance for explaining the issues regarding the Dedicated Schools Grant deficit which was outlined in paragraph 6.1 of the report and which had identified that there was not sufficient money in the system by the fact that they had now decided our deficit would be ignored. The Cabinet Member for Children's Services advised that he had recently spoken with some of Norfolk's MPs and had raised the issue with them.

He added that Children's Services department was aware of its pressures regarding transportation of home to school transport for special educational

needs and general school transport. A working group had been established which would be considering all aspects of transport to optimise services and bus routes.

The Cabinet Member thanked Cabinet for understanding the pressures faced by Children's Services and for its help in addressing those issues.

14.5 The Cabinet Member for Innovation, Transformation and Performance thanked the Portfolio Holder and the finance team for all the work they had done and said that given the size of the budget a lot of work had gone into reducing the deficit and delivering services in difficult circumstances.

#### 14.6 **Decision**

Cabinet **RESOLVED** to:

1. Recommend to County Council an amendment to the Council's Flexible Use of Capital Receipts Strategy for 2019-20 to 2021-22 as set out in Appendix 2 Paragraph 3.4, increasing the capital receipts that can be applied to the Children's Services Demand Management & Prevention Strategy and other transformation costs from £2m to a maximum of £3m.
2. Recommend to County Council an addition of £1.250m to the capital programme for the acquisition of Pump Farm, Weston Longville as explained in Appendix 2 section 4 and subject to Cabinet approval of the purchase.
3. Note the period 9 forecast general fund revenue overspend of **£1.921m** noting also that Executive Directors will take measures throughout the year to reduce or eliminate potential over-spends;
4. Note the period 9 forecast shortfall in savings of £4.916m, noting also that Executive Directors will take measures throughout the year to mitigate savings shortfalls through alternative savings or underspends;
5. Note the forecast General Balances at 31 March 2020 of £19.623m, before taking into account any over/under spends;
6. Note the expenditure and funding of the revised current and future 2019-22 capital programmes.

#### 14.7 **Alternative Options**

In order to deliver a balanced budget, no viable alternative options have been identified to the recommendations in this report.

#### 14.8 **Reason for Decision**

Two appendices are attached to this report giving details of the forecast revenue and capital financial outturn positions:

Appendix 1 summarises the revenue outturn position, including:

- Forecast over and under spends

- Changes to the approved budget
- Reserves
- Savings
- Treasury management and
- Payments and debt performance

Appendix 2 summarises the capital outturn position, and includes:

- Current and future capital programmes
- Capital programme funding
- Income from property sales and other capital receipts.

## **15 Delegated Decisions Reports**

Cabinet **noted** the following Cabinet Member Delegated Decisions made by the Cabinet Member for Highways, Infrastructure and Transport:

- Salt Supply Contract.
- Wells TRO
- Dereham Greenfields - TRO

The meeting ended at 11.15am.

### **Chairman**



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

**Agenda Public Question Time  
item 5**

**Question from Louise Cooper**

Why can't we choose the route which has the least environmental impact for the western link? Choosing a route before the appropriate surveys have been completed surely means the environment is not a priority for the council.

**Response:**

A great deal of work was undertaken considering a range of factors including the environment, traffic implications and value for money to determine the preferred route. This followed national guidance. This was appropriate and proportionate to the stage in the project and is detailed in the [Option Selection Report](#).

---

**Question 1 from Hanne Schierff**

How could the decision about the route of the A47 extension be taken without a thorough investigation of the environmental impact of the chosen route?

**Response:**

The environmental impact has been considered in line with national guidance. This is given in the Option Selection Report which was published ahead of the preferred route decision in July 2019 and is available via our [website](#).

---

**Question 2 from Hanne Schierff**

Has an environmental, financial and traffic volume impact review been carried out in relation to the original business plan for the current stretch of the road?

**Response:**

Yes, environmental, financial and traffic monitoring has been carried out since Broadland Northway opened. Information on this can be found on our [website](#).

---

**Question from Mr Euan Broughton**

How come the choice on route for the Wensum Link was chosen when no traffic or environmental surveys were undertaken?

**Response:**

Traffic and environmental surveys were undertaken prior to the preferred route being agreed and details are in the Option Selection Report available via our [website](#).

---

**Question 1 from Cecilia Rossi**

The woodland I own contains a significant number of veteran trees listed on the Woodland Trust's Ancient Tree Inventory. This area of woodland is directly in the path of the Western Link Road. The National Planning Policy Framework is clear that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons." Can the cabinet provide evidence that it has followed government guidance and that the proposed road scheme is a "wholly exceptional reason" under the policy framework?

**Response:**

The work on which decision-making has been based has been published and is available via our website. The development of the project will follow national requirements and all details will be tested through the statutory process.

---

**Question 2 from Cecilia Rossi**

The National Planning Policy Framework guidance also states "that veteran trees are irreplaceable, discussions over possible compensation should not form part of the assessment to determine whether the exceptional benefits of the development proposal outweigh the loss." Why does the cabinet insist on perpetuating the myth that biodiversity net-gain can compensate for their loss when expert guidance says otherwise?

**Response:**

Biodiversity net gain is assessed against national Department for Environment, Food and Rural Affairs (DEFRA) criteria to ensure that, overall, habitats for wildlife are left in a measurably better state than before construction began.

---

**Question 1 from Mr John Wells**

REF: Section 8.5.5

Why has the proposed Norwich Western Link route, chosen to deliberately destroy a small area of amenity woodland, immediately after crossing the Wensum, that is owned by at least 12 individual owners, who own plots there to enjoy with their families and friends?

**Response:**

The [Option Selection Report](#) details the range of factors assessed, including ecology, to determine the preferred route.

Biodiversity net gain is assessed against national DEFRA criteria to ensure that, overall, habitats for wildlife are left in a measurably better state than before construction began.

---

**Question 2 from Mr John Wells**

This needless destruction of trees and animal habitats, is not 'Biodiversity Net Gain' where trees that are hundreds of years old are replaced with new saplings, this will NOT leave habitats in a better state than before this development. This is NOT just open farmland. If the surveyors employed by NCC are 'competent professionals' why do they not adhere to Health and Safety guidelines when 'surveying' these woodlands, by wearing appropriate safety equipment?

**Response:**

When attending site NCC appointed surveyors undertake a risk assessment, which informs the level of safety equipment required and complies with the relevant health and safety legislation.

---

**Question 1 from Mr Andrew Cawdron**

This a challenge to the Norwich Western Link proposal and request for funding..... Please justify why this Council remains so committed to an excessive road building policy, (such as the NWL), when the consequential environmental destruction is proven and cannot be mitigated against, (as evidenced by the deficient and dying landscaping and bat bridge failure of the NNDR Northway), and particularly when funds are also deficient and climate action demanding traffic volume reduction measures are required ?

**Response:**

In a largely rural county like Norfolk, making improvements to the road network is important to help reduce congestion, improve road safety, support businesses and the local economy, improve bus journeys and support use of public transport, and reduce emergency response times. However, improving roads and travel by vehicle alone is not the only solution.

As part of the Norwich Western Link project, we are committed to supporting people to walk, cycle and use public transport in the local area. Taking vehicles off small rural roads and in residential areas will help with this, but we will also put a package of complementary transport measures together. We are working with local parish councils, walking and cycling groups, bus companies and others to develop measures that will be most effective.

The council has also been investing in better cycling, walking and public transport infrastructure across Norwich and Norfolk, particularly – but not exclusively – in urban and suburban areas where we can link more people and homes to places of work, study and leisure and be most effective at shifting shorter journeys to more sustainable forms of travel. The recent Transforming Cities bid is an example of this.

In relation to Broadland Northway, we are in the process of replacing all planting that has died (which was impacted by the exceptionally dry summers in 2018 and 2019). We commissioned specialist consultants to carry out monitoring of the bat mitigation measures on Broadland Northway and the details published on our website. Monitoring will be carried out over a number of years (up to 15 years in relation to bats) to ascertain their long-term effectiveness.

---

**Question 2 from Mr Andrew Cawdron**

To gain any credibility will cost our community 7 Million pounds this year with no guarantee of a planning consent at the end of it, or is our planning system so profoundly broken that NCC has a guarantee in it's pocket ?

**Response:**

The Norwich Western Link is a major infrastructure project with regional priority status and has received strong support from members of the public, the business community, local councils and MPs. These projects require significant investment to deliver, but we anticipate a significant amount of the funding will be provided by the Department for Transport. The case for the scheme will be thoroughly tested as part of the statutory processes, which will be held in public.

---

**Question 1 from Nicola Harrison**

Please read the report by the Campaign to Protect Rural England (CPRE) "The end of the road? Challenging the road building consensus" <https://www.cpre.org.uk/resources/the-end-of-the-road-challenging-the-road-building-consensus/>. Then answer how the NWL will prevent induced traffic, and fragmentation of habitat leading to bio diversity loss for example similar to the loss of the two barbastelle bat colonies that has occurred as a result of the NDR (BBC Inside out 28.1.20).

**Response:**

We are delivering infrastructure that is appropriate to accommodate planned growth, provide better links between the Major Road Network and Strategic Road Network, and deal with significant traffic issues that have existed for many years in communities to the west of Norwich.

While two previously recorded bat colonies were not found as part of monitoring carried out after Broadland Northway opened, this cannot be equated with them disappearing. In relation to one of these previously recorded colonies, surveyors were unable to gain access to the buildings where they had previously been located due to the safety of the structures. It is therefore possible that one or both of these bat colonies still exist but that they have not been located.

---

**Question 2 from Nicola Harrison**

Given that building this road will increase car use how can you defend building this road when instead we need to change the way we travel to sustainable public transport and cycling or walking to combat the real threat posed by climate change (see the Intergovernmental Panel on Climate Change report 2018 <https://www.ipcc.ch/sr15/chapter/spm/> )

**Response:**

In a largely rural county like Norfolk, making improvements to the road network is important to help reduce congestion, improve road safety, support businesses and the local economy, improve bus journeys and support use of public transport, and reduce emergency response times. However, improving roads and travel by vehicle alone is not the only solution.

As part of the Norwich Western Link project, we are committed to supporting people to walk, cycle and use public transport in the local area. Taking vehicles off small rural roads and in residential areas will help with this, but we will also put a package of complementary transport measures together. We are working with local parish councils, walking and cycling groups, bus companies and others to develop measures that will be most effective.

The council has also been investing in better cycling, walking and public transport infrastructure across Norwich and Norfolk, particularly – but not exclusively – in urban and suburban areas where we can link more people and homes to places of work, study and leisure and be most effective at shifting shorter journeys to more sustainable forms of travel. The recent Transforming Cities bid is an example of this..

---

### **Question 1 from Iain Robinson**

Item 10, 2.9.1 of the agenda pack states, “further work has been undertaken on the environmental mitigation measures which will form part of the NWL scheme and achieve Biodiversity Net Gain”. There is evidence that the woodland that will be felled on the route of the Western Link Road is vital Barbastelle bat habitat, and an investigation by BBC ‘Inside Out’ has cast doubt on the efficacy of mitigation efforts on the NNDR. Exactly how does Norfolk County Council propose it will achieve Biodiversity Net Gain whilst destroying ancient/veteran trees and habitat vital to a species listed as Near Threatened globally on the IUCN Red List?

### **Response:**

We commissioned specialist consultants to carry out monitoring of the bat mitigation measures on Broadland Northway and the details are published on our website. Monitoring will be carried out over a number of years (up to 15 years in relation to bats) to ascertain their long-term effectiveness.

In relation to the Norwich Western Link, we carried out a range of bat surveys across a wide area in May 2019 and combined this data with information from bat records and habitat assessment work to help inform the selection of the preferred route. This work was then balanced against many other factors in determining the best overall route for the Norwich Western Link.

We continued to carry out a variety of bat surveys throughout the 2019 season (May – September) and will conduct further bat surveys in the 2020 season to further inform our work and provide up-to-date information ahead of submitting the planning application.

Biodiversity net gain is assessed against national DEFRA criteria to ensure that, overall, habitats for wildlife are left in a measurably better state than before construction began.

---

### **Question 2 from Iain Robinson**

WSP have yet to complete a full year of surveys and will, by this council’s own admission, not report its findings until later this spring. The decision made in July was thus based on insufficient data (only two months of bat survey completed, for example). On what data set do you base your confidence in delivering successful mitigation and can this data set be released in the public interest?

**Response:**

Prior to identifying Route C as the preferred route, we carried out an appropriate and proportionate amount of surveying. This work was then balanced against many other factors in determining the best overall route for the Norwich Western Link.

Survey work continued throughout 2019 and will continue in 2020 to further inform our work and provide up-to-date information ahead of submitting the planning application. All details will be presented as part of the statutory approvals process the project will need to go through.

---

**Question from Steven Tozer.**

The Cabinet papers refer to NCC working towards carbon neutrality by 2030. Please clarify what this means. Does it mean:

- 1) overall carbon emissions in Norfolk will be zero by 2030 – that is, the balance of positive emissions (sources) and negative emissions (sinks) will be zero. As usually referred to as “net-zero”, or
- 2) the policies of NCC will introduce no additional emissions over the current baseline levels ie NCC will be carbon neutral with respect to the current baseline of emissions, or
- 3) something else ?

**Response:**

The target date of 2030 applies to NCC’s own operations and not Norfolk as a whole, though we intend to support, encourage and work in partnership with others in Norfolk to join us in aiming for this target. Our approach will follow the United Nations lead: to include a mix of greenhouse gases, of which Co2 is the main constituent by volume. We are currently gathering this baseline information for presentation to Cabinet in April.

Baseline figures will be monitored carefully and practices changed to both reduce greenhouse gas emissions and maximise carbon sequestration to ensure a net zero carbon balance; for example the Councils target to plant 1 million trees in Norfolk over the period of five planting seasons.

---

**Question from Michelle Pett**

The Cabinet state :‘This includes a substantial number of further environmental / ecological surveys, along with topographical, geotechnical and other work to inform the scheme design and potential mitigation. In addition, data has been compiled to update the traffic model, including traffic counts. This will provide a robust evidence base for further assessment of the preferred option.....’ The implication here is that when the preferred route was decided upon there was not to hand full and sufficient data to make a safe and informed decision. Can Cabinet confirm it will be making this new data public and also undertake a review and public consultation on all previously considered route options?

**Response:**

A great deal of work was undertaken considering a range of factors including the environment, traffic implications and value for money to determine the preferred route. This followed national guidance. This was appropriate and proportionate to the stage in the project and is detailed in the [Option Selection Report](#).

The further work described in section 1.2.2 of the Cabinet report will be used in subsequent business cases and the planning application.  
All details will be tested through the statutory process which will be held in public.

---

**Question from Daphne Sampson**

While appreciating the current public online consultation on the King's Lynn Transport Plan, gauging people's concerns over different means of transport, I want to ask if the council has considered taking a lead in actually working on influencing public opinion as part of its laudable policy of moving to zero carbon by 2030, for example, has it considered adverts on billboards, buses, in the paper, encouraging bus use in terms of climate change concerns, eg 'For our kids, cut your carbon footprint, take the bus!'

**Response:**

The issues that you raise are ones that not only affect King's Lynn. They apply to the whole county where we need to make sure that people can get to where they need to, whilst at the same time taking account of, amongst other things, the recently-adopted environmental policies to reduce carbon emissions.

The current online consultation is on the countywide local transport plan, which we are reviewing. As part of our work on this we are looking at ways that we can influence people's travel choices. We are working with a range of partners including public health and also looking at the evidence from behavioural insights on what works to influence the changes we need to see. Although this work hasn't yet concluded I would expect that it will include public information campaigns similar to what you have raised..

---

**Question from Jenn Parkhouse**, on behalf of Wensum Valley Alliance.

The Inside Out East programme broadcast on BBC 1 on Mon 27th January supplied incontrovertible evidence that bat gantries, green bridges, dark corridors and an underpass had failed to protect bats and their habitat from the NDR. Would it not be more appropriate for the Cabinet to discuss today the scrapping of the NWL rather than awarding still more millions to this project?

**Response:**

It is not accurate to say there is incontrovertible evidence that the mitigation measures on Broadland Northway have failed to protect bats and their habitats. We commissioned specialist consultants to carry out monitoring of the mitigation measures on Broadland Northway and their findings are published on our website. Monitoring will be carried out over a number of years (up to 15 years in relation to bats) to ascertain their long-term effectiveness.

There is strong support in Norfolk to create a Norwich Western Link, from members of the public, local councils, MPs, emergency services and the business community. The new road would reduce long-standing problems of congestion and rat-running on small rural roads and through communities to the west of Norwich. In doing so, it would improve the quality of life of local residents, which is currently impacted by noise, safety, air quality and the severance created by rat-running traffic.

It is also vital that we ensure infrastructure is in place to help Norfolk grow successfully, taking account of anticipated housing and employment growth and the associated increasing population that will increase pressure on transport networks. The Norwich Western Link is a much-needed piece of infrastructure that will complete a dual carriageway orbital route around Norwich, reducing the need for traffic to enter the city and alleviating local transport issues.

We are committed to building this road in an environmentally-responsible way and to following national guidance and requirements. All details will be tested through the statutory process.

---

**Question from Richard Ward**

Regarding proposed changes to Life Opportunities commissioning in Norfolk: Given the positive experience of some of the service users of the Assist Trust - one of the providers involved in the NCC Skills and Employment pilot - why has the response to new proposals been so negative and how can providers and the public at large be assured that the potential positives from new life opportunity proposals will not come at a cost to essential day services generally?

**Response:**

We welcome the positive outcomes achieved by Assist Trust and the other providers that took part in in the pilot of the Skills and Employment pathway. In doing so we also acknowledge that people who use existing services for other reasons have raised some concerns.

NCC will continue to ensure that there are services in place that meet people's needs, as close to home as possible. This includes people with complex needs, as well as those who have an aspiration to find paid work. The pilot of the Wellbeing and Promoting Independence pathways will ensure that any future roll out is based on evidence and learning.

---

**Question from Robin Ward**

We have seen some very positive and encouraging Pathway 3 developments and outcomes at Dereham Community Hub. One of our customers has successfully applied for paid work, and another is gaining work experience at the local library. Success looks different for each of our customers, who all have their own aspirations and interests: what would the Cabinet consider as a successful outcome in terms of Pathway 3?

**Response:**

Thanks for sharing these positive outcomes achieved by the people you support. They are good examples of the type of outcomes seen in the skills and employment pathway pilot.

You are right, positive outcomes for people taking part in the skills and employment pathway will be different for each person. For some people paid work will be a successful outcome, for others it will be taking on a regular volunteering role. Another positive

example from the pilot has been someone deciding to obtain a qualification having taken part in a successful volunteering role.

Whilst obtaining paid work, volunteering roles and qualifications are anticipated, other good outcomes are expected to be the benefits for the individual such as increased self confidence, a sense of purpose and satisfaction from making a contribution.

---

### **Question from Iris van Zon**

I think employment pathways are an excellent idea. We have worked with people with learning difficulties at Clinks Care Farm for the last 10 years. Our provision has often helped people prepare for employment and some people have moved into employment as a result. However employment opportunities are limited. Employers do not always see that taking someone on with a learning disability or other label can benefit and enrich their business/organisation. They are concerned about the support someone will need. How does the cabinet envisage to address this issue and overcome the barriers in businesses, organisations and the labour market in general?

### **Response:**

It is really important that alongside the introduction of the skills and employment pathway we do more to work with employers to create new employment opportunities. This is why Norfolk County Council has created a new team of advisors whose role is to work directly with employers to encourage and support them to employ people with disabilities.

There are 165 employers who are signed up and committed to be “disability confident” employers. The new NCC team was set up in November. In the short time it has been established the team has had contact with 150 different employers and developing these relationships to create new employment opportunities will continue to be its focus over the coming months and years.

---

## Appendix B

### Agenda Local Member Issues/Questions item 6

#### Question from Cllr Ed Maxfield

Do you agree with me that public sector organisations must show integrity and be open and transparent when making mistakes in order to retain public confidence so public scrutiny can help them to learn and respond properly and will the Leader condemn the appalling “we got away with it” email by Norwich and Suffolk Foundation NHS Trust and demand that the Trust carries out an in-depth review of its corporate culture so that the people of Norfolk and Suffolk – and partner organisations like Norfolk County Council – can be confident it has the interests of patients at the forefront of its actions?

#### Response by the Chairman:

I’m glad that the Chief Executive at the Norwich and Suffolk Foundation NHS Trust is dealing swiftly with the issue by undertaking an investigation regarding these comments.

The NSFT has its own code of conduct for staff so it would be improper for Norfolk County Council to comment.

---

#### Question from Cllr Tim Adams

Service providers were expecting a new framework for this service to become effective last summer but it is now proposed to divide it up, pilot some of it and phase in other parts. Is that because the Council didn’t have the resources to deliver the changes on time or because service providers have told them they can’t deliver the services for the price they were offering?

#### Response:

We have been working with providers for over two years on this new framework, so it has been co-produced with them. Providers tell us that they want to work with us to shape services, to pilot new ways and learn from the results. The approach has worked well and we want to replicate the same process going forward so we get the pricing and the model right. The new timescale is not as a result of a lack of NCC resource, but about making sure we get it right for all stakeholders.

---

#### Question from Cllr Emma Corlett

Will Cabinet commit to providing independent, qualified, welfare rights advice to Town Close residents with a learning disability or autism where they are placed on the ‘Life Opportunities’ ‘Skills and Employment Pathway’ or ‘Promoting Independence Pathway’ so that they can fully understand the financial implications of engaging in any voluntary or paid work?

#### Response:

Considering the financial implications of paid work will be part of the new Skills and Employment pathway. People will be supported to obtain the support and advice that is right for them. For some people this will be support from their Life Opportunities pathway, for some it will be support to access the advice of the department of work and pensions and other external agencies. For those that need it advice will be available through NCC’s welfare rights service.

**Question from Cllr Danny Douglas**

People in Mancroft Ward need good rail links over and above the Norwich to 90 Service. At the council meeting on 25th November 2019, I asked the Leader if he would support a change in the direction of the A47 Alliance to include the development of sustainable travel mode. The leader replied that it was not an unreasonable suggestion to widen the remit of the A47 Alliance and he was sure Councillors on the Alliance would take notice of the comments and take it forward. Can Councillor Wilby confirm how he will be raising this at the Alliance's February 2020 meeting?

**Response:**

The A47 Alliance brings together representatives from all along the route, from Lowestoft to the A1 at Peterborough. Its objective is to act "as a special interest group to support the strategic case for improvements on the A47 corridor between Lowestoft and the A1. The ultimate objective of the Alliance is full dualling of the A47 with grade separation at its junctions."

In this respect the Alliance can consider strategic sustainable transport issues pertaining to the A47, but is not the appropriate vehicle to push for investment into, for example, east west rail links. There are more appropriate bodies that do this. The county council is a member of the East West Rail Consortium. This Consortium is similar to the A47 Alliance in that it brings together relevant interests to make the case for investment into rail links that would ultimately connect Norwich via Cambridge to Milton Keynes, Bedford, Oxford and the south west.

These groups' effectiveness relies on consensus around relevant issues, and I consider that the A47 Alliance should retain its objective around the A47 rather than attempt to include other modes such as rail. There are other established groups doing good work furthering these interests, such as the East West Rail Consortium, which the county council is a member of.

If there are specific, strategic, sustainable transport issues that the member would like raised pertaining to the A47, I am happy to consider raising these at the next meeting of the Alliance.

---

**Question from Cllr Alexandra Kemp**

The secondary school, KES, was once the town's Grammar School and a beacon of academic excellence. Now it is an Academy in special measures, reported as having the highest level of suspensions and exclusions in Norfolk. There is a strong case that failing schools should, like failing train companies, be renationalised. KES is in the catchment area for South Lynn, an area of great deprivation. I have taken up serious safeguarding and safety casework from parents and children at the school. Middle-class parents are taking their children away because of County Lines exploitation. What is this Council doing to raise achievement, quality of education and safety of children attending KES?

**Response:**

We take any evidence of safeguarding and safety concerns extremely seriously. Our Assistant Director for Quality Assurance, Intervention and Regulation has met with Cllr Kemp to hear the concerns raised and we are urgently seeking more information in order to determine our next steps. Academies are not local authority maintained or controlled schools and oversight of educational performance rests with the Regional Schools Commissioner (RSC). We engage routinely with the RSC and her team to discuss any matters that give cause for concern. We monitor the outcomes for all schools, including Academies, in terms of pupil achievement, safeguarding, exclusions and Ofsted inspection judgements. We noted that in their recent Ofsted safeguarding was judged to be satisfactory by inspectors. We are working with the school to reduce exclusions and in the last two terms there has been a dramatic reduction in Permanent and Fixed term exclusions. We will gather information rapidly in relation to the concerns raised and work will all parties to ensure that we are satisfied that young people continue to be safe in the school. Cllr Kemp will be given further updates as we make progress in resolving these concerns.

---

**Question from Cllr Brenda Jones**

#Please could you provide a breakdown of the 1400 people who currently access commissioned day services in Norfolk currently receive Employment Support Allowance (ESA) in the Support Group, ESA in the Work-Related Activity Group, Universal Credit (UC) Limited Capability for Work Group, UC Limited Capability for Work and Work Related Activity Group and how many of those people identified live in Lakenham and Tuckswood?

**Response:**

An analysis of our records shows that 1361 people in Norfolk use a commissioned day service AND receive either Employment Support Allowance (ESA) in the Support Group, ESA in the Work-Related Activity Group, Universal Credit (UC) Limited Capability for Work Group, UC Limited Capability for Work and Work Related Activity Group.

Of these, 32 people live within the Lakenham and Tuckswood postcodes

---

## Questions requiring written responses from the Cabinet Meeting held on Monday 3 February 2020

	<b>Question and response:</b>
<p>Agenda item 6 Local Member Supplementary Question from Cllr Danny Douglas</p>	<p>Cllr Danny Douglas asked, as a supplementary question, and referring to the A47 towns, if the Leader would commit to examining Councillor Harry Clarke of Dereham (Breckland Council) to review the new rail improvement fund (announced on 30 January) regarding the restoration of rail services principally to Dereham, either via the existing railway or a new alignment via the A47 and further into Fakenham and elsewhere in Norfolk. He added that such a development could alleviate the massive gap in scheduled transport investment between road and sustainable transport.</p> <p><b>Response from the Cabinet Member for Highways, Infrastructure &amp; Transport:</b></p> <p>The county council's adopted Norfolk Rail Prospectus identifies the Wymondham to Dereham line as having potential for reopening to scheduled rail services as part of the national network. Although the prospectus is currently under review, I am confident that there is sufficient evidence to support this position. As such I have asked officers to examine the recent government announcements on Re-opening Beeching era lines and stations to establish the opportunity for accessing the funding to take this forward. This will include giving consideration to the line north of Dereham.</p> <p>You will also be aware that we agreed, at Select Committee in September, to put some funding towards looking at the business case for King's Lynn to Hunstanton. Officers will therefore also be examining the implications of the recent government announcement on this line.</p>
<p>Agenda item 6 Local Member Supplementary Question from Cllr Brenda Jones.</p>	<p>Cllr Brenda Jones said that her question had asked for the numbers in each of the specific groups and she had hoped the response would reflect numbers for each group rather than a general total. As a supplementary question, Cllr Jones asked if she could have the specific numbers for each group</p> <p><b>Response from the Cabinet Member for Adult Social Care, Public Health &amp; Prevention:</b></p> <p>The Leader deferred the question to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health &amp; Prevention who agreed to provide a written response if the information was available.</p> <p>Having investigated further, it is not possible to break down the information in the way requested but only aggregated as supplied at the Cabinet meeting.</p>

# Cabinet

Item 7

<b>Decision making report title:</b>	<b>Emergency Services Collaboration – Update</b>
<b>Date of meeting:</b>	<b>02 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Margaret Dewsbury (Cabinet Member for Communities and Partnerships)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director for Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>
<p><b>Introduction from Cabinet Member</b></p> <p>Our Fire and Rescue Service have a long history of working with other blue light services in Norfolk. Signing the formal collaboration agreement with Norfolk Constabulary last year signalled a commitment from both sides to put renewed effort into collaboration.</p> <p>Working together, much has been achieved, including:</p> <ul style="list-style-type: none"> <li>- A new shared emergency control room, taking 999 calls from across Norfolk</li> <li>- More shared fire and police stations</li> <li>- A shared approach to dealing with missing persons</li> <li>- Shared resources and training</li> </ul> <p>I was pleased that the initiative of conducting a public consultation in collaboration with the Police and Crime Commissioner was successful and attracted a large attendance. We believe this was the first joint Police and Fire community engagement in the country and we agreed to hold similar events in the future.</p> <p>I look forward to seeing what we can achieve in the coming year.</p> <p><b>Recommendation</b></p> <p><b>1. To note the progress made and re-affirm the Council’s commitment to the Emergency services collaboration agreement between Norfolk Police and Crime Commissioner, Norfolk County Council, Norfolk Fire and Rescue Service, to continue to work together to improve the economy, efficiency and effectiveness of Norfolk’s emergency services.</b></p>	

## 1. Background and Purpose

- 1.1. Norfolk Fire and Rescue and Norfolk Constabulary have some shared purpose of delivering services and support to keep our communities safe. There is also shared recognition of the need to provide economic, efficient and effective

services. It is on that basis that the services entered into a formal collaboration agreement in early 2019.

- 1.2. It is now just over a year since the formal agreement was put in place, and this report updates on the progress that has been made so far, and the further work planned.

## **2. Emergency Services Collaboration Annual Report**

- 2.1. The Chief Fire Officer and Chief Constable have compiled an annual report setting out the work carried out to date, and the further work planned for the coming year. A copy of the report is set out in Appendix A.

## **3. Impact of the Proposal**

- 3.1. The benefits of improvements to service delivery to Norfolk people that this collaborative working has provided is summarised in the annual report at Appendix A.

## **4. Evidence and Reasons for Decision**

- 4.1. Working better, together, has enabled a number of service improvements and enhancements to be put in place. The Chief Fire Office and Chief Constable have identified further areas where there is benefit in exploring closer collaboration over the coming year.

## **5. Alternative Options**

- 5.1. None

## **6. Financial Implications**

- 6.1. Collaboration work is being progressed within existing resources.
- 6.2. Closer working provides an opportunity to make the best use of the public resources available. As set out in the annual report, the collaboration approach has enabled financial savings for both services to be delivered through the estates programme.

## **7. Resource Implications**

- 7.1. **Staff:** Work is being progressed within existing resources.
- 7.2. **Property:** A number of shared stations have already been developed and there are plans for more, including as part of the One Public Estate programme.
- 7.3. **IT:** None.

## **8. Other Implications**

- 8.1. **Legal Implications:** None. Norfolk Constabulary and Norfolk Fire and Rescue Service continue to be separate entities.
- 8.2. **Human Rights implications:** None
- 8.3. **Equality Impact Assessment (EqIA):** Working together provides opportunities to be more efficient and effective, providing an improved service to support all Norfolk communities.

## 9. Risk Implications/Assessment

- 9.1. Continued collaboration between Norfolk Constabulary and Norfolk Fire and Rescue Service will provide opportunity to improve the economy, efficiency and effectiveness of services. It also provides opportunities to improve the resilience of both services.

## 10. Select Committee comments

- 10.1. N/A

## 11. Recommendations

1. To note the progress made and re-affirm the Council's commitment to the Emergency services collaboration agreement between Norfolk Police and Crime Commissioner, Norfolk County Council, Norfolk Fire and Rescue Service, to continue to work together to improve the economy, efficiency and effectiveness of Norfolk's emergency services.

## 12. Background Papers

- 12.1. [Report to Communities Committee 16 January 2019 titled 'Emergency Services Collaboration – joint update from the Chief Fire Officer and Chief Constable'](#)
- [Report to Cabinet 20 May 2019 titled 'Police and Crime Commissioner request for membership of the Fire and Rescue Authority'](#)
- [Presentation to Infrastructure and Development Select Committee 17 July 2019 titled 'Emergency Services Collaboration'](#)

### Officer Contact

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

**Officer name:** Sarah Rhoden

**Tel No.:** 0344 800 8020

**Email address:** [Sarah.rhoden@norfolk.gov.uk](mailto:Sarah.rhoden@norfolk.gov.uk)



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



Norfolk Constabulary and  
Norfolk Fire & Rescue Service Collaboration

# ANNUAL REPORT



# 2019



# WELCOME

**The Policing and Crime Act 2017** includes a new statutory duty on the Police, Fire and Rescue and Ambulance services to keep opportunities to collaborate under review and to collaborate with one another where it is in the interests of either their efficiency or effectiveness.

**The Norfolk Police and Crime Commissioner** Lorne Green expressed the importance of exploring every possibility in delivering public services in the most cost effective, most efficient and most economical way. He therefore commissioned a business case and public consultation to look at possible opportunities.

The opportunities identified in the “**Case for Change**” were adopted as the initial blueprint. The Norfolk Police and Crime Commissioner and the Leader of Norfolk County Council therefore signed a Memorandum of Understanding (MoU) setting out the principles and understanding on which collaboration between the Norfolk Fire and Rescue Service and Norfolk Constabulary would proceed. The MoU provided the framework within which to develop a formal approach of working together.

The MoU focussed on the need to work together and establish new joint arrangements to oversee

the development and delivery of a new programme of work to achieve the benefits of collaboration and maximise opportunities between emergency services to improve efficiency, effectiveness and public safety.

It was recognised that there are a broad range of opportunities to explore the potential for collaboration. A work programme was developed covering the following broad areas:

- Protection, prevention & community
- Operational / organisational learning and innovation.
- Estates management
- Training and development

Underpinning all of the above is the joint commitment by both organisations to carry out key pieces of work in order to understand and identify opportunities for improved efficiency and collaboration.



## SUCCESSFUL COLLABORATIONS

10+



fire stations now used by Police and Fire for joint working, training and meetings. This includes two modified to become Police bases. More are planned.



90+

dedicated staff focused on community safety projects, sharing opportunities for joint working.

117\*

number of times we used our drone technology while working together.  
\*(data available May 2018 - Sept 2019).



Throughout 2019 we worked together to embed and progress our new approach within Norfolk Fire & Rescue Service and Norfolk Constabulary.

Much progress has already been made. This first Annual Collaboration Report highlights some of the work underway and some of the main highlights and achievements from 2019.



**Lorne Green,**  
Police and Crime Commissioner for Norfolk.



**Cllr Margaret Dewsbury,**  
Cabinet Member for Communities and Partnerships at Norfolk County Council.



100+

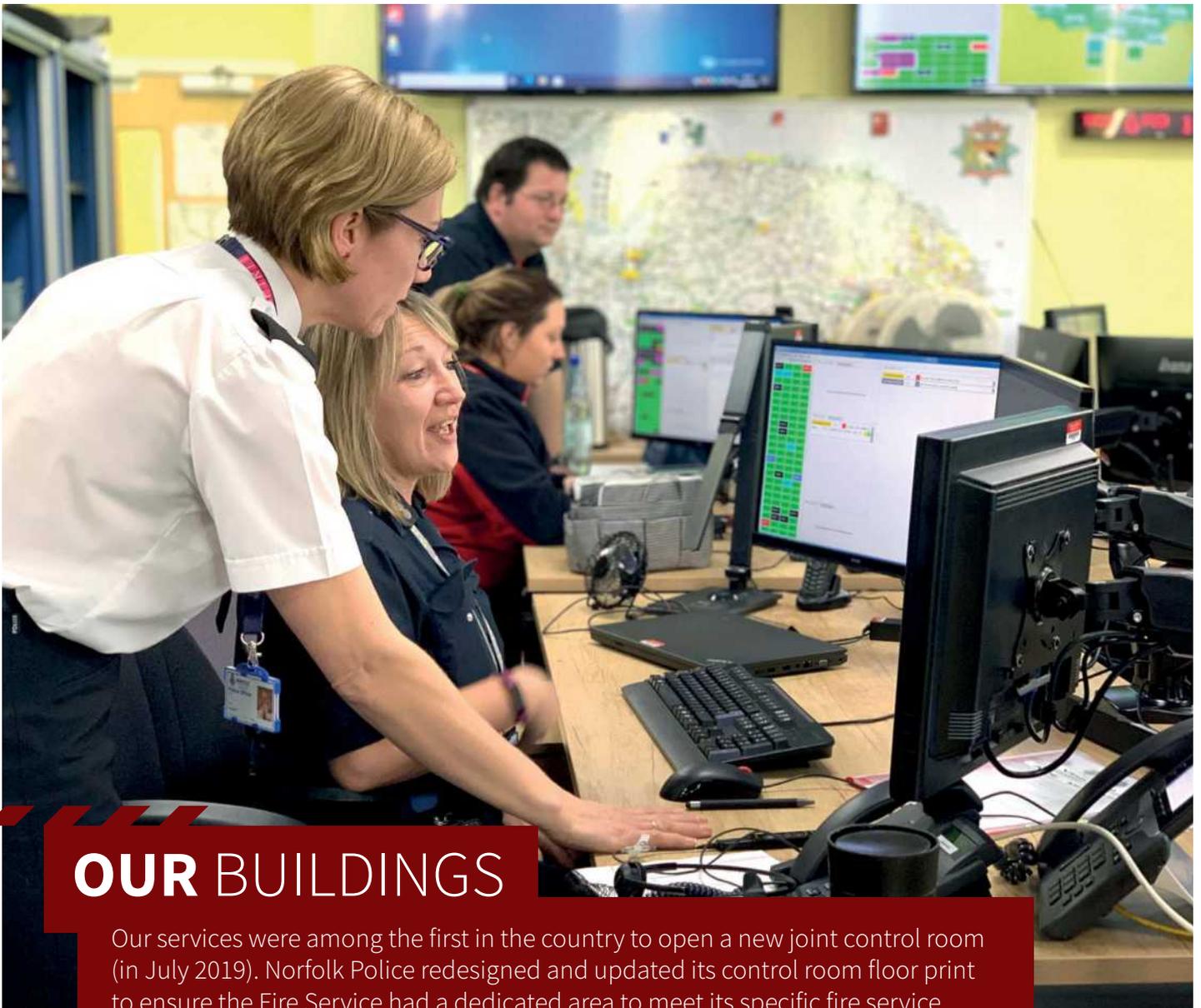
Norwich addresses jointly targeted following a series of deliberate fires in June 2019, gaining vital referrals and intelligence.

**ALL** control room staff from Police and Fire based in our new shared base.



£50,000

annual saving (estimate) of having a shared Police and Fire headquarters at the Wymondham site. Both services have bespoke command team areas with the ability to meet together quickly when required.



## OUR BUILDINGS

Our services were among the first in the country to open a new joint control room (in July 2019). Norfolk Police redesigned and updated its control room floor print to ensure the Fire Service had a dedicated area to meet its specific fire service requirements. Emergency call operators are now located in the same room as well as both organisations' incident response managers.

### Benefits include:

- An increase in the speed of information sharing in an emergency- ensuring the public get the right response at the earliest opportunity.
- The ability to bring both emergency services management teams together during large scale incidents, enhancing the coordination of resources.
- Swift face-to-face discussions when calls come in, to quickly consider whether one or both organisations are required to attend, offering opportunity to increase efficiency.

It has already yielded great benefits under JESIP (Joint Emergency Services Interoperability Principles), for example immediate information transfer in a suspected chemical incident, fast deployment of both services to serious road traffic collisions and a potential suicide incident, and enhanced communications during a period of flooding in Autumn 2019.



This co-location is predicted to save **£100,000 over the first 12 months.**



## HEADQUARTERS

In October 2019, Norfolk Fire & Rescue Service relocated its headquarters to Building 8 of the Wymondham Operations and Communications Centre.

This represents a **£50,000** annual saving on headquarters and better links the Police and Fire community safety teams.

## COUNTY WIDE SITE SHARING

Existing fire stations in Reepham and Holt are being improved and upgraded to create joint Police and Fire bases. Police staff will locate there in Summer 2020, leading to a **£32,000** annual reduction in running costs and a reduction in longer term maintenance liabilities of **£116,000**.

Sole fire station locations have been utilised by Norfolk Constabulary staff to offer a venue for first aid training and meetings. This has happened at sites including King’s Lynn, Sheringham, Diss, Wymondham, Sprowston and North Earlham.

West Walton fire station has been used to co-ordinate training exercises across all three Norfolk-based emergency services as well as colleagues in Lincolnshire in Cambridgeshire.



In Aylsham, Police cadets meet at the town’s fire station.

Norfolk and Suffolk Constabularies utilise the Fire and Rescue Service’s Bowthorpe Training Centre for JESIP and other training.

In King’s Lynn, Police and Fire now share one work shop site for fleet service.



## OUR LEARNING AND DEVELOPMENT

Fire service instructors have delivered LGV driver training to Police staff, and Police staff have delivered driver training to Fire staff.

Learning leaders from both organisations now meet monthly to discuss training and facility issues as well as learning from operational incidents.

Fire Service managers now observe Police training exercises, to improve understanding of Police response to major emergencies, including terrorism.

Police staff have shared information and working practices on first aid courses, to assess approaches on how this training is delivered to both organisations.

Police have shared conflict management training to public facing Fire Service staff, to improve their safety.



## OUR TEAMS

We jointly located both Community Safety teams, to foster and strengthen partnership working at both strategic and operational level. Both organisations were already key members of Norfolk's Community Safety Partnership.

**Norfolk Fire & Rescue Service** carried out 4162 Home Fire Risk Checks (HFRCs) in 2019. The Office of the Police and Crime Commissioner introduced a new scams prevention service to support and conduct home visits to the most vulnerable victims of fraud. We recognise similarities in victim profiles and are now piloting a project so our staff are collectively trained in both areas to improve both efficiency and public safety. This has already seen Norwich-based fire service staff receive scams awareness training, with HFRC training planned for Police staff early in 2020.

Both organisations support and invest in children and young people, with teams dedicated to early intervention, prevention from harm and reducing vulnerability. In September 2019, Norfolk Constabulary's Safer Schools Partnership (SSP) started working in the short stay schools in partnership with NFRS. 20 young people are being identified to move on to the Prince's Trust Team Programme in 2020.

Wider referral pathways into the NFRS Team Programme and Police and Fire cadet units are being implemented through Youth Offending Teams and Short Stay Schools. The SSP continue to support NFRS's Crucial Crew with approximately 6,000 Year Six primary school children provided with key messages by a variety of agencies in 2019. Building on this, the PCC's youth commission is developing a presentation around fraud and scams which will be introduced into the programme in 2020.



In September 2019, Get Started in the Emergency Services launched, an extension to Norfolk Fire & Rescue Service's Prince's Trust Team Youth Development Programme for 16-25-year-olds not in education, employment or training. It was delivered by Fire and Police staff and nine young people completed the programme, with four moving on to join Team.



Norfolk Fire & Rescue Service offers 'quick strike' safety information to communities where there has been a house fire. This is expanding into buildings and deliberate incidents, supported by Police to conduct joint visits. This approach offers community reassurance, through arson prevention, business engagement and cross-agency support with fire investigations. In 2019 a joint operation between Police and the Fire and Rescue Service targeted safety checks and support toward the community living on the waterways of Norfolk after 3 people nearly lost their lives following separate incidents of boat fires. Police, Fire and Norfolk County Council's Trading Standards Team have developed a shared calendar to maximise engagement opportunities and ensure joint working on national and local campaigns. This ensures a co-ordinated and efficient approach.

Joint public engagement events started between Police and Fire, allowing the public to raise queries or concerns and hold officers to account about issues in their area.

Both organisations also continue to work together on pre-existing projects, with other partner agencies, to deliver public education to young people. This includes #IMPACT and Crucial Crew.

## IN THE FUTURE

There are plans for Norfolk Constabulary's Mental Health Advice Team, six mental health nurses providing advice and guidance to staff, to run a six-month pilot project in 2020. They will work with selected Fire and Rescue Service staff who have received mental health training, to offer advice and guidance so that they can best support colleagues, promoting early interventions and increasing referrals to support services.

The services have shared drone resources, operating under a police licence, and continue to look at the possibility of a fully collaborated model with shared pilots and assets.

Discussions are ongoing about the potential for a joint learning and development facility, not just around shared locations but the possibilities of shared approaches to driver training, recruitment and other areas.

A community safety review is underway to explore better integration to provide best value for Norfolk's taxpayers and avoid duplication of work. The focus is on early intervention, identifying areas of vulnerability and risk reduction to reduce demand on operational services.

We are reviewing more sites to see if co-location is the way forward. This includes Attleborough, a growing town, where Police and Ambulance services may move to the fire station site. Ambulance staff are already present at some Norfolk fire stations to enable them to have a base from where they can respond quickly to incidents in certain locations.

The Police Community Safety rural focused newsletter is distributed to more than **6,000** people monthly. In February 2020 the monthly publication will launch a new regular Fire Service section offering a joint approach to keeping the public safe.

Future engagements with motorists around the Police Community Speed Watch Scheme will include Fire and Rescue Service branding and preventative advice improving the product offered within the content of the **18,000+** letters sent a year.



## BUILDING ON SOLID FOUNDATIONS

The creation of the Emergency Services Collaboration Board has helped us all to focus on how to work better together to enable us to deliver for Norfolk.

**A great start has been made** in 2019 and there is plenty of work still to do to ensure our teams continue to drive forward opportunities to achieve our common goals and protect our communities.

We are committed to continuing this approach to collaboration and look forward to progressing many of the projects in what promises to be an exciting 2020.



**Stuart Ruff,**  
Chief Fire Officer at  
Norfolk Fire & Rescue Service



**Simon Bailey,**  
Chief Constable of  
Norfolk Constabulary.



If you would like this information in large print or in an alternative version, please contact us on 0344 800 8020 and we will do our best to provide it.

# Cabinet

Item 8

<b>Decision making report title:</b>	<b>Norfolk Fire and Rescue Service – HMICFRS Improvement Plan update</b>
<b>Date of meeting:</b>	<b>02 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Margaret Dewsbury (Cabinet Member for Communities and Partnerships)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection of our Norfolk Fire and Rescue service last year identified some areas where we are performing well, along with some areas where we need to improve.

Norfolk communities, staff and Members have all been clear that we want to see our Fire and Rescue service be the best it can be. The Improvement Plan sets out the current activities being carried out to help ensure that we are.

A significant amount of additional resource has been secured and work is focused on delivering the improvements we have identified, whilst also ensuring that we can continue to provide services to keep Norfolk communities safe. The programme will take some time to deliver, but I am satisfied that this is being given sufficient focus and resource to progress.

The HMICFRS has confirmed that they plan to carry out another full inspection of our service in November, and I look forward to showing the Inspectorate the improvements that have been made.

## **Executive Summary**

This report sets out details of the progress made to deliver the activities set out in the Improvement Plan, and the plans for further improvement activities.

## **Recommendations**

- 1. To review and consider the progress made in delivering the Improvement Plan as set out in the report and at Appendix A.**
- 2. To agree to receive a further update on progress at the Cabinet meeting in June 2020.**
- 3. To approve the terms of reference for the new Strategic Development Oversight Group set out in Appendix B.**

## 1. Background and Purpose

- 1.1. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) undertook a week long inspection of Norfolk Fire and Rescue Service (NFRS) in February 2019. This was the first time that HMICFRS inspected all 45 fire and rescue services across England. In carrying out the inspections, HMICFRS look to answer three main questions:
1. How **effective** is the fire and rescue service at keeping people safe and secure from fire and other risks?
  2. How **efficient** is the fire and rescue service at keeping people safe and secure from fire and other risks?
  3. How well does the fire and rescue service look after its **people**?
- 1.2. The HMICFRS has published a report setting out their inspection findings. After taking all the evidence into account, a graded judgment is applied for each of the three questions. The four categories of graded judgment are: outstanding; good; requires improvement; and inadequate.
- 1.3. Norfolk Fire and Rescue Service was assessed with overall graded judgement of requires improvement. Other findings from the inspection were that the service is:
- good in the way it responds to fires and other emergencies, with improvements are required in how the service understands the risk from fire and other emergencies, how it prevents these risks from occurring and how it protects the public through fire safety regulation
  - good in the way it responds to national risks such as terrorism
  - good at making the service affordable now and in the future, with improvement needed in how it makes the best use of the resources available to it
  - good at getting the right people with the right skills, with improvement needed in how the service promotes its values and culture, ensures fairness and equality, and how it manages performance and develops its leaders
- 1.4. An Improvement Plan has been developed and agreed to address the findings of the Inspection, and this report updates on the progress being made to deliver the Plan.

## 2. Update on delivery of the Improvement Plan

- 2.1. A detailed update on the progress being made to deliver the Improvement Plan is set out in Appendix A. Further information about some key areas of focus are set out below.
- 2.2. **Culture**

- 2.2.1. The HMICFRS inspection in Norfolk identified ensuring values and behaviours are understood and demonstrated at all levels of the organisation as an area for improvement. The report also stated that “There was evidence of isolated examples of staff not acting in accordance with accepted behaviours, which was perceived to be bullying”. Culture is one of the key themes the HMICFRS has identified from across the 45 inspections they have carried out in their recent ‘State of Fire and Rescue’ report. That report says “Staff need to be treated better - there is a toxic culture in too many services”.
- 2.2.2. In Norfolk, the Chief Fire Officer has been very clear that any form of bullying and harassment is not acceptable, and a joint statement of commitment has been signed by the Chief Fire Officer and the representative bodies.
- 2.2.3. Work is almost complete to develop a new set of behaviours for staff across the service in the form of a cultural framework. This framework is being co-designed with staff across the service to help ensure that it reflects the behaviours that our staff want to model. The grievance process has also been reviewed and revised to enable the service to review and learn from this information.
- 2.2.4. A new senior management team for the service has also been put in place, including the recent appointment of two Assistant Chief Fire Officers (Scott Norman and Tim Edwards). The whole of the senior management team is committed to demonstrating and championing the cultural framework.
- 2.2.5. The service has also developed a new engagement and community strategy, by securing resource from the Council’s Corporate Communications Team, covering both internal and external communications.
- 2.3. **Efficient use of available resources**
- 2.3.1. The inspection noted that we should ensure that we are making the best use of our available resources, including from elsewhere within Norfolk County Council, to increase resilience and capacity.
- 2.3.2. Within the County Council, the service is taking steps to ensure it makes the best use of the skills and resources available. One example is that the service recently transferred its own small dedicated ICT team into the wider County Council IMT service. This is helping to improve the resilience of the service as well as supporting technology improvements, and a transformation programme for Fire and Rescue ICT and technology has been developed and is being delivered by the NCC IMT team. The Service has invited two senior managers from the NCC family to join their senior management team to support strategic development and oversight of the service, enabling the service to access wider skills and experience as part of their day to day working. The service has also secured the support of a number of key roles from the wider County Council including strategic governance and performance, analytics and performance, communications and human resources.
- 2.3.3. Collaboration with other blue light services also continues so that we can work together to help keep Norfolk communities safe. In particular, significant work

has been carried out with Norfolk Constabulary under the banner of the formal Collaboration Agreement agreed by Members in 2019. One example is that a Norfolk Constabulary Inspector is currently on secondment to the service's public safety team and is reviewing and developing opportunities for more effective and efficient ways of working together. A separate report on the agenda for this Cabinet meeting sets out the progress made to date, and the plans for further work.

## 2.4. **Service development and investment**

2.4.1. Work is also taking place to further invest in the service and to develop new ways of working. Cabinet recently agreed a new Integrated Risk Management Plan that sets out some areas where further work will be carried out to examine if the service could be delivered differently in the future, for example by considering its concept of operations.

2.4.2. Members recently agreed to increase the service revenue budget by £877k which will enable:

- Additional resource for community fire protection
- Funding to deliver fire prevention services for vulnerable people
- A new recruitment programme for wholetime firefighters
- Specialist water capability to be retained

2.4.3. Members also recently agreed to make an additional £2.897m capital investment in the service. This additional investment will enable:

- A roll-out of new ICT equipment and technology
- Improvements and upgrades to a number of fire stations
- Purchase of new fire appliances
- Upgrading software
- Improving the provision of critical equipment to support operations

## 2.5. **Operational learning**

2.5.1. A new process for operational learning has been put in place. Previously, the response to incidents was reviewed and considered by those who were involved in the response. The new process has put in place a wider review process that considers all elements of an incident, from the time we are notified until we cease our involvement. This whole process approach means we can more effectively learn and improve from the operational activities we carry out, and is in line with National best practice.

## 2.6. **Prevention and protection activity**

2.6.1. One of the key concerns arising from the Inspection was the backlog of Home Fire Risk checks. This backlog has been cleared and we now have a new risk based customer service standard to ensure that future referrals are completed in a timely way.

- 2.6.2. One of the key themes from all inspections identified by HMICFRS in their State of Fire and Rescue report is “services are doing less prevention work and don’t always target it effectively”. We are building a new community risk profile that maps risks on a geographical basis, and is being used to inform how we target prevention activity.
- 2.6.3. Following a successful pilot, the service is now offering training sessions for residential social landlords to educate staff around fire and community safety.
- 2.6.4. The service has refreshed its safeguarding approach and delivered a programme of refresher training for all staff across the service. This is providing assurance that staff know how to identify vulnerable people and safeguard them by raising concerns through relevant referral routes.

## 2.7. **Use of data**

- 2.7.1. The inspection identified that the service’s Integrated Risk Management Plan (IRMP) used ‘old’ data when it was developed, rather than refreshing or updating the data. The development of the new IRMP included a wide range of up to date data sets. In addition, nine years of incident data was reviewed and analysed, and the service commissioned some specialist external resource to support the development of the IRMP.
- 2.7.2. We are proactively evaluating our preventative and protective activities to assess how effective they are at reducing risk, and change/adapt our plans as needed.
- 2.7.3. As part of the new engagement and community strategy, we are using social media and our website to publish information on performance and to encourage feedback and engagement from our communities.

## 3. **Further improvement activities**

- 3.1. As set out in the detailed update at Appendix A, further activities to develop the service are planning for the coming weeks and months. Some key areas of focus will be:-
- We are undertaking an holistic organisational review to ensure we are relevant, capable and agile and are able to deliver the priorities set out in the IRMP. We have employed a senior manager to deliver this programme over the next eighteen months.
  - With Norfolk Constabulary, we will further explore opportunities for a shared approach to prevention and protection activities across the two services.
  - Upgrading the mobile data terminals to all of our fire engines
  - Upgrading our IT infrastructure and software.
- 3.2. In addition, it is proposed to establish a new Strategic Development Oversight Group to support the Cabinet Member in overseeing the strategic development

activities to deliver the forward vision for the service set out in the Integrated Risk Management Plan. A proposed Terms of Reference for this group is set out in Appendix B.

#### **4. Evidence and Reasons for Decision**

- 4.1. The Improvement Plan aims to address the areas for Improvement identified by the HMICFRS, and are focussed on improving the efficiency and effectiveness of the service, and how we look after our people. The Improvement Plan sets out the activities the Chief Fire Officer has identified as necessary in order to demonstrate paying due regard to the findings of the HMICRS inspection, but also to improve the service for Norfolk communities.
- 4.2. The new Strategic Development Oversight Group will ensure that those groups representing Fire and Rescue staff are able to be involved in the future development of the service.

#### **5. Alternative Options**

- 5.1. Cabinet may wish to amend or make additions to the Improvement Plan.

#### **6. Financial Implications**

- 6.1. The additional resource required to support the delivery of the improvement plan is included in the medium-term financial plan. This includes the relevant revenue and capital funding.

#### **7. Resource Implications**

- 7.1. **Staff:** The additional funding already agreed by Members will enable a new recruitment campaign for wholetime firefighters to be carried out and additional resource for prevention and protection activity to be secured.
- 7.2. **Property:** There are no property implications.
- 7.3. **IT:** An ICT and technology transformation programme has been developed. Members recently agreed additional capital funding to enable the programme to be delivered.

#### **8. Other Implications**

- 8.1. **Legal Implications:** Fire and rescue authorities must give due regard to reports and recommendations made by HMICFRS (section 7.5 of the Fire and Rescue National Framework for England 2018).
- 8.2. **Human Rights implications:** N/A
- 8.3. **Equality Impact Assessment (EqIA):** The full equality impact assessment carried out as part of the development of the new IRMP identified that the service should impact positively on people with protected characteristics. This is because there are some enhancements to service standards and delivery

which would see Norfolk communities receive additional resource and support to help keep them safe. It is also because the core aim of the IRMP is to identify who is most at risk from dying or being injured in a fire or emergency, to ensure that resources are targeted effectively to mitigate this. Delivery of the Improvement Plan will support this.

8.4. **Health and Safety implications:** Putting in place a new operational learning process places enables the service to identify ways to improve operational activity to help keep staff and Norfolk communities safe.

8.5. **Sustainability implications:** N/A

## **9. Risk Implications/Assessment**

9.1. The HMICFRS inspection programme was carried out for the first time in 2019. The next fully inspection of the Norfolk Fire and Rescue Service will be in November 2020. Because this is a new inspection regime, it is difficult at this stage to determine whether the improvements set out in the Improvement Plan will be considered sufficient to address the concerns raised in the inspection, and also whether sufficient progress is being made to deliver these improvements.

9.2. In terms of oversight, the Cabinet Member for Communities and Partnerships meets monthly with the Chief Fire Officer to review progress against the Plan. The HMICFRS undertake regular engagement session with fire and rescue services through their Service Liaison Leads (SLL), and the Chief Fire Officer meets periodically with the Norfolk SLL to talk through progress. Members of the senior management team also regularly attend national sessions, including with the National Fire Chiefs Council, to help identify and understand national best practice.

## **10. Select Committee comments**

10.1. The Infrastructure and Development Select Committee reviewed the Improvement Plan in July 2019. The Select Committee provided challenge and input around whether the Improvement Plan was robust in addressing the improvement areas identified, and realistic in terms of delivery, prior to it being finalised and approved by the Cabinet Member for Communities and Partnerships.

## **11. Recommendations**

- 11.1.
  1. **To review and consider the progress made in delivering the Improvement Plan as set out in the report and at Appendix A.**
  2. **To agree to receive a further update on progress at the Cabinet meeting in June 2020.**
  3. **To approve the terms of reference for the new Strategic Development Oversight Group set out in Appendix B.**

## 12. Background Papers

### 12.1. [Report to 17 July 2019 Infrastructure and Development Select Committee titled 'Norfolk Fire and Rescue Service – HMICFRS inspection outcomes'](#)

A full copy of the HMICFRS Inspection report, and further information about the inspection process, can be found on their website at <https://www.justiceinspectors.gov.uk/hmicfrs/>

HMICFRS State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019  
<https://www.justiceinspectors.gov.uk/hmicfrs/publications/state-of-fire-and-rescue-annual-assessment-2019/>

### Officer Contact

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

**Officer name:** Stuart Ruff – Chief Fire Officer      **Tel No.:** 0300 123 1383

**Email address:** [stuart.ruff@fire.norfolk.gov.uk](mailto:stuart.ruff@fire.norfolk.gov.uk)

**Officer name:** Tim Edwards – Assistant Chief Fire Officer      **Tel No.:** 0300 123 1383

**Email address:** [tim.edwards@fire.norfolk.gov.uk](mailto:tim.edwards@fire.norfolk.gov.uk)



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

# Norfolk Fire & Rescue Service

Progress Update on our Improvement Plan in response to the 2019 Inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

Progress updates as at 14 February 2019

## Effectiveness

1. How effective is the fire and rescue service at keeping people safe and secure from fire and other risks.



Requires improvement

## Understanding the risk of fire and other emergencies



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should improve how it uses information from its engagement with the local community to build up a comprehensive profile of risk in the service area.</p>	<p>We are working with Norfolk Police and other Fire and Rescue Services to develop a new approach to identifying and defining community risk through an evidence based approach.</p> <p>We will be publishing our new engagement and communication strategy in April which will ensure that we use all relevant opportunities to engage with our stakeholders.</p> <p>Our new operational learning process is enabling us to evaluate the effectiveness of our prevention, protection and response capabilities, following operational incidents, against our CRP.</p>	<p>A new Community Risk Profile (CRP) will be completed and will underpin everything that we do. The CRP will be subject to regular review.</p> <p>We will publish our new engagement and communication framework in April which will ensure that we use all relevant opportunities to engage with our stakeholders.</p> <p>We are continuing to review how we can make best use of social media and our website to publish information on performance and encourage feedback from our communities and stakeholders which will improve transparency and understanding of our service</p>	<p>A community risk profile is intended to demonstrate an understanding and analysis of risks in relation to fire and rescue activity, enabling us to effectively plan our prevention, protection and emergency response services.</p> <p>The profile will also enable the service to identify integration opportunities within the wider NCC family and collaboration opportunities with Norfolk Constabulary and other partners.</p>

	The Cabinet Member, with the PCC, has started a programme of joint community engagement events; we believe we are the first in the country to introduce this type of joint community engagement activity.	and therefore improve accountability.	
--	---	---------------------------------------	--

---

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure that its integrated risk management plan is informed by a comprehensive understanding of current and future risk. A wide range of data should be used to build the risk profile and operational data should be used to test that it is up-to-date.</p>	<p>Our Integrated Risk Management Plan (IRMP) has been agreed by Members and plans are being developed to deliver against the five proposals. The IRMP was developed using up to date data.</p> <p>We are liaising with other Fire and Rescue Services to understand best practice for community risk profiling.</p>	<p>Over the three-year period covered by the IRMP we will undertake regular reviews to ensure the Service continues to take account of the most up to date data.</p>	<p>The IRMP is a statutory document which every fire and rescue service is required to have in place.</p> <p>The IRMP sets out how we will use our resources to reduce risk as identified in our community risk profile. The IRMP also enables our mid and long term plans.</p>

## Preventing fires and other risks



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure it targets its prevention work at people most at risk. This should include proportionate and timely activity to reduce risk.</p>	<p>We have cleared our home fire risk check (HFRC) backlog.</p> <p>We are introducing a new risk based customer service standard to ensure our HFRC visits are delivered within a defined and reasonable period of time to those most vulnerable from fire.</p> <p>We have established a new performance board to enable greater oversight of performance across the Service.</p>	<p>We are continuing to develop opportunities to collaborate with the Norfolk Constabulary to delivery community safety activities and reducing risk across Norfolk.</p> <p>Once developed, our CRP will enable us to better target our suite of prevention activities to people most at risk.</p>	<p>The service delivers a wide range of prevention services including the Home Fire Risk Check (HFRC) service which aims to reduce the risk of fire occurring in the home.</p> <p>The service already works with a range of other services and partners to deliver prevention activity, including delivering the #Impact road traffic reduction programme with Norfolk Constabulary, drowning prevention training with RNLI and safety awareness for young people through Crucial Crew.</p>

<p>The service should ensure that staff have a good understanding of how to identify vulnerability and safeguard vulnerable people.</p>	<p>We have refreshed our safeguarding policies and processes and a programme of refresher training for all of our 800+ workforce is almost complete.</p> <p>The service has a safeguarding lead in place, and duty Group Managers are in place to support staff to deal with any concerns or issues identified.</p>	<p>We will review our effectiveness at identifying and reporting safeguarding issues to the relevant authorities.</p>	<p>Safeguarding children and vulnerable adults is a statutory responsibility of Norfolk County Council. It means protecting individuals' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.</p>
<p>The service should evaluate its prevention work, so it understands the benefits better.</p>	<p>Our new operational learning process is enabling us to evaluate the effectiveness of our prevention and protection activities. This process is enabling us to review what interventions were in place prior to an incident and how we might be able to make improvement to be more effective in the future.</p>	<p>Operational learning is only one method of evaluation and we are working to develop ways to effectively assess the impact of activities, and to use this information to inform future approaches and areas of focus.</p>	<p>Evaluation is already carried out on the some of our prevention activity. Making a direct link between prevention work and impact on measures/outcomes is challenging.</p>

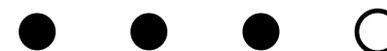
## Protecting the public through fire regulation



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure it allocates enough resources to a prioritised and risk-based inspection programme. This should include its arrangements for providing specialist protection advice out of hours.</p>	<p>An assessment has been carried out to identify how to deliver additional out of hours support in an efficient and effective way, and Members recently agreed additional funding that will enable this.</p> <p>Members have also agreed additional investment in the service to enable additional prevention and protection resource.</p>	<p>Work will be carried out to ensure the additional resources are put in place.</p>	<p>There is currently a fire safety plan that prioritises inspections on those buildings that present the highest risk to the occupants, should a fire start.</p>
<p>The service should ensure that staff work with local businesses and large organisations to share information and expectations on compliance with fire safety regulations.</p>	<p>Following a successful pilot, the service is now offering training sessions across Norfolk to residential social landlords to educate staff around fire and community safety.</p>	<p>As part of the additional investment into protection we will be exploring further opportunities to engage with businesses to provide help, guidance and support to drive down risk.</p>	
<p>The service should ensure it addresses effectively the burden of false alarms.</p>	<p>A policy is already in place to support staff to identify false alarms and avoid unnecessarily responding.</p> <p>The number of false alarm calls we receive in our emergency control room is reducing.</p>	<p>We will be undertaking a review of our process to ensure it continues to support the reduction of false alarms.</p> <p>We are continuing to review ways in which we can further reduce false alarms.</p>	<p>The service already has a policy of challenging signals for automatic fire alarms from commercial premises such as shops. This policy has successfully reduced the number alarms attended but this reduction has levelled off over the past few years.</p>

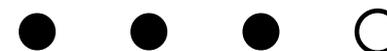
## Responding to fires and other emergencies



Good

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure it has an effective system for staff to use learning and debriefs to improve operational response and incident command.</p>	<p>We have adopted a new methodology of operational learning which is supporting our continual review of operational response and incident command performance.</p> <p>Identified operational learning is fed into our training and development function to evaluate training courses and make improvements where required.</p> <p>The service has established an innovation group to help ensure learning and emerging thinking is used to inform operational processes and systems.</p>	<p>Work is underway to develop an improved approach to assessing prevention and protection activities by making better use of digital technology and processes.</p>	<p>After serious incidents we ask our crews to record any of the lessons they have identified. This operational learning is used to improve our response and in our training.</p>

## Responding to national risks



Good

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure its firefighters have good access to relevant and up-to-date risk information. This should include cross-border risk information.</p>	<p>We have undertaken refresher training with all our operational staff to ensure they know how to access information on appliance computers.</p>	<p>We are reviewing the way we provide timely risk information to responding crews to ensure relevancy and accuracy, this will be through a new software system which streamlines process and will enable us to provide more detailed information.</p>	<p>Our firefighters have access to the latest risk information through their fire appliance on board computers, including cross border risk information.</p>
<p>The service should arrange a programme of over-the-border exercises, sharing the learning from these exercises.</p>	<p>Operational crews are continuing to undertake over-the-border district exercises as outlined in our district/station plans to ensure we work effectively with our colleagues in Suffolk, Cambridgeshire and Lincolnshire. We assess these exercises using our new operational learning process.</p>	<p>The new software systems for risk information will enable us to provide more detailed information to crews about cross-border risks to support operational planning.</p>	<p>We have arrangements for forming a multi - agency response to terrorist related incidents including a multi-agency team that responds to terrorist attacks.</p>
<p>The service should ensure it is well-prepared to form part of a multi-agency response to a terrorist-related incident and that its procedures for responding are understood by all staff and are well tested.</p>	<p>Our joint police and fire control room is benefiting from the advantages of working closer together. The co-location of our control rooms will enable greater effectiveness in and enhanced communication during a major incident or terrorist related event.</p>	<p>We will continue to undertake on-going training for staff on how we will respond and deal with terrorist related incidents.</p>	<p>The recent publication of new National guidance will provide an opportunity to help improve our staff's understanding of the procedures to follow when responding to terrorism.</p>

## Efficiency

2. How efficient is the fire and rescue service at keeping people safe and secure from fire and other risks.



Requires improvement

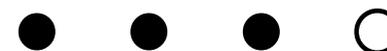
## Making best use of resources



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
The service should ensure that resources are appropriately allocated to support the activity set out in its integrated risk management plan.	The new 2020-23 IRMP – which focuses on how we allocate resource to mitigate community risk - has been agreed by Members, and Members have also agreed funding for additional resource needed to deliver this Plan.	Work will be carried out to ensure the additional resources are put in place, including relevant training.	The IRMP is a statutory document which every fire and rescue service is required to have in place.
The service should ensure that it makes best use of the resources available to it, including from elsewhere within Norfolk county council, to increase resilience and capacity.	<p>The dedicated Fire and Rescue ICT has transferred to the wider NCC team and a ICT transformation programme has been developed as a result.</p> <p>Support from key roles within NCC has been secured. Additionally, two senior managers from outside NFRS are now part of the Senior Management Team.</p> <p>There is a programme of activity with Norfolk Police, as part of the formal collaboration agreement.</p>	The organisational review will continue to take a detailed look at the service and identify where we can improve ways of working, invest in technological improvements and resourcing models to drive efficiency and effectiveness.	The organisational review will identify opportunities for better working with colleagues in the wider County Council.

## Making the fire and rescue service affordable now and in the future



Good

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure it makes the best use of available technology to improve operational effectiveness and efficiency.</p>	<p>The dedicated Fire and Rescue ICT has transferred to the wider NCC team and a ICT transformation programme has been developed as a result.</p> <p>Our emergency response is now delivered using new software called Vision 4. This has been developed as part of a consortium with three of Fire and Rescue services. The new software is one of the most advanced available in the country.</p>	<p>We will be upgrading our mobile data terminals on all our fire engines.</p> <p>Over the next twelve months we will see a refresh of our hardware which will also provide additional flexibility of options available and improve effective ways of working particularly enabling remote working.</p> <p>A programme of upgrading software solutions to improve ways of working is in place.</p>	<p>Norfolk Fire and Rescue Service is working with other services regionally to share systems wherever possible.</p>

## People

3. How well does the fire and rescue service look after its people.



Requires improvement

## Promoting the right values and culture



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure its values and behaviours are understood and demonstrated at all levels of the organisation.</p>	<p>The HMICFRS stated that there was evidence of isolated examples of staff not acting in accordance with accepted behaviours, which was perceived to be bullying, this is something that we have taken very seriously.</p> <p>We are delivering a new cultural framework and this work is in the final phase. We have been facilitating workshops with all our staff and we are developing a set of agreed values and behaviours.</p> <p>The National Fire Chiefs Council's leadership framework is being adopted and incorporated into our appointments and promotions process.</p>	<p>We are reviewing our performance framework to ensure that our staff understand what is expected of them in terms of agreed values and behaviours, with any exceptions being dealt with appropriately.</p> <p>We are reviewing our recruitment processes to ensure that everyone who wants to work for the service has the opportunity to do so, and support improving the diversity of our workforce.</p>	<p>The National Fire Chief Councils has this year published a new Leadership Framework. The cultural framework for the service incorporates this framework.</p>

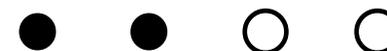
Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should assure itself that staff understand and have confidence in the purpose and integrity of health, safety and wellbeing policies.</p>	<p>We are continuing to deliver a wellbeing programme. This roadshow is being delivered across the service and all teams and are getting/have been involved. Action plans have been developed in a number of teams.</p> <p>We have access to the Norfolk Support Line which provides support, guidance and signposting to those who feel that may need help. We monitor the usage and effectiveness of this service.</p>	<p>We will continue to assess wellbeing performance, including through the staff survey (next survey planned March 2020).</p>	

## Getting the right people with the right skills



Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure its workforce plan takes full account of the necessary skills and capabilities to carry out the integrated risk management plan.</p>	<p>Now that a new IRMP for the service has been agreed, work on a new Workforce Plan will progress to support managing resources effectively to ensure we are capable and agile to deliver the 2020/23 IRMP.</p> <p>The Resources Board continues to meet, including to review all staffing/vacancy changes to ensure they are fit for purpose and support delivery of the IRMP.</p>	<p>Our new Workforce Plan will reflect the key elements of the NFCC's People Strategy.</p>	

## Ensuring fairness and promoting diversity



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should assure itself that it has effective grievance procedures.</p>	<p>We have undertaken a review of our grievance procedure to ensure it is effective and, working alongside our cultural review, we have reminded staff of the purpose of a grievance procedure.</p> <p>We are now recording informal as well as formal grievances so that we have a broader picture of what is happening.</p>	<p>We will regularly monitor the grievance process and performance to ensure staff can feel confident about it, including through the staff survey.</p>	
<p>The service should assure itself that staff are confident using its feedback mechanisms.</p>	<p>The Service leadership team are undertaking regular face to face team meetings across the service.</p> <p>We have embedded a processes of team meetings and one to ones to ensure that we have mechanisms in place to ensure our staff are well informed and their voices heard.</p> <p>A staff group has been established and is reviewing internal communications processes to help ensure they are fit for purpose.</p>	<p>We will review the effectiveness of our communications and feedback mechanisms, including through the staff survey.</p>	

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>To identify and tackle barriers to equality of opportunity, and make its workforce more representative, the service should ensure diversity and inclusion are well-understood and become important values of the service.</p>	<p>A full Equality Impact Assessment was carried out as part of the IRMP development process. This has identified a number of areas of data and performance which we can monitor to assess our performance, and to help drive our plans e.g. around community engagement.</p> <p>We are also reviewing our recruitment processes to improve the diversity of our workforce.</p> <p>The service has introduced an inclusion group.</p>	<p>A network of Equality, Diversity and Inclusion leads will be established across the organisation, with appropriate training provided.</p> <p>We are reviewing our recruitment processes to ensure that everyone who wants to work for the service has the opportunity to do so, and support improving the diversity of our workforce.</p>	<p>Nationally, fire and rescue services have found it challenging to attract and retain a diverse workforce. The latest wholetime recruitment campaign has been successful with 25% of apprenticeship firefighters being women.</p>

## Managing performance developing leaders



Requires improvement

Areas for improvement identified by HMICFRS	Key areas of progress since Plan was agreed	How we will continue to improve	Background information
<p>The service should ensure its selection, development and promotion of staff is open, transparent and fair.</p>	<p>We have amended our promotions interview process to replace 1-2-1 style interviews with a Panel.</p>	<p>Work on a new Workforce Plan will progress to support managing resources effectively to ensure we are capable and agile to deliver the 2020/23 IRMP.</p>	<p>For uniformed posts, NFRS uses assessment and development centres as part of the recruitment process, which helps to provide a consistent, open and fair selection process.</p>
<p>The service should put in place an open and fair process to identify, develop and support high-potential staff and aspiring leaders.</p>	<p>We are developing our talent management scheme using our existing personal development planning process and managerial support and mentorship.</p> <p>This will align to the NFCC leadership framework.</p>	<p>We are piloting a new supervisory manager development programme and this will provide new leaders an introduction to successful management.</p> <p>Further work will be carried out to develop a succession plan as part of the Workforce Plan.</p>	

## Terms of Reference

### Norfolk Fire and Rescue Service – Strategic Development Oversight Group

#### 1.0 Purpose

- 1.1 The Integrated Risk Management Plan for 2020-2023 sets out a forward vision to help guide development of the service over the coming years. This forward view is:-

*By 2025 we will have helped deliver stronger communities by working ‘Together, for Norfolk’ and in collaboration with our Blue Light partners. We will do this by continuing to ensure our services are relevant and by being a capable organisation; with our systems, people and kit deployed flexibly to meet our communities’ needs.*

*We will have continued to deliver an effective Fire and Rescue Service and will be seen as a key service to resolving major incidents; delivering an integrated response with other blue light services, the voluntary sector, neighbouring fire and rescue services and other agencies.*

*We will have embraced technology and ways of working that have enabled us to deliver an outstanding service. We will be an agile organisation; with our people empowered to make decisions at the right level. Innovation and adoption of best practice will be the norm; whilst we ensure we consistently meet organisational and relevant national standards.*

*Our service will be diverse, inclusive and a great place to work.*

*Our people will be able to develop themselves and undertake specialist roles.*

*We will have reduced our service’s environmental impact and have continued to introduce new vehicles, equipment and capabilities in response to our changing climate.*

- 1.2 This group will support and oversee the strategic development related activities to deliver this forward vision.

#### 2.0 Terms of Reference

- 2.1 The Group will have responsibility for supporting the Cabinet Member for Communities and Partnerships by taking oversight of the strategic development of the service. This includes the oversight of the following specific tasks.

- Development of a new concept of operations
- Exploring the potential to undertake co-responding
- Work to strengthen community fire protection activities
- Work with Norfolk Police to review the approach to community safety
- Adoption of a new set of National performance indicators (once available)

2.2 In carrying out this oversight role, the Group will:

- Monitor the progress being made to deliver the proposals set out in the Integrated Risk Management Plan
- Consider information, data, tools and evidence, where relevant
- Engage with internal and external parties, as deemed necessary

2.2 This Group is not intended to have responsibility for oversight of the day to day operations of the Fire and Rescue Service. This continues to be the responsibility of the service's Senior Management and Cabinet Member.

2.3 This Group explicitly does not include staffing and employment consultation matters. Other existing forums will be employed for that purpose.

## **2.0 Membership and attendance**

2.1 The Group will be Chaired by the Cabinet Member for Communities and Partnerships. Membership of the Group, in addition to the Cabinet Member, will be as follows:-

### **Norfolk County Council Members**

2 x Conservative

1 x Labour

1 x Liberal Democrat

### **Staff representative bodies**

1 x Fire Brigades Union (FBU)

1 x Fire and Rescue Services Association (FRSA)

1 x UNISON

2.2 The Group will be supported by County Council officers, as needed. Key officers supporting the group are expected to be:

Stuart Ruff – Chief Fire Officer

Tim Edwards – Assistant Chief Fire Officer

Scott Norman – Assistant Chief Fire Officer

Sarah Rhoden – Assistant Director, Performance and Governance (CES)

Kemi Watchorn – Strategic HR Business Partner

2.3 The Group may wish to invite other officers, partners or stakeholders to attend meetings for specific discussion items. The Group may also wish to invite representatives of the local community for specific discussion items.

### **3.0 Meeting arrangements**

3.1 Meetings will be held at least every two months.

3.2 The meeting is intended to promote open debate, and therefore meetings will not be held in public.

3.2 Any action points will be agreed at each meeting will be recorded.

### **4.0 Decision making**

4.1 The Group does not have any decision-making powers and, therefore, its role is advisory.

# Cabinet

Item 9

<b>Decision making report title:</b>	<b>Repton Property Developments Ltd Business Plan</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andrew Proctor (Leader and Cabinet Member for Strategy and Governance)</b>
<b>Responsible Director:</b>	<b>Simon George (Executive Director of Finance and Commercial Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

Repton Property Developments Limited has identified opportunities to develop existing Norfolk County Council owned assets with the potential to create in excess of 600 residential properties, plus affordable dwellings. The first site for 137 homes in Acle received planning permission just before Christmas and planning permission for a second site of 200 homes at Hopton on Sea was submitted to Great Yarmouth Borough Council in January 2020. During 2020/21 the company will also be progressing other sites as set out in the business plan.

This report and the attached annex provide details of the Business Plan for Repton Property Developments Limited to 31st March 2021.

## **Executive Summary**

In order to aid good governance, Cabinet is tasked with reviewing and approving the business plan of the wholly owned company, Repton Property Developments Limited.

## **Recommendations**

### **Cabinet is asked to:**

Review and approve the Repton Property Developments Ltd Business Plan to 31st March 2021 to ensure it reflects the aspirations of the shareholder.

## **1. Background and Purpose**

- 1.1. Repton Property Developments Ltd (Repton) was established in 2017, with the primary objective to undertake direct property development with the aim to maximise the financial returns for the Council to support service delivery.

- 1.2. A detailed Business Plan was approved by the Repton Board at its meeting on 21<sup>st</sup> January 2020 and the finances for 2020/21 are summarised in Appendix 3.
- 1.3. In accordance with the Financial Regulations, the Business Plan for the period to 31st March 2021 is presented to Cabinet for final approval.

## **2. Proposal**

- 2.1. Cabinet is asked to review and approve the Repton Business Plan for the period to 31st March 2021.

## **3. Impact of the Proposal**

- 3.1. Repton Directors are clear on the shareholder's requirements, and Cabinet is fulfilling its responsibilities to monitor and receive reports on the Business Plan of a Norfolk County Council (NCC) wholly owned company.

## **4. Evidence and Reasons for Decision**

- 4.1. Repton's Board has approved a Business Plan and is subsequently seeking Cabinet's consent to operate the company in accordance with the Business Plan.

## **5. Alternative Options**

- 5.1. NCC, as Shareholder, could set alternative objectives for the wholly owned company and request a revised Business Plan.

## **6. Financial Implications**

- 6.1. These are set out within the attached Business Plan.

## **7. Resource Implications**

### **7.1. Staff:**

The Company utilise several NCC staff and reimburse NCC for the cost of their time.

### **7.2. Property:**

None at present although the intention is for NCC to sell surplus land at market value to Repton. The sites will then be developed, and the new homes sold to the public.

### **7.3. IT:**

None for NCC.

## **8. Other Implications**

### **8.1. Legal Implications**

None for NCC

### **8.2. Human Rights implications**

Development Service Providers used by Repton have robust processes in place to cover bribery and modern slavery.

### **8.3. Health and Safety implications**

The Directors are responsible for discharging the Health and Safety duties of the Company.

### **8.4. Sustainability implications**

None

### **8.5. Any other implications**

None

## **9. Risk Implications/Assessment**

- 9.1. If Cabinet decide not to approve the business plan it runs the risk of causing operational delay and additional costs for the company. Repton has its own comprehensive risk register which is monitored and managed by the company directors.

## **10. Select Committee comments**

- 10.1. None

## **11. Recommendations**

- 11.1. Cabinet is asked to:

Review and approve the Repton Property Developments Limited Business Plan to 31<sup>st</sup> March 2021 to ensure it reflects the aspirations of the shareholder.

## Officer Contact

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

**Officer name:** Simon George

**Tel No.:** 01603 222400

**Email address:** [Simon.george@norfolk.gov.uk](mailto:Simon.george@norfolk.gov.uk)



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

# **Business** **Plan**

**2020/21**



Contents

1 EXECUTIVE SUMMARY ..... 3

2 INTRODUCTION ..... 3

3 MISSION..... 3

4 PRODUCT ..... 4

5 FINANCIAL APPRAISAL PARAMETERS..... 4

6 LAND ACQUISITION..... 4

7 MODUS OPERANDI..... 5

8 COMPANY STRUCTURE AND GOVERNANCE ARRANGEMENTS..... 6

9 FUNDING ..... 7

10 MARKET ANALYSIS ..... 7

11 TAX..... 8

12 DIVIDENDS ..... 8

13 SWOT ANALYSIS..... 8

14 TARGETS AND KEY PERFORMANCE INDICATORS ..... 9

15 FINANCIAL BUSINESS PLAN – 2020/21 ..... 9

Appendix 1

Site plans ..... 10

Appendix 2

Site plans for new sites ..... 13

Appendix 3

Financial Business Plan ..... 16

## **1. EXECUTIVE SUMMARY**

- 1.1. This document sets out the Business Plan for Repton Property Developments Ltd for the immediate foreseeable future with an emphasis on the next five years and covers the four sites being managed by Lovells plus the three smaller sites managed by Torrington. It provides the company's vision and broad strategic objectives, as well as the financial forecasts that sit behind the Business Plan.
- 1.2. Broadly, the Business Plan sets out the context and background to the Company.
- 1.3. The Company has identified opportunities to develop existing Council owned assets with the potential to create in excess of 600 residential properties, plus affordable dwellings.
- 1.4. Finance will produce a timeline and cash flow of the sites to show profitability and timings. This will be built from site appraisals as we progress through the lifecycle of each site.

## **2. INTRODUCTION**

- 2.1. Repton Property Developments Ltd was established in 2017 with the primary objective to undertake direct property development with the aim of maximising the financial returns (capital receipts and revenue income) for the Council to support service delivery.
- 2.2. In addition, the Council through its ownership of the company is seeking wider social, economic and environmental outcomes and the following secondary objectives were established:
  - Contributing to meeting Norfolk's growing housing demand.
  - Provision of quality homes to raise design and performance standards.
  - Provide economic stimulus by increasing overall capacity for property development and by taking control for developing specific sites preventing land banking.
  - Support creation of quality jobs and economic growth.
- 2.3. Initially the company will develop land that is surplus to Norfolk County Council use. This land is sold by the County Council to Repton at market value based on the status of the land i.e. whether it has/has not a suitable planning permission and following a viability assessment.
- 2.4. It is anticipated that the company will, in the future, acquire land on the open market to develop out.

## **3. MISSION**

3.1. To create the homes where people can thrive and live.

3.2. Sites will be developed to be planning policy compliant.

#### **4. PRODUCT**

4.1. The main product will be residential dwellings for market sale. The site layout and home types will be designed to meet the requirement of maximising return from the developments subject to planning policy compliance.

4.2. The affordable housing elements to meet planning policy compliance will be built out by registered providers procured through tender. The affordable element will include social rent, affordable rent and shared equity offers – as informed by the Local Planning Authority.

4.3. There is no intention to meet the shareholder's (Norfolk County Council) service provision objectives such as, for example, older persons accommodation or sufficiency strategies for young people leaving care, other than those directed by planning policy or imposed in a planning permission obtained for a site.

4.4. The management and maintenance of the public realm elements will either be offered to the Parish Council or a management company will be established for each development.

4.5. Repton's homes will be developed to current building regulation standards. There will be a key focus on ensuring that home defects are eliminated at the point of sale.

4.6. All roads on development sites will be constructed to a standard to be adopted by the local highway authority.

#### **5. FINANCIAL APPRAISAL PARAMETERS**

5.1. To assess the viability of individual scheme the company will use the measure:

- Return on Capital Employed (ROCE)

This is a typically used housebuilding industry measures as a means of appraising schemes. ROCE is normally calculated before corporate overheads.

#### **6. LAND ACQUISITION**

6.1. Repton's current approach is to acquire bare land or brown field sites from Norfolk County Council with, as a minimum, an outline planning permission for residential development that has at least 2 years to run. The first three sites

listed below (plans in Appendix 1) have been appraised and at the appropriate point decisions will be made to proceed with the acquisition and development or the decision may include refusing an individual site.

- Acle, Land North of Norwich Road.
- Hopton on Sea, Land East of Lowestoft Road.
- Attleborough, Land South of New Road.

62. A second phase of sites listed below (plans in Appendix 2) are also being appraised to access viability, following receipt of planning permission for residential development and will seek appropriate acquisition and development decisions at key milestones.

- Caister on Sea, Land west of St Nicholas Drive
- Lingwood, Former Lingwood First School
- Cromer, Land at High Station
- Attleborough, Land East of Hargham Road

63. Norfolk County Council will continue to develop a “pipeline” of sites they wish to dispose of, and discussions will continue as to which sites will be offered to Repton.

64. Norfolk County Council also have sites available that have not yet been allocated for residential use in the local plan for the district they sit in. NCC are likely to offer Repton the opportunity to promote some of these opportunities but it is likely be at the company’s risk, however Repton anticipates this will be on the basis of a greater return for the company.

## **7. MODUS OPERANDI**

7.1. A comprehensive procurement exercise was undertaken in 2018 which culminated in the appointment of Lovell Partnerships Ltd as a single supplier with the full range of development and construction services required to deliver new dwellings to the market and subsequently sell them, for the first three Repton sites. This arrangement with Lovell Partnerships Ltd has allowed Repton to acquire an off the shelf development structure without the need to appoint staff to carry out these roles. This will enable delivery to be brought forward quickly in the short to medium term. This arrangement will be regularly reviewed and is designed to cover the first three sites.

- 7.2. For each of the three sites Lovell provided fully costed viability proposals, with Acle the most mature of the 3 larger sites receiving full planning approval in December 2019 and a post planning appraisal seeking approval in January/February 2020. Hopton on Sea is scheduled to follow along the same process ~ 5/6 months behind Acle and Attleborough is still in the initial stages.
- 7.3. An overarching Development Services Agreement was negotiated and signed with Lovell in October 2019. Each development site will then be individually contracted using the PPC2000 partnering contract.
- 7.4. A further procurement exercise took place in October 2019 which resulted in the appointment of Torrington Properties Ltd as a Development Manager for the 3 smaller sites. Torrington Properties Ltd will lead and manage the full range of professional, technical, construction and support service to deliver each site design until after sales support.
- 7.5. All 3 of the smaller sites has outline planning permission but Caister followed by Lingwood, will be brought forward to secure full planning consents during 2020.
- 7.6. An interim agreement is in place with Torrington Property Ltd, while negotiations are finalising an Appointment of Development Manager contract, which will be signed per site.
- 7.7. Employers Agent services providing client-side cost and design oversight have also been contracted following a procurement exercise undertaken early in 2019. The supplier is Richard Utting Associates from Norwich.
- 7.8. Legal services advising on contracts and company governance is currently being provided by Mills and Reeve LLP based in Norwich.
- 7.9. For auditing and tax advice Larking Gowen have been appointed. Barclays Bank has been appointed as the company's banker and NHBC registration has been secured.

## **8. COMPANY STRUCTURE AND GOVERNANCE ARRANGEMENTS**

- 8.1. Repton Property Developments Ltd (Repton) is a private company limited by shares wholly owned by Norfolk County Council (NCC) which has ultimate control of its business activities.
- 8.2. The Company has been established in accordance with the Companies Act 2006 including the appointment of a Board of Directors for the Company and the adoption of Articles of Association.
- 8.3. All board directors are approved by the shareholder (NCC) and comprise the following:

• Two Councillors	Representatives of the County Council's Cabinet	Cllr A Proctor Cllr G Peck
• Two Officers	Selected from with County Council teams as having the appropriate experience	Mr. H Bullen Mr. A Collier
• Two independent	Appointed following a competitive process	Mr. S Hardwick Mr. M Spry

84. The County Council's shareholder function is discharged through its Cabinet with the actual work delegated to the Executive Director of Finance and Commercial Services.

85. Numerous Norfolk County Council staff perform service for Repton and their time is recharged. These services including:

- Development Management services
- Supporting the Board and ensuring governance procedures are carried out.
- Providing insurance.
- Providing financial advice.
- Providing audit services.

## 9. FUNDING

9.1. The County Council as shareholder is the key funder for the company. The County Council has established, through its own governance arrangements the principle of providing loans to Repton.

## 10. MARKET ANALYSIS

10.1. The housebuilding market in Norfolk is dominated by national and larger regional housebuilders primarily developing along the A11 corridor and within the Greater Norwich sub-region.

10.2. Significant development has occurred over the last 5 years however the slowdown in the housing market over late 2018 and early 2019, as a result of both an uncertain economic climate together with a long sustained period of house price growth coming to an end has meant that the market in the short to medium term is unlikely to see the same growth of prices or delivery. The next 5-year period could see cost inflation outstripping sales price inflation with a consequent effect on margins.

10.3. Regular review of the current market conditions will be performed quarterly, utilising recent UK housing market updates published by Savills and the Building Cost Information Service (BCIS).

10.4. In terms of the competition in Norfolk, Persimmon and Taylor Wimpey are the national housebuilders with the largest programs, whilst Barratts, Kier, and

Lovells all have sites in the County. Hopkins Homes are the largest of the regional housebuilders and have seen a large expansion in their turnover. Smaller regionals in Norfolk, more on a scale with Repton's aspirations, are Norfolk Homes, Badger Homes and Able Homes. Housing Associations are recent entrants into the open market sale sector with Orbit Housing, Flagship Housing and Saffron all having significant developments in the region.

- 10.5. In respect of target market early research for the Land North of Norwich Road site has shown demand is likely to be from local people wishing to upsize and people from surrounding rural area wishing to move from their larger but older property to newer properties that are easier to look after. The research for the Land East of Lowestoft Road, Hopton site shows that demand is likely to be from incomers to Norfolk.

## **11. TAX**

- 11.1. VAT and corporation tax have been registered with HMRC and monthly VAT returns are completed.

## **12. DIVIDENDS**

- 12.1. It is envisaged that any surplus funds/profits will be paid to the shareholder using dividends.

## **13. SWOT ANALYSIS**

- 13.1. The following is a summary of the key strengths, weaknesses, opportunities and threats to Repton Property Developments Ltd:

### Strengths:

- Ability to secure funding at competitive rates.
- Council support.
- Initial funding available.
- Several Council owned sites available for redevelopment.

### Weaknesses:

- Timescales for planning, development and construction before significant number of homes become available for sale.

### Opportunities:

- Increase of affordable housing within the County.
- Income generation for the General Fund arising from profit.
- Support for local people to buy a home (or rent from the affordable housing provider).

### Threats:

- Any future government change in the view of council companies/

prudential borrowing.

- Downturn in economy leading to a fall in house prices.
- Increase in interest rates.
- Legal challenge over 'state aid'.

#### **14. TARGETS AND KEY PERFORMANCE INDICATORS**

- 14.1. The company has agreed a detailed set of performance management indicators for each site, which are monitored by the Board throughout the year.
- 14.2. A suite of key performance indicators for health and safety will be identified for each development site. Identification will be undertaken in co-operation with Lovell Partnership Ltd & Torrington Properties Ltd immediately after each site is transferred to Repton and prior to commencement of site operations.
- 14.3. Moving forward additional targets could be considered as the business matures, but only if the return warrants it. For example:
- Increase in energy performance measured using the SAP (Standard Assessment Procedure) system comparing like for like dwellings.
  - Number of dwellings constructed on any one development to a "life time" standard (following adoption of a defined standard).

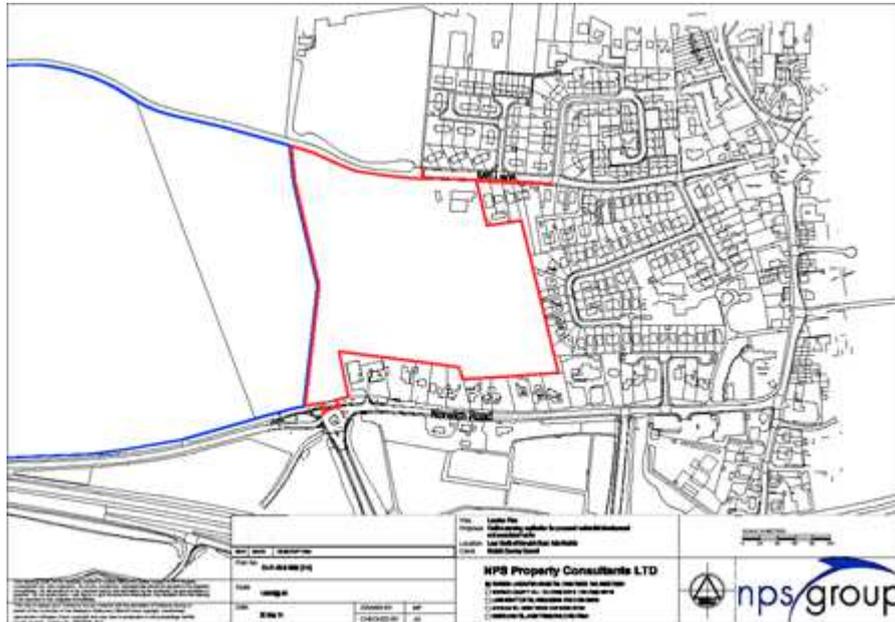
#### **15. FINANCIAL BUSINESS PLAN – 2020 / 21**

- 15.1. Appendix 3 includes the forecast Operating Statement for the year to 31<sup>st</sup> March 2021, being a loss before tax of £0.268m with revenues of £3.587m. It should be noted that sales are currently forecast at £22.598m for the year to 31<sup>st</sup> March 2022, enabling the company to return profits of £3.463m before tax.
- 15.2. The information is based upon the Acle and Hopton sites only at this stage pending receipt of financial assessments for the additional proposed sites. (An initial summary assessment for Lingwood indicates sales of £5.623m, and a net profit of £0.733m).
- 15.3. The plan based upon Acle and Hopton sites only estimates cumulative turnover to 2026 of £79.679m, a profit before tax of £12.080m, and after tax at £9.785m.
- 15.4. Borrowing peaks at £6.533m in 2020/2021.

## Appendix 1

### **St Edmunds Acle - Land north of Norwich Road**

#### **(a) Site location plan**



#### **(b) Illustrative layout**



## Hopton on Sea - Land East of Lowestoft Road

(a) Site location plan



(b) Illustrative layout

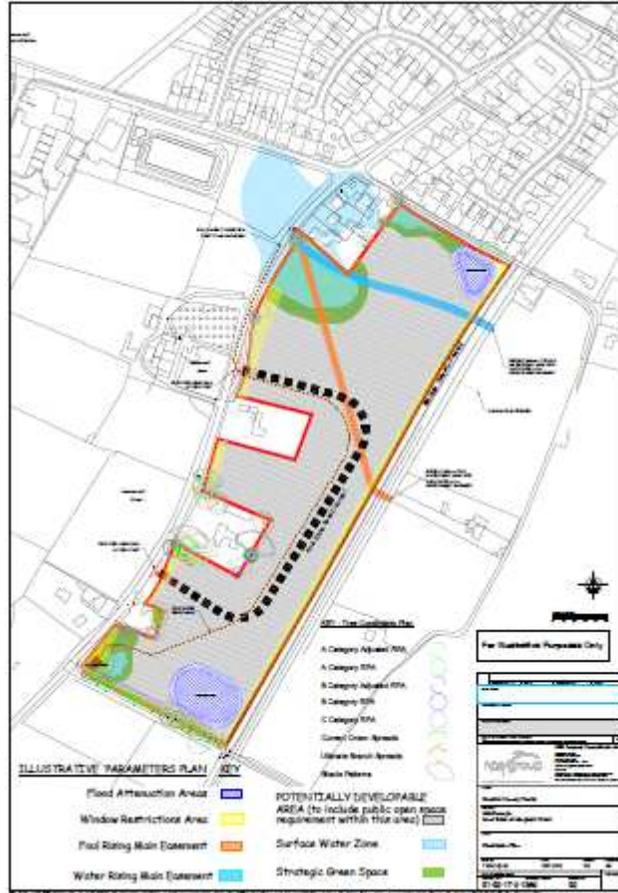




## Appendix 2

### Land East of Hargham Road, Attleborough 2 site:

#### (a) Site location plan



Repton Property Developments Ltd

## Land west of St Nicholas Drive, Caister on sea site:

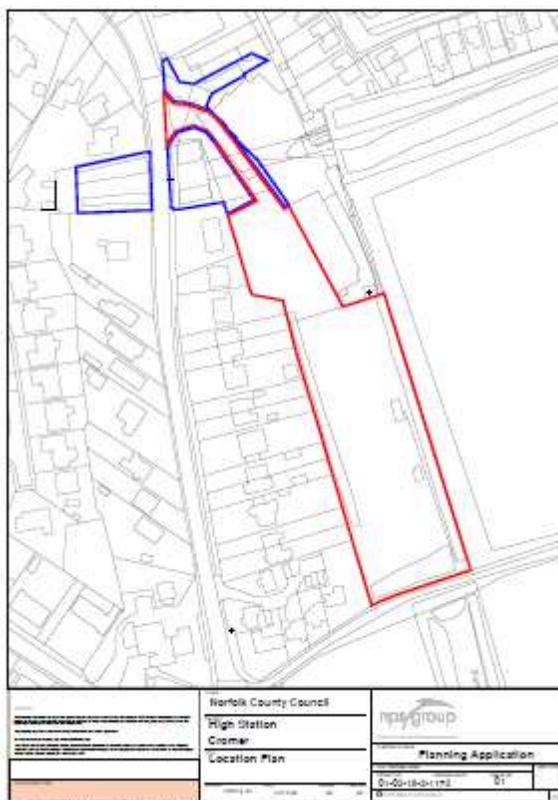
(b) Site location plan





**Land at High Station, Cromer site:**

(b) Site location plan



## Appendix 3

### Repton Property Developments Ltd

#### Operating Statement - 2020 / 21

	2020 / 21 Total £
<b>REVENUE INCOME</b>	
<b>Acle and Hopton developments</b>	
<i>Sales of Open market units</i>	4,246,125
<i>Less - Opening WIP - direct build costs</i>	-658,322
<b>Total Revenue</b>	<b>3,587,803</b>
<b>REVENUE EXPENDITURE</b>	
<b>Acle and Hopton developments</b>	
<i>Cost of Sales</i>	2,539,010
<i>Selling expenses</i>	439,895
<i>DSP fees</i>	105,026
	<b>3,083,931</b>
<b>Gross margin - Acle and Hopton developments</b>	<b>503,872</b>
Operating expenses	307,818
<b>Total Overheads</b>	<b>307,818</b>
<b>Operating Profit</b>	<b>196,054</b>
<b>Financing Costs</b>	
Interest - on borrowing	464,106
<b>Net profit / (loss) before taxation</b>	<b>-268,052</b>

# Cabinet

Item 10

<b>Decision making report title:</b>	<b>NCC HH Limited Articles of Association</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andrew Jamieson (Cabinet Member for Finance)</b>
<b>Responsible Director:</b>	<b>Simon George (Executive Director, Finance and Commercial Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

Cabinet act as the shareholder for the company on behalf of the County Council.

Cabinet is asked to review and adopt the proposed articles of association and the special resolution as detailed in the appendix.

## **Executive Summary**

On 26 November 2019, under the urgent decision procedure the Leader and Cabinet Member for Strategy and Governance authorised the setting up of NCC HH Limited, a company wholly owned by Norfolk County Council.

The point has now been reached to adopt suitable articles of association for the company which are consistent with other NCC wholly owned companies.

## **Recommendation:**

**Cabinet is asked to formally adopt the proposed Articles of Association and the special resolution for NCC HH Limited as set out in the Appendix to this report.**

## **1. Background and Purpose**

- 1.1. Following the collapse of the former Great Yarmouth Community Trust into insolvency in November 2019, the County Council decided to intervene to provide alternative education provision which had previously been provided by the Trust. NCC HH Limited has been established to provide the alternative education provision.

- 1.2. The proposed articles of association were approved by the NCC HH Limited Board at its meeting on 22<sup>nd</sup> January 2020.

## **2. Proposals**

- 2.1. Cabinet acting as shareholder on behalf of the County Council are asked to review and adopt the articles of association and the special resolution as detailed in the appendix to this report.

## **3. Impact of the Proposal**

- 3.1. The proposed articles of association will replace the model version that was used to establish the company.

## **4. Evidence and Reasons for Decision**

- 4.1. Following the urgent decision taken by the Leader and Cabinet Member for Strategy and Governance to establish NCC HH Limited, the point has now been reached to adopt suitable articles of association which are consistent with other NCC wholly owned companies.

## **5. Alternative Options**

- 5.1. The proposed articles of association will replace the model version that was used to establish the company. The alternative options are to either amend the proposed articles of association or to keep with the existing model articles of association.

## **6. Financial Implications**

- 6.1. There are no financial implications from the activity to complete establishing the governance for the new company.

## **7. Resource Implications**

- 7.1. **Staff:** None

- 7.2. **Property:** None.

- 7.3. **IT:** None.

## **8. Other Implications**

- 8.1. **Legal Implications:** Legal processes around setting up a wholly-owned limited company are tried and tested with the County Council having set up similar companies in the past.

- 8.2. **Human Rights implications:** None

8.3. **Equality Impact Assessment (EqIA):** N/A

8.4. **Health and Safety implications:** None

8.5. **Sustainability implications:** None.

## **9. Risk Implications/Assessment**

9.1. Any risks around finalising the governance for the new company were mitigated by obtaining expert legal advice.

## **10. Select Committee comments**

10.1. N/A

## **11. Recommendation**

11.1. **Cabinet is asked to formally adopt the proposed Articles of Association and the special resolution for NCC HH Limited as set out in the Appendix to this report.**

## **12. Background Papers**

12.1. Report to 13 January 2020 Cabinet meeting titled "[NCC HH Limited Business Plan](#)"

Urgent Decision taken by the Leader of the Council and Cabinet Member for Strategy and Governance – [Creation of 2 new limited companies and consents](#) – implemented on 2 December 2019

### **Officer Contact**

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

**Officer name:** Harvey Bullen – Director of Financial Management      **Tel No.:** 0344 800 8020

**Email address:** [harvey.bullen@norfolk.gov.uk](mailto:harvey.bullen@norfolk.gov.uk)



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

Company Number 12336758

Private Company Limited By Shares

Written Resolution

of

NCC HH Limited (“the Company”)

[Dated]

Under Chapter 2 of Part 13 of the Companies Act 2006, the directors of the Company propose that the following resolution is passed as a special resolution (“the Resolution”).

### **Special Resolution**

That as the effective date of this Resolution the draft articles of association attached to this resolution be adopted as the articles of association of the Company in substitution for, and to the exclusion of, the Company’s existing articles of association.

### **Agreement**

Please read the notes at the end of this document before signifying your agreement to the Resolution.

The undersigned, a person entitled to vote on the Resolution on [Date] hereby irrevocably agrees to the Resolution:

Signed for and on behalf of )

NORFOLK COUNTY COUNCIL )

by Simon George )

Date: .....

A copy of the Resolution shall be sent to the auditors of the Company.

**Notes**

1. If you agree with the Resolution, please indicate your agreement by signing and dating this document where indicated above and returning the signed version, either by hand or by post to Sarah Gibb, nplaw, at the Company’s registered office.

You may not return the Resolution to the Company by any other method.

If you do not agree to the Resolution, you do not need to do anything. You will not be deemed to agree if you fail to reply.

2. Once you have indicated your agreement of the Resolution, you may not revoke your agreement.
3. Unless by [28 days after [Date]] sufficient agreement is received for the Resolution to pass, it will lapse. If you agree to the Resolution, please ensure that your agreement reaches us before or during this date.

## INTERPRETATION AND LIMITATION OF LIABILITY

### 1 **Definitions and interpretation**

1.1 In these articles, unless the context requires otherwise:

**"alternate" or "alternate director"** has the meaning given in article 23;

**"articles"** means the company's articles of association for the time being in force;

**"associated company"** means any subsidiary or holding entity of the company or any other subsidiary of the company's holding entity;

**"bankruptcy"** includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;

**"business day"** means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

**"CA 2006"** means the Companies Act 2006;

**"Chair"** has the meaning given in article 12;

**"Chair of the meeting"** has the meaning *given* in article 41.3;

**"clear days"** excludes the date on which a notice is given and the date on which the notice period expires;

**"Companies Acts"** means the Companies Acts (as defined in section 2 CA 2006), in so far as they apply to the company;

**"Conflict"** has the meaning given in article 15.1;

**"director"** means a director of the company, and includes *any* person occupying the position of director, by whatever name called;

**"distribution recipient"** has the meaning given in article 34.2;

**"document"** includes, unless otherwise specified, any document sent or supplied in electronic form;

**"electronic form"** has the meaning given in section 1168 CA 2006;

**"eligible director"** means a director who would be entitled to vote on the matter at a meeting of directors (but excluding any director whose vote is not to be counted in respect of the particular matter);

**"fully paid"** in relation to a share, means that the nominal value and any premium to be paid to the company in respect of that share have been paid to the company;

**"hard copy form"** has the meaning given in section 1168 CA 2006;

**"holder"** in relation to shares means the person whose name is entered in the register of members as the holder of the shares;

**"instrument"** means a document in hard copy form;

**"Model Articles"** means the model articles for private companies limited by shares contained in Schedule 1 of The Companies (Model Articles) Regulations 2008 (SI 2008/3229) as amended prior to the date of adoption of these articles;

**"ordinary resolution"** has the meaning given in section 282 CA 2006;

**"paid"** means paid or credited as paid;

**"participate"**, in relation to a directors' meeting, has the meaning given in article 10;

**"proxy notice"** has the meaning given in article 46.1;

**"qualifying person"** has the meaning given in article 40.3;

**"relevant officer"** means any director or other officer of the company or an associated company, but excluding in each case any person engaged by the company (or associated company) as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor;

**"shareholder"** means a person/body who is the holder of a share;

**"shares"** means shares in the company;

**"special resolution"** has the meaning given in section 283 CA 2006; and

**"writing"** means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

- 1.2 No regulations or articles set out in any statute, or in any statutory instrument or other subordinate legislation made under any statute, concerning companies (including the regulations in the Model Articles) shall apply as the articles of the company.
- 1.3 Save as otherwise specifically provided in these articles, words and expressions which have particular meanings in the CA 2006 shall have the same meanings in these articles.
- 1.4 Headings in these articles are used for convenience only and shall not affect the construction or interpretation of these articles.
- 1.5 A reference in these articles to an "article" is a reference to the relevant article of these articles unless expressly provided otherwise.
- 1.6 Unless expressly provided otherwise, a reference to a statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, taking account of:
  - 1.6.1 any subordinate legislation from time to time made under it; and
  - 1.6.2 any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts.
- 1.7 Any phrase introduced by the terms "including", "include", "in particular" or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.8 A reference in these articles to a "subsidiary", "holding company", "undertaking", "subsidiary undertaking" or "parent undertaking" shall be construed in accordance with section 1159 and section 1162 of CA 2006.
- 1.9 Any words importing the singular include the plural and vice versa and words importing a gender include every gender.

## **2 Liability of members and controlled company**

- 2.1 The liability of the members is limited to the amount, if any, unpaid on the shares held by them.
- 2.2 The company is controlled by Norfolk County Council ('controlled' being defined by reference to Part V of the Local Government and Housing Act 1989 and the Local Authorities (Companies) Order 1995).

## **DIRECTORS**

### **DIRECTORS' POWERS AND RESPONSIBILITIES**

## **3 Directors' general authority**

- 3.1 Subject to these articles, and in particular the provisions set out in article 52, the directors are responsible for the management of the company's business, for which purpose they may exercise all the powers of the company.

## **4 Shareholders' reserve power**

- 4.1 The shareholders may, by special resolution or in accordance with the provisions of article 52, direct the directors to take, or refrain from taking, specified action.
- 4.2 No such special resolution or direction Norfolk County Council in accordance with article 52 invalidates anything which the directors have done before the passing of the resolution.

## **5 Directors may delegate**

- 5.1 Subject to the articles, and in particular the provisions set out in article 52, the directors may delegate any of the powers which are conferred on them under the articles:
- 5.1.1 to such person or committee;
  - 5.1.2 by such means (including by power of attorney);
  - 5.1.3 to such an extent;
  - 5.1.4 in relation to such matters or territories; and

5.1.5 on such terms and conditions;

as they think fit.

5.2 if the directors so specify, any such delegation may authorise further delegation of the directors' powers by any person to whom they are delegated.

5.3 The directors may revoke any delegation in whole or part or alter its terms and conditions.

## **6 Committees**

6.1 Committees to which the directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the articles which govern the taking of decisions by directors.

6.2 The directors may make rules of procedure for all or any committees, which prevail over rules derived from the articles if they are not consistent with them.

## **DECISION-MAKING BY DIRECTORS**

### **7 Directors to take decisions collectively**

7.1 The general rule about decision-making by directors is that any decision of the directors must be either a majority decision at a meeting or a unanimous decision taken in accordance with article 8.

### **8 Unanimous decisions**

8.1 A decision of the directors is taken in accordance with this article when all eligible directors indicate to each other by any means that they share a common view on a matter provided that any such indication shall be recorded by the directors in permanent form so that it may be read with the naked eye.

8.2 Such a decision may take the form of a resolution in writing, where each eligible director has signed one or more copies of it, or to which each eligible director has otherwise indicated agreement in writing.

8.3 A decision may not be taken in accordance with this article if the eligible directors would not have formed a quorum at such a meeting.

## **9 Calling a directors' meeting**

- 9.1 Any director may call a directors' meeting by giving notice of the meeting to the directors or by authorising the company secretary (if any) to give such notice.
- 9.2 Notice of any directors' meeting must indicate:
- 9.2.1 its proposed date and time;
  - 9.2.2 where it is to take place; and
  - 9.2.3 if it is anticipated that directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

## **10 Participation in directors' meetings**

- 10.1 Subject to the articles, directors participate in a directors' meeting, or part of a directors' meeting, when:
- 10.1.1 the meeting has been called and takes place in accordance with the articles; and
  - 10.1.2 they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- 10.2 In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or how they communicate with each other.
- 10.3 If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

## **11 Quorum for directors' meetings**

- 11.1 At a directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.
- 11.2 Subject to article 11.3, the quorum for the transaction of business at a meeting of directors is two eligible directors, where at least one eligible director present at the meeting is also an officer of Norfolk County Council.

11.3 For the purposes of any meeting (or part of a meeting) held pursuant to article 15 to authorise a director's conflict, if there is only one eligible director in office besides the conflicted director(s), the quorum for such meeting (or part of a meeting) shall be one eligible director.

11.4 If the total number of directors in office for the time being is less than the quorum required, the directors must not take any decision other than a decision:

11.4.1 to appoint further directors; or

11.4.2 to call a general meeting so as to enable the shareholders to appoint further directors.

## **12 Chairing of directors' meetings**

12.1 The directors may appoint a director to chair their meetings for such term as is agreed by the directors.

12.2 The person so appointed for the time being is known as the Chair.

12.3 The directors may terminate the Chair's appointment at any time.

12.4 If the Chair is not participating in a directors' meeting within ten minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.

## **13 Casting vote**

13.1 Further to article 13.2, if the numbers of votes for and against a proposal at a meeting of directors are equal, the Chair or other director chairing the meeting shall have a casting vote.

13.2 Article 13.1 shall not apply in respect of a particular meeting (or part of a meeting) if, in accordance with the articles, the Chair or other director is not an eligible director for the purpose of that meeting (or part of a meeting).

## **14 Transactions or other arrangements with the company**

14.1 Subject to the provisions of CA 2006 and provided he has declared the nature and extent of any interest of his (unless the circumstances in any of sections 177(5) and 177(6) or sections 182(5) and 182(6) CA 2006 apply, in which case no disclosure is required), a director who is in any way, whether directly or indirectly, interested in an existing or proposed transaction or arrangement with the company, notwithstanding his office:

- 14.1.1 may be a party to, or otherwise interested in, any transaction or arrangement with the company or in which the company is otherwise (directly or indirectly) interested;
  - 14.1.2 may act by himself or his firm in a professional capacity for the company (otherwise than as auditor) and he or his firm shall be entitled to remuneration for professional services as if he were not a director;
  - 14.1.3 may be a director or other officer of, or employed by, or a party to a transaction or arrangement with, or otherwise interested in, any body corporate promoted by the company or in which the company is otherwise (directly or indirectly) interested;
  - 14.1.4 shall not, save as he may otherwise agree, be accountable to the company for any benefit which he (or a person connected with him (as defined in section 252 CA 2006)) derives from any such contract, transaction or arrangement or from any such office or employment or from any interest in any such body corporate which he is permitted to hold or enter into by virtue of articles 14.1.1, 14.1.2 or 14.1.3 and no such contract, transaction or arrangement shall be liable to be avoided on the grounds of any such interest or benefit nor shall the receipt of any such remuneration or other benefit constitute a breach of his duty under section 176 CA 2006; and
  - 14.1.5 shall subject to article 15.1, be an eligible director for the purposes of any proposed decision of the directors (or committee of directors) and shall be entitled to vote at a meeting of directors (or of a committee of the directors) or participate in any unanimous decision on any matter referred to in articles 14.1.1 to 14.1.3 (inclusive) or on any resolution which in any way concerns or relates to a matter in which he has, directly or indirectly, any kind of interest whatsoever and if he shall vote on any such resolution his vote shall be counted.
- 14.2 For the purposes of this article 14, references to proposed decisions and decision-making processes include any directors' meeting or part of a directors' meeting.

- 14.3 Subject to article 14.4, if a question arises at a meeting of directors or of a committee of directors as to the right of a director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the Chair whose ruling in relation to any director other than the Chair is to be final and conclusive.
- 14.4 If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the Chair, the question is to be decided by a decision of the directors at that meeting, for which purpose the Chair is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.

## **15 Directors' conflicts of interest**

- 15.1 For the purposes of section 175 CA 2006, the directors may authorise any matter proposed to them in accordance with these articles which would, if not so authorised, involve a breach of duty by a director under that section, including, without limitation, any matter which relates to a situation in which a director has, or can have, an interest which conflicts, or possibly may conflict, with the interests of the company (a "Conflict"). Any such authorisation will be effective only if:
- 15.1.1 any requirement as to quorum at the meeting at which the matter is considered is met without counting the director in question or any other interested director; and
- 15.1.2 the matter was agreed to without their voting or would have been agreed to if their votes had not been counted. The directors may (whether at the time of the giving of the authorisation or subsequently) make any such authorisation subject to any limits or conditions they may expressly impose but such authorisation is otherwise given to the fullest extent permitted. The directors may vary or terminate any such authorisation at any time, but this will not affect anything done by the director in question prior to such variation or termination, in accordance with the terms of such authorisation.

For the purposes of these articles, a conflict of interest includes a conflict of interest and duty and a conflict of duties, and interest includes both direct and indirect interests.

- 15.2 The shareholder(s) may also authorise a Conflict by ordinary resolution (a "Shareholder Authorisation") and may at any time, by ordinary resolution:
- 15.2.1 make any Shareholder Authorisation subject to such terms and conditions as they think fit, and
  - 15.2.2 vary or terminate any Shareholder Authorisation (provided that this will not affect anything done by the relevant director or the company in accordance with that Shareholder Authorisation before any such variation or termination).
- 15.3 The shareholder(s) hereby authorise any Conflict which arises solely by virtue of the relevant director being an employee of Norfolk County Council or being an elected member of Norfolk County Council and the provisions of Article 15.5 to 15.7 shall apply to that director as if he had received a Shareholder Authorisation with no conditions attaching to it.
- 15.4 A director shall be under no duty to the company with respect to any information which he obtains or has obtained otherwise than as a director of the company and in respect of which he owes a duty of confidentiality to another person. However, to the extent that his relationship with that other person gives rise to a Conflict, this article applies only if the existence of that relationship has been authorised pursuant to article 15.1 or approved by the directors pursuant to article 15.1 or by the shareholder(s) pursuant to article 15.3. In particular, the director shall not be in breach of the general duties he owes to the company by virtue of sections 171 to 177 CA 2006 (inclusive) because he fails:
- 15.4.1 to disclose any such information to the board or to any director or other officer or employee of the company; and/or
  - 15.4.2 to use or apply any such information in performing his duties as a director of the company.
- 15.5 Where the existence of a director's relationship with another person has been authorised pursuant to these articles or approved by the board pursuant to article 15.1 or by the shareholder(s) pursuant to article 15.3 and his relationship with that person gives rise to a Conflict, the director shall not be in breach of the general duties he owes to the company by virtue of sections 171 to 177 CA 2006 (inclusive) because he:

15.5.1 absents himself from meetings of the board at which any matter relating to the Conflict will or may be discussed or from the discussion of any such matter at a meeting or otherwise; and/or

15.5.2 makes arrangements not to receive documents and information relating to any matter which gives rise to the Conflict sent or supplied by the company and/or for such documents and information to be received and read by a professional adviser,

for so long as he reasonably believes such Conflict subsists.

15.6 The provisions of articles 15.5 and 15.6 are without prejudice to any equitable principle or rule of law which may excuse the director from:

15.6.1 disclosing information, in circumstances where disclosure would otherwise be required under these articles; or

15.6.2 attending meetings or discussions or receiving documents and information as referred to in article 15.5, in circumstances where such attendance or receipt of such documents and information would otherwise be required under these articles.

15.7 A director is not required, by reason of being a director (or because of any fiduciary relationship established by reason of being a director), to account to the company for any remuneration, profit or other benefit which he derives from or in connection with a relationship involving a Conflict which has been authorised in accordance with article 15.1 or by the directors or the shareholder(s) or by the company in general meeting (subject in each case to any terms, limits or conditions attaching to that authorisation) and no contract shall be liable to be avoided on such grounds.

## **16 Records of decisions to be kept**

16.1 The directors must ensure that the company keeps a record, in writing, for at least 10 years from the date of the decision recorded, of every unanimous or majority decision taken by the directors.

16.2 Where decisions of the directors are taken by electronic means, such decisions shall be recorded by the directors in permanent form, so that they may be read with the naked eye.

**17 Directors' discretion to make further rules**

17.1 Subject to the articles, the directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to directors.

**APPOINTMENT OF DIRECTORS**

**18 Number of directors**

18.1 Unless otherwise determined by notice given by Norfolk County Council, the number of directors (other than alternate directors) shall not be subject to any maximum but shall not be less than two.

**19 Methods of appointing directors**

19.1 Any person who is willing to act as a director, and is permitted by law to do so, may be appointed to be a director by notice given by Norfolk County Council pursuant to article 52.

**20 Termination of director's appointment**

20.1 A person ceases to be a director as soon as:

20.1.1 that person ceases to be a director by virtue of any provision of the CA 2006 or is prohibited from being a director by law;

20.1.2 a bankruptcy order is made against that person;

20.1.3 a composition is made with that person's creditors generally in satisfaction of that person's debts;

20.1.4 a registered medical practitioner who is treating that person gives a written opinion to the company stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months;

20.1.5 notification is received by the company from the director that the director is resigning from office as director, and such resignation has taken effect in accordance with its terms; or

20.1.6 a notice in writing is served upon the director and the company signed by Norfolk County Council removing that person from office as director;

or

20.1.7 that person becomes disqualified for elected membership of Norfolk County Council or any other local authority.

## **21 Directors' remuneration**

21.1 Directors may undertake any services for the company that Norfolk County Council decides.

21.2 Directors are entitled to such remuneration as Norfolk County Council determines:

21.2.1 for their services to the company as directors; and

21.2.2 for any other service which they undertake for the company.

21.3 Subject to the articles, a director's remuneration may:

21.3.1 take any form; and

21.3.2 include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that director.

21.4 Unless Norfolk County Council decides otherwise, directors' remuneration accrues from day to day.

## **22 Directors' expenses**

22.1 Subject to the adoption of a specific scheme for payment of directors expenses approved by Norfolk County Council, the company may pay any reasonable expenses which the directors (including alternate directors) properly incur in connection with their attendance at:

22.1.1 meetings of directors or committees of directors;

22.1.2 general meetings; or

22.1.3 separate meetings of the holders of any class of shares or of debentures of the company

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the company.

**NO ALTERNATE DIRECTORS**

**23 No Alternate directors**

- 23.1 No director may appoint as an alternate any other director, or any other person approved to exercise that director's powers and carry out that director's responsibilities in relation to the taking of decisions by the directors in the absence of the alternate's appointer.

**SECRETARY**

**24 Secretary**

- 24.1 The directors may appoint any person who is willing to act as the secretary for such term, at such remuneration and upon such conditions as they may think fit and from time to time remove such person and to appoint a replacement, in each case by a decision of the directors.

**SHARES AND**

**DISTRIBUTIONS ISSUE OF**

**SHARES**

**25 All shares to be fully paid up**

- 25.1 No share is to be issued for less than the aggregate of its nominal value and any premium to be paid to the company in consideration for its issue.
- 25.2 This does not apply to shares taken on the formation of the company by the subscribers to the company's memorandum.

**26 Powers to issue different classes of share**

- 26.1 Subject to the articles, but without prejudice to the rights attached to any existing share, the company may issue shares with such rights or restrictions as may be determined by ordinary resolution.
- 26.2 The company may issue shares which are to be redeemed, or are liable to be redeemed at the option of the company or the holder, and the directors may determine the terms, conditions and manner of redemption of any such shares.

**27 Directors' authority to allot shares**

27.1 Save to the extent authorised by these articles, or authorised from time to time by Norfolk County Council, the directors shall not exercise any power to allot shares or to grant rights to subscribe for, or to convert any security into, any shares in the company.

**28 Exclusion of statutory pre-emption rights**

28.1 Pursuant to section 567 CA 2006, the provisions of section 561 CA 2006 (existing shareholders' right of pre-emption) and section 562 CA 2006 (communication of pre-emption offers to shareholders) shall not apply to an allotment of equity securities (as defined in section 560 CA 2006) made by the company.

**29 Company not bound by less than absolute interests**

29.1 Except as required by law, no person is to be recognised by the company as holding any share upon any trust, and except as otherwise required by law or the articles, the company is not in any way to be bound by or recognise any interest in a share other than the holder's absolute ownership of it and all the rights attaching to it.

**30 Share certificates**

30.1 The company must issue each shareholder, free of charge, with one or more certificates in respect of the shares which that shareholder holds.

30.2 Every certificate must specify:

30.2.1 in respect of how many shares, of what class, it is issued;

30.2.2 the nominal value of those shares;

30.2.3 that the shares are fully paid; and

30.2.4 any distinguishing numbers assigned to them.

30.3 No certificate may be issued in respect of shares of more than one class.

30.4 If more than one person holds a share, only one certificate may be issued in respect of it.

- 30.5.1 Certificates must:
- 30.5.2 have affixed to them the company's common seal; or
- 30.5.3 be otherwise executed in accordance with the Companies Acts.

**31 Replacement share certificates**

31.1 If a certificate issued in respect of a shareholder's share is:

- 31.1.1 damaged or defaced; or
- 31.1.2 said to be lost, stolen or destroyed

that shareholder is entitled to be issued with a replacement certificate in respect of the same shares.

31.2 A shareholder exercising the right to be issued with such a replacement certificate:

- 31.2.1 may at the same time exercise the right to be issued with a single certificate or separate certificates;
- 31.2.2 must return the certificate which is to be replaced to the company if it is damaged or defaced; and
- 31.2.3 must comply with such conditions as to evidence and indemnity as the directors decide.

**32 Share transfers**

32.1 Shares may be transferred by means of an instrument of transfer in any usual form or any other form approved by the directors, which is executed by or on behalf of the transferor.

32.2 No fee may be charged for registering any instrument of transfer or other document relating to or affecting the title to any share.

32.3 The company may retain any instrument of transfer which is registered.

32.4 The transferor remains the holder of a share until the transferee's name is entered in the register of members as holder of it.

32.5 No shareholder shall transfer any share except with the prior consent in writing of the Norfolk County Council.

- 32.6 The directors shall register any duly stamped transfer made in accordance with this article and shall not have any discretion to register any transfer of shares which has not been made in compliance with this article.

## **DIVIDENDS AND OTHER DISTRIBUTIONS**

### **33 Procedure for declaring dividends**

- 33.1 The company may by ordinary resolution declare dividends, and the directors may decide to pay interim dividends.
- 33.2 A dividend must not be declared unless the directors have made a recommendation as to its amount. Such a dividend must not exceed the amount recommended by the directors.
- 33.3 No dividend may be declared or paid unless it is in accordance with shareholders' respective rights.
- 33.4 Unless the shareholders' resolution to declare or directors' decisions to pay a dividend, or the terms on which shares are issued, specify otherwise, it must be paid by reference to each shareholder's holding of shares on the date of the resolution or decision to declare or pay it.
- 33.5 If the company's share capital is divided into different classes, no interim dividend may be paid on shares carrying deferred or non-preferred rights if, at the time of payment, any preferential dividend is in arrears.
- 33.6 The directors may pay at intervals any dividend payable at a fixed rate if it appears to them that the profits available for distribution justify the payment.
- 33.7 If the directors act in good faith, they do not incur any liability to the holders of shares conferring preferred rights for any loss they may suffer by the lawful payment of an interim dividend on shares with deferred or non-preferred rights.

### **34 Payment of dividends and other distributions**

- 34.1 Where a dividend or other sum which is a distribution is payable in respect of a share, it shall be paid by:
- 34.1.1 such method of payment as Norfolk County Council shall by notice to the directors direct in accordance with article 52; or

34.1.2 any other means of payment as the directors may agree with the distribution recipient in writing.

34.2 In the articles, "distribution recipient" means, in respect of a share in respect of which a dividend or other sum is payable:

34.2.1 the holder of the share; or

34.2.2 if the share has two or more joint holders, whichever of them is named first in the register of members.

**35 No interest on distributions**

35.1 The company may not pay interest on any dividend or other sum payable in respect of a share unless otherwise provided by:

35.1.1 the terms on which the share was issued; or

35.1.2 the provisions of another agreement between the holder of that share and the company.

**36 Unclaimed distributions**

36.1 All dividends or other sums which are:

36.1.1 payable in respect of shares; and

36.1.2 unclaimed after having been declared or become payable

may be invested or otherwise made use of by the directors for the benefit of the company until claimed.

36.2 The payment of any such dividend or other sum into a separate account does not make the company a trustee in respect of it.

36.3 If:

36.3.1 twelve years have passed from the date on which a dividend or other sum became due for payment; and

36.3.2 the distribution recipient has not claimed it

the distribution recipient is no longer entitled to that dividend or other sum and it ceases to remain owing by the company.

**37 Waiver of distributions**

37.1 Distribution recipients may waive their entitlement to a dividend or other distribution payable in respect of a share by giving the company notice in writing to that effect, but if:

37.1.1 the share has more than one holder; or

37.1.2 more than one person is entitled to the share, whether by reason of the death or bankruptcy of one or more joint holders, or otherwise

the notice is not effective unless it is expressed to be given, and signed, by all the holders or persons otherwise entitled to the share.

**CAPITALISATION OF PROFITS**

**38 Authority to capitalise and appropriation of capitalised sums**

38.1 Subject to the articles, the directors shall, if they are so authorised by Norfolk County Council by notice in writing in accordance with article 52:

38.1.1 decide to capitalise *any* profits of the company (whether or not they are available for distribution) which are not required for paying a preferential dividend, or any sum standing to the credit of the company's share premium account or capital redemption reserve; and

38.1.2 appropriate any sum which they so decide to capitalise ("capitalised sum") to the persons who would have been entitled to it if it were distributed by way of dividend ("persons entitled") and in the same proportions.

38.2 Capitalised sums must be applied:

38.2.1 on behalf of the persons entitled; and

38.2.2 in the same proportions as a dividend would have been distributed to them.

38.3 Any capitalised sum may be applied in paying up new shares of a nominal amount equal to the capitalised sum which are then allotted credited as fully paid to the persons entitled or as they may direct.

38.4 A capitalised sum which was appropriated from profits available for distribution may be applied in paying up new debentures of the company which are then allotted credited as fully paid to the persons entitled or as they may direct.

38.5 Subject to the articles, the directors may:

38.5.1 apply capitalised sums in accordance with articles 38.3 and 38.4 partly in one way and partly in another;

38.5.2 make such arrangements as they think fit to deal with shares or debentures becoming distributable in fractions under this article (including the issuing of fractional certificates or the making of cash payments); and

38.5.3 authorise any person to enter into an agreement with the company on behalf of all the persons entitled which is binding on them in respect of the allotment of shares and debentures to them under this article.

#### **DECISION-MAKING BY SHAREHOLDERS**

#### **ORGANISATION OF GENERAL MEETINGS**

#### **39 Attendance and speaking at general meetings**

39.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.

39.2 A person is able to exercise the right to vote at a general meeting when:

39.2.1 that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and

39.2.2 that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.

- 39.3 The directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 39.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- 39.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

#### **40 Quorum for general meetings**

- 40.1 No business other than the appointment of the Chair of the meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum.
- 40.2 If the company has only one shareholder, one qualifying person present at a meeting is a quorum.
- 40.3 If the company has more than one shareholder, two qualifying persons present at a meeting are a quorum, unless each is a representative of a corporation or each is appointed as proxy of a shareholder and they are representatives of the same corporation or are proxies of the same shareholder.

For the purposes of these articles, a "qualifying person" is:

- 40.3.1 an individual who is a shareholder of the company;
- 40.3.2 a person authorised to act as the representative of an organisation (which would include the Executive Director of Finance and Commercial Services of Norfolk County Council, or such other representative of the Cabinet of Norfolk County Council (or any successor committee to the Cabinet from time to time) as approved by that committee, for such time as Norfolk County Council is a shareholder) in relation to the meeting;  
or
- 40.3.3 a person appointed as proxy of a shareholder in relation to the meeting.

#### **41 Chairing general meetings**

- 41.1 If the directors have appointed a Chair, the Chair shall chair general meetings if

present and willing to do so.

41.2 If the directors have not appointed a Chair, or if the Chair is unwilling to chair the meeting or is not present within ten minutes of the time at which a meeting was due to start:

41.2.1 the directors present; or

41.2.2 (if no directors are present), the meeting

must appoint a director or shareholder to chair the meeting, and the appointment of the Chair of the meeting must be the first business of the meeting.

41.3 The person chairing a meeting in accordance with this article is referred to as "the Chair of the meeting".

#### **42 Attendance and speaking by directors and non-shareholders**

42.1 Directors may attend and speak at general meetings, whether or not they are shareholders.

42.2 The Chair of the meeting may permit other persons who are not:

42.2.1 shareholders of the company; or

42.2.2 otherwise entitled to exercise the rights of shareholders in relation to general meetings

to attend and speak at a general meeting.

#### **43 Adjournment**

43.1 If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the Chair of the meeting must adjourn it.

43.2 The Chair of the meeting may adjourn a general meeting at which a quorum is present if:

43.2.1 the meeting consents to an adjournment; or

- 43.2.2 it appears to the Chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.
- 43.3 The Chair of the meeting must adjourn a general meeting if directed to do so by the meeting.
- 43.4 When adjourning a general meeting, the Chair of the meeting must:
  - 43.4.1 either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the directors; and
  - 43.4.2 have regard to any directions as to the time and place of any adjournment which have been given *by* the meeting.
- 43.5 If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the company must give at least 7 clear days' notice of it (that is, excluding the day of the adjourned meeting and the day on which the notice is given):
  - 43.5.1 to the same persons to whom notice of the company's general meetings is required to be given; and
  - 43.5.2 containing the same information which such notice is required to contain.
- 43.6 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

## **VOTING AT GENERAL MEETINGS**

### **44 Voting: general**

- 44.1 A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the articles.

### **45 Poll votes**

- 45.1 A poll on a resolution may be demanded:
  - 45.1.1 in advance of the general meeting where it is to be put to the vote; or

45.1.2 at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.

45.2 A poll may be demanded at any general meeting by any qualifying person present and entitled to vote at the meeting.

45.3 A demand for a poll may be withdrawn if:

45.3.1 the poll has not yet been taken; and

45.3.2 the Chair of the meeting consents to the withdrawal.

A demand so withdrawn shall not invalidate the result of a show of hands declared before the demand was made.

45.4 Polls must be taken immediately and in such manner as the Chair of the meeting directs.

#### **46 Content of proxy notices**

46.1 Proxies may only validly be appointed by a notice in writing ("proxy notice") which:

46.1.1 states the name and address of the shareholder appointing the proxy;

46.1.2 identifies the person appointed to be that shareholder's proxy and the general meeting in relation to which that person is appointed;

46.1.3 is signed by or on behalf of the shareholder appointing the proxy, or is authenticated in such manner as the directors may determine; and

46.1.4 is delivered to the company in accordance with the articles not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate

and a proxy notice which is not delivered in such manner shall be invalid, unless the directors, in their discretion, accept the notice at any time before the meeting.

46.2 The company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

46.3 Proxy notices may specify how the proxy appointed under them is to *vote* (or that the proxy is to abstain from voting) on one or more resolutions.

46.4 Unless a proxy notice indicates otherwise, it must be treated as:

46.4.1 allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and

46.4.2 appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

#### **47 Delivery of proxy notices**

47.1 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the company by or on behalf of that person.

47.2 An appointment under a proxy notice may be revoked by delivering to the company a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.

47.3 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

47.4 If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

#### **48 Amendments to resolutions**

48.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:

48.1.1 notice of the proposed amendment is given to the company in writing by a person entitled to *vote* at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the Chair of the meeting may determine); and

48.1.2 the proposed amendment does not, in the reasonable opinion of the Chair of the meeting, materially alter the scope of the resolution.

48.2 A special resolution to be proposed at a general meeting may be amended by

ordinary resolution, if:

- 48.2.1 the Chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
  - 48.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 48.3 If the Chair of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the Chair's error does not invalidate the vote on that resolution.

## **PART 5**

### **ADMINISTRATIVE ARRANGEMENTS**

#### **49 Service of notices and other documents**

- 49.1 Any notice, document or other information shall be deemed served on or delivered to the intended recipient:
- 49.1.1 if properly addressed and sent by prepaid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted;
  - 49.1.2 if properly addressed and delivered by hand, when it was given or left at the appropriate address;
  - 49.1.3 if properly addressed and sent or supplied by electronic means, one hour after the document or information was sent or supplied; and
  - 49.1.4 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website.

For the purposes of this article, no account shall be taken of any part of a day that is not a business day.

- 49.2 In proving that any notice, document or other information was properly addressed, it shall be sufficient to show that the notice, document or other information was addressed to an address permitted for the purpose by the CA 2006.
- 49.3 Subject to the articles, anything sent or supplied by or to the company under the articles may be sent or supplied in any way in which the CA 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the company.
- 49.4 Subject to the articles, any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.
- 49.5 A director may agree with the company that notices or documents sent to that director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

## **DIRECTORS' INDEMNITY AND INSURANCE**

### **50 Indemnity**

- 50.1 Subject to the provisions of, and so far as may be consistent with, the Companies Acts and any other provision of law, but without prejudice to any indemnity to which a relevant officer may otherwise be entitled, the company shall indemnify every relevant officer out of the company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer in the actual or purported execution and/or discharge of his duties and/or the actual or purported exercise of his powers and/or otherwise in relation to or in connection with his duties, powers or office, including (without prejudice to the generality of the foregoing) any liability incurred by him in relation to any proceedings (whether civil or criminal) or any regulatory investigation or action which relate to anything done or omitted or alleged to have been done or omitted by him as a relevant officer provided that, in the case of any director, any such indemnity shall not apply to any liability of that director:

50.1.1 to the company or to *any* of its associated companies;

50.1.2 to pay any fine imposed in criminal proceedings or any sum payable to a

regulatory authority by way of penalty in respect of non-compliance with any requirement of a regulatory nature (however arising); or

50.1.3 incurred:

- (i) in defending any criminal proceedings in which he is convicted or any civil proceedings brought by the company or any of its associated companies in which judgment is given against him; or
- (ii) in connection with any application under any statute for relief from liability in respect of any such act or omission in which the court refuses to grant him relief,

in each case where the conviction, judgment or refusal of relief by the court is final within the meaning stated in section 234(5) CA 2006.

50.2 Every director shall be entitled to have funds provided to him by the company to meet expenditure incurred or to be incurred in connection with any proceedings (whether civil or criminal) brought by any party which relate to anything done or omitted or alleged to have been done or omitted by him as a director, provided that he will be obliged to repay such amounts no later than:

50.2.1 in the event he is convicted in proceedings, the date when the conviction becomes final;

50.2.2 in the event of judgment being given against him in proceedings, the date when the judgment becomes final; or

50.2.3 in the event of the court refusing to grant him relief on any application under any statute for relief from liability, the date when refusal becomes final

in each case where the conviction, judgment or refusal of relief by the court is final within the meaning stated in section 234(5) CA 2006.

## **51 Insurance**

51.1 The directors shall purchase and maintain insurance, at the expense of the company, for the benefit of any relevant officer in respect of any relevant loss.

- 51.2 In this article a "relevant loss" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the company, any associated company or any pension fund or employees' share scheme of the company or associated company.

### **OVERRIDING PROVISIONS**

#### **52 Matters requiring Norfolk County Council consent**

- 52.1 Whenever Norfolk County Council, or any subsidiary of Norfolk County Council, shall be the holder of any issued ordinary shares of the company, the following provisions shall apply and to the extent of any inconsistency shall have overriding effect as against all other provisions of these articles.
- 52.2 Norfolk County Council may at any time and from time to time:
- 52.2.1 appoint any person to be a director of the company or remove from office any director howsoever appointed but so that in the case of a managing director or a director appointed to any other executive office his removal from office shall be deemed an act of the company and shall have effect without prejudice to any claim for damages for breach of any contract of service between him and the company;
  - 52.2.2 impose restrictions on all or any of the powers of the directors to such extent as Norfolk County Council may by notice to the company prescribe.
- 52.3 No shares or other securities in the company shall be issued or agreed to be issued, nor shall any rights to subscribe for or to convert into shares or any other securities of the company be granted or agreed to be granted without the consent of Norfolk County Council.
- 52.4 Any appointment, removal or notice of Norfolk County Council made or given under this article 52 shall be in writing served on the company and signed on behalf of Norfolk County Council by the Executive Director of Finance and Commercial Services of Norfolk County Council, or such other representative of the Cabinet (or any successor committee from time to time) as approved by that

committee, for such time as Norfolk County Council is the shareholder.

- 52.5 No person dealing with the company shall be concerned to see or enquire whether the powers of the directors have been in any way restricted pursuant to these articles or whether any requisite consent of Norfolk County Council has been obtained and no obligation incurred or security given or transaction effected by the company to or with any third party shall be invalid or ineffectual unless the third party has at the time express notice that the incurring of such obligation or the giving of such security or the effecting of such transaction was in excess of the powers of the directors.

# Cabinet

Item 11

<b>Decision making report title:</b>	<b>NCC Nurseries Limited Articles of Association</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andrew Jamieson (Cabinet Member for Finance)</b>
<b>Responsible Director:</b>	<b>Simon George (Executive Director, Finance and Commercial Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

Cabinet act as the shareholder for the company on behalf of the County Council.

Cabinet is asked to review and adopt the proposed articles of association and the special resolution as detailed in the appendix.

## **Executive Summary**

On 26 November 2019, under the urgent decision procedure the Leader and Cabinet Member for Strategy and Governance authorised the setting up of NCC Nurseries Limited, a company wholly owned by Norfolk County Council.

The point has now been reached to adopt suitable articles of association for the company which are consistent with other NCC wholly owned companies.

## **Recommendation:**

**Cabinet is asked to formally adopt the proposed Articles of Association and the special resolution for NCC Nurseries Limited as set out in the Appendix to this report.**

## **1. Background and Purpose**

- 1.1. Following the collapse of the former Great Yarmouth Community Trust into insolvency in November 2019, the County Council decided to intervene to ensure sufficiency in the Great Yarmouth area of nursery provision for 2, 3, and 4 year olds. NCC Nurseries Limited has been established to provide the nursery provision.

- 1.2. The proposed articles of association were approved by the NCC Nurseries Limited Board at its meeting on 20<sup>th</sup> January 2020.

## **2. Proposals**

- 2.1. Cabinet acting as shareholder on behalf of the County Council are asked to review and adopt the articles of association and the special resolution as detailed in the appendix to this report.

## **3. Impact of the Proposal**

- 3.1. The proposed articles of association will replace the model version that was used to establish the company.

## **4. Evidence and Reasons for Decision**

- 4.1. Following the urgent decision taken by the Leader and Cabinet Member for Strategy and Governance to establish NCC Nurseries Limited, the point has now been reached to adopt suitable articles of association which are consistent with other NCC wholly owned companies.

## **5. Alternative Options**

- 5.1. The proposed articles of association will replace the model version that was used to establish the company. The alternative options are to either amend the proposed articles of association or to keep with the existing model articles of association.

## **6. Financial Implications**

- 6.1. There are no financial implications from the activity to complete establishing the governance for the new company.

## **7. Resource Implications**

- 7.1. **Staff:** None

- 7.2. **Property:** None.

- 7.3. **IT:** None.

## **8. Other Implications**

- 8.1. **Legal Implications:** Legal processes around setting up a wholly-owned limited company are tried and tested with the County Council having set up similar companies in the past.

- 8.2. **Human Rights implications:** None

8.3. **Equality Impact Assessment (EqIA):** N/A

8.4. **Health and Safety implications:** None

8.5. **Sustainability implications:** None.

## **9. Risk Implications/Assessment**

9.1. Any risks around finalising the governance for the new company were mitigated by obtaining expert legal advice.

## **10. Select Committee comments**

10.1. N/A

## **11. Recommendation**

11.1. **Cabinet is asked to formally adopt the proposed Articles of Association and the special resolution for NCC Nurseries Limited as set out in the Appendix to this report.**

## **12. Background Papers**

12.1. Report to 13 January 2020 Cabinet meeting titled "[NCC Nurseries Limited Business Plan](#)"

Urgent Decision taken by the Leader of the Council and Cabinet Member for Strategy and Governance – [Creation of 2 new limited companies and consents](#) – implemented on 2 December 2019

### **Officer Contact**

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

**Officer name:** Harvey Bullen – Director of Financial Management      **Tel No.:** 0344 800 8020

**Email address:** harvey.bullen@norfolk.gov.uk



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

Company Number 12336752

Private Company Limited By Shares

Written Resolution

of

NCC Nurseries Limited (“the Company”)

[Dated]

Under Chapter 2 of Part 13 of the Companies Act 2006, the directors of the Company propose that the following resolution is passed as a special resolution (“the Resolution”).

### **Special Resolution**

That as the effective date of this Resolution the draft articles of association attached to this resolution be adopted as the articles of association of the Company in substitution for, and to the exclusion of, the Company’s existing articles of association.

### **Agreement**

Please read the notes at the end of this document before signifying your agreement to the Resolution.

The undersigned, a person entitled to vote on the Resolution on [Date] hereby irrevocably agrees to the Resolution:

Signed for and on behalf of )

NORFOLK COUNTY COUNCIL )

by Simon George )

Date: .....

A copy of the Resolution shall be sent to the auditors of the Company.

**Notes**

1. If you agree with the Resolution, please indicate your agreement by signing and dating this document where indicated above and returning the signed version, either by hand or by post to Sarah Gibb, nplaw, at the Company’s registered office.

You may not return the Resolution to the Company by any other method.

If you do not agree to the Resolution, you do not need to do anything. You will not be deemed to agree if you fail to reply.

2. Once you have indicated your agreement of the Resolution, you may not revoke your agreement.
3. Unless by [28 days after [Date]] sufficient agreement is received for the Resolution to pass, it will lapse. If you agree to the Resolution, please ensure that your agreement reaches us before or during this date.

## INTERPRETATION AND LIMITATION OF LIABILITY

### 1 **Definitions and interpretation**

1.1 In these articles, unless the context requires otherwise:

**"alternate" or "alternate director"** has the meaning given in article 23;

**"articles"** means the company's articles of association for the time being in force;

**"associated company"** means any subsidiary or holding entity of the company or any other subsidiary of the company's holding entity;

**"bankruptcy"** includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;

**"business day"** means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

**"CA 2006"** means the Companies Act 2006;

**"Chair"** has the meaning given in article 12;

**"Chair of the meeting"** has the meaning *given* in article 41.3;

**"clear days"** excludes the date on which a notice is given and the date on which the notice period expires;

**"Companies Acts"** means the Companies Acts (as defined in section 2 CA 2006), in so far as they apply to the company;

**"Conflict"** has the meaning given in article 15.1;

**"director"** means a director of the company, and includes *any* person occupying the position of director, by whatever name called;

**"distribution recipient"** has the meaning given in article 34.2;

**"document"** includes, unless otherwise specified, any document sent or supplied in electronic form;

**"electronic form"** has the meaning given in section 1168 CA 2006;

**"eligible director"** means a director who would be entitled to vote on the matter at a meeting of directors (but excluding any director whose vote is not to be counted in respect of the particular matter);

**"fully paid"** in relation to a share, means that the nominal value and any premium to be paid to the company in respect of that share have been paid to the company;

**"hard copy form"** has the meaning given in section 1168 CA 2006;

**"holder"** in relation to shares means the person whose name is entered in the register of members as the holder of the shares;

**"instrument"** means a document in hard copy form;

**"Model Articles"** means the model articles for private companies limited by shares contained in Schedule 1 of The Companies (Model Articles) Regulations 2008 (SI 2008/3229) as amended prior to the date of adoption of these articles;

**"ordinary resolution"** has the meaning given in section 282 CA 2006;

**"paid"** means paid or credited as paid;

**"participate"**, in relation to a directors' meeting, has the meaning given in article 10;

**"proxy notice"** has the meaning given in article 46.1;

**"qualifying person"** has the meaning given in article 40.3;

**"relevant officer"** means any director or other officer of the company or an associated company, but excluding in each case any person engaged by the company (or associated company) as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor;

**"shareholder"** means a person/body who is the holder of a share;

**"shares"** means shares in the company;

**"special resolution"** has the meaning given in section 283 CA 2006; and

**"writing"** means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

- 1.2 No regulations or articles set out in any statute, or in any statutory instrument or other subordinate legislation made under any statute, concerning companies (including the regulations in the Model Articles) shall apply as the articles of the company.
- 1.3 Save as otherwise specifically provided in these articles, words and expressions which have particular meanings in the CA 2006 shall have the same meanings in these articles.
- 1.4 Headings in these articles are used for convenience only and shall not affect the construction or interpretation of these articles.
- 1.5 A reference in these articles to an "article" is a reference to the relevant article of these articles unless expressly provided otherwise.
- 1.6 Unless expressly provided otherwise, a reference to a statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, taking account of:
  - 1.6.1 any subordinate legislation from time to time made under it; and
  - 1.6.2 any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts.
- 1.7 Any phrase introduced by the terms "including", "include", "in particular" or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.8 A reference in these articles to a "subsidiary", "holding company", "undertaking", "subsidiary undertaking" or "parent undertaking" shall be construed in accordance with section 1159 and section 1162 of CA 2006.
- 1.9 Any words importing the singular include the plural and vice versa and words importing a gender include every gender.

**2 Liability of members and controlled company**

- 2.1 The liability of the members is limited to the amount, if any, unpaid on the shares held by them.
- 2.2 The company is controlled by Norfolk County Council ('controlled' being defined by reference to Part V of the Local Government and Housing Act 1989 and the Local Authorities (Companies) Order 1995).

**DIRECTORS**

**DIRECTORS' POWERS AND RESPONSIBILITIES**

**3 Directors' general authority**

- 3.1 Subject to these articles, and in particular the provisions set out in article 52, the directors are responsible for the management of the company's business, for which purpose they may exercise all the powers of the company.

**4 Shareholders' reserve power**

- 4.1 The shareholders may, by special resolution or in accordance with the provisions of article 52, direct the directors to take, or refrain from taking, specified action.
- 4.2 No such special resolution or direction Norfolk County Council in accordance with article 52 invalidates anything which the directors have done before the passing of the resolution.

**5 Directors may delegate**

- 5.1 Subject to the articles, and in particular the provisions set out in article 52, the directors may delegate any of the powers which are conferred on them under the articles:
  - 5.1.1 to such person or committee;
  - 5.1.2 by such means (including by power of attorney);
  - 5.1.3 to such an extent;
  - 5.1.4 in relation to such matters or territories; and

5.1.5 on such terms and conditions;

as they think fit.

5.2 if the directors so specify, any such delegation may authorise further delegation of the directors' powers by any person to whom they are delegated.

5.3 The directors may revoke any delegation in whole or part or alter its terms and conditions.

## **6 Committees**

6.1 Committees to which the directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the articles which govern the taking of decisions by directors.

6.2 The directors may make rules of procedure for all or any committees, which prevail over rules derived from the articles if they are not consistent with them.

## **DECISION-MAKING BY DIRECTORS**

### **7 Directors to take decisions collectively**

7.1 The general rule about decision-making by directors is that any decision of the directors must be either a majority decision at a meeting or a unanimous decision taken in accordance with article 8.

### **8 Unanimous decisions**

8.1 A decision of the directors is taken in accordance with this article when all eligible directors indicate to each other by any means that they share a common view on a matter provided that any such indication shall be recorded by the directors in permanent form so that it may be read with the naked eye.

8.2 Such a decision may take the form of a resolution in writing, where each eligible director has signed one or more copies of it, or to which each eligible director has otherwise indicated agreement in writing.

8.3 A decision may not be taken in accordance with this article if the eligible directors would not have formed a quorum at such a meeting.

## **9 Calling a directors' meeting**

- 9.1 Any director may call a directors' meeting by giving notice of the meeting to the directors or by authorising the company secretary (if any) to give such notice.
- 9.2 Notice of any directors' meeting must indicate:
- 9.2.1 its proposed date and time;
  - 9.2.2 where it is to take place; and
  - 9.2.3 if it is anticipated that directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

## **10 Participation in directors' meetings**

- 10.1 Subject to the articles, directors participate in a directors' meeting, or part of a directors' meeting, when:
- 10.1.1 the meeting has been called and takes place in accordance with the articles; and
  - 10.1.2 they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- 10.2 In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or how they communicate with each other.
- 10.3 If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

## **11 Quorum for directors' meetings**

- 11.1 At a directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.
- 11.2 Subject to article 11.3, the quorum for the transaction of business at a meeting of directors is two eligible directors, where at least one eligible director present at the meeting is also an officer of Norfolk County Council.

11.3 For the purposes of any meeting (or part of a meeting) held pursuant to article 15 to authorise a director's conflict, if there is only one eligible director in office besides the conflicted director(s), the quorum for such meeting (or part of a meeting) shall be one eligible director.

11.4 If the total number of directors in office for the time being is less than the quorum required, the directors must not take any decision other than a decision:

11.4.1 to appoint further directors; or

11.4.2 to call a general meeting so as to enable the shareholders to appoint further directors.

## **12 Chairing of directors' meetings**

12.1 The directors may appoint a director to chair their meetings for such term as is agreed by the directors.

12.2 The person so appointed for the time being is known as the Chair.

12.3 The directors may terminate the Chair's appointment at any time.

12.4 If the Chair is not participating in a directors' meeting within ten minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.

## **13 Casting vote**

13.1 Further to article 13.2, if the numbers of votes for and against a proposal at a meeting of directors are equal, the Chair or other director chairing the meeting shall have a casting vote.

13.2 Article 13.1 shall not apply in respect of a particular meeting (or part of a meeting) if, in accordance with the articles, the Chair or other director is not an eligible director for the purpose of that meeting (or part of a meeting).

## **14 Transactions or other arrangements with the company**

14.1 Subject to the provisions of CA 2006 and provided he has declared the nature and extent of any interest of his (unless the circumstances in any of sections 177(5) and 177(6) or sections 182(5) and 182(6) CA 2006 apply, in which case no disclosure is required), a director who is in any way, whether directly or indirectly, interested in an existing or proposed transaction or arrangement with the company, notwithstanding his office:

- 14.1.1 may be a party to, or otherwise interested in, any transaction or arrangement with the company or in which the company is otherwise (directly or indirectly) interested;
- 14.1.2 may act by himself or his firm in a professional capacity for the company (otherwise than as auditor) and he or his firm shall be entitled to remuneration for professional services as if he were not a director;
- 14.1.3 may be a director or other officer of, or employed by, or a party to a transaction or arrangement with, or otherwise interested in, any body corporate promoted by the company or in which the company is otherwise (directly or indirectly) interested;
- 14.1.4 shall not, save as he may otherwise agree, be accountable to the company for any benefit which he (or a person connected with him (as defined in section 252 CA 2006)) derives from any such contract, transaction or arrangement or from any such office or employment or from any interest in any such body corporate which he is permitted to hold or enter into by virtue of articles 14.1.1, 14.1.2 or 14.1.3 and no such contract, transaction or arrangement shall be liable to be avoided on the grounds of any such interest or benefit nor shall the receipt of any such remuneration or other benefit constitute a breach of his duty under section 176 CA 2006; and
- 14.1.5 shall subject to article 15.1, be an eligible director for the purposes of any proposed decision of the directors (or committee of directors) and shall be entitled to vote at a meeting of directors (or of a committee of the directors) or participate in any unanimous decision on any matter referred to in articles 14.1.1 to 14.1.3 (inclusive) or on any resolution which in any way concerns or relates to a matter in which he has, directly or indirectly, any kind of interest whatsoever and if he shall vote on any such resolution his vote shall be counted.
- 14.2 For the purposes of this article 14, references to proposed decisions and decision-making processes include any directors' meeting or part of a directors' meeting.

- 14.3 Subject to article 14.4, if a question arises at a meeting of directors or of a committee of directors as to the right of a director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the Chair whose ruling in relation to any director other than the Chair is to be final and conclusive.
- 14.4 If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the Chair, the question is to be decided by a decision of the directors at that meeting, for which purpose the Chair is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.

## **15 Directors' conflicts of interest**

- 15.1 For the purposes of section 175 CA 2006, the directors may authorise any matter proposed to them in accordance with these articles which would, if not so authorised, involve a breach of duty by a director under that section, including, without limitation, any matter which relates to a situation in which a director has, or can have, an interest which conflicts, or possibly may conflict, with the interests of the company (a "Conflict"). Any such authorisation will be effective only if:
- 15.1.1 any requirement as to quorum at the meeting at which the matter is considered is met without counting the director in question or any other interested director; and
- 15.1.2 the matter was agreed to without their voting or would have been agreed to if their votes had not been counted. The directors may (whether at the time of the giving of the authorisation or subsequently) make any such authorisation subject to any limits or conditions they may expressly impose but such authorisation is otherwise given to the fullest extent permitted. The directors may vary or terminate any such authorisation at any time, but this will not affect anything done by the director in question prior to such variation or termination, in accordance with the terms of such authorisation.

For the purposes of these articles, a conflict of interest includes a conflict of interest and duty and a conflict of duties, and interest includes both direct and indirect interests.

- 15.2 The shareholder(s) may also authorise a Conflict by ordinary resolution (a "Shareholder Authorisation") and may at any time, by ordinary resolution:
- 15.2.1 make any Shareholder Authorisation subject to such terms and conditions as they think fit, and
  - 15.2.2 vary or terminate any Shareholder Authorisation (provided that this will not affect anything done by the relevant director or the company in accordance with that Shareholder Authorisation before any such variation or termination).
- 15.3 The shareholder(s) hereby authorise any Conflict which arises solely by virtue of the relevant director being an employee of Norfolk County Council or being an elected member of Norfolk County Council and the provisions of Article 15.5 to 15.7 shall apply to that director as if he had received a Shareholder Authorisation with no conditions attaching to it.
- 15.4 A director shall be under no duty to the company with respect to any information which he obtains or has obtained otherwise than as a director of the company and in respect of which he owes a duty of confidentiality to another person. However, to the extent that his relationship with that other person gives rise to a Conflict, this article applies only if the existence of that relationship has been authorised pursuant to article 15.1 or approved by the directors pursuant to article 15.1 or by the shareholder(s) pursuant to article 15.3. In particular, the director shall not be in breach of the general duties he owes to the company by virtue of sections 171 to 177 CA 2006 (inclusive) because he fails:
- 15.4.1 to disclose any such information to the board or to any director or other officer or employee of the company; and/or
  - 15.4.2 to use or apply any such information in performing his duties as a director of the company.
- 15.5 Where the existence of a director's relationship with another person has been authorised pursuant to these articles or approved by the board pursuant to article 15.1 or by the shareholder(s) pursuant to article 15.3 and his relationship with that person gives rise to a Conflict, the director shall not be in breach of the general duties he owes to the company by virtue of sections 171 to 177 CA 2006 (inclusive) because he:

15.5.1 absents himself from meetings of the board at which any matter relating to the Conflict will or may be discussed or from the discussion of any such matter at a meeting or otherwise; and/or

15.5.2 makes arrangements not to receive documents and information relating to any matter which gives rise to the Conflict sent or supplied by the company and/or for such documents and information to be received and read by a professional adviser,

for so long as he reasonably believes such Conflict subsists.

15.6 The provisions of articles 15.5 and 15.6 are without prejudice to any equitable principle or rule of law which may excuse the director from:

15.6.1 disclosing information, in circumstances where disclosure would otherwise be required under these articles; or

15.6.2 attending meetings or discussions or receiving documents and information as referred to in article 15.5, in circumstances where such attendance or receipt of such documents and information would otherwise be required under these articles.

15.7 A director is not required, by reason of being a director (or because of any fiduciary relationship established by reason of being a director), to account to the company for any remuneration, profit or other benefit which he derives from or in connection with a relationship involving a Conflict which has been authorised in accordance with article 15.1 or by the directors or the shareholder(s) or by the company in general meeting (subject in each case to any terms, limits or conditions attaching to that authorisation) and no contract shall be liable to be avoided on such grounds.

## **16 Records of decisions to be kept**

16.1 The directors must ensure that the company keeps a record, in writing, for at least 10 years from the date of the decision recorded, of every unanimous or majority decision taken by the directors.

16.2 Where decisions of the directors are taken by electronic means, such decisions shall be recorded by the directors in permanent form, so that they may be read with the naked eye.

**17 Directors' discretion to make further rules**

17.1 Subject to the articles, the directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to directors.

**APPOINTMENT OF DIRECTORS**

**18 Number of directors**

18.1 Unless otherwise determined by notice given by Norfolk County Council, the number of directors (other than alternate directors) shall not be subject to any maximum but shall not be less than two.

**19 Methods of appointing directors**

19.1 Any person who is willing to act as a director, and is permitted by law to do so, may be appointed to be a director by notice given by Norfolk County Council pursuant to article 52.

**20 Termination of director's appointment**

20.1 A person ceases to be a director as soon as:

20.1.1 that person ceases to be a director by virtue of any provision of the CA 2006 or is prohibited from being a director by law;

20.1.2 a bankruptcy order is made against that person;

20.1.3 a composition is made with that person's creditors generally in satisfaction of that person's debts;

20.1.4 a registered medical practitioner who is treating that person gives a written opinion to the company stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months;

20.1.5 notification is received by the company from the director that the director is resigning from office as director, and such resignation has taken effect in accordance with its terms; or

20.1.6 a notice in writing is served upon the director and the company signed by Norfolk County Council removing that person from office as director;

or

20.1.7 that person becomes disqualified for elected membership of Norfolk County Council or any other local authority.

## **21 Directors' remuneration**

21.1 Directors may undertake any services for the company that Norfolk County Council decides.

21.2 Directors are entitled to such remuneration as Norfolk County Council determines:

21.2.1 for their services to the company as directors; and

21.2.2 for any other service which they undertake for the company.

21.3 Subject to the articles, a director's remuneration may:

21.3.1 take any form; and

21.3.2 include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that director.

21.4 Unless Norfolk County Council decides otherwise, directors' remuneration accrues from day to day.

## **22 Directors' expenses**

22.1 Subject to the adoption of a specific scheme for payment of directors expenses approved by Norfolk County Council, the company may pay any reasonable expenses which the directors (including alternate directors) properly incur in connection with their attendance at:

22.1.1 meetings of directors or committees of directors;

22.1.2 general meetings; or

22.1.3 separate meetings of the holders of any class of shares or of debentures of the company

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the company.

## **NO ALTERNATE DIRECTORS**

### **23 No Alternate directors**

- 23.1 No director may appoint as an alternate any other director, or any other person approved to exercise that director's powers and carry out that director's responsibilities in relation to the taking of decisions by the directors in the absence of the alternate's appointer.

## **SECRETARY**

### **24 Secretary**

- 24.1 The directors may appoint any person who is willing to act as the secretary for such term, at such remuneration and upon such conditions as they may think fit and from time to time remove such person and to appoint a replacement, in each case by a decision of the directors.

## **SHARES AND**

## **DISTRIBUTIONS ISSUE OF**

## **SHARES**

### **25 All shares to be fully paid up**

- 25.1 No share is to be issued for less than the aggregate of its nominal value and any premium to be paid to the company in consideration for its issue.
- 25.2 This does not apply to shares taken on the formation of the company by the subscribers to the company's memorandum.

### **26 Powers to issue different classes of share**

- 26.1 Subject to the articles, but without prejudice to the rights attached to any existing share, the company may issue shares with such rights or restrictions as may be determined by ordinary resolution.
- 26.2 The company may issue shares which are to be redeemed, or are liable to be redeemed at the option of the company or the holder, and the directors may determine the terms, conditions and manner of redemption of any such shares.

**27 Directors' authority to allot shares**

27.1 Save to the extent authorised by these articles, or authorised from time to time by Norfolk County Council, the directors shall not exercise any power to allot shares or to grant rights to subscribe for, or to convert any security into, any shares in the company.

**28 Exclusion of statutory pre-emption rights**

28.1 Pursuant to section 567 CA 2006, the provisions of section 561 CA 2006 (existing shareholders' right of pre-emption) and section 562 CA 2006 (communication of pre-emption offers to shareholders) shall not apply to an allotment of equity securities (as defined in section 560 CA 2006) made by the company.

**29 Company not bound by less than absolute interests**

29.1 Except as required by law, no person is to be recognised by the company as holding any share upon any trust, and except as otherwise required by law or the articles, the company is not in any way to be bound by or recognise any interest in a share other than the holder's absolute ownership of it and all the rights attaching to it.

**30 Share certificates**

30.1 The company must issue each shareholder, free of charge, with one or more certificates in respect of the shares which that shareholder holds.

30.2 Every certificate must specify:

30.2.1 in respect of how many shares, of what class, it is issued;

30.2.2 the nominal value of those shares;

30.2.3 that the shares are fully paid; and

30.2.4 any distinguishing numbers assigned to them.

30.3 No certificate may be issued in respect of shares of more than one class.

30.4 If more than one person holds a share, only one certificate may be issued in respect of it.

- 30.5.1 Certificates must:
- 30.5.2 have affixed to them the company's common seal; or
- 30.5.3 be otherwise executed in accordance with the Companies Acts.

### **31 Replacement share certificates**

31.1 If a certificate issued in respect of a shareholder's share is:

- 31.1.1 damaged or defaced; or
- 31.1.2 said to be lost, stolen or destroyed

that shareholder is entitled to be issued with a replacement certificate in respect of the same shares.

31.2 A shareholder exercising the right to be issued with such a replacement certificate:

- 31.2.1 may at the same time exercise the right to be issued with a single certificate or separate certificates;
- 31.2.2 must return the certificate which is to be replaced to the company if it is damaged or defaced; and
- 31.2.3 must comply with such conditions as to evidence and indemnity as the directors decide.

### **32 Share transfers**

32.1 Shares may be transferred by means of an instrument of transfer in any usual form or any other form approved by the directors, which is executed by or on behalf of the transferor.

32.2 No fee may be charged for registering any instrument of transfer or other document relating to or affecting the title to any share.

32.3 The company may retain any instrument of transfer which is registered.

32.4 The transferor remains the holder of a share until the transferee's name is entered in the register of members as holder of it.

32.5 No shareholder shall transfer any share except with the prior consent in writing of the Norfolk County Council.

- 32.6 The directors shall register any duly stamped transfer made in accordance with this article and shall not have any discretion to register any transfer of shares which has not been made in compliance with this article.

## **DIVIDENDS AND OTHER DISTRIBUTIONS**

### **33 Procedure for declaring dividends**

- 33.1 The company may by ordinary resolution declare dividends, and the directors may decide to pay interim dividends.
- 33.2 A dividend must not be declared unless the directors have made a recommendation as to its amount. Such a dividend must not exceed the amount recommended by the directors.
- 33.3 No dividend may be declared or paid unless it is in accordance with shareholders' respective rights.
- 33.4 Unless the shareholders' resolution to declare or directors' decisions to pay a dividend, or the terms on which shares are issued, specify otherwise, it must be paid by reference to each shareholder's holding of shares on the date of the resolution or decision to declare or pay it.
- 33.5 If the company's share capital is divided into different classes, no interim dividend may be paid on shares carrying deferred or non-preferred rights if, at the time of payment, any preferential dividend is in arrears.
- 33.6 The directors may pay at intervals any dividend payable at a fixed rate if it appears to them that the profits available for distribution justify the payment.
- 33.7 If the directors act in good faith, they do not incur any liability to the holders of shares conferring preferred rights for any loss they may suffer by the lawful payment of an interim dividend on shares with deferred or non-preferred rights.

### **34 Payment of dividends and other distributions**

- 34.1 Where a dividend or other sum which is a distribution is payable in respect of a share, it shall be paid by:
- 34.1.1 such method of payment as Norfolk County Council shall by notice to the directors direct in accordance with article 52; or

34.1.2 any other means of payment as the directors may agree with the distribution recipient in writing.

34.2 In the articles, "distribution recipient" means, in respect of a share in respect of which a dividend or other sum is payable:

34.2.1 the holder of the share; or

34.2.2 if the share has two or more joint holders, whichever of them is named first in the register of members.

**35 No interest on distributions**

35.1 The company may not pay interest on any dividend or other sum payable in respect of a share unless otherwise provided by:

35.1.1 the terms on which the share was issued; or

35.1.2 the provisions of another agreement between the holder of that share and the company.

**36 Unclaimed distributions**

36.1 All dividends or other sums which are:

36.1.1 payable in respect of shares; and

36.1.2 unclaimed after having been declared or become payable

may be invested or otherwise made use of by the directors for the benefit of the company until claimed.

36.2 The payment of any such dividend or other sum into a separate account does not make the company a trustee in respect of it.

36.3 If:

36.3.1 twelve years have passed from the date on which a dividend or other sum became due for payment; and

36.3.2 the distribution recipient has not claimed it

the distribution recipient is no longer entitled to that dividend or other sum and it ceases to remain owing by the company.

**37 Waiver of distributions**

37.1 Distribution recipients may waive their entitlement to a dividend or other distribution payable in respect of a share by giving the company notice in writing to that effect, but if:

37.1.1 the share has more than one holder; or

37.1.2 more than one person is entitled to the share, whether by reason of the death or bankruptcy of one or more joint holders, or otherwise

the notice is not effective unless it is expressed to be given, and signed, by all the holders or persons otherwise entitled to the share.

**CAPITALISATION OF PROFITS**

**38 Authority to capitalise and appropriation of capitalised sums**

38.1 Subject to the articles, the directors shall, if they are so authorised by Norfolk County Council by notice in writing in accordance with article 52:

38.1.1 decide to capitalise *any* profits of the company (whether or not they are available for distribution) which are not required for paying a preferential dividend, or any sum standing to the credit of the company's share premium account or capital redemption reserve; and

38.1.2 appropriate any sum which they so decide to capitalise ("capitalised sum") to the persons who would have been entitled to it if it were distributed by way of dividend ("persons entitled") and in the same proportions.

38.2 Capitalised sums must be applied:

38.2.1 on behalf of the persons entitled; and

38.2.2 in the same proportions as a dividend would have been distributed to them.

38.3 Any capitalised sum may be applied in paying up new shares of a nominal amount equal to the capitalised sum which are then allotted credited as fully paid to the persons entitled or as they may direct.

38.4 A capitalised sum which was appropriated from profits available for distribution may be applied in paying up new debentures of the company which are then allotted credited as fully paid to the persons entitled or as they may direct.

38.5 Subject to the articles, the directors may:

38.5.1 apply capitalised sums in accordance with articles 38.3 and 38.4 partly in one way and partly in another;

38.5.2 make such arrangements as they think fit to deal with shares or debentures becoming distributable in fractions under this article (including the issuing of fractional certificates or the making of cash payments); and

38.5.3 authorise any person to enter into an agreement with the company on behalf of all the persons entitled which is binding on them in respect of the allotment of shares and debentures to them under this article.

## **DECISION-MAKING BY SHAREHOLDERS**

### **ORGANISATION OF GENERAL MEETINGS**

#### **39 Attendance and speaking at general meetings**

39.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.

39.2 A person is able to exercise the right to vote at a general meeting when:

39.2.1 that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and

39.2.2 that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.

- 39.3 The directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 39.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- 39.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

#### **40 Quorum for general meetings**

- 40.1 No business other than the appointment of the Chair of the meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum.
- 40.2 If the company has only one shareholder, one qualifying person present at a meeting is a quorum.
- 40.3 If the company has more than one shareholder, two qualifying persons present at a meeting are a quorum, unless each is a representative of a corporation or each is appointed as proxy of a shareholder and they are representatives of the same corporation or are proxies of the same shareholder.

For the purposes of these articles, a "qualifying person" is:

- 40.3.1 an individual who is a shareholder of the company;
- 40.3.2 a person authorised to act as the representative of an organisation (which would include the Executive Director of Finance and Commercial Services of Norfolk County Council, or such other representative of the Cabinet of Norfolk County Council (or any successor committee to the Cabinet from time to time) as approved by that committee, for such time as Norfolk County Council is a shareholder) in relation to the meeting;  
or
- 40.3.3 a person appointed as proxy of a shareholder in relation to the meeting.

#### **41 Chairing general meetings**

- 41.1 If the directors have appointed a Chair, the Chair shall chair general meetings if

present and willing to do so.

41.2 If the directors have not appointed a Chair, or if the Chair is unwilling to chair the meeting or is not present within ten minutes of the time at which a meeting was due to start:

41.2.1 the directors present; or

41.2.2 (if no directors are present), the meeting

must appoint a director or shareholder to chair the meeting, and the appointment of the Chair of the meeting must be the first business of the meeting.

41.3 The person chairing a meeting in accordance with this article is referred to as "the Chair of the meeting".

#### **42 Attendance and speaking by directors and non-shareholders**

42.1 Directors may attend and speak at general meetings, whether or not they are shareholders.

42.2 The Chair of the meeting may permit other persons who are not:

42.2.1 shareholders of the company; or

42.2.2 otherwise entitled to exercise the rights of shareholders in relation to general meetings

to attend and speak at a general meeting.

#### **43 Adjournment**

43.1 If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the Chair of the meeting must adjourn it.

43.2 The Chair of the meeting may adjourn a general meeting at which a quorum is present if:

43.2.1 the meeting consents to an adjournment; or

- 43.2.2 it appears to the Chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.
- 43.3 The Chair of the meeting must adjourn a general meeting if directed to do so by the meeting.
- 43.4 When adjourning a general meeting, the Chair of the meeting must:
- 43.4.1 either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the directors; and
- 43.4.2 have regard to any directions as to the time and place of any adjournment which have been given *by* the meeting.
- 43.5 If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the company must give at least 7 clear days' notice of it (that is, excluding the day of the adjourned meeting and the day on which the notice is given):
- 43.5.1 to the same persons to whom notice of the company's general meetings is required to be given; and
- 43.5.2 containing the same information which such notice is required to contain.
- 43.6 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

## VOTING AT GENERAL MEETINGS

### **44 Voting: general**

- 44.1 A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the articles.

### **45 Poll votes**

- 45.1 A poll on a resolution may be demanded:
- 45.1.1 in advance of the general meeting where it is to be put to the vote; or

45.1.2 at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.

45.2 A poll may be demanded at any general meeting by any qualifying person present and entitled to vote at the meeting.

45.3 A demand for a poll may be withdrawn if:

45.3.1 the poll has not yet been taken; and

45.3.2 the Chair of the meeting consents to the withdrawal.

A demand so withdrawn shall not invalidate the result of a show of hands declared before the demand was made.

45.4 Polls must be taken immediately and in such manner as the Chair of the meeting directs.

#### **46 Content of proxy notices**

46.1 Proxies may only validly be appointed by a notice in writing ("proxy notice") which:

46.1.1 states the name and address of the shareholder appointing the proxy;

46.1.2 identifies the person appointed to be that shareholder's proxy and the general meeting in relation to which that person is appointed;

46.1.3 is signed by or on behalf of the shareholder appointing the proxy, or is authenticated in such manner as the directors may determine; and

46.1.4 is delivered to the company in accordance with the articles not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate

and a proxy notice which is not delivered in such manner shall be invalid, unless the directors, in their discretion, accept the notice at any time before the meeting.

46.2 The company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

46.3 Proxy notices may specify how the proxy appointed under them is to *vote* (or that the proxy is to abstain from voting) on one or more resolutions.

46.4 Unless a proxy notice indicates otherwise, it must be treated as:

46.4.1 allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and

46.4.2 appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

#### **47 Delivery of proxy notices**

47.1 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the company by or on behalf of that person.

47.2 An appointment under a proxy notice may be revoked by delivering to the company a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.

47.3 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

47.4 If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

#### **48 Amendments to resolutions**

48.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:

48.1.1 notice of the proposed amendment is given to the company in writing by a person entitled to *vote* at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the Chair of the meeting may determine); and

48.1.2 the proposed amendment does not, in the reasonable opinion of the Chair of the meeting, materially alter the scope of the resolution.

48.2 A special resolution to be proposed at a general meeting may be amended by

ordinary resolution, if:

- 48.2.1 the Chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
  - 48.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 48.3 If the Chair of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the Chair's error does not invalidate the vote on that resolution.

## **PART 5**

### **ADMINISTRATIVE ARRANGEMENTS**

#### **49 Service of notices and other documents**

- 49.1 Any notice, document or other information shall be deemed served on or delivered to the intended recipient:
- 49.1.1 if properly addressed and sent by prepaid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted;
  - 49.1.2 if properly addressed and delivered by hand, when it was given or left at the appropriate address;
  - 49.1.3 if properly addressed and sent or supplied by electronic means, one hour after the document or information was sent or supplied; and
  - 49.1.4 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website.

For the purposes of this article, no account shall be taken of any part of a day that is not a business day.

- 49.2 In proving that any notice, document or other information was properly addressed, it shall be sufficient to show that the notice, document or other information was addressed to an address permitted for the purpose by the CA 2006.
- 49.3 Subject to the articles, anything sent or supplied by or to the company under the articles may be sent or supplied in any way in which the CA 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the company.
- 49.4 Subject to the articles, any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.
- 49.5 A director may agree with the company that notices or documents sent to that director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

## **DIRECTORS' INDEMNITY AND INSURANCE**

### **50 Indemnity**

- 50.1 Subject to the provisions of, and so far as may be consistent with, the Companies Acts and any other provision of law, but without prejudice to any indemnity to which a relevant officer may otherwise be entitled, the company shall indemnify every relevant officer out of the company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer in the actual or purported execution and/or discharge of his duties and/or the actual or purported exercise of his powers and/or otherwise in relation to or in connection with his duties, powers or office, including (without prejudice to the generality of the foregoing) any liability incurred by him in relation to any proceedings (whether civil or criminal) or any regulatory investigation or action which relate to anything done or omitted or alleged to have been done or omitted by him as a relevant officer provided that, in the case of any director, any such indemnity shall not apply to any liability of that director:

50.1.1 to the company or to *any* of its associated companies;

50.1.2 to pay any fine imposed in criminal proceedings or any sum payable to a

regulatory authority by way of penalty in respect of non-compliance with any requirement of a regulatory nature (however arising); or

50.1.3 incurred:

- (i) in defending any criminal proceedings in which he is convicted or any civil proceedings brought by the company or any of its associated companies in which judgment is given against him; or
- (ii) in connection with any application under any statute for relief from liability in respect of any such act or omission in which the court refuses to grant him relief,

in each case where the conviction, judgment or refusal of relief by the court is final within the meaning stated in section 234(5) CA 2006.

50.2 Every director shall be entitled to have funds provided to him by the company to meet expenditure incurred or to be incurred in connection with any proceedings (whether civil or criminal) brought by any party which relate to anything done or omitted or alleged to have been done or omitted by him as a director, provided that he will be obliged to repay such amounts no later than:

50.2.1 in the event he is convicted in proceedings, the date when the conviction becomes final;

50.2.2 in the event of judgment being given against him in proceedings, the date when the judgment becomes final; or

50.2.3 in the event of the court refusing to grant him relief on any application under any statute for relief from liability, the date when refusal becomes final

in each case where the conviction, judgment or refusal of relief by the court is final within the meaning stated in section 234(5) CA 2006.

## **51 Insurance**

51.1 The directors shall purchase and maintain insurance, at the expense of the company, for the benefit of any relevant officer in respect of any relevant loss.

- 51.2 In this article a "relevant loss" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the company, any associated company or any pension fund or employees' share scheme of the company or associated company.

## **OVERRIDING PROVISIONS**

### **52 Matters requiring Norfolk County Council consent**

- 52.1 Whenever Norfolk County Council, or any subsidiary of Norfolk County Council, shall be the holder of any issued ordinary shares of the company, the following provisions shall apply and to the extent of any inconsistency shall have overriding effect as against all other provisions of these articles.
- 52.2 Norfolk County Council may at any time and from time to time:
- 52.2.1 appoint any person to be a director of the company or remove from office any director howsoever appointed but so that in the case of a managing director or a director appointed to any other executive office his removal from office shall be deemed an act of the company and shall have effect without prejudice to any claim for damages for breach of any contract of service between him and the company;
  - 52.2.2 impose restrictions on all or any of the powers of the directors to such extent as Norfolk County Council may by notice to the company prescribe.
- 52.3 No shares or other securities in the company shall be issued or agreed to be issued, nor shall any rights to subscribe for or to convert into shares or any other securities of the company be granted or agreed to be granted without the consent of Norfolk County Council.
- 52.4 Any appointment, removal or notice of Norfolk County Council made or given under this article 52 shall be in writing served on the company and signed on behalf of Norfolk County Council by the Executive Director of Finance and Commercial Services of Norfolk County Council, or such other representative of the Cabinet (or any successor committee from time to time) as approved by that

committee, for such time as Norfolk County Council is the shareholder.

- 52.5 No person dealing with the company shall be concerned to see or enquire whether the powers of the directors have been in any way restricted pursuant to these articles or whether any requisite consent of Norfolk County Council has been obtained and no obligation incurred or security given or transaction effected by the company to or with any third party shall be invalid or ineffectual unless the third party has at the time express notice that the incurring of such obligation or the giving of such security or the effecting of such transaction was in excess of the powers of the directors.

# Report to Cabinet

Item No. 12

<b>Report title:</b>	<b>Disposal, acquisition and exploitation of property</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Councillor Greg Peck Cabinet Member for Commercial Services and Asset Management.</b>
<b>Responsible Director:</b>	<b>Simon George Executive Director for Finance and Commercial Services.</b>
<b>Is this a key decision?</b>	<b>Yes for Attleborough - Disposal of plots 2 &amp; 3, London Road, NR17 1YE (3002/038) No for remaining items</b>
<p><b>Executive Summary/Introduction from Cabinet Member</b></p> <p>Proposals in this report are aimed at supporting Norfolk County Council (NCC) priorities by exploiting properties surplus to operational requirements, pro-actively releasing property assets with latent value where the operational needs can be met from elsewhere and strategically acquiring property to drive economic growth and wellbeing in the County.</p> <p>One of the key strategic actions within the Asset Management Plan is a sharp focus on maximising income through adoption of a more commercial approach to property.</p> <p>As part of corporate management of property and a systematic approach to reviewing the use and future needs of property assets for service delivery there is a continued emphasis on minimising the extent of the property estate retained for operational purpose. However, on occasion there will be the requirement to acquire or reuse an individual property to support a service to delivers its aims.</p> <p>By adopting a “single estate” approach within the County Council and sharing property assets with public sector partners through the One Public Estate programme, the Council is aiming to reduce net annual property expenditure by £2.275million over the next three years (2019/20 to 2021/22).</p> <p>Consideration is also given to the suitability of surplus property assets for reuse or redevelopment to meet specific service needs that could improve the quality of services for users, address other policy areas and/or improve financial efficiency for the County Council, for example, facilitating the supply of assisted living accommodation and other housing solutions for people requiring care, or undertaking re-development to support jobs and growth.</p>	

This means that as well as continuing with the rationalisation of the operational property estate to reduce the number of buildings used by the County Council, a more commercial approach is being adopted over the sale or redeployment of surplus property assets.

## **Recommendations**

### **Cabinet is asked to:**

- 1. Authorise the disposal of plots 2 & 3, London Road, Attleborough NR17 1YE (3002/038) to a commercial organisation on terms outlined in the exempt report (Appendix A) and instruct the Head of Property to implement the disposal.**
- 2. To agree to the Council accepting the assignment of a lease for the salt dome site at Saddlebow Industrial Estate, off Poplar Avenue King's Lynn PE34 3AQ on the existing terms for an annual rent of £7,250 per annum.**
- 3. To agree to the Council accepting the assignment of a lease for the salt dome site at Sculthorpe, Tattersett Business Park, Army Road, Tattersett NR21 on the existing terms for an annual rent of £10,000 per annum**
- 4. To agree to the Council entering a lease for Unit 4 Castle Acre Road, Swaffham PE37 7HY for 10 years at an initial rent of £43,500 per annum.**
- 5. To formally declare the land at Bank Farm, Station Road, Welney (2090/102A) surplus to County Council requirements and instruct the Head of Property to dispose of the property. In the event of a disposal receipt exceeding delegated limits the Head of Property in consultation with the Executive Director of Finance & Commercial Services and Cabinet Member for Commercial Services & Asset Management is authorised to accept the most advantageous offer.**

## **1.0 Background and Purpose**

- 1.1. The County Council actively manages its property portfolio in accordance with the Asset Management Plan. Property is held principally to support direct service delivery, support policy objectives, held for administrative purposes or to generate income. Property is acquired or disposed of as a reaction to changing service requirements, changing council policies or to improve the efficiency of the overall portfolio.
- 1.2. The County Council challenges the use of its property on an ongoing basis. In the event of a property asset becoming surplus to an individual service need there are internal officer processes to ascertain whether other service areas have an unmet need that could be addressed by re-using the property asset for that service. This may lead to a change of use of individual properties, for example, an office building may be adapted and reused for operational service delivery. Any proposals for retention are only agreed if supported by a robust business case showing the benefits to the County Council and are funded from approved budgets. This assessment

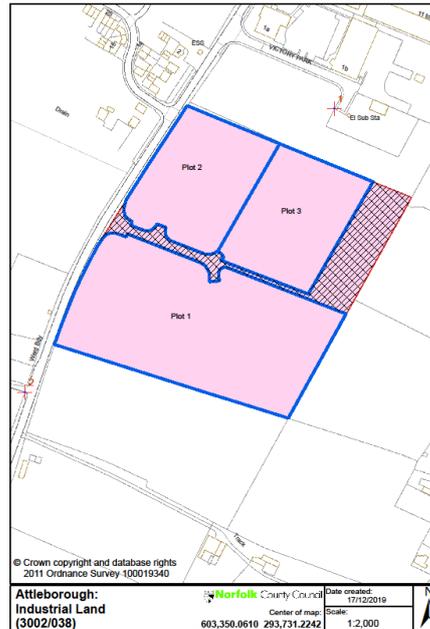
will also consider whether a property could be offered at best consideration to public sector or third sector partners.

- 1.3. The above assessments are carried out by the Corporate Property Officer (the Head of Property) in consultation with the Corporate Property Strategy Group (CPSG). Once it is confirmed there is no further County Council requirement, Cabinet is asked to formally declare property assets surplus or re-designate for alternative purposes.
- 1.4. The Corporate Property Officer reviews options for maximising income from surplus properties usually by open market sale to obtain the best consideration possible. These will range from selling immediately on the open market (to the bidder making the best offer overall), enhancing the value prior to sale, strategic retention for a longer-term benefit through to direct development of the land and buildings and selling/letting the completed assets, in the expectation of enhanced income for the Council. Most disposals will be by way of tender or auction. In respect of auctions the contract of sale will be formed at the fall of the hammer and where this approach is selected the Corporate Property Officer will determine a reserve below which the property will not be sold. The majority of disposal will include overage provisions to enable the council to collect future uplifts in value created by alternative uses.
- 1.5. For properties to be sold immediately there is sometimes a need to consider selling directly to a specific purchaser instead of going to the open market. This may be justified where the third party is in a special purchaser situation and is willing to offer more than the assessed market value. Conversely this might be to a purchaser who is in a unique position of control for the unlocking of the full latent value of the Council owned site (ransom situation). A direct sale without going to market can also be justified if there are specific service benefits or a special partnership relationship which is of strategic value with service/community benefits.
- 1.6. In making recommendations for direct sale without going to market, or direct property development, the Corporate Property Officer will consider risks, opportunities, service objectives, financial requirements and community benefits.
- 1.7. The recommendations for all disposals, acquisitions and exploitation of NCC property in this report follow detailed assessment by officers of the range of options available. The recommendation for each property is based on existing policies and strategies and judged to provide the best return to the County Council in financial terms and, where appropriate, taking account of community and economic benefits.

## **2.0 Proposals**

### **Attleborough - Disposal of plots 2 & 3, London Road, NR17 1YE (3002/038)**

2.1 Approximately 5.3 hectares (13.1 acres) of land adjacent to London Road Attleborough previously forming part of the County Farm's Estate was declared surplus to NCC use and made available for employment use. The site has been divided into three development plots, with the sale of plot 1 having been under negotiation for several years.



2.2 In 2018 the County Council appointed Roche Chartered Surveyors to provide valuation advice and market plots 2 and 3.

2.3 In October 2019 marketing was commenced for plots 2 and 3 and interest was received from a number of parties. A satisfactory offer has been received from a Norfolk based company for both plots.

2.4 In 2020 it was agreed to sell plot 1 to Eastern Attachments Ltd and the transfer of 0.67 hectares (hatched area on plan) forming the site infrastructure (roads, attenuation pond etc) to a mangement company. This disposal was reported to Cabinet 13 January 2020.

2.5 Heads of terms have been agreed with the purchaser and in outline are:

- Plots 2 and 3 will be sold at a value that reflects these are serviced plots.
- NCC will be required to service the land, through its sale contract with the purchaser of plot 1.
- The sale of the land will be subject to an overage provision, entitling NCC to a share of any planning uplift obtained over the first 25 years following the sale.

2.6 Please note Appendix A is exempt from publication as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The information is exempt from the Cabinet Report for the sale of plots 2 & 3, London Road, Attleborough NR17 1YE (3002/038) due to information being commercially sensitive but will be published by the land registry after completion.

2.7 The use of the property will be restricted to light and general industrial (falling within Use Classes B1 and B2) and warehousing (Use Class B8) with any other users being ancillary. There will be a covenant preventing the property being used for vehicle repairs, MOT testing, waste re-cycling

and open storage, except for storage of refuse and waste generated by the business in skips and containers.

**Highway salt storage facilities at:**

**King's Lynn - Saddlebow Industrial Estate, off Poplar Avenue PE34 3AQ (2045/146A)**

**Tattersett – Sculthorpe, Tattersett Business Park, Army Road NR21 7RG 1103/012A**

**Swaffham – lease of Unit 4 Castle Acre Road, PE37 7HY**

2.8 Environment, Development and Transport (EDT) Committee resolved at its meeting 8 March 2019 to seek to procure a new contract for the supply of salt to treat the highway network. This follows the completion on the 30 April 2020 of the 20-year duration Salt Private Financial Initiative (PFI) contract.

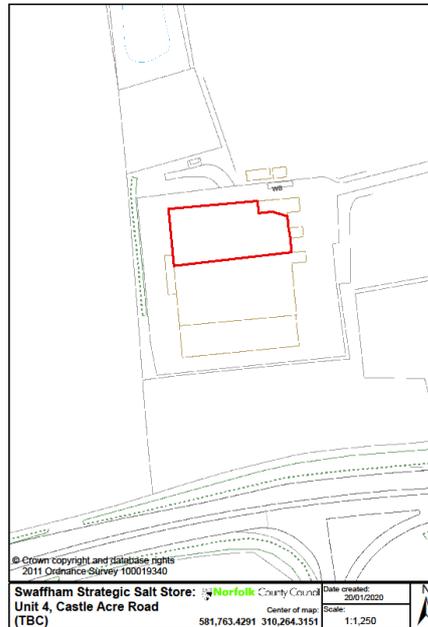
2.9 The salt is stored in seven specialist storage domes. When the contract ends the storage domes will be transferred into NCC ownership. Two of the storage domes located at Saddlebow, King's Lynn and, Tattersett (Sculthorpe) are on third party land each under the terms of an existing lease. Each lease provides for the leases to be assigned over to NCC on the existing annual rent terms of £7,250 per annum (pa) and £10,000 pa respectively at the termination of the original Salt PFI contract.

2.10 The Highways Winter Service Review considered by EDT Committee concluded that to terminate the leases and build new storage facilities elsewhere would require significant capital investment.

2.11 The Highways Winter Service review reported to EDT on 8 March 2019 also recommended that NCC secures the lease for a strategic salt store located at Unit 4 Castle Acre Road, Swaffham PE37 7HY. This is a response to the possible difficulties (and financial penalties) to guarantee deliveries of salt in periods of adverse weather conditions.

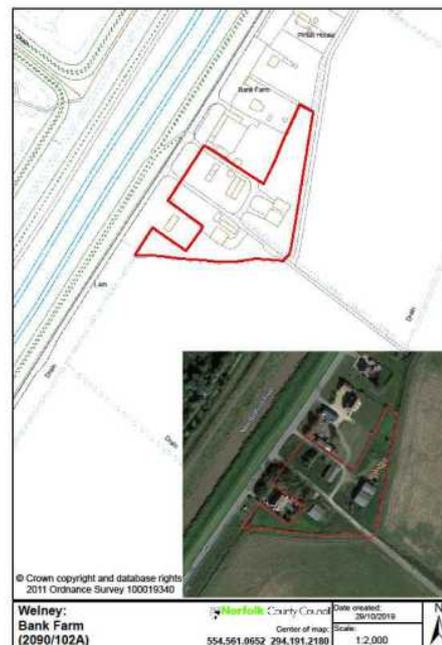


- 2.12 The property was previously used by the PFI contractor for a similar purpose and the Council have been able to agree terms to lease the property from the landlord. The key terms are:
- 10-year full repairing and insuring lease, 5 yearly rent reviews.
  - Initial annual rent of £43,500, rising to £45,000 in year 4.



**Welney – Bank Farm, Station Road (2090/102A)**

- 2.13 This property edged red on the plan is owned by NCC and forms part of the County Farms estate.
- 2.14 The County Farms Team have reviewed this site and determined it is not required for operational use. Following a review by the Head of Property in consultation with CPSG it has been confirmed that the site is not required for NCC service use.
- 2.15 It is proposed to dispose of this site by open market sale through auction or by tender.
- 2.16 The Division Member has been informed of this proposal.



**3.0 Impact of the Proposals**

- 3.1 In respect of the land disposals at London Road, Attleborough and Bank Farm, Welney these will provide a significant capital receipt for the council to support the capital program.

- 3.2 The leasing of properties at King's Lynn, Tattersett and Swaffham will support the Highways Winter gritting service.

#### **4.0 Evidence and Reasons for Decision**

- 4.1 The disposal of the land at London Road, Attleborough releases land that is surplus to County Council use, provides the opportunity for significant capital receipts and provide an opportunity for commercial development.
- 4.2 The leasing of properties at King's Lynn, Tattersett and Swaffham is the result of the Highways Winter Service Review undertaken by the Environment, Development and Transport Committee in 2019.
- 4.3 Declaring land holding at Bank Farm Welney surplus to County Council use means that the Corporate Property Team can consider options for the disposal and exploitation of this site.

#### **5.0 Alternative Options**

- 5.1 For the disposal of the land at London Road, Attleborough the alternative would be to decline the offer and retain the site.
- 5.2 In respect of the leasing of properties at King's Lynn, Tattersett and Swaffham the Highways Winter Service Review considered other options for provision of the service. EDT Committee resolved to procure a new contract for salt supply only resulting in the requirement to procure leases for sites for salt storage.
- 5.3 Declaring land holdings surplus is a result of the sites no longer being required for service delivery. The alternative would be to retain resulting in incurring holding costs for an asset that is not contributing to service delivery.

#### **6.0 Financial Implications**

- 6.1 Disposals outlined in this report will provide capital receipts and savings in revenue costs.
- 6.2 The leases will result in rents being payable, however the EDT Committee report confirmed these costs would be contained within the existing NCC winter maintenance budget.

#### **7.0 Resource Implications**

- 7.1 **Staff:** nil.
- 7.2 **Property:** As described in the earlier parts of this report.
- 7.3 **IT:** nil.

#### **8.0 Other Implications**

- 8.1 **Legal Implications:** For disposals and acquiring leases in the usual way the legal implications are around the parties agreeing to the terms of the agreement for each disposal and lease agreement and entering a contract.
- 8.2 **Human Rights implications**  
No implications.
- 8.3 **Equality Impact Assessment (EqIA)**  
No specific EqIA has been undertaken in respect of the disposal of the land or acquiring leases.
- 8.4 **Health and Safety implications**  
No implications.
- 8.5 **Sustainability implications**  
Future redevelopment of disposed sites would be planning policy compliant and therefore mindful of sustainable measures.

For the leasing of sites there is no material change of how the building is used and accessed and therefore no additional sustainability implications identified.

## **9.0 Risk Implications/Assessment**

- 9.1 The risks around disposals, leasing property and lease assignments are around the non-agreement of terms. This risk is mitigated by the use of experienced expert consultants.

## **10.0 Recommendation**

- 10.1 Cabinet is asked to authorise the disposal of plots 2 & 3, London Road, Attleborough NR17 1YE (3002/038) to a commercial organisation on terms outlined in the exempt report (Appendix A) and instruct the Head of Property to implement the disposal.
- 10.2 Cabinet is asked to agree to the Council accepting the assignment of a lease for the salt dome site at Saddlebow Industrial Estate, off Poplar Avenue King's Lynn PE34 3AQ on the existing terms for an annual rent of £7,250 per annum.
- 10.3 Cabinet is asked to agree to the Council accepting the assignment of a lease for the salt dome site at Sculthorpe, Tattersett Business Park, Army Road, Tattersett NR21 on the existing terms for an annual rent of £10,000 per annum
- 10.4 Cabinet is asked to agree to the Council entering a lease for Unit 4 Castle Acre Road, Swaffham PE37 7HY for 10 years at an initial rent of £43,500 per annum.
- 10.5 Cabinet is asked to formally declare the land at Bank Farm, Station Road, Welney (2090/102A) surplus to County Council requirements and instruct

the Head of Property to dispose of the property. In the event of a disposal receipt exceeding delegated limits the Head of Property in consultation with the Executive Director of Finance & Commercial Services and Cabinet Member for Commercial Services & Asset Management is authorised to accept the most advantageous offer.

## Officer Contact

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

**Officer name:** Simon Hughes, Head of Property **Tel No.:** 01603 222043  
**Email address:** [simon.hughes@norfolk.gov.uk](mailto:simon.hughes@norfolk.gov.uk)



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

\\Norfolk.gov.uk\nccdfs1\CorporateProperty\Team Admin\Meetings and Groups\Committees\CABINET\2019-20\20.03.02\Final Reports\20.03.02 Cabinet report  
Disp acq and exploitation of property (rfiwb) FINAL 1.0.docx

# Report to Cabinet

Item No. 13

<b>Report title</b>	<b>Finance Monitoring Report 2019-20 P10: January 2020</b>
<b>Date of meeting</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member</b>	<b>Cllr Andrew Jamieson (Cabinet Member for Finance)</b>
<b>Responsible Director</b>	<b>Simon George (Executive Director of Finance and Commercial Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

This report gives a summary of the forecast financial position for the 2019-20 Revenue and Capital Budgets, General Balances, and the Council's Reserves at 31 March 2020, together with related financial information.

## **Executive Summary**

Subject to mitigating actions, the forecast revenue outturn for 2019-20 is an overspend of **£1.375m** on a net budget of £409.293m. General Balances are £19.6m and service reserves and provisions are forecast to total **£76.4m**.

## **Recommendations**

1. Approve the proposal to dissolve the dormant Educator Solutions Limited as set out in Appendix 1 paragraph 9.
2. Note the period 10 forecast general fund revenue overspend of **£1.375m** noting also that Executive Directors will take measures throughout the year to reduce or eliminate potential over-spends;
3. Note the period 10 forecast shortfall in savings of £5.398m, noting also that Executive Directors will take measures throughout the year to mitigate savings shortfalls through alternative savings or underspends;
4. Note the forecast General Balances at 31 March 2020 of £19.623m, before taking into account any over/under spends;
5. Note the expenditure and funding of the revised current and future 2019-22 capital programmes.

## 1. Background and Purpose

- 1.1. This report and associated annexes summarise the forecast financial outturn position for 2019-20, to assist members to maintain an overview of the overall financial position of the Council.

## 2. Proposals

- 2.1. Having set revenue and capital budgets at the start of the financial year, the Council needs to ensure service delivery within allocated and available resources, which in turn underpins the financial stability of the Council. Consequently, progress is being regularly monitored and corrective action will be taken when required.

## 3. Impact of the Proposal

- 3.1. The impact of this report is primarily to demonstrate where, if applicable, the Council is anticipating financial pressures not forecast at the time of budget setting, together with a number of other key financial measures.

The proposal to dissolve the dormant Educator Solutions Limited company will have no impact on service delivery.

## 4. Evidence and Reasons for Decision

- 4.1. Two appendices are attached to this report giving details of the forecast revenue and capital financial outturn positions:

**Appendix 1** summarises the revenue outturn position, including:

- Forecast over and under spends
- Changes to the approved budget
- Reserves
- Savings
- Treasury management and
- Payments and debt performance

**Appendix 2** summarises the capital outturn position, and includes:

- Current and future capital programmes
- Capital programme funding
- Income from property sales and other capital receipts.

## 5. Alternative Options

- 5.1. In order to deliver a balanced budget, no viable alternative options have been identified to the recommendations in this report.

## 6. Financial Implications

- 6.1. As stated above, the forecast revenue outturn for 2019-20 is an overspend of **£1.375m** (P9 £1.921m) linked to a forecast shortfall in savings of **£5.398m**. Forecast reserves and provisions amount to **£76.4m**, and general balances **£19.6m**.

Within the forecast overspend are significant financial pressures identified in Children's Services and Adult Social Services, partly balanced by underspends in other areas, primarily Finance General.

The Children's Services net overspend is due mainly to high and increasing levels and complexity of need across placement and support budgets, including children looked after, young people leaving care and children at risk of harm, and transport costs. Transport costs of home to school transport, particularly Special Educational Needs, Disabilities and Alternative Provision (SEND & AP) transport, are under significant pressure due to the unit cost of provision. Within Adults, there are pressures on Purchase of Care budgets, mainly related to Older People and Mental Health services. A full narrative is given in Appendix 1

The Council's capital programme is based on schemes approved by County Council on 12 February 2019, as well as previously approved schemes brought forward plus schemes subsequently approved during the year. The programme has been updated to reflect County Council approval of new capital schemes on 17 February 2020.

## **7. Resource Implications**

7.1. There are no direct staff, property or IT implications arising from this report.

## **8. Other Implications**

### **8.1. Legal Implications:**

In order to fulfil obligations placed on chief finance officers by section 114 of the Local Government Finance Act 1988, the Executive Director of Finance and Commercial Services continually monitors financial forecasts and outcomes to ensure resources (including sums borrowed) are available to meet annual expenditure.

### **8.2. Human Rights implications**

None identified.

### **8.3. Equality Impact Assessment**

In setting the 2019-20 budget, the Council consulted widely. Impact assessments are carried out in advance of setting the budget, the latest being published as "Budget proposals 2019-2020 Overall Summary: [Equality & rural impact assessment report](#)".

The Council's net budget is unchanged at this point in the financial year and there are no additional equality and diversity implications arising out of this report.

## **9. Risk Implications/Assessment**

9.1. The Council's Corporate Risk Register provides a full description of corporate risks, including corporate level financial risks, mitigating actions and the progress made in managing the level of risk. A majority of risks, if not managed, could have significant financial consequences such as failing to generate income or to realise savings.

Chief Officers have responsibility for managing their budgets within the amounts approved by County Council. Chief Officers will take measures throughout the year to reduce or eliminate potential over-spends.

## **10. Select Committee comments**

10.1. None

## **11. Recommendation**

11.1. Recommendations are set out in the executive summary to this report.

## **12. Background Papers**

12.1. None

### **Officer Contact**

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

**Officer name:** Harvey Bullen

**Tel No. :** 01603 223330

**Email address:** harvey.bullen@norfolk.gov.uk



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

## Appendix 1: 2019-20 Revenue Finance Monitoring Report Month 10

Report by the Executive Director of Finance and Commercial Services

### 1 Introduction

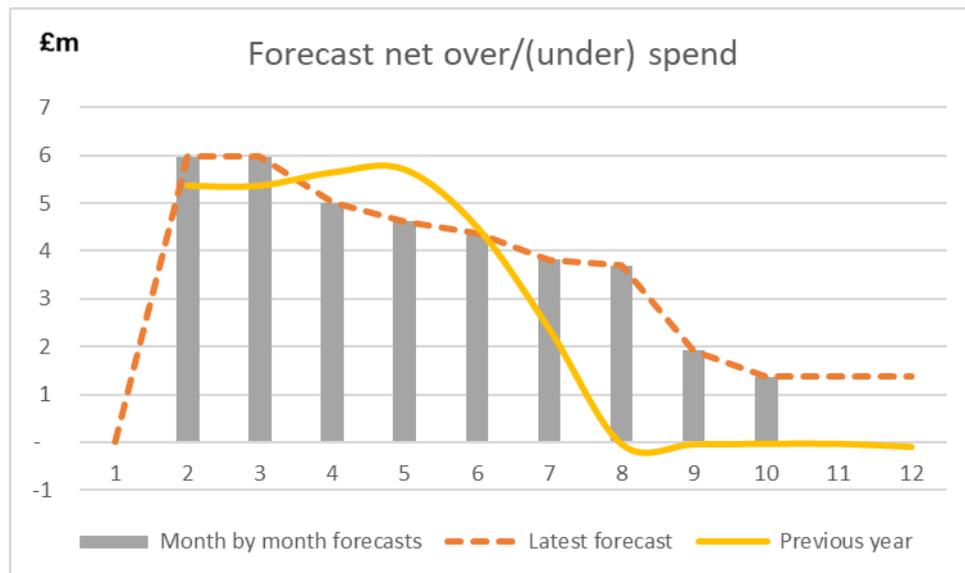
1.1 This report gives details of:

- the latest monitoring position for the 2019-20 Revenue Budget
- forecast General Balances and Reserves at 31 March 2020 and
- other key information relating to the overall financial position of the Council.

### 2 Revenue outturn – over/underspends

2.1 **At the end of January 2020 an overspend of £1.375m is forecast on a net budget of £409.293m.**

Chart 1: forecast /actual revenue outturn 2019-20, month by month trend:



2.2 Chief Officers have responsibility for managing their budgets within the amounts approved by County Council. They have been charged with reviewing all their cost centres to ensure that, where an overspend is identified, action is taken to ensure that a balanced budget will be achieved over the course of the year.

2.3 Details of all under and over spends for each service are shown in detail in Revenue Annex 1 to this report, and are summarised in the following table:

**Table 1: 2019-20 forecast (under)/over spends by service**

Service	Revised Budget	Net (under)/over spend	%	RAG
	£m	£m		
Adult Social Services	241.568	2.186	0.9%	A
Children's Services	180.033	13.700	7.6%	R
Community and Environmental Services	157.972	-0.346	-0.2%	G
Strategy and Governance	8.747	-0.057	-0.7%	G
Finance and Commercial Services	30.080	-0.085	-0.3%	G
Finance General	-209.107	-14.023	6.7%	G
<b>Totals</b>	<b>409.293</b>	<b>1.375</b>	<b>0.3%</b>	<b>G</b>

Notes:

1) the RAG ratings are subjective and take into account risk and both the relative (%) and absolute (£m) impact of overspends.

2.4 **Children's Services:** Existing commitments within NCC Funded Children's Services indicate significant pressures during 2019-20 particularly within placements and support for children looked after, young people leaving care, as well as support and intervention around families to enable children and young people to stay safe at home, including staff costs where they are the intervention as well as third party support.

2.5 The service pressures have been long identified by the department, including front line social care staffing pressures where there is a need to have sufficient resource to manage demand and focus on the presenting complexity of need. The impact of these pressures continues to be reviewed and are being addressed through a sustained multi-year programme of transformation.

2.6 Additionally, market conditions this financial year have resulted in a significant, unexpected unit cost increase for home to school transport, particularly for children and young people with Special Educational Needs, Disabilities and Alternative Provision (SEND & AP).

2.7 The outturn forecast this period includes small adjustments across a wide range of service areas as clarity is gained regarding the expected year-end position.

2.8 Further details relating to the Children's Services position are included in Revenue Annex 1.

2.9 **Dedicated Schools Grant:** A review of the financial year's commitments for each of the blocks of the Dedicated Schools Grant (DSG) have highlighted pressures within the High Needs Block. The pressures for the High Needs Block were anticipated and built into the plan shared with the Secretary of

State when the application to move funds from the Schools Block to the High Needs Block for 2019-20 was agreed.

- 2.10 The DfE recently issued a consultation upon the grant conditions of the DSG that could have implications upon the planned contributions from NCC General Fund to the DSG. As a result, the budgeted £2m contribution from NCC General Fund in 2019-20 was removed from the DSG forecast. The ongoing impact of these revised grant conditions will be considered as part of the Council's strategic budget planning.
- 2.11 The current outturn forecast indicates an overall overspend on the DSG in the region of £7.5m. This in-year overspend will be combined with the cumulative overspend of £10.887m brought forward from prior years.
- 2.12 Significant work is being undertaken through the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) part of the Transformation programme both to ensure that the right specialist provision is in the right place to meet needs, whilst also progressing work to transform how the whole system supports additional needs within mainstream provision.
- 2.13 The Council submitted its DSG recovery plan to the DfE at the end of June and are awaiting a meeting with the DfE to explore this plan further. The Council also submitted a response to the DfE's call for evidence at the end of July.
- 2.14 There are new arrangements for handling overspends with effect from the end of the 2019 to 2020 financial year, as a result of changes to The School and Early Years Finance (England) Regulations 2020 which came into force in February 2020. The practical impact of these statutory provisions will be that a local authority with a DSG deficit from the previous year must carry the whole of the deficit forward to be dealt with in the schools budget for the next or following financial year, deducting it from the money available for that financial year. This will make it entirely clear on a statutory basis that a deficit must be carried forward to be dealt with from future DSG income.
- 2.15 CIPFA, MHCLG and the DfE are working on issuing guidance about the changes, including statutory accounting implications. The DfE will remain in contact with those LAs who have significant DSG deficits in order to offer advice and help on their future handling
- 2.16 **Adult Social Services:** The forecast outturn as at Period 10 (end of January 2020) is an overspend of £2.186m. The main area of overspend is on Older People and Mental Health services within the Purchase of Care budget, which relates to direct provision of care services. This is largely due to the underlying position, which in 2018-19 was mitigated through the use of £4.2m of winter pressures funding and expected shortfall in delivery of demand management savings in this financial year.
- 2.17 Despite a year on year reduction in the number of packages of care and the net spend, the number of packages of care that are currently being delivered

to service users exceed those budgeted for to achieve savings. Work is ongoing to manage this and identify actions to reduce the pressure. The senior management team is directly overseeing a recovery plan, focused primarily on purchase of care costs that could be influenced during the year. The overspend is lessened by additional recharges from the NHS for specific cases to cover health related costs.

- 2.18 There has been a reduction of £0.513m in the forecast overspend in Period 10. There have been reductions in forecast staff costs through the management of vacancies. Additional pressures relating to costs associated with Older People and Physical Disabilities have been offset by reductions in forecast transport costs.
- 2.19 **CES:** Community and Environmental Services are currently forecasting an underspend of £0.346m for 2019-20, with forecast underspends around staff vacancies and forecast additional income within Highways. However, the department is managing a number of issues:
- 2.20 Residual Waste - A risk is emerging in relation to potential additional costs within the council's residual waste budgets which relates to the implementation of import taxes on Refuse Derived Fuel (RDF) in the Netherlands from January 2020. The impact will be subject to contractors' decisions about export RDF material. Overall waste volumes for 2019-20 are currently forecast to be lower than anticipated, therefore any additional cost as a result of the new tax will be absorbed within the overall waste budget.
- 2.21 Fire Service – We anticipated there would be continuing cost pressures within 2019-20 and proposed to manage these through budget control of other areas, where possible, and a planned use of reserves. The longer-term impacts of managing these issues being picked up through the 2020-21 budget planning cycle and the development of the 2020 IRMP (integrated Risk Management Plan).
- 2.22 Following the outcomes of the HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) inspection, and the subsequent improvement plan that has been developed, we have had the opportunity to work up in more detail the estimated additional costs of the various activities.
- 2.23 The additional pressure arises from the delivery of the Improvement plan and the need to ensure appropriate capacity/resources in place to deliver this. For 2019-20 this is likely to be an additional £0.201m. Where possible we will manage this within the wider CES departmental budget and we will continue to look at opportunities to offset this with further budget control within the service.
- 2.24 Museums Services – based on the latest information and updated forecasts we are projecting a deficit for 2019-20 of £0.155m. This is subject to several factors which are difficult to estimate, and the Museums Service will be working hard to mitigate the immediate impact on earned income through a new programme of exhibitions and additional events, including those relating

to the acquisition of Walton Bridges by JMW Turner. This is partially offset by small underspends elsewhere within the services.

2.25 **Corporate services:** The Strategy and Governance directorate is forecasting a modest underspend at this early stage of the year, with Finance and Commercial Services forecasting a small underspend due to vacancy management.

2.26 **Finance General:** The forecast underspend in Finance General has increased due to revised forecasts for business rates and grants received. The net impact of revised business rates projections, insurance fund assumptions, flexible use £3.0m of capital receipts to support transformation costs, along with revised redundancy costs, a dividend relating to the sale of shares in Norwich Airport, interest receivable and interest payable assumptions have resulted in a forecast underspend of £14.023m. The assumed use of capital receipts is subject to the completion of the sale of land to Repton Property Developments.

### 3 Agreed budget, changes and variations

3.1 The 2019-20 budget was agreed by Council on 11 February 2019 and is summarised by service in the Council's Budget Book 2019-22 (page 21) as follows:

**Table 2: 2019-20 original and revised net budget by service**

Service	Approved net base budget	Revised budget P9	Revised budget P10
	£m	£m	£m
Adult Social Services	247.606	240.753	241.568
Children's Services	211.667	181.136	180.033
Community and Environmental Services	160.712	153.827	157.972
Strategy and Governance	8.657	8.747	8.747
Finance and Commercial Services	26.395	30.372	30.080
Finance General	-245.744	-205.542	-209.107
<b>Total</b>	<b>409.293</b>	<b>409.293</b>	<b>409.293</b>

Note: this table may contain rounding differences.

3.2 During period 10, there were a number of budget adjustments to reflect changes to capital charges and estimates. These cost neutral adjustments have been made for statutory accounting purposes, and have not resulted in any changes to the general fund or the ability of services to spend.

3.3 The Council's overall net budget for 2019-20 has remained unchanged.

## 4 General balances and reserves

### General balances

- 4.1 On 11 February 2019 Council agreed the recommendation from the Executive Director of Finance and Commercial Services for a minimum level of General Balances of £19.536m through 2019-20. The balance at 1 April 2019 was £19.623m. The forecast for 31 March 2020 is unchanged at £19.623m, before any over or underspends

### Reserves and provisions 2019-20

- 4.2 The use of reserves anticipated at the time of budget setting was based on reserves balances anticipated in January 2019. Actual balances at the end of March 2019 were higher than planned, mainly as a result of grants being carried forward, and reserves use being deferred.
- 4.3 The 2019-20 budget was approved on the basis of a forecast reduction in earmarked revenue reserves and provisions (including schools reserves but excluding LMS and DSG reserves) from £85.6m to £61.3m, a net use of £24.5m.

Table 3: Reserves budgets and forecast reserves and provisions (excluding LMS/DSG)

Reserves and provisions by service	Budget book forecast balances 1 April 2019	Actual balances 1 April 2019	Increase in opening balances after budget setting	2019-20 Budget book forecast March 2020	Latest forecast balances 31 March 2020
	£m	£m	£m	£m	£m
<b>Adult Social Services</b>	27.463	32.101	4.638	13.619	16.081
<b>Children's Services (inc schools, excl LMS/DSG)</b>	6.521	8.184	1.663	1.568	1.962
<b>Community and Environmental Services</b>	34.030	37.992	3.962	29.935	39.596
<b>Strategy and Governance</b>	1.809	2.680	0.871	1.422	2.664
<b>Finance &amp; Commercial Services</b>	1.746	3.147	1.401	1.510	3.148
<b>Finance General</b>	14.247	17.429	3.182	13.215	12.978
<b>Reserves and provisions excluding LMS and DSG balances (see below)</b>	<b>85.816</b>	<b>101.533</b>	<b>15.717</b>	<b>61.269</b>	<b>76.429</b>

- 4.4 Forecast overall provisions and reserves (excluding capital, DSG and LMS reserves) at 31 March 2020 are approximately £15m in excess of 2019-20 budget book assumptions. This is due primarily to the increases in reserves, including unspent grants and contributions, brought forward after budget setting.
- 4.5 In addition to the service reserves above, the Council also holds LMS reserves, forecast to be £12.0m at 31 March 2020, and a negative DSG reserve forecast to be £18.4m.

#### 4.6 Provisions included in the table above

The table above includes provisions of £28m comprising £9m insurance provision, £12m landfill provision (this provision is not cash backed), £6m provisions for bad debts, and a small number of payroll related provisions.

### 5 Budget savings 2019-20 summary

5.1 In setting its 2019-20 Budget, the County Council agreed net savings of £31.605m. Details of all budgeted savings can be found in the 2019-20 Budget Book. A summary of the total savings forecast to be delivered is provided in this section.

5.2 The latest monitoring reflects total forecast savings **delivery of £26.207m** and a **total shortfall of £5.398m** forecast at year end.

5.3 The RAG status and forecast savings delivery is anticipated as shown in the table below:

Table 4: Analysis of 2019-20 savings forecast and RAG status

RAG status and definition	Adult Social Care	Children's Services	Community and Environmental Services	Strategy and Governance Department	Finance and Commercial Services	Finance General	Total
	£m	£m	£m	£m	£m	£m	£m
<b>Savings shortfall</b>	<b>-5.066</b>	<b>-0.332</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>-5.398</b>
<b>Red</b> Significant concern saving may not be delivered, or there may be a large variance (50% and above).	-0.583	0.000	0.000	0.000	0.000	0.000	<b>-0.583</b>
<b>Amber</b> Some concern saving may not be delivered or there may be some variance (up to 50%).	-6.000	-0.168	0.000	0.000	0.000	0.000	<b>-6.168</b>
<b>Green</b> Confident saving will be delivered (100% forecast).	-6.245	-6.322	-3.891	-0.931	-0.945	-1.122	<b>-19.456</b>
<b>Total forecast delivery</b>	<b>-12.828</b>	<b>-6.490</b>	<b>-3.891</b>	<b>-0.931</b>	<b>-0.945</b>	<b>-1.122</b>	<b>-26.207</b>
<b>Total budget savings</b>	<b>-17.894</b>	<b>-6.822</b>	<b>-3.891</b>	<b>-0.931</b>	<b>-0.945</b>	<b>-1.122</b>	<b>-31.605</b>

### Commentary on savings shortfalls

- 5.4 Six savings have been rated as RED, and two rated as AMBER, where partial delivery of savings is forecast. This equates to an overall forecast savings shortfall of £5.398m (17% of total budgeted savings).
- 5.5 The overall savings shortfall forecast has increased by £0.482m since period 9. Commentary on the change is provided below.

#### Adult Social Services:

- Saving reference ASC035 Investment and development of Assistive Technology approaches: previous forecast £0.300m, revised forecast £0.402m. Over delivery of **£0.102m**:

The new Assistive Technology model provided in December has been applied to 2019-20 data. This included a revised trajectory upwards on the volume of assessments to be undertaken in Jan-Mar 2020.

- Saving reference ASC036 Maximising potential through digital solutions: previous forecast £0.317m, revised forecast £0.033m. Increased shortfall **£0.284m**:

Post December the savings initiatives have a firmer basis of profiling. Our previous estimates were created early in the financial year before the full creation of the programme.

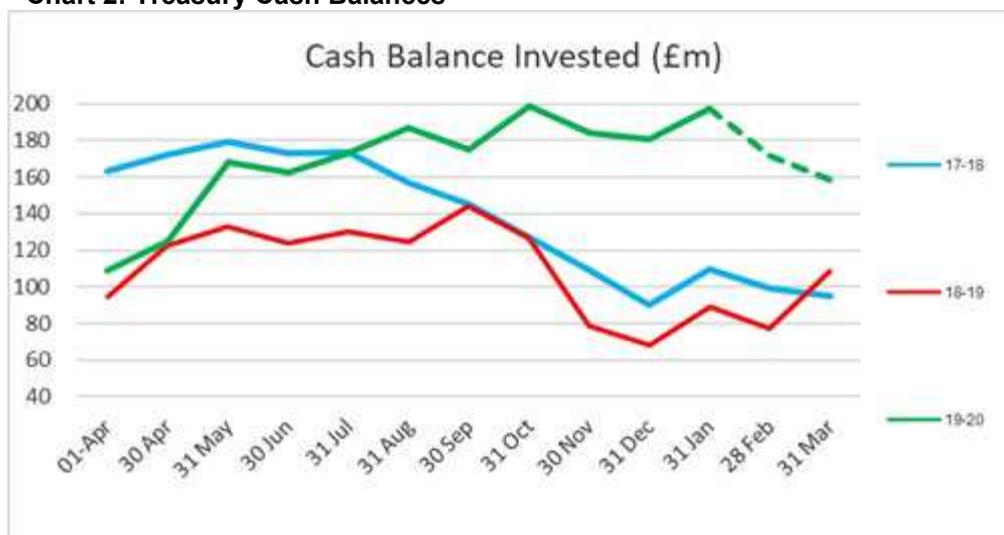
- Saving reference ASC036 Norsecare at market value: previous forecast £0.600m, revised forecast £0.300m. Shortfall **£0.300m**:

The forecast has been adjusted to reflect known reductions to the contract and actions relating to the closure of Burnham House that were previously planned but have now been ceased.

## 6 Treasury management summary

- 6.1 The corporate treasury management function ensures the efficient management of all the authority's cash balances. The graph below shows the level of cash balances over the last three years, to March 2020.

Chart 2: Treasury Cash Balances

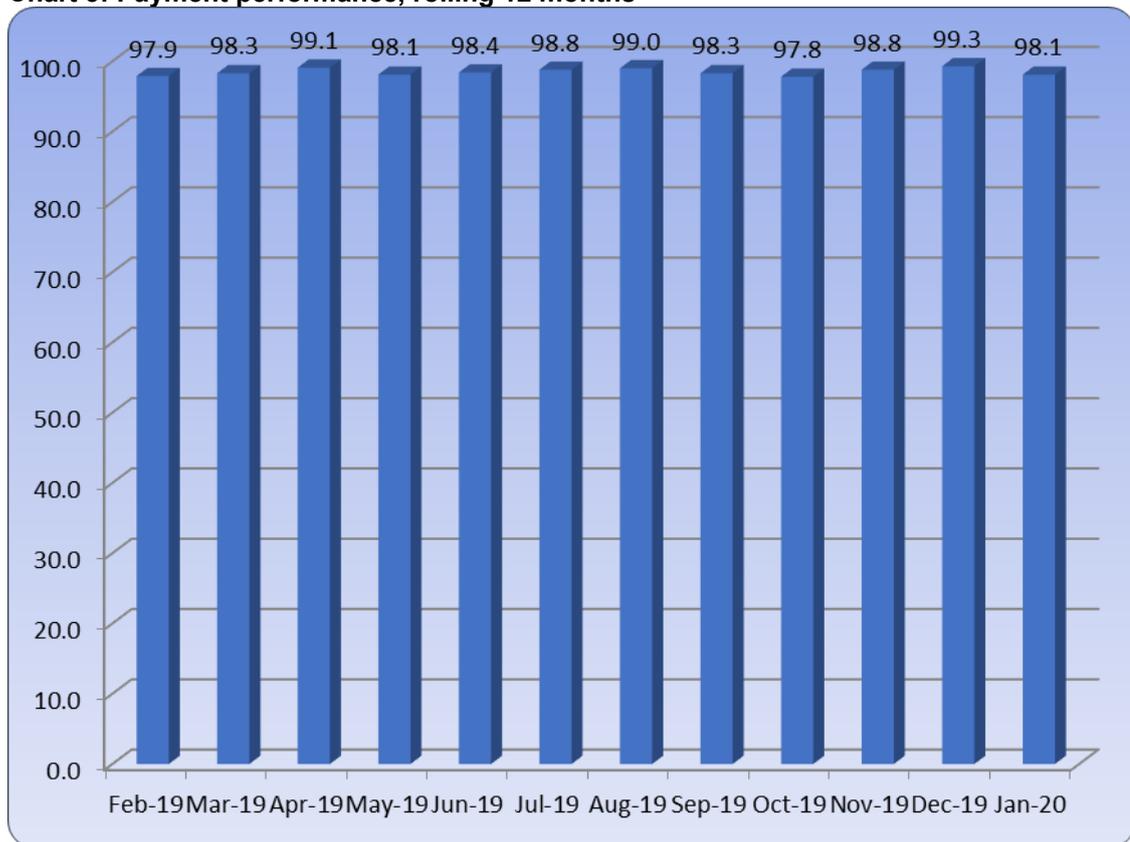


- 6.2 The forecast closing balance of between £155m and £160m is higher than closing balances in March 2018 and 2019 due partly to borrowing undertaken, and the higher than expected capital grants received and likely to be carried forward into 2020-21.
- 6.3 The balances in the graph above include the total of £87.1m borrowed in the year to date. This is £7.1m more than originally forecast, and includes £17.1m borrowed at a favourable “infrastructure rate” of 1.7% in November. No further borrowing is anticipated in 2019-20.
- 6.4 In the short term, new borrowing effectively replacing cash balances which have been used on a temporary basis to fund capital expenditure, which avoids the cost of ‘carrying’ unnecessary debt.
- 6.5 PWLB and commercial borrowing for capital purposes was £706m at the end of January 2020. Associated annual interest payable is £28.997m. On 9 October 2019 HM Treasury announced that 1% will be added to new PWLB borrowing rates, excluding certain infrastructure loans. This is likely to increase the cost of future borrowing.

## 7 Payment performance

7.1 This chart shows the percentage of invoices that were paid by the authority within 30 days of such invoices being received. Some 460,000 invoices are paid annually. Over 98% were paid on time in January. The percentage has not dropped below 97% in the last 12 months.

**Chart 3: Payment performance, rolling 12 months**



\*Note: The figures include an allowance for disputes/exclusions.

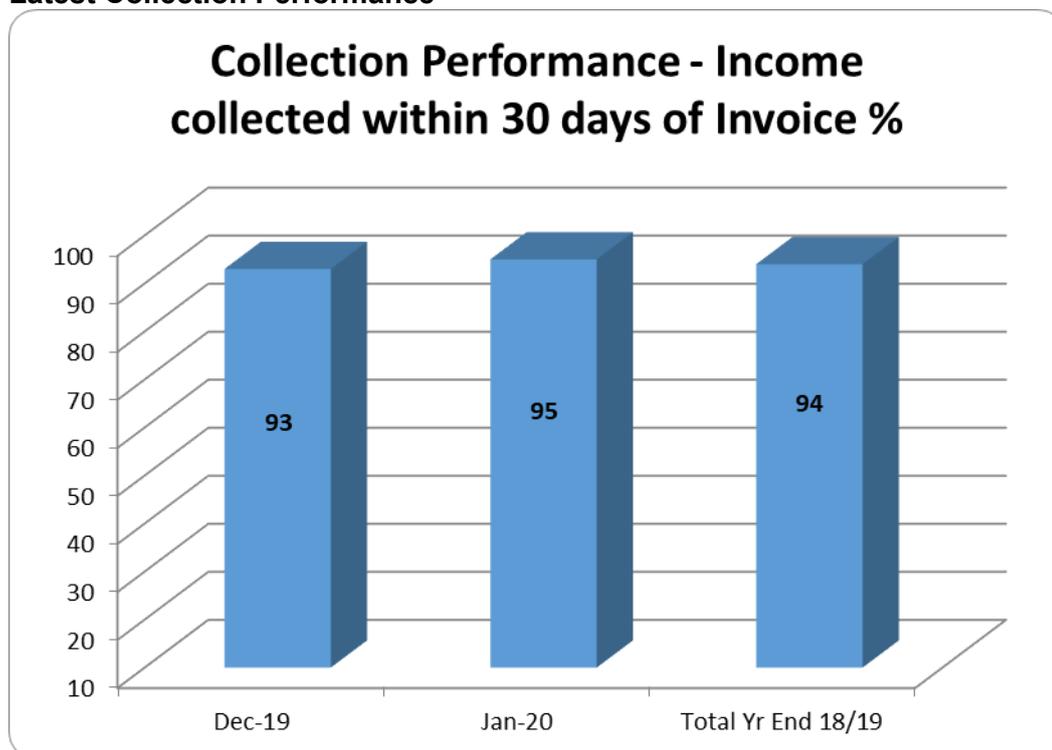
## 8 Debt recovery

8.1 **Introduction:** Each year the County Council raises over 150,000 invoices for statutory and non-statutory services totalling over £1bn. In 2018-19 94% of all invoiced income was collected within 30 days of issuing an invoice, and 98% was collected within 180 days.

### Debt collection performance measures

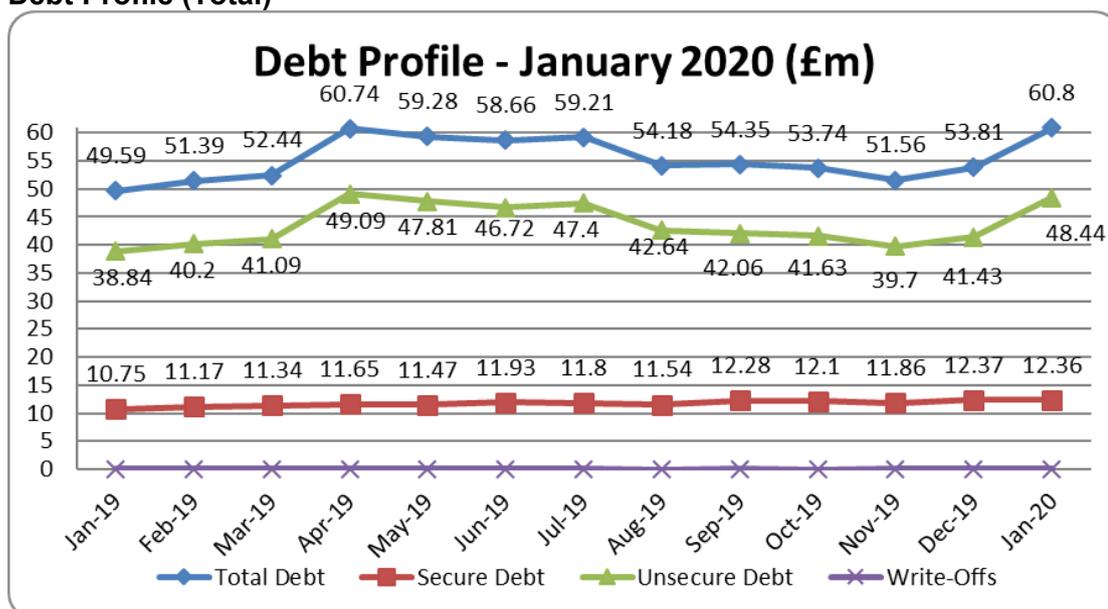
8.2 The proportion of invoiced income collected within 30 days for invoices raised in the previous month – measured by value – was 95% in January 2020.

#### Latest Collection Performance



8.3 The value of outstanding debt is continuously monitored, and recovery procedures are in place to ensure that action is taken to recover all money due to Norfolk County Council. The level of debt is shown in the following graph:

## Debt Profile (Total)



Of the £48.4m unsecured debt at the end of January, £17.5m is under 30 days. The largest area of unsecured debt relates to charges for social care, £33.7m, of which £14.6m is debt with the CCG's for shared care, Better Care Pooled Fund, continuing care and free nursing care.

- 8.4 Secured debts amount to £12.4m. Within this total £4.1m relates to estate finalisation where the client has died, and the estate is in the hands of the executors.
- 8.5 **Debt write-offs:** In accordance with Financial Regulations and Financial Procedures, Cabinet is required to approve the write-off of debts over £10,000. The Executive Director of Finance and Commercial Services approves the write off of all debts up to £10,000.
- 8.6 Service departments are responsible for funding their debt write offs. Before writing off any debt all appropriate credit control procedures are followed.
- 8.7 For the period 1 April 2019 to the end of January 2020, 945 debts less than £10,000 were approved to be written off following approval from the Executive Director of Finance and Commercial Services. These debts totalled £477,895.52.
- 8.8 Two debts over £10,000 totalling £36,925.35 were approved for write off in May 2019 and written off in the 2018-19 accounts.

## **9 Proposal to dissolve Educator Solutions Limited**

- 9.1 Educator Solutions Limited was incorporated on 15 April 2016. The company is wholly owned by Norfolk County Council, and is a company limited by shares with a single director.
- 9.2 There are no assets in the company, and the company has remained dormant since its incorporation. There is a small annual time cost associated with company secretarial work and for filing annual accounts.
- 9.3 While the limited company shares its name with Educator Solutions, a trading entity within Norfolk County Council, this proposal has no impact on the ability of Educator Solutions to continue to provide high quality services to schools and academies in and beyond Norfolk.
- 9.4 As a result, it is proposed that Educator Solutions Limited should be dissolved.

## Revenue Annex 1

### Forecast revenue outturn

#### Revenue outturn by service

Table A1a: revenue over and (under) spends by service

Service	Revised Budget	Net total over / (under) spend	Over / (under) spend as %	Forecast net spend
	£m	£m		£m
Adult Social Services	241.568	2.186	0.9%	243.754
Children's Services	180.033	13.700	7.6%	193.733
Community and Environmental Services	157.972	-0.346	-0.2%	157.626
Strategy and Governance	8.747	-0.057	-0.7%	8.690
Finance and Commercial Services	30.080	-0.085	-0.3%	29.995
Finance General	-209.107	-14.023	6.7%	-223.13
<b>Forecast outturn this period</b>	<b>409.293</b>	<b>1.375</b>	<b>0.3%</b>	<b>410.668</b>
Prior period forecast	409.293	1.921	0.5%	411.214

#### Reconciliation between current and previously reported underspend

Table A1b: monthly reconciliation of over / (under) spends

	£m
<b>Forecast overspend brought forward</b>	<b>1.921</b>
<b>Movements January 2020</b>	
Adult Social Services	-0.513
Children's Services	0.400
Community and Environmental Services	-
Strategy and Governance	-
Finance and Commercial Services	-0.085
Finance General	-0.348
<b>Outturn over/(under) spend</b>	<b>1.375</b>

## Revenue Annex 1 continued

The net underspend is a result of a range of underlying forecast over and underspends which are listed below.

### Revenue budget outturn by service – detail

<b>Adult Social Services</b>	<b>Over spend</b>	<b>Under spend</b>	<b>Changes</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Business Development		-0.177	-0.090
Commissioned Services	0.871		0.011
Early Help & Prevention		-0.821	-0.371
Services to Users (net)	1.585		-0.130
Management, Finance & HR	0.728		0.067
<b>Forecast over / (under) spends</b>	<b>3.184</b>	<b>-0.998</b>	<b>-0.513</b>
<b>Net total</b>	<b>2.186</b>		
<b>Children's Services</b>	<b>Over spend</b>	<b>Under spend</b>	<b>Changes</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Social Care including placements	11.600		0.200
Education Services including Home to School Transport	5.100		0.100
Early Help, Prevention & Commissioning	0.800		0.100
Performance, Challenge & Quality	0.200		
Re-allocation of budget provision for High Needs Block due to proposed change in DSG grant conditions		-2.000	
Schools capital funded by borrowing		-2.000	
<b>Forecast over / (under) spends</b>	<b>17.700</b>	<b>- 4.000</b>	<b>0.400</b>
<b>Net total</b>	<b>13.700</b>		
<b><i>Dedicated schools grant</i></b>			
Post 16 Further Education High Needs Provision	1.000		
Independent special school places	6.000		0.500
Maintained special schools		-0.300	0.100
Alternative provision	0.700		-0.100
Short Stay School for Norfolk	1.000		
Personal Budgets	0.400		
Specialist Resource Bases		-0.200	
Inter-authority recoupment		-0.200	-0.200
Other	0.200		
Schools block		-1.100	-0.300
Increase in net deficit to be carried forward		-7.500	
<b>Forecast over / (under) spend</b>	<b>9.300</b>	<b>-9.300</b>	<b>-</b>
<b>Net total</b>		<b>-</b>	

<b>Community and Environmental Services</b>	<b>Over spend</b>	<b>Under spend</b>	<b>Changes</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Culture & Heritage	0.136		
Support & Development		-0.065	
Economic Development	0.049		
Highways & Waste		-0.488	
Community Information & Learning	0.005		
Public Health		-0.184	
Fire Service	0.201		
Provision for CES departmental risks			
<b>Forecast over / (under) spend</b>	<b>0.391</b>	<b>-0.737</b>	
<b>Net total</b>		<b>-0.346</b>	

<b>Strategy, Finance and Finance General</b>	<b>Over spend</b>	<b>Under spend</b>	<b>Changes</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Strategy and Governance</b>			
Communications		-0.055	
Democratic Services		-0.002	
<b>Forecast over / (under) spend</b>	<b>-</b>	<b>-0.057</b>	
		<b>-0.057</b>	
<b>Finance and Commercial Services</b>			
Vacancy management		<b>-0.085</b>	<b>-0.085</b>
<b>Forecast over / (under) spend</b>		<b>-0.085</b>	<b>-0.085</b>
<b>Finance General (see below for narrative)</b>			
Net impact of business rates income projections		-2.700	
Business rates payments		-0.080	-0.080
Extended rights to free travel grant		-0.268	-0.268
Legislator dividend		-0.500	
Insurance fund		-1.000	
Interest on balances		-0.650	
Interest on LIF loans		-0.800	
Lower than anticipated costs of redundancy / use of organisational review reserves		-1.500	
Additional use of capital receipts to repay debt		-3.525	
Use of capital receipts to support transformation costs (amount over £2m subject to County Council approval)		-3.000	
<b>Forecast over / (under) spend</b>		<b>-14.023</b>	<b>-0.348</b>
<b>Net total</b>		<b>-14.023</b>	

## Revenue Annex 1 continued

### Children's Services Commentary

Existing commitments within NCC Funded Children's Services indicate significant pressures during 2019-20 particularly within placements and support for children looked after, young people leaving care, as well as support and intervention around families to enable children and young people to stay safe at home, including staff costs where they are the intervention as well as third party support, and home to school transport for children and young people with high special educational needs.

The service pressures have been long identified by the department. These are being addressed through a sustained multi-year programme of transformation. The primary reasons for the pressures are:

- that the level of pressure rose during the latter part of 2018-19 beyond that which was covered by the additional growth monies allocated, resulting in additional pressures for 2019-20 particularly because of the full year effect of what was seen in quarter 4 of last year;
- that the savings to be achieved through transformation during 2019-20 have begun to impact with the expected impact anticipated already in the outturn forecast. The various initiatives aimed at reducing the number of children in care and changing the placement mix continue to be profiled to impact in phases throughout 2019-20;
- front line social care staffing pressures, where there is a need to have sufficient resource to manage demand and focus on the presenting complexity of need to allow for increased levels of intervention earlier to reduce escalation of need and to prevent and reduce placement spend;
- the increased duties in relation to supporting young people leaving care that were not fully funded by new burdens funding and that are having an increasing impact as the eligible cohort age and the complexity of need of those leaving care increase;
- the current commitments currently show more children with higher costs than we anticipated having when the budget was set, with the transformation expected to impact later in the year.

During this financial year, there has been a significant, unexpected unit cost increase due to very challenging market conditions outside of the County Council's control and not anticipated when the budget was set for Home to School transport for children with Special Educational Needs and Disabilities (SEND) and in receipt of Alternative Provision (AP), resulting in a forecast overspend of £4.0m. The rurality of Norfolk means that pupils often have to travel significant distance to attend a school that meets their educational needs and it is not always viable for journeys to be shared. The £120m capital SEND transformation programme will ensure that children are able to attend a school place closer to their home, which in turn will reduce down the spend on SEND transport in future years as this provision comes on board.

In relation to the financial costs for children looked after, there have been significant, positive trends since the beginning of the year that will continue to reduce the pressure over time and have mitigated further increase in placement pressures. As a

result of the positive impact of the Transformation Programme through effective earlier intervention, the number of children in care has reduced from a high of 1227 in January 2019 to 1114 at the end of January (of which 73 were unaccompanied asylum-seeking children). Significant focus is now being employed to ensure that children are able and supported to leave care as soon as it is safe for them to do so. We would expect this to result in an increase in the number of children ceasing care as well as reducing the average length of time that a child is in care for.

As well as enabling a reduction in the number of children looked after, Children's Services are already seeing a good level of success in relation to one of the key changes targeted in our placement mix with the increased in-house fostering provision and reduction in the independent fostering performing better than anticipated, with savings estimated for 2019-20 at £1.5m. A large proportion of cost is driven by residential placement numbers, these have remained stable since the start of the year. Key to bringing down the overall pressure will be the level of success we have in moving away from this provision in the medium term. Our new semi-independent provision is currently forecast to deliver approximately £0.6m savings in 2019-20, and the enhanced fostering service has recently begun

This forecast includes significant assumptions with respect to the anticipated impact of the transformation programme as it continues to evolve and as changes are embedded in business as usual. Review of children looked after placements costs over the most recent months shows a reducing trend in the monthly spend that supports the expectation that the transformation impact would begin to take effect as the year progressed. Ongoing review is required to inform future forecasts, alongside reviewing the accuracy of predictions both in relation to growth and savings. This will allow more specific forecasting and a clearer picture of where the year-end position will be. The department is already taking a number of actions to enable this clarity to be gained and to keep a careful track of progress, alongside colleagues within support services.

Since the previous report to Cabinet, the service has identified small adjustments to forecasts across a range of services. As the financial year-end approaches, the expected final outturn position becomes clearer as risks either crystallise or dissipate.

To partially mitigate previously identified pressures, Children's Services plan to capitalise £2m of equipment spend and revenue contributions to capital expenditure by schools in line with the approach utilised in 2018-19 alongside utilising £2m that had been budgeted as a contribution from the NCC General Fund to support the DSG High Needs pressure that is no longer required following a recent revised DfE guidance in relation to 2019-20 DSG grant conditions. Taking these mitigating actions into account, the projected overspend at period 10 for NCC Funded Children's Services has increased by £0.4m to £13.7m.

Work was undertaken to understand the potential impact of the pressures seen in 2019-20 upon future years, in particular 2020-21, as part of the Council's revenue budget planning work. These assumptions, that were based upon the best information available at the time, were built into the Council's revenue budget which was approved by County Council on 17 February 2020.

## **Finance General forecast over and underspends**

Explanations for the Finance General forecast under and overspends are as follows:

### **Net impact of business rates income projections (underspend £2.700m)**

This forecast underspend relates to the net impact of revised business rates projections from district councils, received after the Council set its 2019-20 budget.

### **Business rates payments forecasts (underspend £0.080m)**

Impact of revised forecast of business rates payments across the Council's property estate.

### **Extended rights to free travel grant (underspend £0.268m)**

Additional grant received in respect of extended rights to free travel.

### **Legislator dividend (underspend £0.500m)**

This forecast underspend is the result of a dividend anticipated from Legislator 1656 Limited following a sale of the company's shares in Norwich Airport.

### **Insurance fund (underspend £1.000m)**

This forecast underspend is the result of a forecast over-provision in the light of recent insurance fund valuations.

### **Interest on balances (forecast underspend £0.650m)**

The 2019-20 interest payable/receivable budget was prepared on the basis of a number of assumptions including cash flows, interest rates and the extent of actual borrowing. The cost and timing of borrowing has resulted in a forecast underspend.

### **Interest on LIF loans (underspend £0.800m)**

This forecast underspend is an estimate of interest which will be accrued during 2019-20 on Local Infrastructure Fund loans made to developers to accelerate the construction of new homes in Norfolk.

### **Lower than anticipated costs of redundancy (forecast underspend £1.500m)**

Based on the latest projections, officer forecasts for 2019-20 suggest that spend on redundancy costs will be £1.5m lower than was anticipated at the time of budget setting

### **Additional use of capital receipts to repay debt (underspend £3.525m)**

This forecast underspend is the result of the availability of capital receipts available in the year to date over and above the £2m budget and the £2m receipts required to support transformation costs (ref Appendix 2 Capital monitoring paragraph 3.3).

### **Use of capital receipts to support transformation costs (underspend £3.000m)**

On 25 September 2017 Policy and Resources Committee considered a report entitled Demand Management & Prevention Strategy: Children's Services. This resulted in the allocation of a one-off investment of £12-£15m into children's services over the four years 2018-22. Subject to the achievement of property sales in 2019-20, a maximum of £3m capital receipts will be allocated to fund transformation through the "flexible use of capital receipts".

## Norfolk County Council Finance Monitoring Report 2019-20

### Appendix 2: 2019-20 Capital Finance Monitoring Report

Report by the Executive Director of Finance and Commercial Services

#### 1 Capital Programme 2019-20

- 1.1 On 11 February 2019, the County Council agreed a 2019-20 capital programme of £307.858m with a further £240.734m allocated to future years', giving a total of £548.592m.
- 1.2 Additional re-profiling from 2018-19 resulted in an overall capital programme at 1 April 2019 of £617m. Further in-year adjustments have resulted in the outturn capital programme shown below:

**Table 1: Capital Programme budget**

	<b>2019-20 budget</b>	<b>Future years</b>
	<b>£m</b>	<b>£m</b>
New schemes approved February 2019	87.207	167.28
Previously approved schemes brought forward	220.651	73.454
<b>Totals in 2019-22+ Budget Book (total £548.592m)</b>	<b>307.858</b>	<b>240.734</b>
Schemes re-profiled after budget setting	58.373	5.766
Other adjustments after budget setting including new grants	4.821	
<b>Revised opening capital programme (total £617.551m)</b>	<b>371.051</b>	<b>246.500</b>
Re-profiling since start of year	-147.914	147.914
Other movements including new grants and approved schemes	60.045	112.066
<b>Capital programme budgets before newly approved schemes</b>	<b>283.182</b>	<b>506.481</b>
New schemes approved County Council 17 February 2020	-	45.911
<b>Capital programme budgets including newly approved schemes (total £835.574m)</b>	<b>283.182</b>	<b>552.392</b>

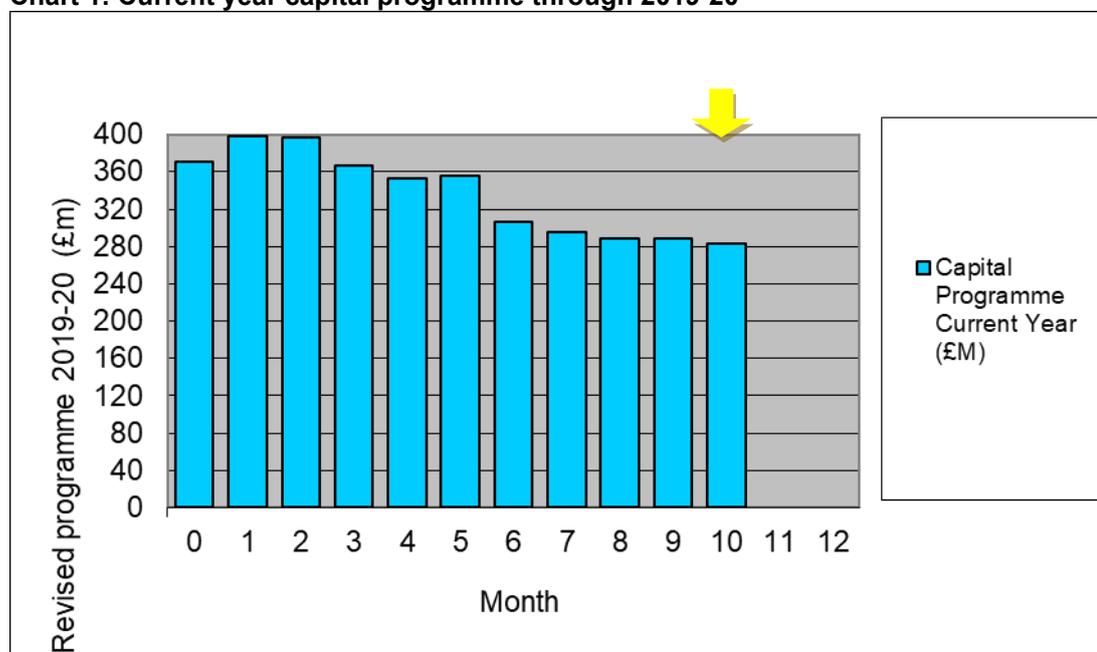
*Note: this table and the tables below contain rounding differences*

The "future years" column above includes new schemes previously approved as part of the 2019-22 capital strategy and programme, plus new schemes approved at 17 February 2020 County Council.

## Changes to the Capital Programme

1.3 The following chart shows changes to the 2019-20 capital programme through the year.

**Chart 1: Current year capital programme through 2019-20**



1.4 Month “0” shows the 2019-20 outturn future capital programme with a number of highways schemes added in month 1. The arrow shows the latest current year position. The current year programme will change as additional funding is secured, and as schemes are re-profiled to future years where timings become more certain.

1.5 The current year’s capital budget for each service is set out in the table below:

**Table 2: Service capital budgets and movements 2019-20**

Service	Opening programme	Previously reported Programme	Reprofilng since previous report	Other Changes since previous report	2019-20 latest Capital Budget
	£m	£m	£m	£m	£m
Children's Services	154.474	84.467	-5.316	7.359	86.510
Adult Social Care	18.388	14.103	-1.708	0.000	12.395
Community & Environmental Services	119.188	136.354	-2.029	1.568	135.894
Finance & Comm Servs	79.001	53.744	0.000	-5.360	48.384
<b>Total</b>	<b>371.051</b>	<b>288.667</b>	<b>-9.053</b>	<b>3.567</b>	<b>283.182</b>
				<b>-5.486</b>	

*Note: this table may contain rounding differences*

1.6 The revised programme for future years (2020-21 to 2021-22 and beyond) is as follows:

**Table 3: Capital programme future years 2020+**

Service	Previously reported future programme	Reprofiling since previous report	Other Changes since previous report	Newly approved schemes (County Council 17 Feb 2020)	2020+ Future Capital Budget
	£m	£m	£m	£m	£m
Children's Services	172.019	5.316	-	6.150	<b>183.485</b>
Adult Social Care	39.226	1.708	-	-	<b>40.934</b>
Community & Environmental Services	213.642	2.029	-	15.997	<b>231.668</b>
Finance & Comm Servs	72.541	0.000	-	23.264	<b>95.805</b>
Strategy and Governance	-	-	-	0.500	<b>0.500</b>
<b>Total</b>	<b>497.428</b>	<b>9.053</b>	-	<b>45.911</b>	<b>552.392</b>

*Note: this table may contain rounding differences*

1.7 New schemes for the the 2020-21 capital programme as approved by 17 February 2020 County Council are reflected in the table above.

1.8 Actual expenditure to P10 is as follows:

**Table 4: Actual expenditure to date**

Service	Expenditure year to date
	£m
Children's Services	35.906
Adult Social Care	11.213
Community & Environmental Services	57.224
Finance and Commercial Services	11.513
<b>Total to date</b>	<b>115.855</b>
Projected expenditure to 31 March 2020	30.000
Forecast accounting accruals at 31 March 2020	29.000
Rounding adjustment	0.145
<b>Forecast total expenditure</b>	<b>175.000</b>

The rate of capital spend is averaging approximately £14.5m per month. Total spend in 2019-20 is therefore forecast to be £175m, compared with £158.5m in 2018-19. The current level of spend indicates that a significant amount of re-profiling of schemes into 2020-21 will take place in the final months of 2019-20 to reflect timing of schemes.

## 2 Financing the capital programme

- 2.1 Funding for the capital programme comes primarily from grants and contributions provided by central government and prudential borrowing. These are supplemented by capital receipts, developer contributions, and contributions from revenue budgets and reserves.

**Table 5: Financing of the capital programme**

<b>Funding stream</b>	<b>2019-20 Programme</b>	<b>Future Years Forecast</b>
	<b>£m</b>	<b>£m</b>
Prudential Borrowing	124.708	352.083
Use of Capital Receipts	-	-
Revenue & Reserves	0.174	-
<i>Grants and Contributions:</i>	-	-
DfE	52.836	43.718
DfT	50.685	122.994
DoH	8.135	0.700
MHCLG	0.074	0.259
DCMS	0.768	5.048
Developer Contributions	20.227	16.216
Other Local Authorities	6.337	-
Local Enterprise Partnership	9.685	-
Community Infrastructure Levy	2.868	-
National Lottery	3.252	9.652
Other	3.433	1.722
<b>Total capital programme</b>	<b>283.182</b>	<b>552.393</b>

*Note: this table may contain rounding differences*

- 2.2 Significant capital receipts are anticipated over the life of the programme. These will be used either to re-pay debt as it falls due, for the flexible use of capital receipts to support the revenue costs of transformation, with any excess receipts used to reduce the call on future prudential borrowing. For the purposes of the table above, it is assumed that all capital receipts will be applied directly to the re-payment of debt and transformation projects, rather than being applied to fund capital expenditure.
- 2.3 Developer contributions are funding held in relation to planning applications. Section 106 (Town and Country Planning Act 1990) contributions are held in relation to specific projects: primarily schools, with smaller amounts for libraries and highways. The majority of highways developer contributions are a result of section 278 agreements (Highways Act 1980).

### 3 Capital Receipts

- 3.1 The Council's property portfolio is constantly reviewed to ensure assets are only held where necessary so that capital receipts or rental income can be generated. This in turn reduces revenue costs of the operational property portfolio.
- 3.2 The capital programme, approved in February 2019, gave the best estimate at that time of the value of properties available for disposal in the three years to 2021-22, totalling £23.6m. Revised estimates produced for the 2020-21 capital strategy show that the total of £23.6m remains achievable.

**Table 6a: Disposals longer term forecast**

Financial Year	Property sales forecast £m
2019-20	8.6
2020-21	10.6
2021-22	1.5
2022-23	1.9
2023-24	1.0
	<b>23.6</b>

The timing of future year sales is the most optimistic case, and may slip into future years if sales completions are delayed.

- 3.3 The revised schedule for current year disposals is as follows:

**Table 6b: Capital receipts current financial year £m**

Capital receipts 2019-20	£m
Capital receipts reserve brought forward	0.413
Actual property sales to P10 net of associated capital costs	2.243
Anticipated property sales – none certain at time of writing	-
Anticipated sale of land at Acle to Repton Property Developments	2.500
Loan repayments received	1.524
Airport shares disposals	1.797
Other loan repayments (group companies) due 2019-20	0.185
	<b>8.662</b>
<b>Forecast use of capital receipts</b>	
Budget 2019-20 to repay debt	2.000
Total use of capital receipts to repay debt (max £5.525m PWLB maturity debt repayments)	3.525
Flexible use of capital receipts to support transformation costs (maximum £3m)	3.000
Balance to fund capital expenditure or carry forward	0.137
	<b>8.662</b>

In addition to the receipts from the disposal of property shown above, further sales may be completed in the final months of 2019-20 which will be applied as and when payments have been received.

## Capital Annex 1 - changes to capital programme since last Cabinet

			19-20	19-20	20-21+	20-21+	
Service	Project	Funding Type	Change (£m)	REPROFILE	Change (£m)	REPROFILE	Reason
<b>Adult Social Care</b>							
	Social Care Grant	External		0.057	-	0.057	Funding moved back to 19/20 to cover in year expenditure
	Care Act Implementation	NCC borrowing		-0.698		0.698	Reprofiled as no further spend expected in 19/20
		External		-0.173		0.173	Reprofiled as no further spend expected in 19/20
	IT Equipment	External		-0.001		0.001	Reprofiled as no further spend expected in 19/20
	Living Well - Homes for Norfolk	NCC borrowing		-0.894		0.894	Reprofiled as no further spend expected in 19/20
<b>Total Adult Social Care</b>			<b>0.000</b>	<b>-1.708</b>	<b>0.000</b>	<b>1.708</b>	
<b>Children's Services</b>							
	Unallocated Developer contribution	S106		0.048	-	0.048	Reprofiled to cover payment direct to school
	Condition Funding	External	5.378	-	5.364	5.364	Funds moved back to cover overspend on Chapel Green/5.378m received for 19/20 condition allocation
	CS Transformation	NCC borrowing	2.000				Set up as per approved use of capital receipts
	School based projects - ECAPXX	Sif/internal	0.026				Contributions From Schools
	School based projects - ECAPXX	DFC Grant	-	0.046			Refunds to Academies
<b>Total Children's services</b>			<b>7.359</b>	<b>-5.316</b>	<b>0.000</b>	<b>5.316</b>	
<b>Adult Education</b>							
	Wensum Lodge Development	NCC Borrowing		0.135	-	0.135	Funding moved back to cover in year expenditure
<b>Libraries</b>							
	Various S106 projects	S106		-0.020		0.020	Reprofiled as no further spend expected in year
	Building Improvements	NCC Borrowing		-0.200		0.200	Reprofiled as no further spend expected in year
	S106 income	S106	0.007			-	Funding for Warwick Farm and Oak Tree Caravan Park
<b>Fire</b>							
	Real Fire Training Unit	NCC Borrowing		-0.316		0.316	Delay due to issues with electrical supply
	Fire Station Refurb/Maintenance	External		-0.379		0.379	Delay due to design changes
	CLG Funded compact fire Appliances	NCC Borrowing		-0.789		0.789	Subject to IRMP consultation and service review
		DCLG funding		-0.111		0.111	Subject to IRMP consultation and service review
	NCC Swipe Cards	NCC Borrowing		-0.150		0.150	Delays due to design changes
	Vehicle Replacement	NCC Borrowing		-0.160		0.160	contact tendered - won't be awarded until end of year
	Drone Purchase	DCLG funding		-0.019		0.019	Initial plans shelved after consultation with police
	MTFA equipment	External Grant Funding		-0.021		0.021	No spend anticipated in 19/20
<b>Museums</b>							
	Museums Acquisitions	External Grant Funding	0.289				Art fund grant funding received for Museums Acquisitions
		Lottery Funding	0.606				Grant funding received for Museums Acquisitions
<b>Highways</b>							
	Sloughbottom park	CIL	0.123				GNGB agreed extra CIL funding to cover cost of scheme
	Norwich A11 Junction Improvements	External	0.343				Increase funded from reallocation of Structural maintenance funding
	Gt Yarmouth Trail/pedalways/footpaths	LEP	0.095				Schemes fully funded from LEP
	Various	External	0.106				Net increase across various externally funded schemes
<b>Total CES</b>			<b>1.568</b>	<b>-2.029</b>	<b>0.000</b>	<b>2.029</b>	

Capital Loans Facility	Herondale Loan/Saffron Housing		-5.000				Loan from NCC no longer required
Finance - ICT	Local Full Fibre Network		-0.360				Budget adjusted to reflect updated forecast
<b>Total Finance</b>			<b>-5.360</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	
<b>Total</b>			<b>3.567</b>	<b>-9.053</b>	<b>0.000</b>	<b>9.053</b>	
	<b>Revised Programme Table</b>		<b>3.567</b>	<b>-9.053</b>	<b>9.053</b>		

# Cabinet

Item No. 14

<b>Decision making report title:</b>	<b>Highway Parish Partnership Schemes 2020/21</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

We established the Parish Partnership scheme to give local communities the opportunity to directly influence our programme of small highway improvements. The scheme this year continues to be extremely popular and officers have assessed 160 individual bids from Town and Parish Councils across Norfolk.

This year's programme will see 153 small local schemes, delivering what communities tell us they need. This includes trods, village gateways, bus shelters and vehicle activated signs.

The way that the programme is funded, with Town and Parish Councils making a contribution, means that we are able to more than double the impact of the funding we make available. This year, our contribution of £401k to this local investment programme will support the delivery of schemes totalling £919k.

Whilst the Parish Partnership scheme is not available in those urban areas without Parish or Town Councils, these communities have not been forgotten and we will continue to make significant investment in these important areas. This includes the £6.1m investment we are making in Norwich as part of the Transforming Cities Fund, and we hope to be able to secure further investment over the coming months.

## **Executive Summary**

This report sets out the proposed parish partnership programme for 2020/21.

## **Recommendations**

- 1. To approve the 118 local schemes listed in Appendix B for inclusion in the Parish Partnership Programme for 2020/21.**
- 2. To approve the 35 vehicle activated sign schemes listed in Appendix C for inclusion in the Parish Partnership Programme for 2020/21, subject to securing funding from the Safety Camera Partnership.**

## **1. Background and Purpose**

- 1.1. The Parish Partnership scheme began in September 2011, when Parish and Town Councils were invited to submit bids for local highway improvements, with the County Council funding up to 50% of bid costs. The key benefits of the Scheme are that it:
  - Delivers local priorities identified by local people;
  - Draws in additional funding for small scale highway improvements, enabling us to collectively deliver more;
  - Gives local communities an opportunity to directly influence the improvements in their local area.
- 1.2. The programme continues to be well received by Parish/Town Councils, Local Members and communities. Information about the number of bids received through the scheme over the past seven years is set out in Appendix D, and information about the number and value of these bids by district is at Appendix E. There is a good spread across Norfolk.
- 1.3. Invitation letters for 2020/21 bids were sent out in June 2019 with a closing date of 6 December 2019 (Appendix A), giving bidders good time to develop their proposals.
- 1.4. 160 bids were submitted from Town & Parish Councils for 2020/21, including 22 bids from Parishes who had not submitted before. A short deadline extension was allowed for 6 bids. Seven of the bids received were assessed and considered to not to be viable or deliverable, or were outside the scope of the scheme. The relevant Parish Councils have been informed.
- 1.5. All bids have been assessed against the following factors:
  - Contribution to Local Transport Plan objectives
  - Outcome for the local community
  - Value for money
  - Compliance with regulations

## **2. Proposals**

- 2.1. **Small highway improvements**
  - 2.1.1. 118 bids for small highway improvements have been assessed and are considered to be viable and deliverable. It is proposed that all 118 of these bids are allocated funding and added to the Parish Partnership Programme for 2020/21. The total funding contribution from the County Council needed to deliver these schemes is £401,885.
  - 2.1.2. A full list of the 118 bids is included at Appendix B (first time bidders are shaded yellow). The most popular bids are for:
    - Village Gateways (26)

- Trods (23) - a simplified, lower cost alternative to footways (often constructed using recycled road surface material)
- Bus Shelters (14)
- Part-time advisory 20mph speed limit with flashing school warning lights outside schools (6)

## 2.2. **Vehicle activated signs (VAS)**

- 2.2.1. 35 bids were received for SAM2. These are mobile VAS units which flash vehicle speed as a reminder to the driver. The SAM2 would be purchased under the scheme, and subsequently owned/maintained by the relevant Town or Parish Council.
- 2.2.2. For these 35 bids, officers have submitted a bid for funding of £57,627 from the Safety Camera Partnership to enable them to be delivered without any direct County Council funding. On that basis, it is proposed to add all 35 of these schemes onto the Parish Partnership Programme for 2020/21. A full list of these bids is included at Appendix C.

## 3. **Impact of the Proposal**

- 3.1. A County Council contribution of £401,885 and a Safety Camera Partnership contribution of £57,627, along with funding from Town and Parish Councils, will enable a programme of local works totalling £919,026 to be delivered.

## 4. **Evidence and Reasons for Decision**

- 4.1. This Parish Partnership scheme enables delivery of schemes which have been identified as important by local communities.
- 4.2. The contribution from Town and Parish Council's and the Safety Camera Partnership means that we can deliver more schemes on the ground. In addition, where local communities support lower cost solutions, there is a positive impact on the wider highway's improvement programme. For example, over the last five years, the implementation of trods has enabled 32 much more expensive footway schemes to be removed from the forward programme.

## 5. **Alternative Options**

- 5.1. Cabinet could decide to reduce the County Council's contribution to the Parish Partnership Programme or could decide to not utilise unallocated highways funding to allow all of the assessed bids to progress. In which case, a set of additional criteria would need to be developed to enable the current list of proposed schemes for 2020/21 to be re-assessed.

## 6. **Financial Implications**

- 6.1. Members have approved a capital allocation of £350,000 for Parish Partnership schemes in 2020/21. The delivery of the full programme of schemes set out in

Appendix B would require an additional £51,885 capital funding. It is intended to use existing unallocated highways capital funding to enable this.

- 6.2. The SAM2 schemes set out in Appendix C would require a contribution of £57,627 to deliver. A bid has been submitted to the Safety Camera Partnership (SCP) for this funding on the basis that these schemes support road safety and casualty reduction. This will be discussed at the Operational Group meeting of the SCP, in advance of a decision being made the SCP Board meeting on 17 April.

## 7. Resource Implications

- 7.1. **Staff:** There are no staffing implications and the programme can be delivered within existing staff resource.
- 7.2. **Property:** None of the proposed schemes involve land acquisition.
- 7.3. **IT:** None.

## 8. Other Implications

- 8.1. **Legal Implications:** The legal implications of individual schemes will be evaluated as part of the project delivery process. None of the proposed schemes will require legal orders to deliver.
- 8.2. **Human Rights implications:** The Human Rights implications of individual schemes will be evaluated as part of the project delivery process.
- 8.3. **Equality Impact Assessment (EqIA):** An equality impact assessment has been undertaken on this proposal, to examine how the proposal is likely to impact on people with protected characteristics.

The assessment has identified that the proposal should promote equality for people with protected characteristics, particularly older and disabled people and parents/younger people. This is because the scheme enables parish councils to bid for money for improvements to the highways in their local area, which includes improvements that promote accessibility and inclusion, such as bus shelters, vehicle activated speed warning signs and road markings near schools.

Careful planning takes place to ensure that new schemes are implemented correctly and take account of issues within the local area. The bidding process is accessible and inclusive, and it is a criteria of the process that any successful bid must be accessible for disabled people. This enables the scheme to play its part in making Norfolk an accessible county – a priority identified in Together, for Norfolk, the Council's six-year business plan.

- 8.4. **Health and Safety implications:** The Health and Safety implications of individual schemes will be evaluated as part of the project delivery process.
- 8.5. **Sustainability implications:** N/A

8.6. **Any other implications:** None.

## 9. **Risk Implications/Assessment**

9.1. In previous years, the Safety Camera Partnership (SCP) has agreed to contribute funding towards the SAM2 bids. However, funding for 2020/21 is not guaranteed and decisions are taken in the context of all bids submitted to the SCP.

## 10. **Select Committee comments**

10.1. N/A

## 11. **Recommendations**

- 11.1. **1. To approve the 118 local schemes listed in Appendix B for inclusion In the Parish Partnership Programme for 2020/21.**  
**2. To approve the 35 vehicle activated sign schemes listed in Appendix C for inclusion in the Parish Partnership Programme for 2020/21, subject to securing funding from the Safety Camera Partnership.**

## 12. **Background Papers**

12.1 Highway Parish Partnership Schemes 2019-20 Report to EDT committee 8 March 2019

12.2 Highway Capital Programme 2020/21/22/23 and Transport Asset Management Plan Report to Cabinet 13 January 2020

### **Officer Contact**

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

**Officer name:** Kevin Townly **Tel No.:** 01603 222627

**Email address:** [Kevin.townly@norfolk.gov.uk](mailto:Kevin.townly@norfolk.gov.uk)



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

cc Local Members

Your Ref:	My Ref:	HI/12/GEN/DH/KT
Date: June 2019	Tel No.:	0344 800 8020
	Email:	martin.wilby@norfolk.gov.uk

## **From the Cabinet Member for Highways, Infrastructure & Transport**

Dear Sir/Madam

### **Delivering local highway improvements in partnership with Town and Parish Councils**

I am delighted to inform you that due to the success of working in partnership with Parish/Town Councils for the last seven years the Parish Partnership Scheme Initiative will again be repeated in the financial year 2020/21. Further supporting information, including possible funding sources for your share of the bid, is available on our website (click on [this link](#)).

The County Council has again provisionally allocated £325,000 on a 50/50 basis (There is an upper limit on Norfolk County Council funding support of £25,000 per bid) to fund schemes put forward by Town and Parish Councils to deliver projects that are priorities for local communities. We are particularly keen to encourage and support first-time bids.

This letter provides more information on the process, invites you to submit bids, and explains how the County Council can support you in developing your ideas. The closing date will be the 6 December 2019. If you need any advice in developing your ideas, especially around the practicalities and cost estimates, please consult your local Highway Engineers based at your local Area Office.

Once all bids have been received we will assess them and inform you of our decision in March 2020 following approval by the ETD Cabinet.

*Continued .../*

To encourage bids from Town and Parish Councils with annual incomes (precepts plus any another income) below £2,000, we are offering the following support;

- 75% County Council contribution
- £5,000 maximum bid value
- Offer available only once to any bidder

We will also accept bids from unparished County Council Wards. Such Wards can always opt to become a formal Parish Council, but otherwise we are offering support on the basis that the Ward raises the required 50% funding. Kings Lynn Borough Council, Great Yarmouth Borough Council and Norwich City Council have kindly indicated their willingness to consider proposed schemes and potential funding for them. Further details are in the relevant committee report on our website (click on [this link](#)).

### What sort of schemes would be acceptable?

- Small lengths of formal footway
- Trods (a simplified and low cost footway),
- Improved crossing facilities
- Improvements to Public Rights of Way.
- Flashing signs to tackle speeding. We would encourage you to consider Speed Awareness Mobile Signs (SAM2) - which flash up the driver's actual speed rather than fixed signs (VAS) - which flash up the speed limit. The number of VAS in Norfolk has grown, and checks show that speed reduction benefits can be minimal. Whilst we will still consider bids for fixed VAS, we will need to be satisfied that they will be effective in reducing speed. We consider that SAM2 mobile signs, which are moved around on an agreed rota, are better at reducing speed; **SAM2 can be jointly purchased with neighbouring Parishes, and would be owned and maintained by the Parish/Town Council**
- Part-time 20mph signs with flashing warning lights, outside schools. The County Council trialed these in 2008/9, and generally had a favourable community response, with some moderate reductions in average speeds during peak times. Whilst the County Council supports the aspiration to have part-time 20mph speed limits outside each school in Norfolk, to do this would cost in the region of £3,750,000.

"Keep Clear" carriageway markings outside schools. Applications will be considered for new school keep clear carriageway markings (which must be supported by the local school), however, these will not be enforceable without a Traffic Regulation Order which is outside the scope of the Parish Partnership Scheme. If you wish to enforce the Order it would have to be wholly funded by the Parish or the Local Member.

New Bus Shelter. A copy of Norfolk County Councils guidance for new bus shelters is available on our web site (click on [this link](#)). **Any new shelter would be owned and maintained by the Parish/Town Council.**

Schemes can be within or off the highway provided they are linked to the highway. If they are off highway the future responsibility for the maintenance will fall to the Parish or Town Council.

Schemes should be self-contained and not require other schemes or works to make them effective.

Schemes that support the Local Transport Plan (LTP) objectives will have a higher priority for funding. The LTP can be found on our website (click on [this link](#)).

With the County Council's agreement Parishes can employ private contractors to deliver schemes. Any works on the highway would be subject to an agreed programme, inspection on completion, and the contractor having £10m public liability insurance.

#### What schemes will not be considered?

- Bids for minor traffic management changes such as speed limits or waiting restrictions or any Traffic Regulation Order will not qualify.
- Bids for installation of low-energy LED lighting in streetlights to help cut energy bills and maintenance.
- Mirrors in the highway

#### What information should you include in your bid?

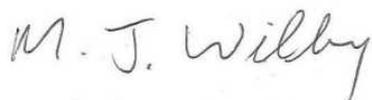
- Details of the scheme, its cost and your contribution.
- A plan/map of the extents of the scheme
- Who, and how many people will benefit.
- How it supports the objectives of the Local Transport Plan.
- Local support, particularly from your local Member, frontagers and land owners.
- For 'off highway' schemes, your proposals for future maintenance.

Please find a simple bid application form attached to this letter. When assessing your bid we will consider the points above, but also:

- The potential for casualty reduction.
- Any ongoing maintenance costs for the County Council.

Your bids should be emailed to [ppschemes@norfolk.gov.uk](mailto:ppschemes@norfolk.gov.uk) (or posted for the attention of the County Programme Engineer, Linda McDermott, at the above address). If you need further information on the bid process please contact Linda, by email or by phoning 01603 228905. For advice on the scheme practicalities and/or likely costs, please contact your local Highway Engineer.

Yours sincerely



Martin Wilby  
Cabinet Member for Highways, Infrastructure & Transport

**Parish Partnership bid application form**

<b>Fund applied for:</b>	Parish Partnership Fund		
<b>Applicant details:</b>			
<b>Submitted by/contact:</b>			
<b>Sum applied for:</b>			
<b>Total project cost:</b>			
<b>Project title:</b>			
<b>Project detail:</b> (please include a plan/map of the extents of the scheme):			
<b>plan/map attached:</b>	Yes / No		
<b>Any other funding:</b>			
<b>Parish Income:</b>	<b>Precept</b>	<b>Other Income</b>	<b>Total Yearly Income</b>
<b>Reason for works:</b>			
<b>Any relevant supporting documents (e.g. supportive correspondence) :</b>			
<b>Discussed with:</b>			

## Appendix B

<b>Parish</b>	<b>Member</b>	<b>Scheme Type</b>	<b>Value of Works</b>
Acle	Brian Iles	VAS	£6,150
Ashill	Fabian Eagle	Signs	£274
Aylsham	David Harrison	Trod	£26,000
Aylsham	David Harrison	20mph Wig Wags	£6,054
Bawburgh	David Bills	Traffic Calming	£12,000
Beetley	Mark Kiddle-Morris	20mph Wig Wags	£3,928
Bircham	Michael Chenery	Trod	£3,160
Bramerton	Vic Thomson	Trod	£7,000
Caister	Penny Jane Carpenter	Bus Shelter	£4,985
Carbrooke	Claire Bowes	Crossing Point	£5,000
Chedgrave	Barry Stone	Kerbing	£28,000
Costessey	Tim East	Traffic Calming	£20,100
Cringleford	David Bills	20mph Wig Wags	£3,928
Cromer	Tim Adams	Kerbing	£6,500
Cromer	Tim Adams	Drainage	£3,000
Cromer	Tim Adams	Kissing Gate	£2,000
Dereham	William Richmond	Bus Shelter	£5,000
Dereham	William Richmond	Bus Shelter	£5,000
Dereham	William Richmond	Traffic Counter	£750
Dereham	William Richmond	Trod	£12,000
Downham Market	Anthony White	Signs	£500
Downham Market	Anthony White	Signs	£800
Drayton	Anthony Adams	Trod	£9,750
Drayton	Anthony Adams	Kerbing	£10,500
East Rudham	Michael Chenery	Village Gateways	£1,583
Felthorpe	Anthony Adams	Traffic Calming	£25,100
Feltwell	Martin Storey	Bus Shelter	£5,300
Feltwell	Martin Storey	Bus Shelter	£5,800
Filby	Haydn Thirtle	Village Signs	£5,800
Fleggburgh	Haydn Thirtle	Village Gateways	£6,000
Fulmodeston	Steffan Aquarone	Village Gateways	£2,500
Great Cressingham	Fabian Eagle	Trod	£4,984
Great Hockham	Fabian Eagle	20mph Wig Wags	£5,542
Great Massingham	Stuart Dark	Village Gateways	£1,380
Great Snoring	Marie Strong	Access	£3,000
Gressenhall	Mark Kiddle-Morris	Village Gateways	£2,750
Gressenhall	Mark Kiddle-Morris	Surfacing	£10,440
Harpley	Michael Chenery	Village Gateways	£1,583
Hempnall	Alison Thomas	Village Gateways	£1,353
Hethersett	David Bills	20mph Wig Wags	£3,477
Hingham	Margaret Dewsbury	Traffic Calming	£10,000
Hoe	Bill Borrett	Trod	£12,700
Ingoldisthorpe	Stuart Dark	Posts	£4,591
Itteringham	Steffan Aquarone	Village Gateways	£3,000
King's Lynn	Alexandra Kemp	Bus Shelter	£5,000
King's Lynn	Sheila Young	Bus Shelter	£5,000
King's Lynn	Thomas Smith	Bus Shelter	£5,000
Lingwood & Burlingham	Brian Iles	20mph Wig Wags	£3,027
Long Stratton	Alison Thomas	Bus Shelter	£4,000
Longham	Mark Kiddle-Morris	Passing Bays	£1,500

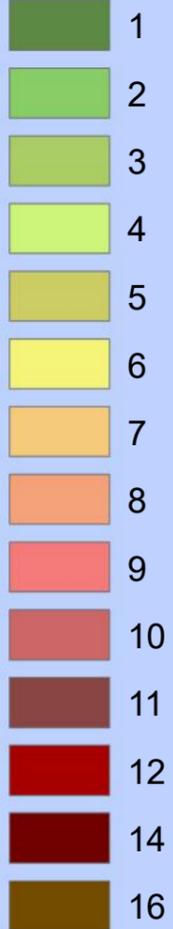
<b>Parish</b>	<b>Member</b>	<b>Scheme Type</b>	<b>Value of Works</b>
Marham	Graham Middleton	Trod	£7,200
Mileham	Mark Kiddle-Morris	Village Gateways	£2,500
North Elmham	Bill Borrett	Signs	£1,500
North Elmham	Bill Borrett	Signs	£3,000
North Elmham	Bill Borrett	Village Gateways	£2,800
North Lopham	Stephen Askew	Trod	£5,000
North Walsham	Eric Seward	VAS	£12,000
North Wootton	Simon Eyre	Kerbing	£3,732
Northrepps	Ed Maxfield	Bus Shelter	£4,655
Northwold	Martin Storey	Car Park	£19,431
Norwich	Mike Sands	Mini Roundabout	£43,587
Old Catton	Karen Vincent	Trod	£18,000
Overstrand	Ed Maxfield	Village Gateways	£7,800
Pentney	Graham Middleton	Surfacing	£4,700
Raynham	Tom Fitzpatrick	Village Gateways	£7,144
Ringstead	Andrew Jamieson	Village Gateways	£1,542
Rockland St Mary	Barry Stone	Village Gateways	£4,350
Roughton	Tim Adams	20mph Wig Wags	£10,581
Runcton Holme	Brian Long	Footway	£1,300
Runton	Sarah Butikofer	Trod	£3,580
Salhouse	Fran Whymark	Trod	£14,100
Salhouse	Fran Whymark	Trod	£10,270
Salhouse	Fran Whymark	Crossing point	£6,000
Salhouse	Fran Whymark	VAS	£6,500
Saxlingham Nethergate	Alison Thomas	Village Gateways	£2,948
Scarning	Phillip Duigan	Bus Shelter	£4,400
Scarning	Phillip Duigan	Village Gateways	£5,000
Snettisham	Stuart Dark	Trod	£10,000
Snettisham	Stuart Dark	Village Gateways	£2,500
South Creake	Michael Chenery	Village Gateways	£2,283
South Walsham	Fran Whymark	Access	£3,500
Southery	Martin Storey	PROW	£10,000
Southrepps	Tim Adams	Traffic calming	£15,000
Southrepps	Tim Adams	Surfacing	£2,340
Spixworth	Daniel Roper	Village Gateways	£4,500
Sprowston	John Fisher	Bus Shelter	£7,140
Stalham	Nigel Dixon	Trod	£9,650
Stoke Ferry	Martin Storey	Signs	£1,600
Stoke Ferry	Martin Storey	Street Furniture	£1,185
Stoke Ferry	Martin Storey	PROW	£660
Stokesby with Herringby	Haydn Thirtle	Surfacing	£5,400
Stow Bardolph	Brian Long	Village Signs	£600
Syderstone	Michael Chenery	Village Gateways	£4,404
Taverham	Stuart Clancy	Trod	£30,000
Terrington St Clement	Sandra Squire	Trod	£18,000
Terrington St John	Brian Long	Bus Shelter	£3,000
Terrington St John	Brian Long	Trod	£13,540
Thetford	Roy Brame	Street furniture	£9,000
Tivetshall	Beverley Spratt	Village Gateways	£7,399
Trunch	Ed Maxfield	Village Gateways	£2,112
Walpole	Sandra Squire	20mph Wig Wags	£4,872

<b>Parish</b>	<b>Member</b>	<b>Scheme Type</b>	<b>Value of Works</b>
Walpole Highway	Sandra Squire	Trod	£500
Walsingham	Marie Strong	Village Gateways	£4,500
Watlington	Brian Long	Trod	£9,600
Weasenham	Mark Kiddle-Morris	VAS	£6,270
Wells-next-the-Sea	Marie Strong	VAS	£6,149
Wells-next-the-Sea	Marie Strong	Village Gateways	£1,500
Wereham	Martin Storey	Lining	£200
West Winch	Alexandra Kemp	Trod	£7,500
Weybourne	Sarah Butikofer	Lining	£228
Weybourne	Sarah Butikofer	Lining	£112
Wheatacre Burgh St Peter	Margaret Stone	Village Gateways	£1,330
Wicklewood	Margaret Dewsbury	Footway	£30,000
Winfarthing	Beverley Spratt	Footway	£7,000
Worstead	John Timewell	Surfacing	£18,000
Worstead	John Timewell	Village Gateways	£1,000
Yaxham	Ed Connolly	Lining	£2,350
Yaxham	Ed Connolly	Bus Shelter	£2,438

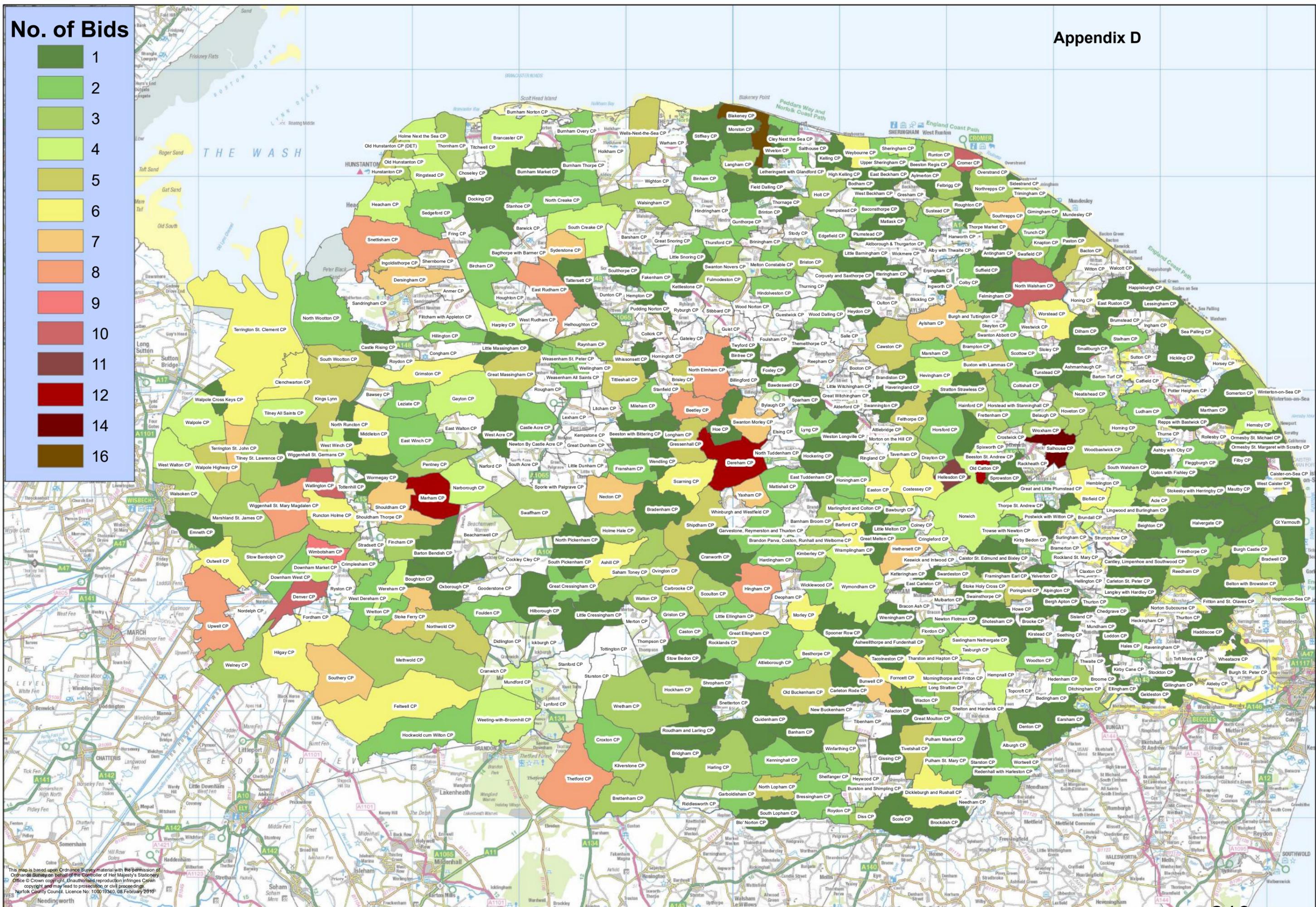
## Appendix C

<b>Parish</b>	<b>Member</b>	<b>Scheme Type</b>	<b>Value of Works</b>
Aslacton	Beverley Spratt	SAM2	£3,089
Boughton	Martin Storey	SAM2	£3,250
Bradwell	Carl Smith	SAM2	£3,078
Bramerton	Vic Thomson	SAM2	£3,490
Brisley	Mark Kiddle-Morris	SAM2	£3,050
Brooke	Barry Stone	SAM2	£3,250
Burgh and Tuttington	David Harrison	SAM2	£4,281
Clenchwarton	Alexandra Kemp	SAM2	£3,400
Docking	Michael Chenery	SAM2	£3,608
Downham Market	Anthony White	SAM2	£500
Foulden	Fabian Eagle	SAM2	£3,428
Gayton	Graham Middleton	SAM2	£3,200
Gissing	Beverley Spratt	SAM2	£3,667
Grimston	Simon Eyres	SAM2	£3,339
Hardingham	Ed Connolly	SAM2	£3,350
Hemsby	Ron Hanton	SAM2	£6,400
Hethersett	David Bills	SAM2	£3,439
Ingworth	John Timewell	SAM2	£3,887
King's Lynn	Alexandra Kemp / Sheila Young	SAM2	£3,350
Knapton	Edward Maxfield	SAM2	£3,695
Lingwood & Burlingham	Brian Iles	SAM2	£3,050
Marham	Graham Middleton	SAM2	£3,050
Mautby	Haydn Thirtle	SAM2	£3,389
Mundford	Fabian Eagle	SAM2	£3,339
Outwell	Harry Humphrey	SAM2	£3,567
Spooner Row	Colin Wayne Foulger	SAM2	£3,339
Swainsthorpe	Colin Wayne Foulger	SAM2	£3,250
Watlington	Brian Long	SAM2	£3,050
Weasenham	Mark Kiddle-Morris	SAM2	£3,150
Weeting	Fabian Eagle	SAM2	£2,739
Wimbotsham	Brian Long	SAM2	£3,381
Wood Dalling	Greg Peck	SAM2	£3,050
Wormegay	Graham Middleton	SAM2	£3,050
Wretham	Fabian Eagle	SAM2	£4,960
Yaxham	Ed Connolly	SAM2	£139

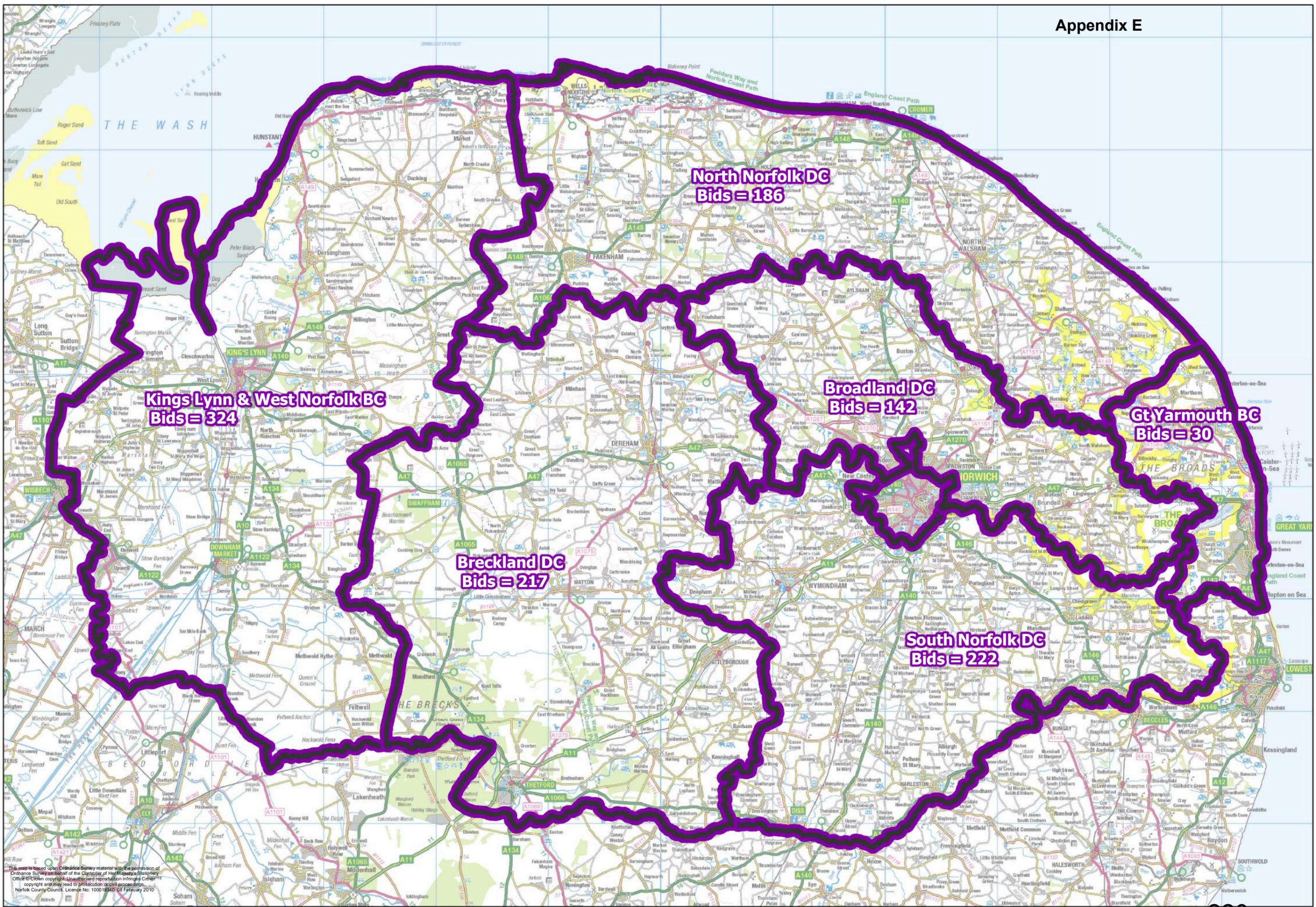
# No. of Bids



# Appendix D



Number of Parish Partnership Bids to NCC per Parish, as of 21st January 2020



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Norfolk County Council. License No: 100018840. 08 February 2010

Number of Parish Partnership Bids to NCC per District, as of 21st January 2020

# Cabinet

Item 15

<b>Decision making report title:</b>	<b>Norfolk Library 5-year Strategy 2020-2025</b>
<b>Date of meeting:</b>	<b>02 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Margaret Dewsbury (Cabinet Member for Communities and Partnerships)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director -Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>Yes</b>
<p><b>Introduction from Cabinet Member</b></p> <p>Norfolk Library and Information Service is nationally recognised as being one of the best library services in the country and continually receives recognition and praise for its innovative and impactful work.</p> <p>We believe that our libraries are an integral part of the public service offer in Norfolk, and have a key role to play in supporting individuals and communities to thrive.</p> <p>Libraries in Norfolk inspire and stimulate curiosity, creativity and empathy by supporting reading, learning and information for people in Norfolk.</p> <p>The library strategy has been developed by Norfolk Library and Information Service to reflect the strategic objectives of Norfolk County Council, as detailed in Together, for Norfolk.</p> <p><b>Executive Summary</b></p> <p>The Norfolk Library Strategy outlines a long-term vision for sustaining a world class library service in the County and sets out a strategy of being</p> <ul style="list-style-type: none"><li>• Open and Accessible</li><li>• Relevant and Responsive</li><li>• Informative and Impactful</li><li>• Collaborative and Consistent</li></ul> <p>Our 47 branch libraries and mobile library offer are the face of the council and provide key services to businesses (through our BIPC offer), individuals and communities. Whilst we have a core and consistent set of services, we have also empowered our dedicated teams to be attuned and responsive to local needs.</p> <p>The service is efficient, well run and provides good value for money. A recent piece of work carried out by Suffolk Libraries showed that for every £1 invested in the library service £8.04 is returned in social value.</p>	

Our service is highly regarded by all who use it, and importantly forms a key role in preventing demand into more formal social care offers. Our childhood and family service is a core part of the Children's Services approach to Early Years development, and our social isolation initiatives support many of our elderly residents and rural communities in Norfolk. This strategy defines how libraries will continue to build on their ongoing commitment to the health, wellbeing and happiness of the people of Norfolk.

## **Recommendation**

- 1. To approve the proposed vision and strategy for the Norfolk Library and Information Service, as set out in Section 2 of this report.**

## **1. Background and Purpose**

- 1.1. Norfolk Library Service comprises of 47 branch libraries, complemented by a mobile offer to service our rural communities. Nationally there has been a trend to outsource or close libraries, however the approach in Norfolk recognises the central importance of libraries in being ideally placed to reach out to our communities and be a safe and welcoming face of Norfolk County Council.
- 1.2. Whilst literacy and learning underpin all library service elements, libraries are so much more than a "house for books" and play a key role in raising aspirations, helping people learn, relearn and develop new skills, make friends and connect to their communities.
- 1.3. Throughout this strategy, the library is a place where people gather to exchange ideas and information. The best and most sustainable libraries are those which encompass multiple functions and co-locate with other services.

## **2. Proposed Vision and Strategy**

- 2.1. Vision for Norfolk Library and Information Service:

Our libraries make a real difference to the people of Norfolk by being there when they need them. Our efficient and well-run libraries are at the heart of the community, supporting individuals, communities and businesses to be the best they can be and ensuring they have access to resources and critical skills needed to make positive decisions and live independently and well.

- 2.2. We will deliver the vision by following a strategy of being:

- Open and Accessible
- Relevant and Responsive
- Informative and Impactful
- Collaborative and Consistent

### 2.3. Open and Accessible

Our 47 libraries will continue to be based in our communities where they can be the face of the county council and best meet local people's needs. We will review the best locations and facilities needed to support local communities, ensuring that any new or relocated library facility will be located in population growth areas, close to other services, retail centres and transport hubs. We will work to increase the library's reach into the community and increase participation and membership.

Our buildings will be supplemented by a mobile offer that reaches rural locations and brings relevant services to residents, particularly those who are housebound.

We will make use of Open Library technology to extend our opening hours without increasing our costs – the majority of our libraries will be open for 69 hours per week, allowing people to self-serve at a time that best suits. Libraries will continue to be free and welcoming spaces offering “friendly faces in local places”. We'll provide multifunction spaces that communities can use in a variety of ways and we will focus on extending our reach into communities aiming to appeal to wide segments of society.

When we develop multi-function hubs, we will aim to include changing places toilets and other inherent design features that improve accessibility.

### 2.4. Relevant and Responsive

Literacy remains a core pillar of the library and information offer; being able to read is the building block of a person having a successful life and living it well. Libraries support literacy and reading for wellbeing, social inclusion and improved life chances. These days libraries and literacy are about so much more than traditional books. We have invested in our e-book offer through the Libby App and Press Reader, and we will continue to promote their success. Digital literacy and health literacy are core skills in today's world and are vital in enabling people to live healthy independent lives.

Our library service has been nationally recognised for its strong approach to digital inclusion and skill building ranging from our silver surfers programme to our annual digifest. We will continue to provide digital skills, knowledge and practical support to help Norfolk residents cope in an increasingly complex and digital world.

We will work with colleagues in Public Health to offer behaviour change initiatives in non-threatening ways and encourage healthy lifestyles and activities. In many libraries we will deliver non clinical interventions, such as weight management and smoking cessation, amongst other things.

We will grow our understanding of our local communities and evolve our offer in different localities to meet and respond to local needs, particularly focusing on the needs of underrepresented and underprivileged groups.

## 2.5. Informative and Impactful

Information and signposting is at the heart of the library offer. We will invest in our staff and build upon their great skills with development programmes that give them confidence across a whole range of subjects from good parenting to starting your own business.

Libraries are non-threatening places where people can make friends, connect to their communities or ask for help in times of need. Our reputation for delivering innovative initiatives to raise aspiration and build skills will continue and we will strengthen our links with Adult Learning to form a seamless offer around the Adult Skills agenda. Our focus on social isolation and Early Years will continue to support demand prevention within social care and we will aim to become a core part of the social prescribing offer.

We will expand our Business and Intellectual Property Centre rollout to cover more areas of the county, encouraging successful business start-ups and entrepreneurs.

## 2.6. Collaborative and Consistent

Every library will have a core offer that people can rely upon – in addition to a variety of books and reading materials. This will comprise of a children and family offer, and an after-school offer. Public PCs and free wifi. Activities to reduce social isolation, such as just a cuppa, and open library (technology allowing). The library offer has been specifically developed to support social care in addressing demand. All libraries will also participate in the hugely popular summer reading challenge and will have a programme events and cultural activities based on local need. We will take a locality based approach and work closely with colleagues in the districts and voluntary sector to tailor our offer. We will play a key role in the development and operation of multi-function hubs as part of NCCs Local Service Strategy.

## 2.7. Our Offer

In 2016, the Government published Libraries Deliver: Ambition for public libraries in England, a document which sets out the national vision for and commitment to public libraries. The Norfolk Library strategy is informed by the key recommendations in the report and makes a contribution to:

- cultural and creative enrichment
- increased reading and literacy
- improved digital access and literacy
- helping everyone achieve their full potential
- healthier and happier lives
- greater prosperity
- stronger, more resilient communities

The Ambition stated that library services in England should:

- Meet legal requirements
- Be shaped by local needs
- Focus on public benefit and deliver a high-quality user experience
- Make decisions informed by evidence, building on success
- Support delivery of consistent England-wide core offers
- Promote partnership working, innovation and enterprise
- Use public funds effectively and efficiently

### **3. Impact of the Proposal**

3.1. The impact of the Library and Information Strategy directly aligns to the strategic objectives defined in Norfolk County Council's 6-year plan and can be described as follows:

3.2. Growing the Economy

- BIPC Norfolk is one of 15 UK Business and Intellectual Property Centres. Based at the Norfolk and Norwich Millennium Library with trained staff to support business start-up, self-employment and business growth by providing information and print resources that will help build strong, competitive businesses and offers workshops and 1:1 surgery with experts e.g. Business Advisers, IP lawyers, business banking etc.
- BIPC hubs have been developed in a hub and spoke model at Kings Lynn, Thetford and Great Yarmouth libraries.
- Staff in all locations have been trained by the Intellectual Property Office to provide IP support to business and individuals.
- The Norfolk and Norwich Millennium Library is one of 15 UK Patent Libraries supporting people to research and submit patents.
- Delivery of ICT based learning sessions in all libraries ensures that libraries make a contribution to digital inclusion.
- Free wifi, computer and internet access is offered in all libraries and is a crucial resource for many people seeking employment opportunities. Libraries also offer a wide range of resources to support those seeking employment and training, working with partners helping those looking for work to use the internet for job seeking.
- Libraries support people to develop IT skills and confidence to access Universal Credit and other government services online.
- All Libraries are registered UK online Centres, registered with the Good Things Foundation to deliver digital inclusion activities.
- Libraries offer opportunities for residents to learn new skills through volunteering.

3.3. Thriving People

- Libraries make an active contribution to the Early Years and Family Service in delivering literacy, language and learning objectives county wide. Including bounce and rhyme, stay and chat, baby weigh, breast

feeding friendly spaces and the Bookstart programme for all Norfolk's babies and toddlers.

- Libraries offer spaces that are open and welcoming to all, free and offering a wide range of support to help people achieve their potential with an extensive reading support offer for children and adults.
- Parenting collections – information resources in all libraries to support parents and carers.
- Out of school learning activities aimed at encouraging curiosity and a love of exploring and finding out.
- Annual summer reading challenge, ensures that children keep reading over the summer holidays.
- Norfolk Reading Pathway and other literacy initiatives – offer support for individuals on their literacy journeys.
- Information – face to face quality information and digital access and support.

#### 3.4. Strong Communities

- Libraries are welcoming and open to all, offering a wide range of support and activities to help people achieve their potential and for communities to thrive.
- Libraries are positioned at the heart of NCCs Local Service Strategy and will play a key role in the successful operation of our multi-function hubs.
- Our ongoing commitment to promoting and providing opportunities for volunteering allow people to join in with and connect to their local communities.
- Open library technology and the opportunity to rent meeting rooms gives local clubs, groups and societies place to meet.
- Libraries in Norfolk promote healthy living, provide self-management support and engagement opportunities for children and adults supported by welcoming spaces; effective signposting and information to reduce health, social and economic inequalities.
- Libraries in Norfolk offer a range of creative, cultural and social activities which engage and connect individuals and communities, combat loneliness and improve wellbeing.
- Libraries offer extensive collections of print and online material to promote literacy and reading, which connect people with information to help them make informed choices and which support cultural life and an understanding of our local heritage.

## 4. Evidence and Reasons for Decision

- 4.1. There is strong evidence to demonstrate the role of libraries in building strong and resilient communities. In addition, the Library and Information Service have developed the IMPACT tool (in conjunction with Norwich City Council) which measures the impact of activities – this is developing into a useful resource in analysing which activities and interventions are most effective.

- 4.2. A recent piece of work carried out by Suffolk Libraries showed that for every £1 invested in the library service £8.04 is returned in social value. This indicates that libraries create substantial impact on their local communities and for a wide range of stakeholders, including Children's Services, Adult Social Care and health.
- 4.3. In the work, the impact of just three interventions was measured – activities very similar to those offered in Norfolk's Libraries; an older people's activity, Rhyme Time and an informal social session, all operating on a drop-in basis.
- 4.4. The outcomes holding the highest social value were the development of literacy skills for children; improved wellbeing for parents; improved mental health, increased social networks and increased happiness.
- 4.5. All of which make a positive contribution to reducing social care demand for adults and children.

## **5. Alternative Options**

- 5.1. Further work could be carried out to develop an alternative vision and strategy for the Service. However, National and international benchmarking have been undertaken in forming this strategy, along with a situational positioning against the County Council's 6 year plan, Together, for Norfolk.

## **6. Financial Implications**

- 6.1. The Norfolk Library Strategy can be delivered through the existing revenue budget.
- 6.2. Our 47 libraries will continue to be based in our communities where they can be the face of the county council and best meet local people's needs. We will review the best locations and facilities needed to support local communities, ensuring that any new or relocated library facility will be located in population growth areas, close to other services, retail centres and transport hubs. We will work to increase the library's reach into the community and increase participation and membership. Where capital funding is required this will be reflected in the Councils capital programme.

## **7. Resource Implications**

### **7.1. Staff:**

N/A

### **7.2. Property:**

N/A

### **7.3. IT:**

Ongoing IMT support and investment in public wifi will ensure a modern and viable library offer. This is crucial to the success of the service going forwards.

## **8. Other Implications**

### **8.1. Legal Implications**

N/A

### **8.2. Human Rights Implications**

N/A

### **8.3. Equality Impact Assessment (EqIA)**

8.3.1. Equality impact assessments of the service have previously been carried out and reported to Members, both as part of the budget setting process and to enable Members to consider the impact of service enhancements like the introduction of Open Plus technology across the library estate. These have been reviewed and no adverse impacts from the proposed strategy have been identified.

8.3.2. The proposed strategy ensures the service can continue to support local communities and can continue the broad range of activities and interventions, including those supporting individuals with protected characteristics. The intention is to continue to provide and enhance existing services in libraries and continue to support all users. In particular, Equality Impact Assessments have highlighted the important role that libraries play in:

- Providing face to face and assisted digital council information and signposting
- Supporting digitally excluded groups in Norfolk – these make up between 15 and 25% of the population, and these tend to be mainly older people and people on low incomes
- Increasing reading levels among children and young people – there is evidence that library use is an important factor in educational attainment and positive social economic outcomes
- Making a contribution to the mental well-being of Norfolk residents and making a significant contribution to the reduction of social isolation
- Supporting customers in successfully finding employment

8.3.3. As part of the Local Service Strategy, if any libraries are moved to new locations this will be on the basis of improving the overall offer and the accessibility for those using libraries. For example, the new Attleborough Library is part of the new Attleborough Community and Enterprise Centre, which includes accessibility improvements like a changing places facility.

### **8.4. Health and Safety implications**

Frequent lone working assessments are undertaken in relation to library operations, and there is also an ongoing assessment the Open Library offer.

### **8.5. Sustainability implications**

N/A

## 9. Risk Implications/Assessment

9.1. The main risk associated with the strategy would be in relation to any proposed library relocation as local residents can be very attached to their existing library buildings. To mitigate this risk two courses of action will be taken

- 1) Ensuring that any library relocation is a better fit for community needs than the previous one and has enhanced facilities, such as a changing places toilet or better partnership offers
- 2) Engaging with communities up to and including formal consultation to ensure their views and requirements are reflected.

## 10. Select Committee comments

10.1. The Infrastructure and Development Committee considered the proposed vision and strategy for the Service at their meeting on 29 January 2020. The Select Committee were unanimously supportive of the proposal and were also very supportive of the work carried out in local communities. In particular, their contribution to addressing social isolation.

## 11. Recommendations

11.1. **1. To approve the proposed vision and strategy for the Norfolk Library and Information Service, as set out in Section 2 of the report**

## 12. Background Papers

- 12.1.
- [Suffolk Libraries Predictive Impact Analysis](#)
  - [Libraries Deliver: Ambition for libraries in England 2016 – 2021](#)

### Officer Contact

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

**Officer name:** Jan Holden **Tel No.:** 01603 228910

**Email address:** [janet.holden@norfolk.gov.uk](mailto:janet.holden@norfolk.gov.uk)



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

# Cabinet

Item 16

<b>Decision making report title:</b>	<b>Hethel Innovation Ltd and Scottow Enterprise Park</b>
<b>Date of meeting:</b>	<b>2 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Graham Plant (Cabinet Member for Growing the Economy) Cllr Andrew Jamieson (Cabinet Member for Finance)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services) Simon George (Executive Director, Finance and Commercial Services)</b>
<b>Is this a key decision?</b>	<b>Yes</b>
<p><b>Executive Summary</b></p> <p>Scottow Enterprise Park is currently operated and managed by Hethel Innovation Ltd through a contract arrangement. This contract comes to an end in July 2020 and there is a need to secure new arrangements for the site.</p> <p>This report proposes putting in place a new arrangement that would see the site leased to Hethel Innovation Ltd. This new arrangement would enable a continued focus on delivering economic outcomes whilst also moving to a more commercial focus in terms of day to day operations.</p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li><b>1. Delegate authority to the Director of Property, in consultation with the Leader of the Council to enter into a lease with Hethel Innovation Ltd to operate and develop Scottow Enterprise Park from 1 April 2020 on the basis set out in this report.</b></li> <li><b>2. Approve the amalgamation of the two relevant capital allocations from within the existing County Council capital programme into a single capital improvement fund for Scottow Enterprise Park estimated at £5.569m (actual figure will be dependent upon remaining expenditure incurred in 2019/20), which can be used to make a capital improvement fund available for Hethel Innovation Ltd (HIL) to access for site development work.</b></li> <li><b>3. Subject to funding being available from the County Council’s Capital Programme and the approval of a business case by the HIL Board, delegate authority to the Executive Director of Finance and Commercial Services, in consultation with the Cabinet Member for Finance, to consider and approve each business case for investment in the Scottow Enterprise Park.</b></li> <li><b>4. Approve the Hethel Innovation Ltd Business Plan for 2020/21.</b></li> <li><b>5. Invite Hethel Innovation to present their 2019/20 annual report to the May Cabinet meeting along with an update on any further plans they have for the future.</b></li> </ol>	

## **1. Background and Purpose**

- 1.1. After a long service record, including being operated as a fighter airfield during the Second World War, the RAF Coltishall site was closed by the MoD in 2006 and transferred to the Ministry of Justice. Hundreds of jobs were lost followed by several years of inactivity. Local communities experienced a transition from a prosperous and active site at the centre of the community to an unloved, unused and uncared for public asset with crumbling buildings.
- 1.2. The Council purchased the ex RAF Coltishall site from the Ministry of Justice in 2013; a 600 acre site with over 150 separate buildings, most of which were in poor condition. The County Council has since transformed the site into a prospering Enterprise Park, alongside a 250 acre solar farm, generating enough energy to power up to 15,000 homes.
- 1.3. After purchase of the site, the first phase of operations on site was carried out by an internal County Council team and NPS. The team focussed on putting the necessary infrastructure in place on site – including mains electricity and water supplies – securing initial tenants on site to generate income (primarily storage space) and supporting the development of the Solar Farm. Significant capital investment was made in the site during this phase and whilst we had some success in generating income, the site operations were subsidised by the County Council i.e. we were not generating a surplus.
- 1.4. The second phase of operations focused on moving to an Enterprise Park approach, including securing a wider range of tenants. Work was initially carried out by an internal team, subsequently with support from Hethel Innovation Ltd (HIL). In 2015, following a competitive tender process, Hethel Innovation Ltd were formally appointed to operate the site on a day to day basis. Since that time, a number of site improvements have been made, Enterprise Zone status has been secured and a wider range of tenants have taken up space. During this phase, the Park has also moved to a position of generating a financial surplus.
- 1.5. Information about current performance at Scottow Enterprise Park is included at Appendix B (see page 7 of the HIL business plan). Cabinet may wish to note HIL are currently finalising their annual report for 2019/20, setting out details and achievements for all of their programmes and operations.
- 1.6. The current contract with HIL ends 31 July 2020 and so there is a need to secure new arrangements for the site.

## **2. Proposals**

- 2.1. Consideration has been given to what the most suitable arrangements for the operation of the Enterprise Park should be. In particular, to ensure:-
  - The Council's asset continues to be maintained

- Further development of the site (including the former Sergeant's Mess) can be taken forward
- Tenants on site can continue to access business support and advice
- The operation of the site can be placed on an even more commercial footing
- There continues to be a focus on delivery of economic outcomes
- The site can be developed on a way that supports the local economy and community, as far as possible

2.2. In addition, the site is subject to some complex covenant and clawback arrangements with the Ministry of Justice which place some limitations in terms of operation and therefore impacts on the commercial opportunity available. The clawback arrangements expire in January 2037. Until that date, the County Council would need to pay the Ministry of Justice 50% of any uplift in value of the site resulting from a change of use or onward sale. Some of the key actions that would trigger overage are:-

- Disposing of the site or transferring it away from County Council
- Granting leases to tenants that exceed a 7 year term

2.3. Taking the above into account, and following discussions with the HIL Board of Directors, it is proposed that, from 1 April 2020, the County Council leases the site to HIL.

#### 2.4. **Key provisions in the lease**

2.4.1. Leasing the site to HIL means that the site would continue to be owned by the County Council, but could be managed and developed by HIL on a more commercial basis, using HIL systems and processes which are already used successfully at Hethel Engineering Centre which is owned and operated by HIL.

2.4.2. The basis of the proposed lease arrangement is as follows:-

- A lease term of 7 years (less one day)
- An annual rent of £276k payable to the County Council
- The area to be leased is set out on the Plan at Appendix A. This includes the former Sergeants Mess building, which requires significant development to bring it back into use
- The solar farm will be excluded from the lease.
- HIL will be responsible for the day to day operation and maintenance of the site as well as further development
- HIL will be responsible for keeping the site, and all buildings on the site, in an appropriate condition to ensure the Council's asset is protected and enhanced. Work is underway between the Director of Property and HIL to agree suitable maintenance and building condition arrangements for the site
- Any income generated on site will be collected by HIL and can be used by HIL to operate the site, fund site maintenance and improvements and/or to

fund activities that deliver additional economic development outcomes for Norfolk

- The County Council will make a capital improvement fund available for HIL to access for site development work. Subject to funding being available from the County Council's Capital Programme and the approval of a business case by the HIL Board, the Executive Director of Finance and Commercial Services, in consultation with the Cabinet Member for Finance, will consider and approve each business case for investment in the site.
- HIL cannot submit any planning applications for the site without the prior approval of the County Council
- HIL cannot take any actions that could trigger clawback or overage to the Ministry of Justice, without prior approval by the County Council
- NCC reserves the right to use the site in the event of a major business continuity event

2.4.3. The proposed lease arrangements have been documented in a Heads of Terms document, which has been approved in principle by the HIL Board of Directors and NCC Director of Property.

2.4.4. There are several leases in place between the County Council and the operators of the solar farm which generates income of around £550k per annum. This contract arrangement will continue to be managed by the County Council and the income from this arrangement will continue to be paid to the County Council.

2.4.5. The site benefits from Enterprise Zone status and associated funding as a result. This funding will continue to be received and managed by the County Council, and the County Council will continue to meet with New Anglia LEP, North Norfolk District Council and HIL on a regular basis to review and discuss the operation of the Enterprise Zone and to ensure that the funding is used appropriately.

## 2.5. **Capital improvements and site development**

2.5.1. There is a continuing need for site improvements and development, to ensure existing buildings remain fit for purpose and to develop other buildings to bring back to life and into operation. It is proposed that the lease includes an incentive for HIL to continue to develop the site, on behalf of the County Council.

2.5.2. There is an existing capital allocation of £1.969m for the site. In addition, Members previously agreed to an additional capital allocation of £3.6m for the site to fund potential new builds. It is proposed that these two allocations are consolidated into a single capital improvement fund for Scottow Enterprise Park of £5.569m.

2.5.3. HIL will be expected to bring forward proposals for capital projects and improvements to the County Council for approval before drawing down any capital funds. HIL will develop business cases for individual projects and, following acceptance by the HIL Board of Directors, will present business

cases to the County Council for approval, to be considered by officers and/or the Cabinet Member for Finance under the existing scheme of delegation.

## **2.6. Heritage and community engagement**

2.6.1. HIL will be expected to maintain positive relationships with the heritage groups associated with the site, local communities and local stakeholders like HMP Bure. This includes working with heritage groups to preserve and celebrate the history of the site.

2.6.2. HIL will also be required to maintain and protect the heritage assets on site.

## **3. Impact of the Proposal**

3.1. The proposed new arrangements will help ensure that the site can continue to be developed in a way that supports the delivery of economic outcomes as a priority, whilst also enabling a more commercial focus in the operations of the site.

3.2. Existing tenancies on site will continue and existing lease/licence arrangements will transfer from the County Council to HIL.

## **4. Evidence and Reasons for Decision**

4.1. The County Council has a unique relationship with HIL. The company was set up with the intention of it being the County Council's economic development company. This was recently clarified by the Council through a shareholder direction letter to the HIL Board of Directors. This set out the purpose of HIL as follows:-

*Hethel Innovation Ltd (HIL) was established with the intention of it operating as the County Council's economic development company. The primary purpose of the company is to support inclusive economic growth and deliver associated economic benefits for benefit of Norfolk communities, particularly where there are specific challenges or the market has failed to address need.*

*The secondary objective of the company is to generate income to enable the company to operate without the need for financial support from the County Council, and to generate income which can be used to fund activities which deliver the company's core purpose.*

4.2. This direction and purpose of HIL was unanimously supported by the HIL Board of Directors. This purpose places HIL in a unique position in terms of being able to support the County Council's economic objectives through its operations.

## **5. Alternative Options**

5.1. The existing contract arrangements with HIL end in July 2020. If Members wished to continue with a similar contract arrangement, a competitive

procurement exercise would need to be carried out urgently. There is no scope to extend the existing contract arrangements with HIL.

- 5.2. Selling or otherwise disposing of the site is not considered to be an option as this would trigger a significant overage payment to MoJ and as a result mean it is financially unviable at this time.
- 5.3. The Council could seek to lease to the site to an alternative provider. However, there will not be a provider in the market that will be able to replicate the unique arrangement the County Council benefits from with HIL (see the risk section below).
- 5.4. It would be possible to bring the operation of the site back in-house, which would involve the TUPE transfer of relevant staff into the Council. This has been discounted on the basis that it could increase costs and would not able a move to a more commercial focus in its operations.

## **6. Financial Implications**

- 6.1. HIL has developed a financial business case that demonstrates that taking on the operation of Scottow Enterprise Park through a lease arrangement is financially viable. A copy of HIL's business plan for 2020/21 is included at Appendix B. The Executive Director of Finance and Commercial Services is satisfied that the proposal is financially viable and that there are no significant risks.
- 6.2. There are no budget implications for the County Council and the change to the proposed new arrangements would be cost neutral to the County Council.
- 6.3. Calculating an appropriate annual lease value for the site is not straightforward because of the size and complexity of the site and the unique arrangement between NCC and HIL, which provides economic development outcomes in addition to the core property management activities. The Director of Property has confirmed that the proposed annual lease value of £276k represents market value, taking into account the condition of the site and the current operations. There will be provision to increase the rent value during the lease term, if appropriate.
- 6.4. The site benefits from Enterprise Zone status as defined in an agreement with New Anglia Local Enterprise Partnership Ltd, and North Norfolk District Council, effective date from 1 April 2016 for a 25 year period. A fund comprising up to 52% of the overall Business Rates Uplift received from the Scottow Enterprise Zone area is used to facilitate investment to directly assist the further development of the area. The funding is reviewed at 5 yearly intervals and is estimated to total £0.75m during each 5 year period. This funding will be paid direct to Norfolk County Council. Also see para 2.4.5 above.

## **7. Resource Implications**

- 7.1. **Staff:** There are no staff implications. The change to the new arrangements can be managed within existing resources. All staff currently working in the Scottow Enterprise Team are employed directly by HIL.
- 7.2. **Property:** The proposed lease will see NCC retain the freehold interest in the site, whilst generating a rental income and secure effective management and maintenance of the site for the 7-year lease term.
- 7.3. **IT:** There are no IT implications.

## 8. Other Implications

- 8.1. **Legal Implications:** The proposed lease transfers many of the legal risks associated with operating the site to HIL. NCC will discharge its remaining legal duties as freeholder through effective management of the lease with HIL and through representation on the HIL Board. The original 2013 acquisition placed a number of onerous legal obligations on NCC (e.g. overage and clawback etc), and these remain with NCC to manage.
- 8.2. **Human Rights implications:** None
- 8.3. **Equality Impact Assessment (EqIA):** N/A
- 8.4. **Health and Safety implications:** The proposed lease requires HIL as tenant to meet all statutory obligations as occupier of the site. HIL will also have responsibilities as employer of the site management team and as landlord to the unit tenants. NCC will monitor HIL's approach to health and safety compliance though a requirement for HIL to produce and implement appropriate policies, for approval and monitoring by the HIL Board.
- 8.5. **Sustainability implications:** There continues to be a need for significant investment in the site to ensure buildings can be brought back into use and are fit for purpose. All developments will take opportunities, where possible, to put low energy and carbon reduction technology in place. HIL will continue to support the operation of the solar farm on site. The HGV movements on site are restricted to 30 movements per day. There is no intention to seek to increase this because of the potential impact on local communities, and this is taken into account in assessing the suitability of potential new tenants.

## 9. Risk Implications/Assessment

- 9.1. There are some significant risks in operating such a large and complex Enterprise Park, in particular health and safety and commercial risks. The proposed new arrangement seeks to protect the County Council's asset whilst also sharing/transferring an appropriate level of operational risk to HIL to manage, and as such aims to achieve an appropriate balance of risk.
- 9.2. As a wholly owned company, the County Council continues to have ultimate responsibility for the operations on site. Officers will put appropriate arrangements in place to gain regular assurance from HIL that they are managing site operations and developments in an appropriate way. This will

be through attendance at a new operational oversight group established by HIL, and through regular performance update reports from HIL.

- 9.3. The County Council has control of HIL at a strategic level. In addition to setting out a clear purpose and direction for HIL in the shareholder letter, the County Council has appointed four non-Executive Directors to the Company who sit on the Board of Directors. The Articles of Association for the Company are clear that the Board can only make decisions where there are sufficient non-Executive Directors present to be able to carry the vote. It is worth noting that it has not been necessary to take any decisions in this way and both the Executive and Non-Executive Directors on the Board have a shared vision direction for HIL.
- 9.4. In readiness for the proposed new arrangements, HIL has secured additional resource to ensure they are able to effectively manage their operations across both Hethel Engineering Centre and Scottow Enterprise Park. This includes recruitment of specialist property expertise and finance support. At present, HIL is able to access support from the County Council to operate Scottow Enterprise Park as it is carrying out activities directly on behalf of the County Council. Under the proposed new arrangement, HIL will no longer be able to access this support, unless they pay to receive it, as they will move to a new tenant/landlord relationship.
- 9.5. There will be provision in the lease for the arrangement to be terminated by either party, with an appropriate notice period, should arrangements not operate as expected.

## **10. Select Committee comments**

- 10.1. N/A

## **11. Recommendations**

- 11.1. **1. Delegate authority to the Director of Property, in consultation with the Leader of the Council to enter into a lease with Hethel Innovation Ltd to operate and develop Scottow Enterprise Park from 1 April 2020 on the basis set out in this report.**
- 2. Approve the amalgamation of the two relevant capital allocations from within the existing County Council capital programme into a single capital improvement fund for Scottow Enterprise Park estimated at £5.569m (actual figure will be dependent upon remaining expenditure incurred in 2019/20), which can be used to make a capital improvement fund available for Hethel Innovation Ltd (HIL) to access for site development work.**
- 3. Subject to funding being available from the County Council's Capital Programme and the approval of a business case by the HIL Board, delegate authority to the Executive Director of Finance and Commercial Services, in consultation with the Cabinet Member for**

Finance, to consider and approve each business case for investment in the Scottow Enterprise Park.

4. Approve the Hethel Innovation Ltd Business Plan for 2020/21.
5. Invite Hethel Innovation to present their 2019/20 annual report to the May Cabinet meeting along with an update on any further plans they have for the future.

## 12. Background Papers

- 12.1. [Report to 18 January 2018 Business and Property Committee meeting titled "Scottow Enterprise Park – vision for future development"](#)  
[Report to 8 September 2017 Business and Property Committee meeting titled "Scottow Enterprise Park – Update"](#)

### Officer Contact

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

**Officer name:** Sarah Rhoden – Assistant Director, CES      **Tel No.:** 0344 800 8020

**Email address:** sarah.rhoden@norfolk.gov.uk

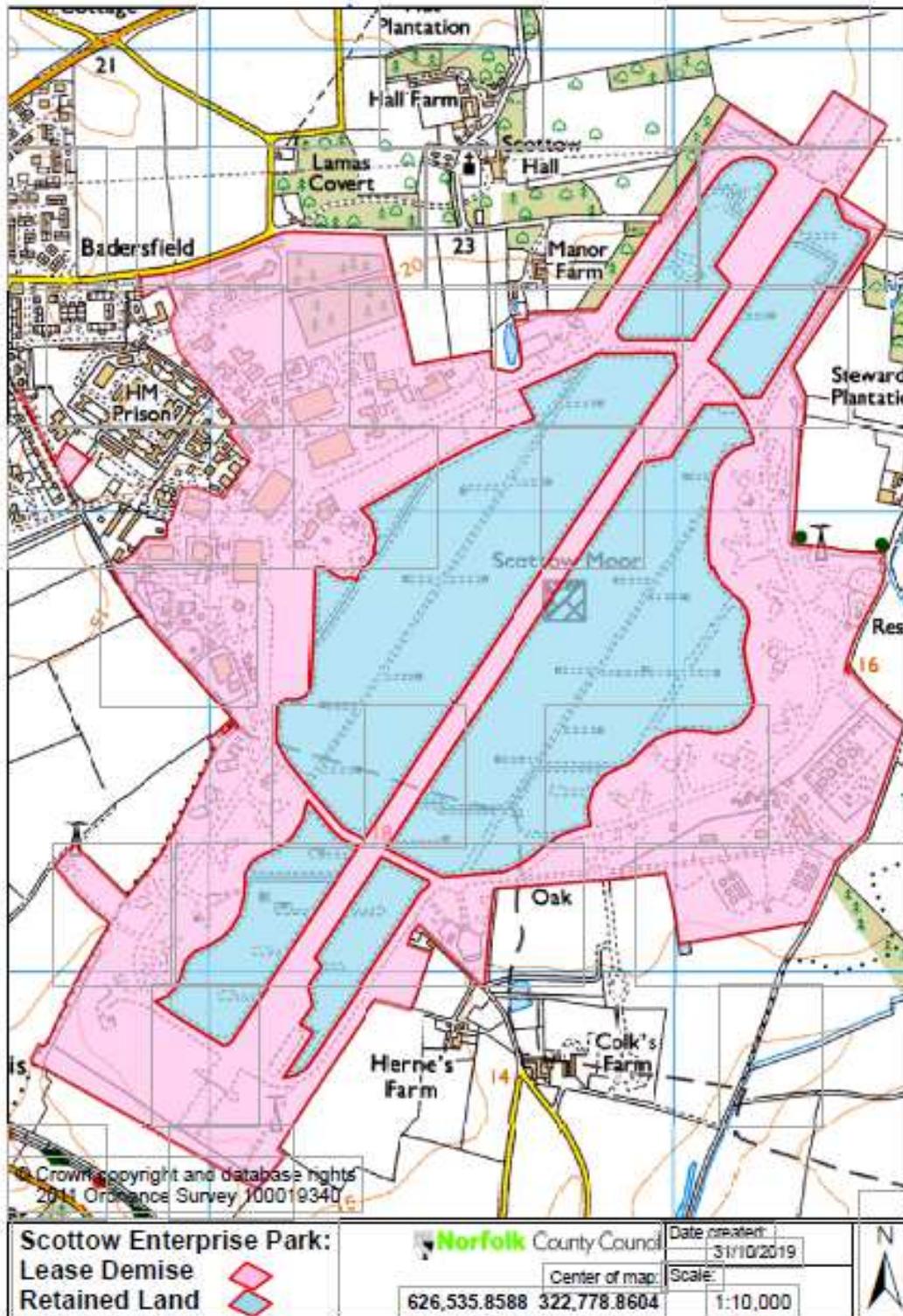
**Officer name:** Harvey Bullen – Director of Financial Management      **Tel No.:** 0344 800 8020

**Email address:** harvey.bullen@norfolk.gov.uk



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

**Scottow Enterprise Park – boundary of site which will form the basis of the lease with Hethel Innovation Ltd**





**Business Plan**  
**2020—2021**



**1609**

**JOB  
CREATED**



**101**

**NEW PRODUCTS,  
PROCESSES OR  
SERVICES**



**77**

**COLLABORATIONS  
INC. ACADEMIA**



**£16.1**

**MILLION  
ECONOMIC  
IMPACT**



**319**

**BUSINESSES  
INCUBATED**



**5**

**NETWORKS  
CREATED**



**210**

**STARTUPS  
FACILITATED**



**509**

**BUSINESSES  
SUPPORTED**



**599**

**EVENTS &  
TRAINING  
DAYS**



---

04 Corporate Identity

---

06 Outcomes & Results

---

08 2020—2021 Business Plan

---

---

09 2020—2021 Financials

---

# Corporate Identity

## 1.1 Purpose

### Why do we exist?

“HIL exists to create inclusive economic growth through innovation and productivity”

HIL is a private limited company wholly owned by Norfolk County Council and operates with a public-sector organisation ethos. HIL implements interventions to address market failure, delivering economic outputs and outcomes for the benefit of Norfolk communities. This fundamental purpose is both broad and objective: It is relevant to a wide range of market sectors and products and need not change to accommodate new strategic direction.

## 1.2 Mission

### What do we do and for whom?

“HIL incubates and supports high-value technology SMEs”

The subjects of the HIL Mission are high-value technology SMEs with the sector focus currently on Advanced Manufacturing and Engineering (AME). There are very few large players in the region and so the focus on SMEs is strategically important. These small/medium companies make up the great majority of the regional supply chain and offer significant scope for improving productivity and innovation. The HIL Mission is sufficiently broad to allow for new products and markets to be considered.

## 1.3 Vision

### What will we look like in the future?

“HIL will be the exemplar for delivering SME innovation and productivity”

The vision is bold and is based upon evidence that the successful HIL business model is both scalable and transferable. The ambition of the 20-year vision is to grow the business locally, regionally, nationally and globally; becoming widely recognised and respected as the leading organisation in our field, while repatriating economic value back to the Shareholder and to our local Norfolk Community.



## 1.4 Values

What are the principles that will accelerate our progress?

### 1.4.1 Pride

Take pride in delivering quality and value

HIL plays a leadership role and leads by example. We take pride in our workplace, our presentation, our delivery and our product. Foremost, we take pride in the value and quality of service that our customers appreciate and from which they benefit, and their businesses succeed.

### 1.4.2 Integrity

Do what we say we're going to do

HIL has established an enviable reputation for delivery. We have a proven track record and are trusted by our, shareholders, stakeholders, funders, partners, suppliers, customers and staff. Our success is critically dependent on maintaining trust, an essential asset: hard earned and easily lost.

### 1.4.3 Courage

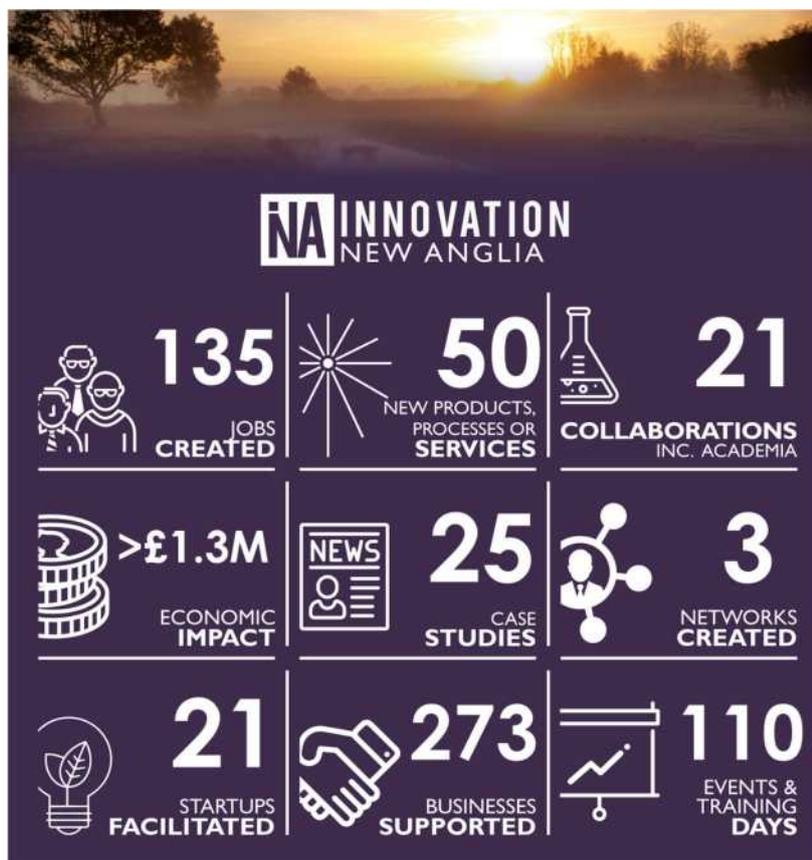
Dare to think in new ways and dare to fail

Hethel Innovation – there is a clue in the name! We lead by example and we lead on innovation. We must be brave enough to do things differently, but we must always manage the risk. We must nurture a corporate culture in which we can dare to fail but where the effects of failure are understood, limited and mitigated.

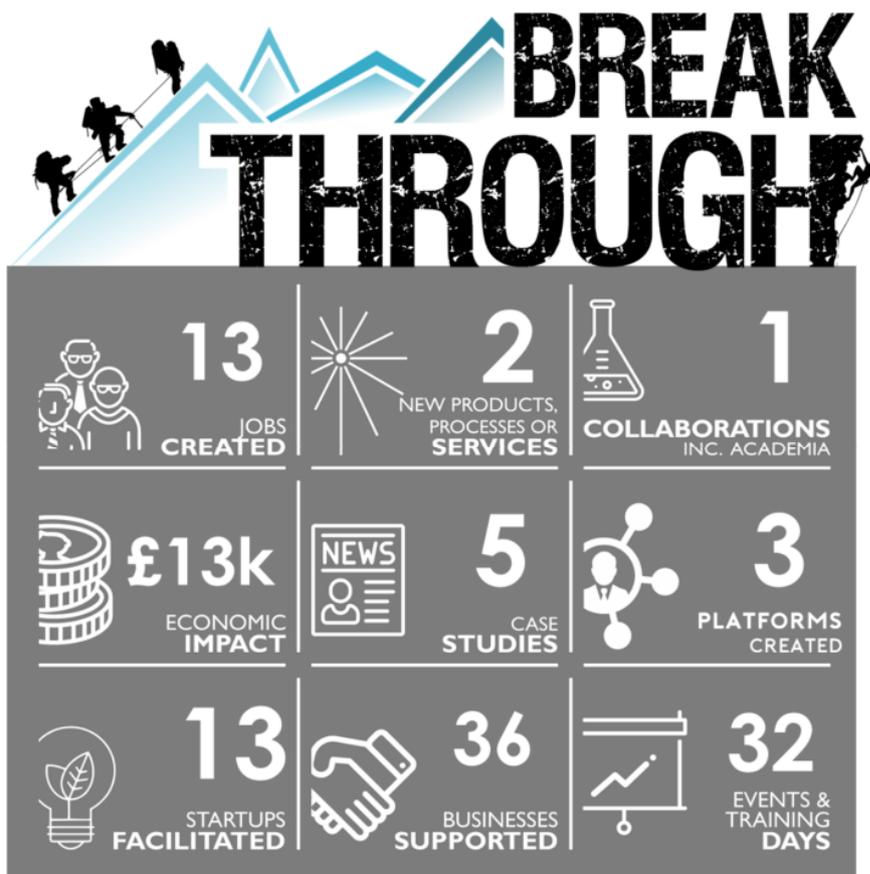


# Outcomes and Results

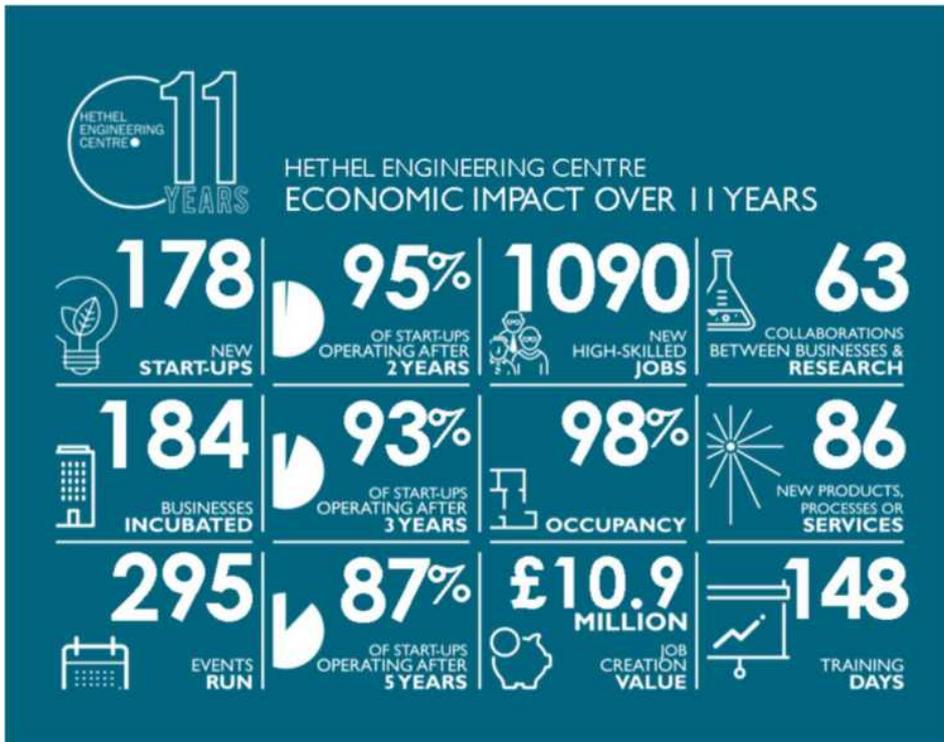
## 2.1 Innovation New Anglia



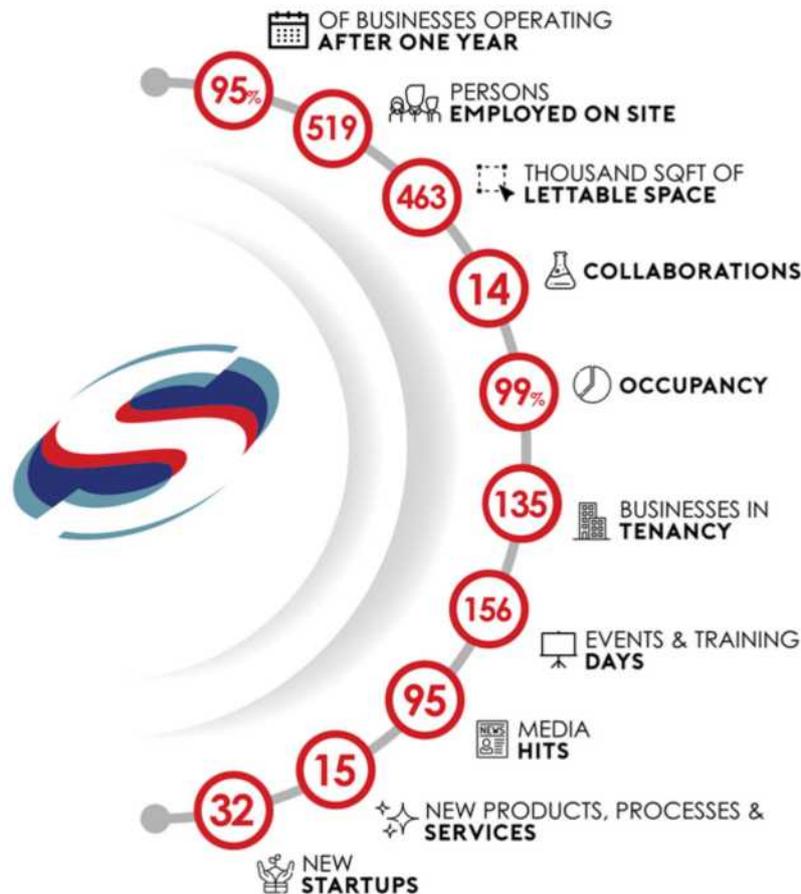
## 2.2 Breakthrough



## 2.3 Hethel Engineering Centre



## 2.4 Scottow Enterprise Park



# 20/21 Business Plan

## 3.1 Site Developments

There are a number of site opportunities for HIL to develop in 20/21 including the Food Enterprise Park, Great Yarmouth, West Suffolk College, and Goff Site. These will require HIL attention in 20/21 but will not have a financial impact until 21/22 or later. A business case for our involvement will be presented as they come online, however these projects will not require capital from HIL..

The priorities set out by the shareholder for 20/21 delivery are the SEP site lease, IAA-N and KLIC. Following further discussions with relevant parties, the IAA-N and KLIC are unlikely to be achieved in 20/21. For this reason, we have not included them in our financial budget.

## 3.2 Scottow Enterprise Park

Our focus for 20/21 is to take on the lease of Scottow Enterprise Park, instead of our current management contract, HIL will pay a fair rent for the site and will operate on a 7-year lease. Our forecasts for 20/21 include HIL operating SEP under a lease and paying a rent of £276k pa.

There are management and system changes which need to be put in place to allow HIL to operate SEP under a lease appropriately including the recruitment of a RICS qualified property expert and the development of a site management system to coordinate tenancy and H&S. These have been factored into our forecasts along with an increased number of site staff to allow for the extra internal resource needed when the currently provisioned NCC resource is removed (on areas such as finance). HIL is working closely with NCC to ensure the shareholder is happy with all arrangements put in place, especially those related to finances and health & safety.

The aim is for HIL to take the SEP lease from April 2020, following a shadow period January – April 2020 where we will operate under the terms of the lease to identify issues and rectify them before the lease is signed.

Under the lease, NCC will have a reduced involvement in the day to day operation of the site. To ensure the site owner and HIL shareholder still has the appropriate level of input, there will be a HIL Operational Group set up to include HIL and NCC staff (operations, finance, property expertise) which will meet quarterly and report to the HIL Board.



### 3.3 Product Launch

The consultancy and full-service products were approved in the shareholder meeting for their low financial risk and ease of implementation. These have been included in our 20/21 budget and the activity will start in 19/20. Project leads will be appointed to ensure there is appropriate resource in place to achieve our targets.

### 3.4 Operations

There will be increases to the current headcount during 20/21. This includes growth within the SEP and Business Development teams, along with associated changes to senior management within the company. This is reflected in the P&L forecast and will ensure we have the internal expertise needed for our planned growth.

### 3.5 Financial Budget

<b>20 / 21 Budget</b>	
<i>HIL and SEP combined</i>	
<b>£ 000</b>	
Tenancy	2,461
Conferencing	60
Business Development	916
<b>Total Income</b>	<b>3,437</b>
Staff	1,018
Site Operations	1,422
Conferencing	25
Business Development	432
<b>Total Expenditure</b>	<b>2,897</b>
<b>Financing Costs</b>	<b>227</b>
Net profit / (loss) before tax	313
Corporation tax	59
<b>Net profit / (loss) after tax</b>	<b>254</b>



# Cabinet

Item No. 17

<b>Decision making report title:</b>	<b>Peer Review Action Plan</b>
<b>Date of meeting:</b>	<b>02 March 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andrew Proctor, Leader of the Council</b>
<b>Responsible Director:</b>	<b>Fiona McDiarmid, Executive Director, Strategy &amp; Governance</b>
<b>Is this a key decision?</b>	<b>No</b>

## **Introduction from Cabinet Member**

The Corporate Peer Review came at an opportune time for Norfolk County Council - after the adoption of a new business plan and change of governance structure. The Peer Review team recognised the good work being done across the authority, how the changes were being bedded in and being more outward facing in working with partners and communities.

The Action Plan attached is our response to their recommendations that aims to meet their challenges and continue to “re-boot” the Council. The action plan will be a living document, Lead by the Leader of the Council managed by the Executive Director of Strategy & Governance working across the whole Council with officers and members

## **Executive Summary**

The LGA Corporate Peer Review of Norfolk County Council (14-17 October 2019) produced a series of recommendations. This paper provides an action plan on how to respond to them

## **Recommendations**

- 1. To agree the Peer Review Action Plan**

## **1. Background and Purpose**

- 1.1 In October 2019, Norfolk County Council invited a Local Government Association Corporate Peer Challenge Team to complement and add value to our performance and improvement thinking. Peer Challenges act as part of sector-led improvement, in lieu of previous formalised inspections.
- 1.2 Overall the Team noted that the Council is changing, at pace, there is a growing feeling of stability and confidence amongst our partners and the Executive Leader is integral to this. There is a strong 're-booting' narrative, with growing understanding and commitment of the Council's impact upon the socio-economic challenges of Norfolk.
- 1.3 The specific recommendations were;

- A. The council needs to ensure it takes partners and staff with it if the 're-booting' of the council – as an organisation and a place leader – is to succeed**
- B. The council needs to address issues of comparative performance and spend – with increased corporate overview of performance and the opportunity for greater challenge**
- C. Pressure needs to be maintained to ensure anticipated benefits from the authority's investments materialise and the financial sustainability of the council is protected**
- D. The council needs to carefully manage the long-term budget commitments that result from significant new capital investment**
- E. There should be the establishment of an approach whereby greater consistency and clarity exists with the budget**
- F. Variability in the quality of middle management needs to be tackled**
- G. The council should undertake a sequencing of change and improvement activities in order to make the best use of limited resource and clarify expectations**
- H. The council should undertake the proposed review of the new governance arrangements and commission this externally**
- I. We would encourage the council to diversify the approach to elected member development, with an expectation that a greater proportion of elected members participate**
- J. The adult skills agenda in Norfolk is a theme that everybody should unite around and links strongly with the inclusive growth agenda**

- 1.4 The proposal for an action plan to respond to the recommendations was presented to the Corporate Board on the 13th November 2019 and Cabinet on the 2nd December 2019 and has been progressed by the Business Leads with support from Strategy & Governance.

## **2. Proposals**

- 2.1 Since November Business Leads and small groups of officers have been working quickly to build effective responses and plans to the

recommendations, facilitated by the Lead Authors of this paper. The peer review has been a very useful focus on several critical areas for the organisation and Business Leads have bought rigour and pace to the work.

2.2 In the initial scoping in November it became apparent that the response to the recommendations will be varying in scale, timescale and complexity due to the recommendations covering a wide range of topics. This means that some of the plans to respond are quite simple and short-term and some will be long-term and complex.

2.3 The Action Plan that has been developed since November is in **Annex 1**, but a short paragraph on how each recommendation has been responded to follows below. For sensemaking and efficiency the individual recommendations were brigaded into themes and renamed where useful. Each theme described below also lists the recommendations it was made up of.

2.4 **Reputation and relationship management (Recommendation A: Led by James Dunne)**

The role of reputation management and relationship building must be accepted as the responsibility of all officers and should be reflected consistently across the council through their behaviours and decision making, delivered in a strategic way. The response strives to create meaningful conversations and calls to action with residents, staff, partners and stakeholders that lead to positive outcomes so Together for Norfolk is not only positioned as, but brings about, positive change for the county.

2.5 **Budget and Performance (Recommendations B, C, D, E: Led by Harvey Bullen and Andrew Stewart)**

We need to improve NCC's level of performance against spend, when compared to our statistical peer group and gain clear understanding, across the council where and why we differ with them. A more integrated performance system will be developed on the back of this recommendation to link performance and financial data.

2.6 **Management Practice (Recommendation F: Led by Sarah Shirtcliff)**

There will be a framework for leadership practice consistently advocated, applied and valued from Executive Director to front line manager. This will be underpinned by an Organisational Development strategy and internal communications strategy and further underpinned by a transformational change plan.

2.7 **Organisational Effectiveness & Transformation (Recommendation G: Led by Jason Knibbs)**

Through making organisation-wide transformation change sequencing, timing, resourcing and delivery decisions we will ensure that we can deliver them and land the changes in a successful and sustainable way.

2.8 **Governance (Recommendation H&I: Led by Helen Edwards)**  
Strengthened governance arrangements for the Council, with the system supported and enabled by a democratic support & scrutiny function adapted to fit the new model, and refreshed arrangements for member development and training.

2.9 **Inclusive Growth (Recommendation J: Led by Andrew Staines, Ceri Sumner & Vince Muspratt)**  
Inclusive Growth overall is vital to our County's ambitions around growth, skills, productivity and better outcomes for our people. We will focus on adult skills, how we use our procurement and how we start to embed inclusive growth in our decision making.

### **3. Impact of the Proposal**

3.1 The Action Plan will establish clear outcomes to enable transparent understanding of progress against the recommendations.

3.2 The Executive Director of Strategy & Governance will report progress to the Leader monthly and the programme will be tracked through existing management systems and processes.

### **4. Evidence and Reasons for Decision**

4.1. The Peer Challenge Report presented to Cabinet in December 2019 provides full details of the visit by the Peer team and their recommendations which will then be en-acted through the action plan.

### **5. Alternative Options**

5.1. This paper looks rolls out an action plan based on the Report's recommendations. It is proposed that a do-nothing option would not be suitable.

### **6. Financial Implications**

6.1. N/A

### **7. Resource Implications**

7.1. **Staff: existing resource**

7.2. **Property: none**

7.3. **IT: none**

### **8. Other Implications**

- 8.1. **Legal Implications**  
n/a
- 8.2. **Human Rights implications**  
n/a
- 8.3. **Equality Impact Assessment (EqIA) (this must be included)**  
n/a
- 8.4. **Health and Safety implications** (where appropriate)  
n/a
- 8.5. **Sustainability implications** (where appropriate)  
n/a
- 8.6. **Any other implications**
- 9. Risk Implications/Assessment**
- 9.1. n/a
- 10. Select Committee comments**
- 10.1. n/a
- 11. Recommendations**
- 11.1 **1. To agree the Peer Review Action Plan and agree to the actions**
- 11.2
- 12. Background Papers**
- 12.1.

### **Officer Contact**

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

**Officer name: Andrew Staines,  
Head of Strategy, Innovation  
and Performance**

**Tel  
No.:01603  
222164**

**Email address:  
[Andrew.staines@norfolk.gov.uk](mailto:Andrew.staines@norfolk.gov.uk)**



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

## Annex 1: Peer Review Action Plan

Theme Action Plan	Executive Owner	SLT Owner										
<p><b>Reputation and Relationships Management Theme</b></p> <p>Recommendation A : The authority needs to ensure it takes partners and staff with it if the ‘re-booting’ of the council – as an organisation and a place leader – is to succeed.</p> <p>Strategic Objective : Using a variety of methods to create meaningful conversations and calls to action with residents, staff, partners and stakeholders that lead to positive outcomes so Together for Norfolk is not only positioned as, but brings about, positive change for the county.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="206 735 1554 927"> <thead> <tr> <th data-bbox="206 735 1294 775">What</th> <th data-bbox="1294 735 1554 775">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="206 775 1294 812">Communications strategic approach and direction set and agreed</td> <td data-bbox="1294 775 1554 812">February 2020</td> </tr> <tr> <td data-bbox="206 812 1294 849">Top down organisational buy in and support to strategic approach secured</td> <td data-bbox="1294 812 1554 849">March 2020</td> </tr> <tr> <td data-bbox="206 849 1294 885">Communications plan on a page for each service developed</td> <td data-bbox="1294 849 1554 885">March 2020</td> </tr> <tr> <td data-bbox="206 885 1294 927">Execution in line with service plans on a page</td> <td data-bbox="1294 885 1554 927">FY2020/2021</td> </tr> </tbody> </table> <p>Outcome: We have a real shared ownership of Relationship Management, across the authority. Positive change is being effected for the county, made real through Together for Norfolk in action: meaningful conversations and calls to action with residents, staff, partners and stakeholders that lead to positive outcomes.</p>	What	When	Communications strategic approach and direction set and agreed	February 2020	Top down organisational buy in and support to strategic approach secured	March 2020	Communications plan on a page for each service developed	March 2020	Execution in line with service plans on a page	FY2020/2021	<p>Leader, Cabinet and EDs</p>	<p>James Dunne</p>
What	When											
Communications strategic approach and direction set and agreed	February 2020											
Top down organisational buy in and support to strategic approach secured	March 2020											
Communications plan on a page for each service developed	March 2020											
Execution in line with service plans on a page	FY2020/2021											
<p><b>Budget and Performance Theme</b></p> <p>Recommendation B: The council needs to address issues of comparative performance and spend – with increased corporate overview of performance and the opportunity for greater challenge being required.</p>	<p>Fiona McDiarmid Simon George</p>	<p>Harvey Bullen Andrew Stewart</p>										

Theme Action Plan	Executive Owner	SLT Owner														
<p>Strategic Objective : Improve NCC level of performance against spend, when compared to our statistical peer group. Address bottom half issues. Gain clear understanding across the council where and why we differ.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="203 488 1554 1018"> <thead> <tr> <th data-bbox="203 488 1299 528">What</th> <th data-bbox="1299 488 1554 528">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="203 528 1299 603">S&amp;G Operating Model reviewed and realigned to provide increased focus on Operational Performance Management</td> <td data-bbox="1299 528 1554 603">January 2020</td> </tr> <tr> <td data-bbox="203 603 1299 643">Comparator indicators and measures (LGA/CIPFA) determined</td> <td data-bbox="1299 603 1554 643">February 2020</td> </tr> <tr> <td data-bbox="203 643 1299 718">NCC operational performance indicators and measures (service delivery, budget management, reputational, statutory) determined</td> <td data-bbox="1299 643 1554 718">February 2020</td> </tr> <tr> <td data-bbox="203 718 1299 828">NCC operational performance and comparator indicators and measures mapped. To identify Corporately significant indicators (Vital Signs) and the supporting basket of measures. Reporting dashboard developed.</td> <td data-bbox="1299 718 1554 828">March 2020</td> </tr> <tr> <td data-bbox="203 828 1299 938">Operational Performance Management Role in place and new Operational Performance Management System implemented. Built into Corporate Board operating rhythm.</td> <td data-bbox="1299 828 1554 938">April 2020</td> </tr> <tr> <td data-bbox="203 938 1299 1018">Review</td> <td data-bbox="1299 938 1554 1018">September 2020</td> </tr> </tbody> </table> <p>Outcome : Agreed set of relevant / applicable benchmarked indicators, comparative performance indications, understanding of performance and cost drivers. Built into Corporate Board Operating Rhythm (monthly).</p>	What	When	S&G Operating Model reviewed and realigned to provide increased focus on Operational Performance Management	January 2020	Comparator indicators and measures (LGA/CIPFA) determined	February 2020	NCC operational performance indicators and measures (service delivery, budget management, reputational, statutory) determined	February 2020	NCC operational performance and comparator indicators and measures mapped. To identify Corporately significant indicators (Vital Signs) and the supporting basket of measures. Reporting dashboard developed.	March 2020	Operational Performance Management Role in place and new Operational Performance Management System implemented. Built into Corporate Board operating rhythm.	April 2020	Review	September 2020		
What	When															
S&G Operating Model reviewed and realigned to provide increased focus on Operational Performance Management	January 2020															
Comparator indicators and measures (LGA/CIPFA) determined	February 2020															
NCC operational performance indicators and measures (service delivery, budget management, reputational, statutory) determined	February 2020															
NCC operational performance and comparator indicators and measures mapped. To identify Corporately significant indicators (Vital Signs) and the supporting basket of measures. Reporting dashboard developed.	March 2020															
Operational Performance Management Role in place and new Operational Performance Management System implemented. Built into Corporate Board operating rhythm.	April 2020															
Review	September 2020															
<p><b>Budget and Performance Theme</b></p> <p>Recommendation C: Pressure needs to be maintained in order to ensure anticipated benefits from the authority's investments, aimed at reducing demand in social care, come to fruition and the financial sustainability of the council is protected.</p>	<p>Fiona McDiarmid Simon George</p>	<p>Harvey Bullen Andrew Stewart</p>														

Theme Action Plan	Executive Owner	SLT Owner										
<p>Strategic Objective : Realise fully the intended benefits of investments made, under the Norfolk Futures Programme (incl. those aimed at reducing demand in social care) and that the investments made ensure that the financial sustainability of the council is protected.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="203 488 1554 938"> <thead> <tr> <th data-bbox="203 488 1296 528">What</th> <th data-bbox="1296 488 1554 528">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="203 528 1296 603">S&amp;G Operating Model reviewed and realigned to provide increased focus on Transformation (Norfolk Futures) Performance Management</td> <td data-bbox="1296 528 1554 603">January 2020</td> </tr> <tr> <td data-bbox="203 603 1296 863">           Norfolk Futures Programme governance framework (reporting, structures, cadence) reviewed and strengthened;           <ul style="list-style-type: none"> <li>○ For all Norfolk Futures Programmes (PI, SCARF, LSS, Smarter Working)</li> <li>○ Stock take per programme, every 6 months, rolling basis [Programme Delivery Focus]</li> <li>○ Full all programme deep dive, twice yearly (June, Nov) [Benefit Realisation, Operational Performance Priority Focus]</li> </ul> </td> <td data-bbox="1296 603 1554 863">March 2020 (to commence FY20/21)</td> </tr> <tr> <td data-bbox="203 863 1296 903">First new stock take</td> <td data-bbox="1296 863 1554 903">April 2020</td> </tr> <tr> <td data-bbox="203 903 1296 938">First deep dive</td> <td data-bbox="1296 903 1554 938">June 2020</td> </tr> </tbody> </table> <p>Outcome : Annual NFSG plan including full programme investment and benefit realisation review (all programmes, bi-annual basis), with supporting infrastructure (operating environment). Aligned with annual budget setting process.</p>	What	When	S&G Operating Model reviewed and realigned to provide increased focus on Transformation (Norfolk Futures) Performance Management	January 2020	Norfolk Futures Programme governance framework (reporting, structures, cadence) reviewed and strengthened; <ul style="list-style-type: none"> <li>○ For all Norfolk Futures Programmes (PI, SCARF, LSS, Smarter Working)</li> <li>○ Stock take per programme, every 6 months, rolling basis [Programme Delivery Focus]</li> <li>○ Full all programme deep dive, twice yearly (June, Nov) [Benefit Realisation, Operational Performance Priority Focus]</li> </ul>	March 2020 (to commence FY20/21)	First new stock take	April 2020	First deep dive	June 2020		
What	When											
S&G Operating Model reviewed and realigned to provide increased focus on Transformation (Norfolk Futures) Performance Management	January 2020											
Norfolk Futures Programme governance framework (reporting, structures, cadence) reviewed and strengthened; <ul style="list-style-type: none"> <li>○ For all Norfolk Futures Programmes (PI, SCARF, LSS, Smarter Working)</li> <li>○ Stock take per programme, every 6 months, rolling basis [Programme Delivery Focus]</li> <li>○ Full all programme deep dive, twice yearly (June, Nov) [Benefit Realisation, Operational Performance Priority Focus]</li> </ul>	March 2020 (to commence FY20/21)											
First new stock take	April 2020											
First deep dive	June 2020											
<p><b>Budget and Performance Theme</b></p> <p>Recommendation D: The council needs to carefully manage the long-term budget commitments that result from significant new capital investment.</p> <p>Strategic Objective : Ensure that long-term budget commitments resulting from new capital investment, are achieved.</p>	Simon George	Harvey Bullen										

Theme Action Plan	Executive Owner	SLT Owner								
<p>Strategic Action Plan :</p> <table border="1" data-bbox="206 376 1554 456"> <thead> <tr> <th data-bbox="206 376 1303 416">What</th> <th data-bbox="1303 376 1554 416">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="206 416 1303 456">As current state, via annual budget management process</td> <td data-bbox="1303 416 1554 456"></td> </tr> </tbody> </table> <p>Outcome : Long-term budget commitments resulting from new capital investment, are achieved.</p>	What	When	As current state, via annual budget management process							
What	When									
As current state, via annual budget management process										
<p><b>Budget and Performance Theme</b></p> <p>Recommendation E: There should be the establishment of an approach whereby greater consistency and clarity exists with the budget, in relation to Directorates spending in line with what is made available to them year on year and their delivery against their agreed savings targets.</p> <p>Strategic Objective : Departments and Directorates spend in line with the funds that are made available to them year on year and deliver on their agreed savings targets.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="206 1015 1554 1385"> <thead> <tr> <th data-bbox="206 1015 1303 1054">What</th> <th data-bbox="1303 1015 1554 1054">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="206 1054 1303 1166">Department and Directorate level budget reporting developed, monthly cadence - spend vs budget made available year on year and delivery against agreed savings targets</td> <td data-bbox="1303 1054 1554 1166">March 2020</td> </tr> <tr> <td data-bbox="206 1166 1303 1278">Department and Directorate level budget reporting mapped against the Operational Performance reporting (Recommendation B) to show the financial slice of the performance reporting pyramid</td> <td data-bbox="1303 1166 1554 1278">March 2020</td> </tr> <tr> <td data-bbox="206 1278 1303 1385">Operational Performance Management Role in place and new Operational Performance Management System implemented. Build into Corporate Board operating rhythm.</td> <td data-bbox="1303 1278 1554 1385">April 2020</td> </tr> </tbody> </table>	What	When	Department and Directorate level budget reporting developed, monthly cadence - spend vs budget made available year on year and delivery against agreed savings targets	March 2020	Department and Directorate level budget reporting mapped against the Operational Performance reporting (Recommendation B) to show the financial slice of the performance reporting pyramid	March 2020	Operational Performance Management Role in place and new Operational Performance Management System implemented. Build into Corporate Board operating rhythm.	April 2020	Simon George	Harvey Bullen
What	When									
Department and Directorate level budget reporting developed, monthly cadence - spend vs budget made available year on year and delivery against agreed savings targets	March 2020									
Department and Directorate level budget reporting mapped against the Operational Performance reporting (Recommendation B) to show the financial slice of the performance reporting pyramid	March 2020									
Operational Performance Management Role in place and new Operational Performance Management System implemented. Build into Corporate Board operating rhythm.	April 2020									

Theme Action Plan		Executive Owner	SLT Owner
Review	September 2020		
Outcome : Monthly full financial performance, against budget, per department and directorate reporting. Built into Corporate Board operating rhythm.			
<b>Organisational Effectiveness and Transformation Theme</b>		Fiona McDiarmid	Sarah Shirtcliff
Recommendation F: A lack of consistency in middle management practices was highlighted as a significant issue and this needs to be tackled.			
Strategic Objective : Framework for leadership practice consistently advocated, applied and valued from Executive Director to front line manager. Underpinned by Organisational Development strategy and internal communications strategy. Underpinned by transformational change plan.			
Strategic Action Plan :			
<b>What</b>	<b>When</b>		
Internal Communications Strategy and Plan	April 2020		
Norfolk Development Academy Leadership & Management and Core Skills Suite Refreshed	April 2020		
People Vital Signs	April 2020		
Extended Senior Leadership Team Conference (Top 80 Leaders and Managers) – Certainty of Role and Expectations	May 2020		
Leadership & Management Career Families Defined	June 2020		
Performance Development Framework. Embedding.	FY2020/2021		
Outcome : Clarity around the leadership and management career family – job levels/titles and accountabilities “role of manager”. Clarity and expectation setting of the performance			

Theme Action Plan	Executive Owner	SLT Owner						
standards of a manager/leader. Preparing leaders and managers to enable them to lead change (requires clarity of transformation change agenda and priorities of NCC).								
<p><b>Organisational Effectiveness and Transformation Theme</b></p> <p>Recommendation I: The council should undertake a sequencing of change and improvement activities in order to make the best use of limited resource and clarify expectations.</p> <p>Strategic Objective : Through making organisation-wide transformation change sequencing, timing, resourcing and delivery decisions we will ensure that we can deliver them and land the changes in a successful and sustainable way.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="203 711 1554 900"> <thead> <tr> <th data-bbox="203 711 1301 751">What</th> <th data-bbox="1301 711 1554 751">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="203 751 1301 791">All transformation programme map established</td> <td data-bbox="1301 751 1554 791">January 2020</td> </tr> <tr> <td data-bbox="203 791 1301 900">Operating rhythm established to support organisation wide sequencing, timing, resourcing and delivery decision making, connected to Norfolk Futures governance framework</td> <td data-bbox="1301 791 1554 900">February 2020</td> </tr> </tbody> </table> <p>Outcome : Transformation change is being delivered in a successful and sustainable way, supported by organisation-wide transformation change sequencing, timing, resourcing and delivery decision making.</p>	What	When	All transformation programme map established	January 2020	Operating rhythm established to support organisation wide sequencing, timing, resourcing and delivery decision making, connected to Norfolk Futures governance framework	February 2020	Fiona McDiarmid	Jason Knibbs
What	When							
All transformation programme map established	January 2020							
Operating rhythm established to support organisation wide sequencing, timing, resourcing and delivery decision making, connected to Norfolk Futures governance framework	February 2020							

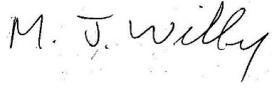
Theme Action Plan	Executive Owner	SLT Owner						
<p><b>Governance Theme</b></p> <p>Recommendation G: The council should undertake the proposed review of the new governance arrangements and commission this externally.  Recommendation H: We would encourage the council to diversify the approach to elected member development, with an expectation that a greater proportion of elected members participate.</p> <p>Strategic Objective: Strengthened governance arrangements for the Council, with the system supported and enabled by a democratic support &amp; scrutiny function adapted to fit the new model, and refreshed arrangements for member development and training.</p> <p>Strategic Action Plan:</p> <table border="1" data-bbox="206 746 1554 1209"> <thead> <tr> <th data-bbox="206 746 1303 786">What</th> <th data-bbox="1303 746 1554 786">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="206 786 1303 978">           Invite the LGA back to conduct a review focused on the Council's governance, including member development;           <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul> </td> <td data-bbox="1303 786 1554 978">           January 2020            April 2020            May 2020         </td> </tr> <tr> <td data-bbox="206 978 1303 1209">           Association of Democratic Services Officers (ADSO) to conduct a review of the Democratic Support &amp; Scrutiny function, including its ability and capacity to service the Council's new governance arrangements;           <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul> </td> <td data-bbox="1303 978 1554 1209">           March 2020            April 2020            May 2020         </td> </tr> </tbody> </table> <p>Outcome : Strengthened Council's system of governance, refreshed member training and development. Adaption of the democratic support &amp; scrutiny function to fit the new model.</p>	What	When	Invite the LGA back to conduct a review focused on the Council's governance, including member development; <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul>	January 2020 April 2020 May 2020	Association of Democratic Services Officers (ADSO) to conduct a review of the Democratic Support & Scrutiny function, including its ability and capacity to service the Council's new governance arrangements; <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul>	March 2020 April 2020 May 2020	Leader, Cabinet and Fiona McDiarmid	Helen Edwards
What	When							
Invite the LGA back to conduct a review focused on the Council's governance, including member development; <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul>	January 2020 April 2020 May 2020							
Association of Democratic Services Officers (ADSO) to conduct a review of the Democratic Support & Scrutiny function, including its ability and capacity to service the Council's new governance arrangements; <ul style="list-style-type: none"> <li>• Complete review</li> <li>• Actions developed, shared and endorsed</li> <li>• Report to Council</li> </ul>	March 2020 April 2020 May 2020							

Theme Action Plan	Executive Owner	SLT Owner												
<p><b>Inclusive Growth Theme</b>  Recommendation J: The adult skills agenda in Norfolk is a theme that everybody should unite around and links strongly with the inclusive growth agenda.</p> <p>Strategic Objective : To define the most impactful way that NCC can make a difference to Inclusive Growth in the County, in line with our 6 year plan and to the benefit of our Services and our users.</p> <p>Strategic Action Plan :</p> <table border="1" data-bbox="203 560 1554 943"> <thead> <tr> <th data-bbox="203 560 1301 600">What</th> <th data-bbox="1301 560 1554 600">When</th> </tr> </thead> <tbody> <tr> <td data-bbox="203 600 1301 676">Work with Breckland, South Norfolk and Broadland Councils to map Supply and Demand on Adults Skills provision with housing register data</td> <td data-bbox="1301 600 1554 676">Ongoing Now</td> </tr> <tr> <td data-bbox="203 676 1301 753">Develop approach to help colleagues in the Council to understand the link between skills and other service demands</td> <td data-bbox="1301 676 1554 753">May 2020</td> </tr> <tr> <td data-bbox="203 753 1301 829">With Norwich Council leading, commission CLES to review spend in the County by top 10 Anchor institutions</td> <td data-bbox="1301 753 1554 829">March 2020</td> </tr> <tr> <td data-bbox="203 829 1301 906">Understand Apprenticeships across the County to see how to grow more level 2 &amp;3</td> <td data-bbox="1301 829 1554 906">June 2020</td> </tr> <tr> <td data-bbox="203 906 1301 943">Embed Inclusive Growth into Council decision making</td> <td data-bbox="1301 906 1554 943">April 2021</td> </tr> </tbody> </table> <p>Outcome : Increased productivity through better skilled and supported residents</p>	What	When	Work with Breckland, South Norfolk and Broadland Councils to map Supply and Demand on Adults Skills provision with housing register data	Ongoing Now	Develop approach to help colleagues in the Council to understand the link between skills and other service demands	May 2020	With Norwich Council leading, commission CLES to review spend in the County by top 10 Anchor institutions	March 2020	Understand Apprenticeships across the County to see how to grow more level 2 &3	June 2020	Embed Inclusive Growth into Council decision making	April 2021	Tom McCabe	Ceri Sumner, Vince Muspratt, Andrew Staines
What	When													
Work with Breckland, South Norfolk and Broadland Councils to map Supply and Demand on Adults Skills provision with housing register data	Ongoing Now													
Develop approach to help colleagues in the Council to understand the link between skills and other service demands	May 2020													
With Norwich Council leading, commission CLES to review spend in the County by top 10 Anchor institutions	March 2020													
Understand Apprenticeships across the County to see how to grow more level 2 &3	June 2020													
Embed Inclusive Growth into Council decision making	April 2021													

## Norfolk County Council

### Record of Individual Cabinet Member Decision

<b>Responsible Cabinet Member: Councillor Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>	
<b>Background and Purpose:</b> The Greater Norwich Development Partnership (GNDP) Board oversees the production of the Greater Norwich Local Plan (GNLP) and makes recommendations for consideration by each of the partners. A meeting of the Board took place on 6 January 2020. The draft Local Plan contains strategic policies and site allocations. It includes preferred options and potential alternatives. It builds on recommendations of a GNDP Board meeting in January 2020 on the strategic approach the Local Plan and which was endorsed by EDT Committee in March 2019. While the Plan has implications across most of our services it has a particular impact on economic development and infrastructure provision.	
<b>Decision:</b>  <b>To endorse the recommendations of the Greater Norwich Development Partnership Board to approve:</b> <ol style="list-style-type: none"> <li>1. the proposed contents of the draft Greater Norwich Local Plan for public consultation with finalisation of the draft including any minor factual or typographical changes delegated to the Director of Growth and Development in consultation with the Portfolio Holders;</li> <li>2. the proposed consultation process; and</li> <li>3. the revised timetable for the production of the Local Plan.</li> </ol>	
<b>Is it a key decision?</b>	<b>Yes</b>
<b>Is it subject to call in? If Yes – Deadline for Call in</b>	<b>Yes</b>  Date: 4pm - Wednesday 5 February 2020
<b>Impact of the Decision:</b> As set out in the attached report	
<b>Evidence and reason for the decision:</b> As set out in the attached report	
<b>Alternative options considered and rejected:</b> As set out in the attached report	
<b>Financial, Resource or other implications considered:</b> As set out in the attached report	

<b>Record of any conflict of interest:</b> None	
<b>Background Documents:</b>	
<ul style="list-style-type: none"> <li>• The papers including the Board Reports, draft policies and allocations can be found at <a href="http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/">http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/</a></li> <li>• Direct links to the Sustainability Appraisal (incorporating strategic environmental assessment) <a href="http://www.greaternorwichgrowth.org.uk/dmsdocument/2635">http://www.greaternorwichgrowth.org.uk/dmsdocument/2635</a></li> <li>• Habitats Regulation Assessment <a href="http://www.greaternorwichgrowth.org.uk/dmsdocument/2636">http://www.greaternorwichgrowth.org.uk/dmsdocument/2636</a></li> </ul>	
<b>Date of Decision:</b>	<b>27/01/2020</b>
<b>Publication date of decision:</b>	29 January 2020
<b>Signed by Cabinet member:</b>	
I confirm that I have made the decision set out above, for the reasons also set out	
	
<b>Signed:</b>	
<b>Print name: Cllr Martin Wilby</b>	
<b>Date: 27/01/2020</b>	
<b>Accompanying Documents:</b>	
<ul style="list-style-type: none"> <li>• Individual Cabinet Member Decision report</li> <li>• Appendix A - Agreed changes to Greater Norwich Local Plan consultation documents, January 2020</li> </ul>	

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

## Individual Cabinet Member Decision Report

<b>Decision making report title:</b>	<b>Recommendations of the Greater Norwich Development Partnership Board</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director of Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>Yes</b>

### **Introduction from Cabinet Member**

The County Council is a long-term supporter of joint planning across Broadland, Norwich and South Norfolk through the Greater Norwich Development Partnership. The development of the joint local plan has reached an important stage with the proposed consultation on preferred options for policies and sites. The recommendation of the GNDP Board to consult is supported.

### **Executive Summary**

The Greater Norwich Development Partnership (GNDP) Board oversees the production of the Greater Norwich Local Plan (GNLP) and makes recommendations for consideration by each of the partners. A meeting of the Board took place on 6 January 2020.

While the responsibility for plan making remains with the district councils, the County Council is a partner in the process, and considers the recommendations and endorses them as appropriate. The main report considered by the 6 January Board proposed a draft Greater Norwich Local Plan for consultation. The Board agreed to recommend the draft for consultation beginning on 29 January 2020. The Board also considered a communications plan for the consultation and a revised timetable through to adoption of the Local Plan.

The Cabinets of South Norfolk, Broadland and Norwich agreed the recommendation to consult on 13, 14 and 15 January respectively.

### **Recommendations**

**To endorse the recommendations of the Greater Norwich Development Partnership Board to approve:**

- 1. the proposed contents of the draft Greater Norwich Local Plan for public consultation with finalisation of the draft including any minor factual or typographical changes delegated to the Director of Growth and Development in consultation with the Portfolio Holders;**
- 2. the proposed consultation process; and**
- 3. the revised timetable for the production of the Local Plan.**

## **1. Background and Purpose**

- 1.1. The Greater Norwich Development Partnership (GNDP) Board oversees the production of the Greater Norwich Local Plan and makes recommendations for consideration by each of the partners. Cllrs Wilby, Clancy and Proctor represented the County Council at the GNDP Board meeting of 6 January 2020 which considered a draft Greater Norwich Local Plan for consultation, a consultation plan and revised timetable. The Board papers can be found on the partnership web site at <http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/>
- 1.2. The draft Local Plan contains strategic policies and site allocations. It includes preferred options and potential alternatives. It builds on recommendations of a GNDP Board meeting in January 2020 on the strategic approach the Local Plan and which was endorsed by EDT Committee in March 2019. While the Plan has implications across most of our services it has a particular impact on economic development and infrastructure provision.

## **2. Proposals**

- 2.1. The GNDP Board recommends consultation on the draft Local Plan under Regulation 18 of the regulations governing Local Plan preparation. The consultation is due to run from the 29 January to 16 March 2020. As the GNDP Board is a public meeting, it should be noted that the majority of the consultation draft plan documentation has been in the public domain since before Christmas.
- 2.2. Minor changes were made at the Board meeting or have been made since. A list of these is attached. Any further factual corrections will be made under delegated powers.

## **3. Impact of the Proposal**

- 3.1. Consultation enables the public and other interested parties to provide feedback on the proposals and suggest alternatives.

## **4. Evidence and Reasons for Decision**

- 4.1. Working in partnership to support the Greater Norwich districts through the statutory Local Plan process is an effective way to discharge our “Duty to Cooperate”, raise the profile of the area to benefit investment and the economy, and help deliver sustainable development.

## **5. Alternative Options**

- 5.1. Members could agree to not endorse the GNDP Board's recommendation to consult but this would significantly undermine partnership working, and would be detrimental to the economy and quality of life in Greater Norwich

## **6. Financial Implications**

- 6.1. There are no financial implications

## **7. Resource Implications**

### **7.1. Staff:**

Staff contributions to the partnership are managed within existing resources.

### **7.2. Property:**

N/A

### **7.3. IT:**

N/A

## **8. Other Implications**

### **8.1. Legal Implications**

N/A

### **8.2. Human Rights implications :**

N/A

### **8.3. Equality Impact Assessment (EqIA) (this must be included)**

An EqIA of the draft Local Plan has been completed to support the consultation. The draft Local Plan does not include any new allocations for Gypsy and Traveller sites but does encourage the submission of new sites through the consultation. The EqIA concludes "Although it is considered that (other than the absence of allocated Gypsies & Travellers' sites) the Draft Greater Norwich Local Plan has little impact on the equality of protected groups, there may be opportunities to enhance the life opportunities of some protected groups at planning application stage. No further Equalities Impact Assessment is considered necessary for this policy document".

### **8.4. Health and Safety implications**

N/A

## 8.5. **Sustainability implications**

Sustainable development is intrinsic to the plan making process. The draft plan is supported by a Sustainability Appraisal (incorporating strategic environmental assessment)

<http://www.greaternorwichgrowth.org.uk/dmsdocument/2635>

and a Habitats Regulation Assessment

<http://www.greaternorwichgrowth.org.uk/dmsdocument/2636>

These assessments are also subject to the proposed consultation.

## 9. **Risk Implications/Assessment**

9.1. There are no risks to supporting this consultation.

## 10. **Select Committee comments**

10.1. The timetable for this process has not provided the opportunity for a report to select committee.

## 11. **Recommendations**

11.1. **To endorse the recommendations of the Greater Norwich Development Partnership Board to approve:**

1. **the proposed contents of the draft Greater Norwich Local Plan for public consultation with finalisation of the draft including any minor factual or typographical changes delegated to the Director of Place in consultation with the Portfolio Holders;**
2. **the proposed consultation process; and**
3. **the revised timetable for the production of the Local Plan.**

## 12. **Background Papers**

12.1. The papers including the Board Reports, draft policies and allocations can be found at <http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/>

Direct links to the Sustainability Appraisal (incorporating strategic environmental assessment)

<http://www.greaternorwichgrowth.org.uk/dmsdocument/2635>

Habitats Regulation Assessment

<http://www.greaternorwichgrowth.org.uk/dmsdocument/2636>

A list of minor amendments to the draft Local Plan is attached.

## **Officer Contact**

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

**Officer name: Phil Morris**

**Tel No.: 01603 222730**

**Email address: phil.morris@norfolk.gov.uk**



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

**Agreed changes to Greater Norwich Local Plan consultation documents, January 2020****1) Changes endorsed by the Greater Norwich Development Partnership (GNDP) January 6th****Changes to [v8.3 draft strategy](#)**

<b>Page no.</b>	<b>Proposed Change</b>	<b>Reason for change</b>
50	Amend key of housing map to refer to plan end date of 2038 rather than 2036	Correction
71	Amend paragraph 204 to state that Hempnall Crossroads improvements have been delivered and that the Long Stratton by-pass funding announcement is anticipated in 2020	Updated information
112	Amend policy 7.4 to delete reference to “in Broadland” at the end of the housing section	Clarification that this strategic policy on the character and scale of settlements applies to all Greater Norwich village clusters
114	Amend question 48 so that it welcomes comments on the evidence base as well as the appendices	Clarification that comments on the evidence base for the plan are welcomed
116	Amend the appendix on new secondary school requirements in the Growth Triangle to state “ <i>Beeston Park – currently identified location for the new secondary school required to support housing growth in the area</i> ”	To provide flexibility at this stage of the plan making process on the potential location of the secondary school site to serve the area

**Changes to the [Preferred housing sites in the Norwich Fringe](#) document and the [Sprowston Settlement Booklet](#)**

<b>Sections</b>	<b>Proposed Changes</b>	<b>Reason for change</b>
Sprowston	Amend summary text on site GNLP 0132 in the table and its policy in the Sprowston settlement booklet to refer to the potential for the site to incorporate a well-located High School as part of the wider housing allocation; and for this option to be investigated further and considered for the submission version of the Plan	To provide flexibility at this stage of the plan making process on the potential location of the secondary school site to serve the area

## 2) Changes agreed by Cabinets

### Changes to [v8.3 draft strategy](#)

Page no.	Proposed Change	Reason for change
22	Amend final sentence of paragraph 69 to state: <i>Working with Transport East, the sub-national transport body, the Long Stratton bypass has been identified as a regional MRN priority and given conditional approval for government funding.</i>	Further clarification has been provided by county transport officers
	Amend final sentence of paragraph 70 to state: <i>Subject to full approval by government, the Long Stratton bypass could commence in 2022.</i>	
71	Amend paragraph 204 to state that that the Long Stratton bypass funding has been given conditional approval and that the current programme completion date for the bypass is the end of 2023.	

### Changes to the maps of the preferred site in the [Hethersett Settlement Booklet](#)

Sections	Proposed Changes	Reason for change
Hethersett	Amend maps to reflect policy content for site GNLP1077-A by excluding the wider submitted area not included in the preferred option	Following feedback changes to the maps are proposed to show more clearly which part of the submitted site is preferred for development

### Changes to the Unreasonable sites in the [Broadland village clusters](#) table

Sections	Proposed Changes	Reason for change
Horsford	Amend text on sites GNLP0479 and GNLP0519 to state: <i>This site is not considered to be suitable for allocation as despite being a reasonable location for development it already had planning permission at the base date of the plan in 2018 and is currently under construction.</i>	Following feedback the change provides further detail on the current situation in relation to the site

### 3) Changes agreed under delegated authority

#### Changes to [v8.3 draft strategy](#)

Page no.	Proposed Change	Reason for change
9	<p>Amend paragraphs 25 and 26 to read:</p> <p>25. The Draft GNLP promotes housing choice and supports economic activity within the rural parishes that surround market towns and key service centres. It also aims to provide a greater degree of opportunity for smaller builders to develop with their local supply chains. Given its greater number of villages and the links to other adjoining areas, South Norfolk Council has decided to progress a separate development plan document to provide the sites to meet the overall housing numbers for its village clusters set out in this plan. Therefore, it is not one of the objectives of the GNLP to identify the village clusters in South Norfolk and consequential housing allocations in these areas.</p> <p>26. South Norfolk Council intends to prepare a separate village clusters plan covering sites for small-scale housing in the rural parishes of South Norfolk that collectively form primary school clusters, whilst the Broadland village cluster plan forms part of this Local Plan. The aim is to progress this South Norfolk Village Clusters Housing Site Allocations document as quickly as possible with an aspiration for every village cluster to have new development and a focus on smaller sites in accordance with the overarching GNLP strategy that identifies that sites for a minimum of 1,200 additional homes (on top of the existing commitment of 1,349 homes) will be allocated in this South Norfolk cluster plan.</p>	To clarify that a separate plan will be produced to identify housing sites in the South Norfolk village clusters
117	Amend the table in appendix 1 to refer to ongoing work from health care providers to update information on the health care infrastructure needs required to support growth.	Request for clarification on work being done on health provision from Norwich SD Panel

## Norfolk County Council

### Record of Individual Cabinet Member Decision

<b>Responsible Cabinet Member: Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>	
<b>Background and Purpose:</b> On 24 July 2020 the Government made an announced a competitive fund for local authorities to bid for high-impact schemes to help address congestion pinch points and to reduce congestion on local roads. The fund is £150 million in total, with £75 million in each financial year 2021 to 2022 and 2022 to 2023. <ul style="list-style-type: none"> <li>Expressions of interest must be submitted by 31 January 2020;</li> </ul> <a href="https://www.gov.uk/government/publications/apply-to-the-local-pinch-point-fund/local-pinch-point-fund-guidance-for-applicants-2019#assessment-criteria">https://www.gov.uk/government/publications/apply-to-the-local-pinch-point-fund/local-pinch-point-fund-guidance-for-applicants-2019#assessment-criteria</a>	
<b>Decision:</b>  <b>To approve the Expression of Interest submission to DfT ‘Pinch Point Fund’ for a roundabout at the A1122/A134 Stradsett Crossroads, west of the existing staggered junction together with realignment of the A134.</b>	
<b>Is it a key decision?</b>	<b>No</b>
<b>Is it subject to call in? If Yes – Deadline for Call in</b>	<b>Yes</b>  (4pm on Friday 7 February 2020)
<b>Impact of the Decision:</b>  To enable a bid for the DfT ‘Pinch Point Fund’. If successful, the resultant scheme will resolve the accident cluster and the staggered junction and reduce congestion.	
<b>Evidence and reason for the decision:</b>  For the Pinch Point Funding, we have reviewed the list of potential junction highway improvement schemes. The highest scoring location in Cost Benefit Ratio (CBR) terms is the A1122/A134 Stradsett Crossroads, where the preliminary design has been completed for the construction of a roundabout. This scheme has the support of the local member Cllr Brian Long, who is also leader of the King’s Lynn & West Norfolk Borough Council.	
<b>Alternative options considered and rejected:</b>  Other locations have been considered but have weaker CBR’s and are therefore less likely to succeed.  Other options for the location were examined by a feasibility study. A	

roundabout to the east or west together with realignment with the A134 was preferred. Land would be required for the scheme. The landowner was supportive of only one route. Due to the nature of the funding opportunity and the need to have certainty of delivery, this route has been agreed in principle.

**Financial, Resource or other implications considered:**

The total bid amount still being determined by likely to be £4.237m. To strengthen our bid, it is proposed that the County Council make an 11% contribution to the works.

Provision for this has been made in the proposed Capital budget for 2020/21/22. The Council will be responsible for any cost exceeding the DfT award grant.

**Record of any conflict of interest:** None

**Background Documents:**

- DfT Pinch Point Submission

**Date of Decision:**

29 January 2020

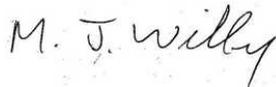
**Publication date of decision:**

31 January 2020

**Signed by Cabinet member:**

I confirm that I have made the decision set out above, for the reasons also set out

**Signed:**



**Print name:** Cllr Martin Wilby

**Date:** 29/01/2020

**Accompanying Documents:**

- Individual Cabinet Member Decision report
- Appendix A - Stradsett A134 JCT A1122 map

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Individual Cabinet Member Decision Report

<b>Decision making report title:</b>	<b>DfT 'Pinch Point' Bid Submission</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>
<b>Recommendations</b>  To approve the Expression of Interest submission to DfT 'Pinch Point Fund' for a roundabout at the A1122/A134 Stradsett Crossroads, west of the existing staggered junction together with realignment of the A134.	

## 1. Background and Purpose

- 1.1. On 24 July 2020 the Government made an announced a competitive fund for local authorities to bid for high-impact schemes to help address congestion pinch points and to reduce congestion on local roads. The fund is £150 million in total, with £75 million in each financial year 2021 to 2022 and 2022 to 2023.
- 1.2. Expressions of interest must be submitted by 31 January 2020;  
<https://www.gov.uk/government/publications/apply-to-the-local-pinch-point-fund/local-pinch-point-fund-guidance-for-applicants-2019#assessment-criteria>

## 2. Proposals

- 2.1. The location is currently a staggered crossroads at the intersection of the A134 (part of the Major Road Network) and the A1122 (a primary route), in the parish of Stradsett. Both roads are part of our Traffic Sensitive Network (Streetworks designation).
- 2.2. The proposal is for a roundabout, west of the existing staggered junction together with realignment of the A134.

## 3. Impact of the Proposal

- 3.1. The proposal will improve road safety at an existing accident cluster site and the scheme will also reduce congestion.

## **4. Evidence and Reasons for Decision**

- 4.1. For the Pinch Point Funding, we have reviewed the list of potential junction improvement schemes. The highest scoring location in Cost Benefit Ratio (CBR) terms is the A1122/A134 Stradsett Crossroads, where the preliminary design has been completed for the construction of a roundabout. This scheme has the support of the local member Cllr Brian Long, who is also leader of King's Lynn & West Norfolk Borough Council.
- 4.2. Discussions took place in August 2019 with the Cabinet Member to confirm this location as the County Council's candidate for submission.
- 4.3. The scheme was referenced in section 2.2.6.7 of the report approved by Cabinet 13 January 2020 concerning the Highway Capital Programme and Transport Asset Management Plan.
- 4.4. There is an accident cluster identified at the staggered junction as traffic turns on and off the A1122 using the existing right-turn lanes. This location has been treated for conspicuity of signs and lines. A 50mph limit installed in 2005. Few remaining options exist using the existing layout.
- 4.5. The staggered junctions also cause congestion on both the approaches of the A134 to the A1122.
- 4.6. This is particularly evident during the significant seasonal flow of HGV's during the months September to May which represent British Sugar seasonal campaign of haulage of the sugar beet to the nearby processing plant at Wissington. The plant is supplied by lorry, collecting product from 50 miles (80 km) radius.
- 4.7. The location is the main north entrance route to Wissington in Norfolk is the site of British Sugar's largest refinery in the UK, it is also the largest in Europe. In 2007, Wissington also became the site of the UK's first bioethanol power plant, the excess heat from which was used to heat on-site greenhouses that produced 70 million tomatoes each year; in 2017, the greenhouses switched to producing cannabis plants for medicine production.

## **5. Alternative Options**

- 5.1. Other locations have been considered but have weaker CBR's and are therefore less likely to succeed.
- 5.2. Other options for the location were examined by a feasibility study. A roundabout to the east or west together with realignment with the A134 was determined as the preferred option. Land would be required for the scheme. The landowner was supportive of only one route. Due to the nature of the funding opportunity and the need to have certainty of delivery this route has been agreed in principle.

## **6. Financial Implications**

- 6.1. The total bid amount still being determined by likely to be £4.237m. To strengthen the Council's bid, it is proposed we make an 11% contribution to the works. Provision for this amount has been made in the capital programme for 2020/21/22. The Council will be responsible for any cost exceeding the DfT award grant.

## **7. Resource Implications**

### **7.1. Staff:**

This proposal would utilise existing resources

### **7.2. Property:**

The project is dependent on the successful completion of land negotiations.

### **7.3. IT:**

This proposal would utilise existing resources

## **8. Other Implications**

### **8.1. Legal Implications**

Land will be required. Preliminary discussions with the landowner have been positive and lead to confidence that land will be able to be secured to deliver the scheme. nplaw will be instructed on resulting legal work if the bid is successful.

### **8.2. Human Rights implications**

None

### **8.3. Equality Impact Assessment (EqIA) (this must be included)**

The proposal will remedy an accident cluster in a rural location at the junction of the A134 and A1122 at Stradsett.

Should the funding application be successful, a full EqIA assessment will be carried out as part of the development of the scheme and detailed design.

### **8.4. Health and Safety implications**

The scheme is designed to improve road safety

### **8.5. Sustainability**

The scheme requires the felling of a number of trees to enable the construction of the roundabout and approaches. The number of trees affected will be kept to a minimum and overall the scheme will deliver a net increase in the number of trees.

## **9. Risk Implications/Assessment**





DRAWING TITLE

**Tom McCabe**  
 Executive Director of  
 Community and Environmental Services  
 Norfolk County Council  
 County Hall  
 Martineau Lane  
 Norwich NR1 2SG

REV.	DESCRIPTION	DRAWN	CHECKED	DATE

SURVEYED BY	INIT.	DATE	DRAWING No.
			PROJECT TITLE
DESIGNED BY			
DRAWN BY			SCALE
CHECKED BY			FILE No.

## Norfolk County Council

### Record of Individual Cabinet Member Decision

<b>Responsible Cabinet Member:</b> Councillor Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)	
<b>Background and Purpose:</b> The purpose of this report is to agree minor proposed amendments to the Planning Obligations Standards in order to provide clarification to the existing agreed policy approach to seeking developer funding.	
<b>Decision:</b>  To agree that updated Standards set out in the Appendix of the accompanying Report are adopted from March 2020 and that officers write to the respective District Councils to inform them of the new amended Standards	
<b>Is it a key decision</b>	<b>No</b>
<b>Is it subject to call in? If Yes – Deadline for Call in</b>	<b>Yes</b>  <b>4pm Wednesday 5 February 2020</b>
<b>Impact of the Decision:</b> The amendments will simply provide greater certainty and clarification surrounding what the County Council will be seeking contributions for; and will continue to provide the scope and opportunity for seeking pooled contributions towards key County Council infrastructure.	
<b>Evidence and reason for the decision:</b> As set out in the attached report -paragraph 4.1	
<b>Alternative options considered and rejected:</b>  As set out in the attached report as set out in paragraph 5.1	
<b>Financial, Resource or other implications considered:</b> As set out in the attached report as set out in paragraph 6.1	
<b>Record of any conflict of interest:</b> <b>None</b>	
<b>Background Documents:</b> As set out in the attached report – See Section 12	

<b>Date of Decision:</b>	29 January 2020
<b>Publication date of decision:</b>	29 January 2020
<b>Signed by Cabinet member:</b>	
I confirm that I have made the decision set out above, for the reasons also set out	
<p style="text-align: center;"><i>M. J. Wilby</i></p> <p><b>Signed:</b></p> <p><b>Print name: Cllr Martin Wilby</b></p> <p><b>Date: 28/01/2020</b></p>	
<b>Accompanying Documents:</b>	
See attached Report Appendix A – Planning Obligations Standards 2020	

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Individual Cabinet Member Decision Report

## Item No.

<b>Decision making report title:</b>	<b>Proposed Minor Amendments to Planning Obligations Standards 2020</b>
<b>Date</b>	<b>28 January 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Councillor Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)</b>
<b>Responsible Director:</b>	<b>Tom McCabe – Executive Director, Community and Environmental Services</b>
<b>Is this a key decision?</b>	<b>No</b>
<p><b>Introduction from Cabinet Member</b></p> <p>The current Planning Obligations Standards were adopted by Cabinet in September 2019 to reflect the amended Community Infrastructure Levy Regulations, which came into force earlier in that month. They also reflect an internal review of these Standards, which involved the Infrastructure and Development Select Committee (July 2019).</p> <p><b>Executive Summary</b></p> <p>The proposed amendments set out in this report simply deal with matters of detail and clarification and do not materially affect either: the quantum of contributions sought' nor the County Council's policy approach towards seeking developer contributions. The existing Standards require clarification to ensure their effective implementation.</p> <p><b>Recommendation</b></p> <p><b>That the updated Standards set out in the Appendix are adopted from March 2020 and that officers write to the respective District Councils to inform them of the new amended Standards</b></p>	

### 1. Background and Purpose

- 1.1. The County Council's current Planning Obligations Standards (September 2019) were formally adopted by Cabinet on 2 September 2019 and reflected Legislative amendments (Community Infrastructure Levy (CIL Amendments) Regulations), which were laid before Parliament on 4 June 2019 and came into force on 1 September 2019.
- 1.2. The purpose of this report is to agree minor proposed amendments to the Planning Obligations Standards (see below) in order to provide clarification to the existing agreed policy approach to seeking developer funding.
- 1.3. Since 2000, the County Council has secured over £152 million through legally binding S106 agreements from the development industry to mitigate the impact of new housing development across Norfolk for schools, libraries and fire service provision. During this period the County Council has received over £65 million of developer contributions, with 2019 being a record year for the amount of developer funding received totalling over £14 million, compared to just under £12 million in 2018; and £7.8 million in 2017.

## **2. Proposals**

2.1. The proposed minor amendments to the Planning Obligations Standards are set out in the Appendix to this report outlined below:

### **2.2. Monitoring Charge –**

The amendments proposed cover:

- (a) Clarification that the charge set out in paragraph 3.6 of the Standards is separate to any Travel Plan monitoring charge the County Council may make as set out in Council's Travel Plan Guidance;
- (b) Clarification that the charge per obligation covers each infrastructure item sought i.e. covering for example, pre-school; primary school; and high school would each be counted as a separate piece of infrastructure and a monitoring fee sought for each.
- (c) Clarification that a monitoring charge will be sought irrespective of whether the payments are phased or paid in a single lump sum.

2.3. **Education** Section 4 – clarification in paragraph 4.11 to indicate that contributions will be sought for specific named catchment school/s; or the school/s serving the development.

### **2.4. Fire Service –**

The amendments proposed cover:

- (a) Clarification in paragraph 7.1 that hydrants will be connected to a main no less than 90mm;
- (b) Clarification / cross reference in paragraphs 7.2 - 7.3 to the National Building Regulations Standards;
- (c) Consistent referencing in Section 7 to Norfolk Fire and Rescue Service; and
- (d) Clarification in a new paragraph 7.8 indicating that any planning condition/s for the provision of fire hydrants will generally be sought at the Outline Planning stage (rather than at the Reserved Matters stage).

2.5. It should also be noted that a revised / up-dated Fire Hydrant cost will be made in the Planning Obligations Standards as soon as these figures are available from the relevant water company, which is normally in February of that year. Any amendment in charge will be de-minimis (approximately £17 – £20 per dwelling).

2.6. **Household Waste Recycling** – Proposed additional text, for clarification purposes, to paragraph 9.3 indicating the opportunities for seeking developer contributions towards Household Waste Recycling Centres (i.e. since the lifting of the pooling restrictions in the amended CIL regulations September 2019).

## **3. Impact of the Proposal**

3.1. The above suggested amendments to the County Council's Planning Obligations Standards are simply for clarification purposes and will not materially impact on the quantum of contributions sought from the development sector. The amendments will simply provide greater certainty and clarification surrounding what the County Council will be seeking contributions for; and will continue to provide the scope and opportunity for seeking pooled contributions towards key County Council infrastructure.

## **4. Evidence and Reasons for Decision**

- 4.1. The proposed amendments will ensure that S106 contributions continue to be sought effectively in order to address the impacts on County Council services arising from new development. Members will be aware that there is a limited developer “pot” and that contributions sought by the County Council must relate to those areas where the Authority has a statutory role e.g. education, transport and libraries.

## **5. Alternative Options**

- 5.1. The alternative option to agreeing the proposed updates to the County Council’s Standards is not to take these amendments forward and instead rely on the existing Standards (September 2019). This alternative option is not recommended as the existing Standards require clarification to ensure their effective implementation.

## **6. Financial Implications**

- 6.1. The proposed amendments will ensure that S106 contributions continue to be sought effectively in order to address the impacts on County Council services arising from new development.

## **7. Resource Implications**

### **7.1. Staff:**

There are no immediate staff implications

### **7.2. Property:**

None

### **7.3. IT:**

None

## **8. Other Implications**

### **8.1. Legal Implications:**

Contributions sought in S106 agreements must be compliant with the legal tests set in Reg 122 of the CIL Regulations (2010 as amended). The County Council’s Planning Obligations Standards are considered to be compliant with these tests and specific reference to them is made in the Standards.

### **8.2. Human Rights implications**

None at this stage

### **8.3. Equality Impact Assessment (EqIA)**

The Council’s Planning functions are subject to equality impact assessments. No EqIA issues have been identified.

### **8.4. Health and Safety implications (where appropriate)**

None

### **8.5. Sustainability implications (where appropriate)**

Failure to secure adequate developer funding towards necessary infrastructure to support growth could lead to unsustainable development taking place and run the risk of placing an additional financial burden on the Authority to finance any shortfalls in County Council infrastructure such as at schools and on the transport network.

8.6. **Any other implications**

None

**9. Risk Implications/Assessment**

- 9.1. The proposed amendments to the County Council's Planning Obligations Standards are required in order to provide clarification on a number of detailed matters relating to key infrastructure delivered by the County Council covering for example: schools; fire service provision; and transport infrastructure.

**10. Select Committee comments**

- 10.1. The infrastructure and Development Select Committee have not been consulted on the above proposed amendments given the minor nature of the proposed changes; and the fact that a comprehensive review of the County Council's Planning Obligations Standards was undertaken in 2019 involving:

- (a) The Infrastructure and Development Select Committee considering the original updated Planning Obligations Standards in July 2019; and
- (b) Cabinet adopting these in September 2019.

**11. Recommendation**

- 11.1. That the updated Standards set out in the Appendix A are adopted from March 2020 and that officers write to the respective District Councils to inform them of the new Standards.

**12. Background Papers**

- 12.1. Community Infrastructure Levy Regulations (2010):  
(<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>)
- 12.2. Town and Country Planning Act (1990):  
(<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>);
- 12.3. Developer Contributions Reform – Technical Consultation (MHCLG) (2018)  
<https://www.gov.uk/government/consultations/developer-contributions-reform-technical-consultation>
- 12.4. Department for Education - Securing developer contributions for education  
<https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>
- 12.5. Highways Act 1980:  
(<http://www.legislation.gov.uk/ukpga/1980/66>)
- 12.6. Planning Obligations Monitoring statement (July 2018)  
(<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/planning-obligations>)
- 12.7. National Planning Policy Framework (2019):  
(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

## Officer Contact

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

Officer name: Stephen Faulkner

Tel No.: 222752

Email address: [stephen.faulkner@norfolk.gov.uk](mailto:stephen.faulkner@norfolk.gov.uk)



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



# Norfolk County Council

## Appendix A

### INFRASTRUCTURE, SERVICE AND AMENITY REQUIREMENTS FOR NEW DEVELOPMENT

**Draft**

Planning Obligations Standards

March 2020

General enquiries should be made to Stephen Faulkner (Principal Planner) on 01603 222752 (email [stephen.faulkner@norfolk.gov.uk](mailto:stephen.faulkner@norfolk.gov.uk)) or Laura Waters (Planner) on 01603 638038 (email [laura.waters@norfolk.gov.uk](mailto:laura.waters@norfolk.gov.uk)) or Naomi Chamberlain (Planner) on 01603 638422 ([naomi.chamberlain@norfolk.gov.uk](mailto:naomi.chamberlain@norfolk.gov.uk))

# Infrastructure, Service and Amenity Requirements for New Development

## Norfolk County Council Standards – March 2020

### 1.0 Introduction

1.1. The purpose of this document is to set out clearly the planning obligations requirements the County Council may seek in association with new development. These standards apply to the following County Council services:

- Children's Services
- Library
- Fire Service
- Community Services – Adult Care
- Green Infrastructure and Public Rights of Way
- Other Potential Infrastructure e.g. Household Waste Recycling Facilities

1.2. The highway and transport infrastructure and services directly required from new development will continue to be negotiated on a site by site basis (see section 9).

1.3. Other infrastructure and service requirements will be sought by District Councils for affordable housing, play space, open space etc. A list of District Council contacts is set out in Section 11. In addition other service providers, such as the Police and the various Health Bodies may also seek developer contributions towards improvements to their services.

### 2.0 National Guidance

2.1 All infrastructure requirements must now be compliant with the legal tests set out in the Community Infrastructure Regulations (2010) (as amended) (Reg 122) and be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

**2.2.** Amended Regulations were laid before Parliament on 4 June 2019 (Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019) and came into force on 1 September 2019. The amended Regulations follow the Government's Technical Consultation in December 2018 on Reforming Developer Contributions, which covered:

- Lifting the pooling restrictions on Section 106 i.e. allowing more than five such S106 agreements to contribute towards a single piece or type of infrastructure. In particular the Government accepts the argument that lifting the pooling restriction in all areas would remove barriers to development and could in some circumstances give local planning authorities the ability to secure more funding through s106 to deliver the infrastructure needed to support development;
- to clarify how S106 planning obligations can be used for monitoring specifically permitting Local Authorities to charge for monitoring obligations;
- Allowing Local Planning Authorities to use both S106 agreements and the Community Infrastructure Ley (CIL) to fund the same infrastructure; and
- Introducing Infrastructure Funding Statements, whereby Local Authorities set out their infrastructure priorities and delivery as well as showing how monies received have been spent.

These reforms have been included within the Community Infrastructure Levy (CIL)(Amendments) 2019. The County Council's Planning Obligations Standards below reflect the lifting of the pooling restrictions and the clarification regarding monitoring charges. The County Council is also working closely with all District Councils on other aspects of the CIL reforms.

**2.3.** The County Council will continue to provide a detailed justification/explanation of any contributions it seeks. The Standard Charges detailed below illustrate the range of facilities, which may be expected from developers as a consequence of the development. Developers will be expected to enter into a S.106 legal agreement with the local planning authority regarding the contributions sought or will be obliged through a planning condition to deliver the on-site infrastructure requirements.

**2.4** The Planning Obligations Standards are revised annually taking into account:

- Changes in national guidance/standards;
- Inflation – where cost have changed;
- Any other material considerations.

**2.5** These Standard Charges have taken into account the Community Infrastructure Levy Regulations (2010) and the subsequent amendments.

**2.6.** The following national guidance has been taken into account:

- National Planning Policy Framework ;
- The Planning Act (2008) – this provides ministers with the power to make the CIL Regulations.

### **Community Infrastructure Levy**

**2.7.** The County Council will work in partnership with District Councils to develop CIL Charging Schedules and rates. Where a District Council has chosen not to implement CIL or is working towards implementation the County Council will continue to use the planning obligations standards. Where CIL is implemented there is sometimes a need for the County Council to use S106 agreements:

- (a) To secure infrastructure which is not identified as being funded through CIL; and/or
- (b) To deal with the transfer of land (e.g. where there is a need for a new school).

In addition the amended CIL Regulations (2019) now allow authorities to use funds from both the Levy and planning obligations to pay for the same piece of infrastructure.

Therefore in those Local Planning Authority areas (LPAs) , where CIL has been introduced (i.e. Norwich City Council, South Norfolk District Council; Broadland District Council; and King’s Lynn and West Norfolk Borough Council), the Standards below would not normally be applied except where:

1. there is agreement with the LPA to use both the Levy and planning obligations for the same piece of infrastructure;
2. the site is in a zero CIL rated location and is reliant on S106 to deliver necessary infrastructure; or
3. the contribution relates to land transfer.

The County Council will expect to be consulted at the application stage on proposals likely to have an impact on County Council infrastructure and services by those District Councils who have adopted CIL Charging Schedules.

NB the County Council is working closely with those LPAs who have adopted CIL, as well as those intending to develop CIL, to ensure that necessary County Council infrastructure is secured and delivered through CIL.

## **3.0 County Advice**

### **Dealing with Major Urban Regeneration Sites**

**3.1.** The County Council recognises that there will be occasions when not all the infrastructure and services requirements made necessary by the development will be able to be provided by the developer. This is likely to be the case on major urban regeneration sites where there may be exceptional costs associated with site clearance and possibly decontamination.

In such circumstances it may be appropriate for the local authority and other public-sector agencies to assist and facilitate in the development coming forward. This may involve a reduction in the level of contributions normally sought. This would in practice mean the County Council or other service providers needing to fund in part the infrastructure and services needed.

However, in such circumstances the County Council would need clear evidence that:

- The economics of the site do not allow for all contributions to be met. The County Council would want to see the viability assessment (VA) produced and would need to be satisfied with the VA before waiving any contribution sought; and
- The development is in the wider public interest i.e. will provide a wide range of community benefits such as the removal of derelict land and will provide local services (e.g. schools and healthcare provision) accessible to the community as a whole. In these circumstances the matter would be taken to the relevant County Council decision maker in order to secure agreement to reduce the County Council's infrastructure and service requirements. The County Council recognises that it is the District Council who will determine the application and ultimately decide the content of the S106 agreement.

### **Use of Bonds**

**3.2** The County Council may seek from developers where appropriate the use of "bonds" to act as a guarantee where large contributions have been negotiated through the S106 process towards for example, schools, travel planning and transport schemes.

## **Phasing of payments**

**3.3.** Agreed planning obligations contributions will typically be paid to the County Council in a series of phased payments to be agreed with the applicant and determining authority.

## **Potential Claw-back of Payments**

**3.4** Where contributions have been made, the County Council will normally be expected to use the sum of money received for the purposes agreed within 5 years of final occupation. However, for some large-scale developments the period may be extended. If the County Council has not spent the money in this time, then some or all of the contributions will be returned to the developer as agreed in the S106 agreement.

## **Legal Charges**

**3.5.** The developer will be required to pay the County Council's legal fees for drafting and negotiating the S106 agreement and a solicitor's undertaking must be supplied to the County Council's legal advisor before any legal work is carried out.

The County Council will review all the charges set out in these Standards when they are next updated.

## **Monitoring Charge**

**3.6** The County Council will seek a charge towards the administration of the S106 agreements (i.e. covering monitoring of S106 agreements and planning conditions – undertaking sites visits; invoicing; preparation of an Infrastructure Funding Statement; and chasing up any payments outstanding).

The charge will generally be levied at a rate of £500 per obligation covering each infrastructure item sought, for example, pre-school; primary school; and high school would each be counted as a separate piece of infrastructure and a monitoring fee sought for each. . On more complex sites the charge will be levied at a rate of 1 % of the County Council's total obligations up to a maximum of £10,000 per agreement. `

On major strategic housing sites (typically over 1,000 dwellings), the monitoring fee will be negotiated on a site by site basis reflecting any potential complexities associated with the S106 and the additional work involved in monitoring the agreement over a lengthy time period.

The monitoring charge will normally be payable on commencement of the development.

In relation to S106 Travel Plan monitoring fees these will be based on separate cost figures, details of which are provided in the County Council's Travel Plan Guidance here: <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/travel-plans>

## **4.0 Education Provision**

**4.1.** The County Council has a statutory responsibility to ensure sufficient school places in the County for children between the ages 5 and 16 years. It works with other partners to ensure a sufficient supply of 16 – 19 year places many of which are integrated in 11 – 19 year schools. In addition the County Council has a statutory duty to ensure a sufficient supply of pre-school places (e.g. Day Care and/or Early Education provision) for children aged three and four. There is also a duty to ensure free places for eligible two-year olds. Contributions for pre-school provision may be required either for existing pre-schools or purpose built new facilities on a separate site, possibly shared with a school. Existing play groups and nurseries (including private facilities) will be taken into account. Primary phase schools are now able in law to extend their age range to encompass two and three year olds.

**4.2.** The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly through multi-academy trusts.

**4.3.** The County Council maintains (funds) community schools, voluntary controlled schools; and community special schools. Statutory regulation ensures that governing bodies have delegated authority to run schools. The County Council and the Department for Education have the duty to intervene where a school is at risk of failing. The County Council acts as admissions authority for community and voluntary controlled mainstream schools and co-ordinates “applications and offers” for all mainstream schools, including free schools and academies. The Local Authority co-ordination ensures a fair process for parents and their children, offers an accessible school place to all applicants and seeks to meet parental preference as far as possible.

**4.4.** The County Council acts as a champion for all Norfolk residents, in respect of all children and young people and their parents/carers. In a diverse educational context, it will broker partnerships to support governors, school leaders and providers in securing the best for the community they serve. Its partnership, school improvement and school intervention activity is exercised in pursuit of the highest quality school provision in all schools in Norfolk.

**4.5.** The County Council receives capital grant from government to support the supply of places in all schools. It also seeks contributions from housing developments towards the cost of new school places in line with the CIL Regulations referred to above. Where it secures such contributions it may add to them an element of Basic Need funding to enhance the facilities but will not reduce the level of obligations set out in this document.

**4.6.** The County Council is also, under the Education Act 2006, as amended by the Academies Act 2010, a commissioner rather than a provider of new schools. It has the power to set out the characteristics of a school needed for a new community in order

that providers may identify their capacity to provide that school. All new schools commissioned in this way will be established as Free schools (in law academies). The County Council has to provide the site and funds for such a school, although these will usually be expected to come from the developer(s). The County Council will procure the school building through its OJEU (Official Journal of the European Union) compliant contractor framework and will provide the new building for the successful free school sponsor (multi-academy trust) to occupy.

**4.7.** New Free schools can also be approved by the Secretary of State. These can add to the supply of places but also can increase the diversity of provision in an area. Where they meet a shortfall of places, they would be supported by the County Council.

**4.8.** In order to assess the number of new children likely to arise from a new development the County Council has undertaken an analysis of recent development in the County (2018) and cross checked this with Health Authority and School Census data, which has resulted in the use of the following pupil generation figures (based on expected children per 100 dwellings):-

**Table 1**

<b>Age range</b>	<b>No. years cohorts</b>	<b>Type of school</b>	<b>Multiplier (no. of Children)</b>
2 - 4	2	Early Education	9.7
4 – 7	3	Infant	12.9
7-11	4	Junior	15.2
4 - 11	7	Primary	28.1
11 - 16	5	High	14.5
16 - 18	2	Sixth Form	1.5
<b>Total</b>			<b>53.8</b>

**4.9.** For the avoidance of doubt the above multipliers have been generated as an average child yield across the whole of Norfolk and will be used to calculate developer contributions for all residential developments. Norfolk County Council reserves the right to use more “local multipliers” if the evidence is available to show that the multipliers are more likely to provide an accurate prediction of pupil numbers in the school system as a whole.

The following allowances are:

- No children are assumed on development comprising 1-bed accommodation or sheltered housing where there is an age-related occupancy condition e.g. restricted to the over 50s. In these circumstances no education contributions will be sought;
- For flats, apartments and maisonettes the above multipliers are discounted by a factor of 50% reflecting the fact that fewer children are likely to arise from these types of dwellings.

### **Catchment Schools**

**4.10.** The County Council will plan on the basis that pupils generated from any new development would attend the catchment school as set out in its statutory admissions documentation. However, if the catchment school is at full capacity, the County Council may, at its full and sole discretion, consider the next nearest school with places providing:

1. The school lies within the statutory maximum distance a child would be expected to travel (i.e. 2 miles for the age range 5 – 8 and 3 miles for the age-range 8 plus.);
2. The school, if primary phase, is within the same high school designated area as set out in the statutory admissions documentation;
3. There will be no adverse impact on the pupils affected in terms of splitting peer groups (i.e. classmates) or siblings;
4. Existing and planned investment in local schools is not compromised;
5. The route to the school is adequate and safe. Where there is inadequate access the County Council may seek developer contributions towards safe routes to school;
6. The developer addresses the impact of those children having to commute further to school e.g. through the provision of cycle storage and/or to deliver safe routes to school.

### **Types of Infrastructure Projects**

**4.11.** New housing development will typically put additional pressure on existing schools, which may require the developer providing funding towards one of the following school projects listed below. It should be noted that the list of projects below is not exhaustive.

These projects will need to demonstrate that they satisfy and are in compliance with Regulation 122 (legal tests) of the Community Infrastructure Levy Regulations 2010 (as

amended). Developer funding will be sought for the following types of infrastructure project at a named catchment school/s, or the school/s serving the development:

- 1) New self-contained class block
- 2) Extension to provide additional classroom(s)
- 3) Internal remodelling to provide additional class places
- 4) Additional toilet provision
- 5) Additional group room provision
- 6) Additional curriculum support space
- 7) Additional staff accommodation
- 8) New/extended hall space
- 9) New/extended sports hall
- 10) Multi use games area (MUGA)
- 11) Improvement/extension to outdoor learning space/classroom
- 12) Playground extension
- 13) Provision or extension of changing rooms and/or cloakroom
- 14) New/extended dining capacity
- 15) Kitchen facilities
- 16) Extension or adaptation of science laboratory
- 17) Extension or adaptation of technology rooms
- 18) Additional car parking; and/or cycle storage facilities
- 19) Extension or refurbishment of early years provision
- 20) Specialist accommodation (Special Educational Needs and Disabilities - SEND) for children with additional needs by extension or adaptation

The County Council will not typically identify the precise project at the named catchment school/s, or school/s serving the development, until it has sufficient pooled contributions to put together a deliverable / viable project. It is expected that the legal agreement (S106) will indicate that contributions will be spent at a specific school/s in order to increase pupil capacity.

### **Costs of Infrastructure Projects**

**4.12** The charges for both extension and new build works (e.g. new classrooms) are derived from a “basic need multiplier” produced by the Department for Education (DfE). The DfE multipliers are based on building cost information received from LAs across the country as a whole. The figures take into account regional variations in prices.

**4.13.** The DfE provide a range of “basic need multipliers” which take into account the different school age ranges. These multipliers have been translated into a charge per dwelling (see table 2 below) and assume that there is no long-term unfilled capacity at the recipient school (i.e. a worst case scenario). Future pupil forecasts will also be taken into account.

**Table 2**

<b>Sector</b>	<b>Basic Need Multiplier Cost Per Pupil (2019) (£)</b>	<b>Standard Charge per dwelling (providing there is no unfilled capacity at the local school) (2019) (£)</b>
Early Education (2-4)	14,022	1,360
Infant (4-7)	14,022	1,809
Junior (7-11)	14,022	2,131
Primary Sector (4-11)	14,022	3,940
High School Sector (11-16)	15,664	2,271
Sixth Form (16-18)	15,664	235
<b>Total</b>		<b>7,806</b>

Therefore the total cost per dwelling for education (extension work only) is £ 7,806 assuming there is no capacity at the recipient schools.

### **New School Requirements**

**4.14.** The building of a new school or pre-school facility will be sought where there is a significant housing proposal (see new school costs below).

When building a new school the County Council will consider the wider community use of both the school buildings and playing fields, but the use of these facilities will be for the Governing Body to determine.

Developer contributions towards a new school will be sought when:

- the existing catchment area school cannot be expanded any further (e.g. insufficient usable land area); and/or

- the proposed residential development is of such a scale that a new school can be justified. For the purposes of a new primary school the typical threshold needed to sustain a new 1FE (and pro rata) school is around 800 new dwellings. For a High school the level is considerably higher 5,000 – 6,000 new dwellings;

If the scale of proposed development falls below the critical threshold to deliver a 100% developer funded school the Local Authority will seek a pro-rata contribution towards the new build costs where appropriate. However, the County Council would, in such circumstances, need to carefully examine the proposed development in the context of the Local Plan in order to ensure that the wider objectives of delivering a sustainable community are met.

**4.15.** In the case of a new Primary School, the County Council preference is for 420 place school (2 forms of entry). It would thus expect the free transfer of a suitable site but will make provision for return of some of this land if the school does not need to accommodate 420 places. Site sizes are approximately 2.0 hectares for a 420 place school and 1 hectare for a 210 place school or otherwise in accordance with DfE Building Bulletin 103: Area Guidelines for Mainstream Schools, plus the full cost of construction, including early education provision.

**4.16** The same principle above will apply to a new High School and the land requirement will be in accordance with DfE Building Bulletin 103: Area Guidelines for Mainstream Schools.

The costs of a new school will need to be negotiated on a site by site basis and will reflect type of school (primary or secondary); size of school (e.g. whether 1 Form Entry or larger); and the site constraints (e.g. need to have a level/flat site; free from vegetation/trees; good drainage; and secure etc.).

### **School Capacity**

**4.17** It should be noted that existing unfilled capacity in the school system will not automatically be credited to developers, except where there is a significant existing unfilled capacity at the recipient school. The County Council in assessing unfilled capacity in the catchment area will also take into account:

- Schools that have been expanded but are filling from their lower year groups;
- Other permitted development in the area; as well as
- Those sites allocated in the Local Plan or any emerging Local Plan but not subject to a planning application

Capacity at local schools is taken from the County Council's records at the time of the formal application and is based on the most recent pupil count at the school.

**4.18** It should be noted that relocatable classrooms (e.g. temporary mobile) will not be counted towards the net capacity of the school. Therefore those schools where there are re-locatable classrooms present will normally be considered as being at, or over capacity, and as such developer contributions will be sought.

### **Education/Children's Services Contributions arising from Affordable Housing**

**4.19.** The approach set out below applies to both housing schemes where affordable housing forms a component part of a larger market housing development and to those schemes which are 100% affordable housing

**4.20.** The County Council's approach is that it will seek, for the most part, education contributions on the whole housing site including any component of the proposal which may be developed for affordable housing. The reasons for seeking such contributions are:

- Affordable housing may involve a variety of tenure types, for example rented, shared equity or cheaper market housing, and these tenures are as likely, if not more so, to be occupied by families containing children as market housing; and
- Those families moving into a new affordable development will almost certainly have vacated a home elsewhere, which could in turn be occupied by another family containing children. This means the new development could lead in net terms to more families in the area and more children attending local schools.

**4.21.** However, the County Council does accept that there may be some instances where new affordable housing will not lead to additional children in the area, for example:

1. Where the families being housed are from a shared household (i.e. sharing with a family member). Therefore once they move to the new affordable home the original home reverts back to a single household; or
2. The family being housed live in a nearby bed and breakfast, hostel or other such accommodation provided by the Local Housing Authority thereby not freeing-up any housing stock; or
3. Where there is an occupancy condition precluding children (i.e. accommodation for the elderly).

**4.22.** Even in these circumstances (1 and 2) there may still be some justification for the County Council to seek education contributions if the family containing children move between school catchment areas (i.e. leading to children transferring schools and placing greater pressure on the recipient school). Therefore it will only be in very exceptional cases that no education contribution, or reduced contributions, are sought in connection with affordable housing proposals. In such cases it will be up to the applicant together with the Local Housing Authority to clearly demonstrate to the County Council

that the affordable housing proposed will not lead to a net increase in the number of children in the respective school catchment area.

### **Affordable Housing – Claw Back provision**

**4.23.** The County Council recognises that there is an issue surrounding the payment of education contributions for the affordable housing element of a new development. The practical solution would be for a legal agreement to allow for an element of claw-back by the applicant where it can be demonstrated that the provisos set out above are satisfied. The detailed wording of such a claw-back clause will be a matter for respective solicitors to agree, although the principle should be acceptable, as this is consistent with the current Government guidance. The County Council will continue to monitor the implementation of this approach and review the situation when the standards are updated.

## 5.0 Library Provision

**5.1** The County Council under the Public Libraries and Museums Act (1964) has a statutory responsibility to provide a comprehensive and efficient library service. New housing development will put a strain on existing library provision, which may require developer funding towards one of the following library projects listed below. It should be noted that the list of projects is not exhaustive.

These projects will need to demonstrate that they satisfy and are in compliance with Reg 122 (legal tests) and Reg 123 (3) (restrictions on the use of obligations) of the Community Infrastructure Levy Regulations 2010 (as amended):

- **A new library building**, fixtures and stock. The provision of a new library is only likely to be sought on major new housing sites/allocations of 3,000 dwellings or more. However, each case will depend on an assessment of the particular requirements in that area and the likely impact of the new development on current provision. The cost of a new library will need to be negotiated on a site by site basis;
- **A library extension** - The cost associated with these works is based on information published by the Museums, Libraries and Archives (MLA) in their “Public Libraries, Archives and New Development – A Standard Charging Approach (May 2010)”. The MLA recommends 30 sq.m. per 1,000 population. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling. In addition there would be a requirement for the extension to be fitted out at £100 per dwelling. This brings the total requirement to **£244 per dwelling**;
- **Major Capital Project** to an existing library facility – this might include provision of new toilets etc. The cost associated with this work is **£244 per dwelling**;
- **Upgrading of existing library facilities**— This may include one or more of the following projects:
  - (a) Refurbish library – including improved decoration and new flooring;
  - (b) Reconfigure internal space (new layout) to increase lending capacity;
  - (c) Refurbish toilet facilities;
  - (d) Improved visitor access to library facility i.e. allowing easier access for those with young children or with mobility issues;
  - (e) External works – such as improved parking; cycle racks etc.

The costs associated with this work is **£100 per dwelling**;

- **IT Equipment; Furniture and Stock**
  - (a) Provision of books at named library or mobile service;

- (b) Provision of “talking books”; DVDs and other leisure materials;
- (c) Provision of “self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library;
- (d) Provision of furniture e.g. book shelves; tables; chairs to increase visitor numbers;
- (e) Provision of computers and computing equipment - including tables;
- (f) Provision of learning equipment / play equipment for younger children;

The costs associated with the above items is **£75 per dwelling**.

The County Council will not typically identify the precise project at the named library until it has sufficient pooled contributions to put together a deliverable / viable project. It is expected that the legal agreement (S106) will indicate that contributions will be spent at a specific library / libraries in order to increase lending capacity.

Type of Library Provision	Standard Charge per dwelling (£)
A new library and stock	To be negotiated
Library Extension and fitting out	244
Major Capital Project to existing library	244
Upgrading of existing library facilities and/or fitting out extension	75 - 100
Equipment and/or Stock	75

The above costs relate to any dwelling (e.g. houses, bungalows, flats and/or apartments). However, contributions will not be sought in relation to residential care homes and student accommodation.

## 6.0 Adult Social Care and Public Health

### Affordable Housing

**6.1.** The Council wishes to support people who have or may develop care and support needs to be supported in their own home for as long as possible. This means that housing needs to be “future proofed” in terms of being suitable or readily adaptable to that end as a general principle. In addition affordable housing is a key issue for people of all ages and disabilities who use Norfolk County Council services, and this must be accessible and integrated, taking account of access to public transport in terms of location within a site.

A proportion of affordable and market housing should be built to:

- Accessible and Adaptable Standards as set out in the Building Regulations Standards (M4(2)); and
- Wheelchair User Dwelling Standards as set out in the above Standards (M4 (3)).

This would assist in meeting changing needs.

### Accessible Housing

**6.2.** An increasing proportion (25%) of the population is over 65 or disabled. This places pressure on supported accommodation such as sheltered housing, extra care housing and care homes, residential care and supported living and means there is increased demand for more older peoples housing options in the future.

The County Council is committed to reducing residential care home and nursing home dependency for the elderly where they can be supported to remain more independent in their own homes or a housing based supported accommodation setting. It aims to provide care in:

- (a) Peoples own homes;
- (b) Rented accommodation in ordinary housing
- (c) Extra care housing (i.e. with residents living in own accommodation as tenants with staff available on site for emergency unplanned care); and
- (d) Sheltered accommodation with warden provision in those where absolutely necessary.

The Council also recognise that there will be a need for enhancing care homes and nursing homes, in line with population growth. The overall site size and minimum units are likely to be similar to extra care provision.

With regard to working age adults with special needs, the County Council is moving away from over reliance on residential care homes and instead is moving towards “**supported living**” i.e. housing with care (with residents living in their own accommodation as tenants) and single unit accommodation with floating support.

Therefore on larger housing proposals, and on smaller sites where the cumulative effect on services is similar to a larger site, the County Council may ask for a contribution to develop care services, for example:

- To upgrade, expand or convert care homes to supported living accommodation;
- To provide new build extra care housing for the elderly to support housing moves for older people into appropriate housing as care needs increase and their homes become unsuitable;
- To provide new or supported living to meet the needs of new residents to be near their extended family;
- To provide single unit accommodation in general housing with floating support.

This will not be a fixed charge but will be negotiated on a site by site basis, and in the case of care homes or extra care may be based on a land contribution. Any contributions sought will need to fully meet the policy tests set out in the CIL Regulations.

**6.3.** In addition the County Council would support the District Council as Housing Authority in seeking contributions towards:

- (a) Extra Care Housing Provision for elderly;
- (b) Sheltered Accommodation for the elderly; and
- (c) Supported Living (housing with care) for working age adults with special needs.

## **Public Health**

**6.4** The County Council in its Public Health role will consider whether proposed new development requires any contributions towards the general improvement of health. In general it is unlikely that public health will require any contribution, although it may seek to influence the design and make-up of the development in order to encourage healthier living through for example encouraging walking; cycling and the use of public transport.

**6.5** It should be noted that under the agreed Norfolk Strategic Planning Framework sit a series of agreements including a County-wide Health Protocol (Agreement 20), which commits Local Planning Authorities (LPAs), as determining authorities, to engage with all the relevant health care and social care partners; commissioning bodies; as well as the County Council on relevant planning applications.

It will ultimately be up to the respective LPA to decide upon seeking any developer funding to specific health care projects such as contributions towards new doctor's surgery / medical facility.

**6.6** Such contributions towards capital schemes will not resolve workforce shortages within the NHS or other services. It may however enable surgeries and other services to expand their physical capacity, thereby making recruitment and retention easier in the longer run

## 7.0 Fire Services

### NB Insert new Charge in Jan/Feb 2020

**7.1.** Developers will be expected to provide fire hydrants to the relevant water main. At least one hydrant will be needed for every 50 dwellings. The minimum cost of a hydrant fitted on no less than a 90 mm main is **£824.00** Therefore the Standard Charge per house towards a fire hydrant is **£16.48**.

**7.2.** Fire hydrants may also be sought in respect of commercial development at a minimum cost of **£824.00 per hydrant**. The number of hydrants required will need to be assessed on a site by site basis, in line with The Building Regulations Approved Document B Volume 2 Sections 15 & 16, British Standards 9990 and the 'National guidance document on the provision of water for fire fighting'.

**7.3.** Given that the provision of a fire hydrant will in most cases be on site, the County Council would expect that they are delivered through a planning condition. The fire hydrants ought to be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, in order to avoid any excessive costs to the developer. The location of the hydrant must be agreed with the Norfolk Fire and Rescue Service prior to installation. The developer will be expected to initiate the installation of the hydrant through contact with the Water Company and will incur all costs associated with the hydrant and its installation. The following conditions will be sought:

#### Condition 1 Residential Development:-

No development shall commence on site until a full or phased scheme has been submitted to, and agreed by the Council in consultation with Norfolk Fire and Rescue Service, for the provision of at least one fire hydrant (served by mains water supply) for every 50 dwellings forming part of the development and no dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service.

#### Condition 2 Commercial Development:-

No development shall commence on site until a scheme has been submitted for the provision of 0.75 fire hydrants per hectare (served by a 150 - 180mm main water supply depending on the mix and type of commercial uses) for the benefit of the commercial development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access), British Standard 9990 and the 'National guidance document on the provision of water for fire fighting'.

The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council in consultation with the Norfolk Fire and Rescue Service.

### **Informative**

**7.4.** With reference to Conditions 1 and 2, the developer will be expected to meet the costs of supplying and installing the fire hydrants.

### **Reason for Condition**

**7.5.** Condition is needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

**7.6.** Developers may also be asked to contribute towards additional off-site facilities made necessary by the proposed development. For any off-site requirements the County Council would expect these to be dealt with through a S106 agreement.

**7.7** The delivery of on-site fire hydrants should therefore be dealt through the use of planning condition rather than within a S106 agreement.

**7.8** Fire hydrant condition/s will be sought for any application in line with advice set out in Paragraph 55 of the National Planning Policy Framework. The County Council will normally seek such a condition/s in respect of an outline application, rather than relying on separate conditions imposed at the reserved matters stage, in order to:

- (a) ensure that the hydrants are properly planned across the development as a whole;
- (b) avoid any potential “gaps” in provision; and
- (c) reduce any cost burden on the development industry through avoiding unnecessary duplication.

## 8.0 Green Infrastructure

**8.1.** The County Council, in partnership with Local Planning Authorities, expects developers to contribute towards the provision of green infrastructure in line with requirements in the NPPF and local plan policies. Contributions towards green infrastructure should not be confined to monetary obligations but should be considered within the overall design of development and its context.

The principle of green infrastructure is to provide landscape connectivity for people and wildlife as well as, where appropriate, assisting in the protection of designated sites. The County Council therefore expects that green infrastructure provision is considered and secured through on-site open space provision with appropriate connections to the wider off-site GI network. This can be achieved, for example, through strategic Highway planting, enhancements to the Public Rights of Way network and effective use of sustainable urban drainage systems as multifunctional assets.

The County Council's green infrastructure responsibilities include:

**8.2. Public Rights of Way** - Norfolk County Council has a duty to sign and maintain 3,750 km Public Rights of Way (PROW). New development may directly affect routes through for example:

- Requiring those that exist to be moved or adopted; or
- Creating the need for new ones; or
- Requiring existing ones to be improved.

Where detached ways are proposed it is in the public benefit that they be dedicated as public rights of way. Increased use will be made of off-site routes requiring enhanced maintenance incurring cost to this authority.

**8.3 Norfolk Trails** – Where development is near to one of the Norfolk Trails, a contribution may be sought to help bring social and economic benefits to the local community with regards to connectivity with the trail infrastructure.

Therefore where proposed development is likely to have an impact on PROW, the County Council will seek to negotiate a contribution which is consistent with the tests set out in the CIL Regulations (2010).

**8.4 Habitat Regulation Assessment and ecological networks** - In terms of the Conservation of Species and Habitat Regulations 2010 (as amended), new and enhanced Green Infrastructure can be used as mitigation for impacts from recreational disturbance on internationally-designated wildlife sites as a result of new development. Therefore the County Council, in partnership with Local Planning Authorities, expects

developers to contribute towards the provision of a coherent and connected green infrastructure Network.

In addition, Local Authorities have a general duty to protect biodiversity. The County Council, in partnership with the respective District Council, may seek contributions towards improving areas of green space and/or the creation of new habitats in order to maintain, enhance, restore or add to biodiversity interests, where they relate to new housing development as required by the NPPF. Such contributions towards biodiversity interests will assist local authorities discharge their responsibilities under the Section 40 of the Natural Environment and Rural Communities Act (2006). Contributions will only be sought where they can be justified in terms of the tests set out in Regulation 122 of the CIL Regulations (2010), for example where residents from an individual proposed development site are reasonably likely to adversely impact a County Wildlife Site through increased footfall and where mitigation measures are necessary to address this.

## 9.0 Highways & Transport and Other Potential Contributions

### Highway and Transport

**9.1** The County Council, through its role as Highways & Transport consultee supports development where it can be clearly demonstrated that it meets the requirements of the NPPF in being safe and sustainable. With this in mind, developers may be required to provide transport related mitigation to address transport impacts of development. The mitigation measures secured by obligation can take the form of travel planning (See below), public transport provision including infrastructure, measures to improve road safety/capacity, or facilities to enable non-motorised users of the highway.

This can be delivered through financial contributions or physical works within the highway and will be dealt with by both the Planning (S106) and Highways (S278 of the 1980 Highways act) legislation. Highways and Transport mitigation measures will usually be secured by planning condition and are assessed on a site specific basis.

Early engagement with the Highways Development Management service is actively encouraged prior to submission of any planning application.

### Travel Planning

**9.2** Where it has been identified that a travel plan is required, Norfolk County Council's Travel Plan Guidance sets out the requirements including the travel plan surety bonds/contributions and monitoring fees. The Travel Plan Guidance can be found on the County Council's Web-site: <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/highway-guidance-for-development/travel-plans>

The following two options are available to all developers.

- A travel plan can be delivered by the developer or their 3<sup>rd</sup> party contractor with the surety bond payable to the County Council.

or

- The County Council can deliver the travel plan for an agreed fee through the S106. This travel plan would be delivered by the AtoBetter project.

Both options will require to pay the monitoring fee to the County Council in respect of monitoring and evaluation of their travel plans.

### Household Waste Recycling Facilities (HWRF)

**9.3** Norfolk County Council, as a Waste Disposal Authority, has a statutory duty under the Environmental Protection Act (1990) to provide facilities at which residents may deposit their household waste. Each facility must be situated either within the area of the authority or so as to be reasonably accessible to persons resident in this area.

Planned housing growth in Norfolk will place further pressures on existing facilities and will require a combination of new or improved facilities in order to meet future demand. Contributions may be sought to deal with the cumulative impact of a series of both small and large developments. The removal of Reg123 pooling restrictions provides for greater opportunities for seeking developer funding towards HWRF providing this is in line with the statutory legal tests set out in the CIL Regulations (Reg 122). This will not be a fixed charge but will be negotiated on a site by site basis.

**9.**

### **Historic Environment**

**9.5.** Developers will usually be required to meet the costs of protecting or examining and recording the historic environment generally including archaeological remains, historic buildings and other landscape feature through planning conditions or legal agreement.

### **Climate Change**

**9.6** Government is encouraging the use of the planning system to reduce the impacts linked with increasing the levels of carbon emission that exacerbate climate change. In due course this may involve contributions to abate these impacts; however, at this stage the precise figure has not been calculated and would not be implemented until consultation has occurred with the District Councils as part of any CIL preparation.

### **Monitoring of Contributions**

**9.7.** The County Council will closely monitor the contributions collected and ensure that any monies collected and spent are in accordance with the respective S106 agreement. Government proposals indicate that local authorities will be able to charge a monitoring fee in respect of planning obligations. The County Council will review this matter once the new Regulations are finally published.

## 10.0 Summary of Developer Requirements

10.1. The table below summarises the maximum costs per dwelling for education, library and fire hydrant provision:

Infrastructure/Service Area	Cost per Dwelling (£)
Education*	7,806
Libraries	75 (Minimum)
Adult Care Services	To be negotiated
Fire Hydrant	824 (per 50 dwellings) TO be amended
Household Waste Recycling Facilities	To be negotiated
Highways and Transport	To be negotiated
Green Infrastructure	To be negotiated
Other Items (relating to Historic Environment and Climate Change )	To be negotiated
<b>Total</b>	<b>7,881</b> This figure excludes fire hydrants which will be dealt with through condition

\* The education figure assumes extension and new build associated with an existing school and does not reflect the construction costs of a new school.

## 11.0 Contacts

11.1. For general enquiries regarding the County Council's planning obligations standards please call or email Stephen Faulkner (Principal Planner) on 01603 222752 (email [stephen.faulkner.gov.uk](mailto:stephen.faulkner.gov.uk)) or Laura Waters (Senior Planner) on 01603 638038 (email [laura.waters@norfolk.gov.uk](mailto:laura.waters@norfolk.gov.uk)); or Naomi Chamberlain (Trainee Planner) on 01603 638422 (email [naomi.chamberlain@norfolk.gov.uk](mailto:naomi.chamberlain@norfolk.gov.uk))

11.2 If you have any queries regarding specific sites please contact the relevant Local Planning Authority below:

<b>District</b>		<b>Number</b>
North Norfolk		01263 516325
King's Lynn and West Norfolk		01553 616417
Breckland		01362 656357
City		01603 212603
Broadland and South Norfolk		01508 533789
Great Yarmouth		01493 846421
Broads Authority		01603 610734

## Appendix

### Planning Obligations - Best Practice Note

1. **Issues on Major Housing Sites – Outline Scheme**
  - 1.1. A significant issue facing the County Council relates to an increase in housing arising from increased densities. While S106 agreements will allow for an increase in housing by ensuring that each additional dwelling over and above a given level contributes on a pro-rata basis (i.e. an uplift clause), they do not typically allow for additional land needed for a school (except on key strategic sites). With a modest increase in housing of between 10% - 15% it is considered possible that a pro-rata increase in contributions would cover any additional build costs associated with the recipient school. However, the level of increase which could come forward (40% plus) on some sites (i.e. reflecting Government aspirations for higher housing densities) may require a larger school site i.e. requiring additional land to that agreed in the S106.
  - 1.2. Other issues include Demographic Multipliers - S106 agreements are negotiated on the basis of demographic multipliers produced by the County Council, which are from time to time updated. Therefore it is possible on those S106s agreed prior to the current pupil multiplier that more children will arise from the development than previously thought.
  - 1.3. Increase in Build Costs – Estimates of build costs may rise over and above those allowed for through index -linking. The S106 relies on the RICS Building Cost index.
2. **General S106 Issues and Way Forward on Outline Schemes**
  - 2.1. The following “best practice” actions are considered appropriate:
    - **Capping the Level of Development** - All S106 relating to outline schemes should have an upper limit/cap placed on them through condition. This cap will need to be agreed between the District the County and the developer and be soundly based on the effective delivery of infrastructure and service (e.g. for education and highway provision);
    - **Uplift charge** – where an uplift charge (overage) is considered appropriate as an alternative to a “cap”, the uplift will be limited to an additional 10% dwellings. Any additional dwellings arising through more intensive development will require a new S106. The uplift will only relate to reserve matters applications.
    - **Demographic Multipliers**– these multipliers will be reviewed on a regular basis and where necessary updated in the County Council’s Planning Obligations Standards. The County Council will ensure that the most up to

- date multipliers are used;
- **Additional Land for a School** – in responding to District Council Local Plan consultations on site specific proposals the County Council will seek where appropriate additional school land to that required (i.e. contingency site) in order to serve the development in the event that housing numbers increase substantially. The site could potentially be reverted back to the developer if higher densities do not emerge. However, consideration would need to be made to the potential impact of any further housing on local infrastructure and services. In some instances it may be prudent to earmark any “contingency” site for other uses such as open space rather than simply handing the site back to the developer;
  - **Build Costs for Schools** - where a new school is needed the valuation will need to be robust and time limited to say three years after the agreement is signed. Thereafter the S106 should allow the costs to be re-negotiated

## Norfolk County Council

### Record of Individual Cabinet Member Decision

<b>Responsible Cabinet Member:</b>	
Cllr Margaret Dewsbury (Cabinet Member for Communities and Partnerships)	
<b>Background and Purpose:</b>	
<p>Norwich Castle: Gateway to Medieval England is an exciting project that will see Norwich Castle Keep transformed back to its former glory, as one of the finest Romanesque castles in Western Europe. The Project will drastically improve the visitor experience by reinstating the Norman principal floor and making the Keep a more understandable and accessible building.</p> <p>Norfolk County Council needs to appoint a Principal Contractor to deliver this project.</p> <p>In line with the recommendation of the 16 January 2019 Communities Committee Meeting and agreed at the 10 June 2019 Cabinet Meeting, a full open procurement exercise has been undertaken.</p> <p>The OJEU notice and Invitation to Tender provided a budget figure, which all three tenders exceeded by a significant amount. Public Contract Regulations 2015 (specifically Regulation 32(2)) allowed NMS to end the Open Procedure on the basis that all tenders were unaffordable and to enter into a Negotiated Procedure with the leading bidder.</p>	
<b>Decision:</b>	
<p><b>1. The Cabinet Member for Communities and Partnerships to approve the award of the contract for Principal Contractor for Norwich Castle: Gateway to Medieval England project to the successful tenderer, as set out in Appendix A of the attached report, and to sign associated paperwork, including the contract, to action this.</b> (Please note Appendix A is exempt from publication as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The name of the successful contractor will be released into the public domain once the contract award, and associated stand-still period, is concluded.)</p>	
<b>Is it a key decision?</b>	<b>No</b>
<b>Is it subject to call in?</b>	<b>Yes</b>
<b>If Yes – Deadline for Call in</b>	<b>Date: 4pm - Monday 17 February 2020</b>

**Impact of the Decision:**

The impact of the decision is that the implementation of the physical alterations envisaged as part of the Norwich Castle: Gateway to Medieval England project would be delivered as planned.

**Evidence and reason for the decision:**

This decision is required to allow Norfolk County Council to conclude the tender process. The decision to go out to open tender was made at the 16 January 2019 Communities Committee meeting and we now need to award this contract. This will enable the Council to deliver this project in line with Service priorities and to deliver the approved purposes outlined by the major funder, the National Lottery Heritage Fund.

**Alternative options considered and rejected:**

An Open invitation to tender process was carried out, in line with OJEU procedures and Norfolk County Council Procurement policies.

In terms of Cabinet Member Decision, the alternative option would be to not award the contract with the implication that the project would not proceed. as it would no longer be possible to deliver it within the agreed timetable.

**Financial, Resource or other implications considered:**

The project is funded through a grant from the National Lottery Heritage Fund, capital funding from the County Council, and other contributions from Government, public sector bodies, private companies and organisations and individuals (both in cash and time).

To enable the project to be fully funded to deliver the project based on the recommended successful tender bid, there is a need to secure additional capital funding of £1.25m capital and contingency funding in each of the financial years 2021/22 and 2022/23. This funding has been requested as part of the Council's budget setting process for the next three years and is subject to approval by Full Council at the meeting on 17 February.

The project budget allows for staffing and other required resources. There are no other implications to consider

**Record of any conflict of interest:**

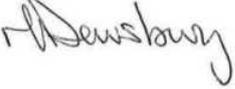
N/A

**Background Documents:**

- The Norwich Castle: Gateway to Medieval England project – procurement of construction contract report can be viewed [here](#), item 7 page 19.
- The minutes agreeing to the recommendations of the above report can be viewed [here](#), point 8.9.

**Date of Decision:**

**07/02/2020**

<b>Publication date of decision:</b>	10 February 2020
<b>Signed by Cabinet member:</b>  I confirm that I have made the decision set out above, for the reasons also set out  <b>Signed:</b>  <b>Print name: Councillor Margaret Dewsbury</b> <b>Date: 07/02/2020</b>	
<b>Accompanying Documents:</b>  - None	

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Individual Cabinet Member Decision Report

<b>Decision making report title:</b>	<b>Building Contractor for Norwich Castle: Gateway to Medieval England Development</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Margaret Dewsbury (Cabinet Member for Communities and Partnerships)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>

## Executive Summary

On the 16 January 2019, the Communities Committee approved the decision to take forward procurement of a Principal Contractor for the Norwich Castle: Gateway to Medieval England project, under OJEU Tender. The procurement of construction contract report can be viewed [here](#), item 7 page 19. The minutes agreeing to the recommendations of the above report can be viewed [here](#), point 8.9. In line with this recommendation, a full and open procurement exercise has been undertaken.

The procurement exercise has now been completed and we are now in a position to award the contract for Principal Contractor, subject to an additional sum of capital funding being approved as part of the County Council's budget for 2020-21 which is being considered by Full Council on 17 February. Awarding of this contract will allow Norfolk Museums Service to deliver the physical transformation planned as part of the Norwich Castle: Gateway to Medieval England project.

## Recommendation

**The Cabinet Member is asked, subject to the financial information contained in paragraph 6.1 below, to:**

- 1. Approve the award of the contract for Principal Contractor for Norwich Castle: Gateway to Medieval England project to the successful tenderer as set out in Appendix A, and to sign associated paperwork, including the contract, to action this.** (Please note Appendix A is exempt from publication as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The name of the successful contractor will be released into the public domain once the contract award, and associated stand-still period, is concluded.)

## 1. Background and Purpose

Norwich Castle: Gateway to Medieval England is an exciting project that will see Norwich Castle Keep transformed back to its former glory, as one of the finest Romanesque castles in Western Europe. The Project will drastically improve the visitor experience by reinstating the Norman principal floor and making the Keep a more understandable and accessible building.

Norfolk County Council needs to appoint a Principal Contractor to deliver this project.

In line with the recommendation of the 16 January 2019 Communities Committee Meeting and agreed at the 10 June 2019 Cabinet Meeting, a full open procurement exercise has been undertaken.

## 2. **Proposals**

In line with the recommendations of the 16 January 2019 Communities Committee Meeting and agreed at the 10 June 2019 Cabinet Meeting, a full open procurement exercise has been undertaken.

Tenderers were invited to submit prices via the Norfolk County Council's Intend procurement portal after contact was made to gauge overall interest in tendering for the works. The tender was an 'open' procurement process and although a longer list of potential bidders expressed an initial interest in tendering only three subsequently confirmed their firm intention to submit a bid once the tender information had been issued.

The OJEU notice and Invitation to Tender provided a budget figure, which all three tenders exceeded by a significant amount. Public Contract Regulations 2015 (specifically Regulation 32(2)) allowed NMS to end the Open Procedure on the basis that all tenders were unaffordable and to enter into a Negotiated Procedure with the leading bidder.

The Procurement exercise was managed by the Procurement Sourcing Team and they are satisfied that the conclusion from the exercise is appropriate and within the relevant legislative and procedural requirements.

Award of the contract will enable the successful delivery of the Norwich Castle: Gateway to Medieval England project.

It is recommended that the contract is awarded to the construction contractor detailed in Appendix A.

## 3. **Impact of the Proposal**

The impact of the decision is that the implementation of the physical alterations envisaged as part of the Norwich Castle: Gateway to Medieval England project would be delivered as planned.

## 4. **Evidence and Reasons for Decision**

This decision is required to allow Norfolk County Council to conclude the tender process. The decision to go out to open tender was made at the 16 January 2019 Communities Committee meeting and we now need to award this contract. This will enable the Council to deliver this project in line with Service priorities and to deliver the approved purposes outlined by the major funder, the National Lottery Heritage Fund.

## 5. **Alternative Options**

An Open invitation to tender process was carried out, in line with OJEU procedures and Norfolk County Council Procurement policies.

It would be possible not to award a contractor. However, this would be likely to lead to the loss of the external funding needed to deliver this project as it would no longer be possible to deliver it within the agreed timetable.

## **6. Financial Implications**

- 6.1 The project is funded through a grant from the National Lottery Heritage Fund, capital funding from the County Council, and other contributions from Government, public sector bodies, private companies and organisations and individuals (both in cash and time).

To enable the project to be fully funded to deliver the project based on the recommended successful tender bid, there is a need to secure additional capital funding of £1.25m capital and contingency funding in each of the financial years 2021/22 and 2022/33. This funding has been requested as part of the Council's budget setting process for the next three years and is subject to approval by Full Council at the meeting on 17 February.

The project budget allows for staffing and other required resources. There are no other implications to consider.

## **7. Other Implications**

### **7.1 Equality Impact Assessment (EqIA)**

This decision has no negative implications in terms of equality and as such an EqIA has not been undertaken.

The successful contractor will be expected to manage the project in a way that retains accessibility to the rest of the building as far as possible and, once completed, the project will provide significantly improved access.

### **7.2 Health and Safety Implications:**

All CDM work will align with the NCC Compliance Code, under the guidance of NCC Health and Safety Advisor. A F10 has been logged on the HSE site to register this project. The Contractor's health and safety procedures and controls will be implemented on site through the project's Construction Phase Health & Safety Plan (CPHSP).

### **7.3 Sustainability Implications**

There are no additional sustainability implications as a result of awarding this contract.

### **7.4 Any Other implications**

Officers have considered all the implications which Members should be aware of. Apart from those listed in the report (above), there are no other implications to consider.

## **8. Risk Implications/Assessment**

- 8.1 There are no additional risk implications to note with regards to this report. A Risk Management and Mitigation process is in place for the Norwich Castle: Gateway to Medieval England project, which is overseen by the Project Board.

## 9. **Select Committee Comments**

9.1 Not applicable.

## 10. **Recommendation**

10.1 The Cabinet Member is asked to agree that:

**Approve the award of the contract for Principal Contractor for Norwich Castle: Gateway to Medieval England to the successful tenderer, as set out in Appendix A, and to sign associated paperwork, including the contract, to action this.**

(Please note Appendix A is exempt from publication as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The name of the successful contractor will be released into the public domain once the contract award, and associated stand-still period, is concluded.)

## **Background Papers**

- The Norwich Castle: Gateway to Medieval England project – procurement of construction contract report can be viewed [here](#), item 7 page 19.
- The minutes agreeing to the recommendations of the above report can be viewed [here](#), point 8.9.

## **Officer Contact**

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

**Officer Name:** Robin Hanley, Assistant Head of Museums (Head of Service Delivery) and Project Director Norwich Castle: Gateway to Medieval England

**Tel No:** 01603 493663

**Email address:** [robin.hanley@norfolk.gov.uk](mailto:robin.hanley@norfolk.gov.uk)



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

## Norfolk County Council

### Record of Executive Director Decision

**Responsible Cabinet Member: Councillor Andy Grant (Cabinet Member for Environment & Waste)**

**Background and Purpose:**

On 13 January 2020, the County Council's Cabinet decided:

- 1) To continue the arrangement with Suffolk County Council for the delegation of certain limited residual waste disposal functions where:
  - a) The arrangement represents value for money.
  - b) The continuation is from 01 April 2021 and is for six years in principle and which could be extended for up to a further two years.
  - c) The initial tonnage is around 20,000 tonnes a year with the potential to vary in line with available capacity.
  
- 2) To delegate to the Executive Director, Community and Environmental Services in consultation with the Cabinet Member for Environment and Waste the approval of any documents together with any other acts or instruments required to continue the arrangement.

The amended and restated inter-authority agreement between Suffolk County Council and Norfolk County Council is now ready for approval and signing by the Executive Director in consultation with the Cabinet Member for Environment and Waste.

**Decision:**

**To approve and sign, in consultation with the Cabinet Member for Environment and Waste, the amended and restated inter-authority agreement between Suffolk County Council and Norfolk County Council for residual waste.**

<b>Is it a key decision?</b>	<b>No</b>
<b>Is it subject to call in? If Yes – Deadline for Call in</b>	<b>Yes</b> 4pm - Wednesday 19 February 2020

**Impact of the Decision:**

As set out in the Cabinet report "[Residual Waste: Procurement and Suffolk Inter-Authority Agreement](#)" which was discussed at the meeting of the Cabinet on 13 January 2020.

<b>Evidence and reason for the decision:</b>	
The delegation agreement document is finalised and ready for signature, and implements Cabinet's decision on 13 January 2020 to enter into the agreement with Suffolk County Council.	
<b>Alternative options considered and rejected:</b>	
Not authorising signature of the document.	
<b>Financial, Resource or other implications considered:</b>	
As set out in the Cabinet report " <a href="#">Residual Waste: Procurement and Suffolk Inter-Authority Agreement</a> " which was discussed at the meeting of the Cabinet on 13 January 2020.	
<b>Record of any conflict of interest:</b>	
None	
<b>Background Documents:</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Residual Waste: Procurement and Suffolk Inter-Authority Agreement</a></li> <li>• Report to Cabinet, 13 January 2020: <a href="#">Minutes of the Cabinet meeting of 13 January 2020</a></li> </ul>	
<b>Date of Decision:</b>	<b>21 January 2020</b>
<b>Publication date of decision:</b>	12 February 2020
<b>Signed by Executive Director:</b>	
I confirm that I have made the decision set out above, for the reasons also set out and that I have made the decision in consultation with the Cabinet Member for Environment and Waste	
<b>Signed:</b>	
<b>Print name:</b>	<b>Tom McCabe</b>
<b>Date:</b>	<b>10/02/2020</b>
<b>Accompanying Documents:</b>	
Individual Executive Director Decision Report: Residual Waste: Suffolk Inter-Authority Agreement.	

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

# Executive Director Decision Report

<b>Decision making report title:</b>	<b>Residual Waste: Suffolk Inter-Authority Agreement</b>
<b>Date of meeting:</b>	<b>21 January 2020</b>
<b>Responsible Cabinet Member:</b>	<b>Cllr Andy Grant (Cabinet Member for Environment and Waste)</b>
<b>Responsible Director:</b>	<b>Tom McCabe (Executive Director, Community and Environmental Services)</b>
<b>Is this a key decision?</b>	<b>No</b>
<p><b>Executive Summary</b></p> <p>On 13 January 2020 Cabinet decided to continue the arrangement with Suffolk County Council for the delegation of certain limited residual waste disposal functions. The Residual Waste: Procurement and Suffolk Inter-Authority Agreement report can be viewed <a href="#">here</a> (P554). The minutes approving the recommendation can be found <a href="#">here</a> (P20).</p> <p>Cabinet delegated to the Executive Director, Community and Environmental Services, in consultation with the Cabinet Member for Environment and Waste, the approval of any documents together with any acts or instruments required to continue the agreement.</p> <p>The delegation agreement is now finalised and ready for approval and signature.</p> <p><b>Recommendations</b></p> <p><b>1. To approve and sign, in consultation with the Cabinet Member for Environment and Waste, the amended and restated inter-authority agreement between Suffolk County Council and Norfolk County Council for residual waste.</b></p>	

## 1. Background and Purpose

- 1.1. On 13 January 2020, Cabinet agreed to continue the arrangement with Suffolk County Council for the delegation of certain limited residual waste disposal functions from 01 April 2021. The purpose of this report is to seek authorisation to approve and sign the inter-authority agreement in line with the delegation to do so agreed by Cabinet.

## 2. Proposals

- 2.1. The recommendation is that the Executive Director approves and signs, in consultation with the Cabinet Member for Environment and Waste, the amended and restated inter-authority agreement between Suffolk County Council and Norfolk County Council for residual waste.

### **3. Impact of the Proposal**

- 3.1. The approval and signing of the agreement would implement Cabinet's decision of 13 January 2020 to continue the delegation agreement with Suffolk County Council.

### **4. Evidence and Reasons for Decision**

- 4.1. The text of the delegation agreement is now finalised and agreed between both parties. The final agreement text reflects the principles outlined in Cabinet's decision to continue the delegation agreement because:
- a) it reflects value for money.
  - b) is for six years in principle and could be extended for a further two years.
  - c) the initial tonnage is around 20,000 tonnes a year.

### **5. Alternative Options**

- 5.1. There are no alternative options to deliver the decision made by Cabinet.

### **6. Financial Implications**

- 6.1. As set out in the report to Cabinet on 13 January. This included the financial implications of entering into the arrangement, which included anticipated savings of over £1m over six years.

### **7. Resource Implications**

#### **7.1. Staff:**

None

#### **7.2. Property:**

None

#### **7.3. IT:**

None

### **8. Other Implications**

#### **8.1. Legal Implications**

- 8.1.1. The report to Cabinet on 13 January set out the legal implications of entering into a delegation agreement between the two County Councils.

#### **8.2. Human Rights implications**

- 8.2.1. None.

#### **8.3. Equality Impact Assessment (EqIA)**

- 8.3.1. An EqIA has been carried out and there is no relevant impact relating to this proposal.

### **9. Health and Safety implications**

