

Norfolk County Council

Date: **Tuesday 13 December 2022**

Time: **10.00 am**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich NR1 2DH**

Supplementary Agenda

- 11.1 Appendix A - Recommendations from the Corporate Select Committee held on 14 November 2022**

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This appendix A replaces pages 41 to 46 of the agenda

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Corporate Select Committee

Item No:8

Report Title: Amendments to the Constitution to include Financial Regulations update 2022-23 & changes to statutory officer designations

Date of Meeting: 14 November 2022

Responsible Cabinet Member: Cllr Andrew Proctor (Leader and Cabinet Member for Strategy & Governance)

Responsible Director: Helen Edwards Director of Governance

Executive Summary

The Corporate Select Committee is charged with considering changes to the Constitution, before recommendations are made to Full Council

It is best practice to review and update Financial Regulations on an annual basis to ensure that they remain up to date, aligned with current systems and processes, and compliant with statutory requirements.

This paper appends the Financial Regulations with amendments proposed following this annual review exercise. The review has been carried out by the Finance Team.

In addition, it is necessary to make changes to the officer appointed as the Monitoring Officer and other statutory roles, following the resignation of the Director of Governance. These are set out in para 2.2 below.

Recommendations

The Select Committee is asked to:

1. Consider the proposed amendments to Financial Regulations and recommend these to Full Council.
2. Consider the proposed amendments to statutory officer designations set out in para 2.2 below and recommend these to Full Council
3. Decide whether they wish to have later changes required following the departure of the Executive Director for Finance and Commercial Services brought to the January committee meeting for consideration, or whether they may be recommended directly to Council without needing to be brought first to this Committee

1. Background and Purpose

- 1.1. The 2022 update represents a relatively light touch review following a comprehensive review. Executive.
- 1.2. The amendments to statutory roles is required following the resignation of the Director of Governance, who is designated as the officer currently holding these roles. It is not intended to recruit a replacement Director of Governance so the Council is required to allocate the statutory roles to other officers.

2. Proposal

- 2.1. Appendix 1 to this report sets out the Council's Financial Regulations with proposed changes identified. The key areas of change reflect:
 - 2.1.1. Amending references to the Strategic Asset Management Plan to refer to the Strategic Property Asset Management Framework.
 - 2.1.2. Clarifying that the overall revenue budget and capital programme must cover a minimum period of three years.
 - 2.1.3. Changes to remove duplication and reflect reference to the internal carbon pricing guidance as agreed by Corporate Select Committee in July 2022.
 - 2.1.4. The replacement of systems such as 'iProcurement' and 'Budget Manager' with the new finance and HR system 'myOracle'.
 - 2.1.5. A new paragraph at 3.7.5 to clarify the approval process for the application of any additional external funding, including grants, received during a financial year and which was not addressed at the time of budget setting.
 - 2.1.6. Updates within the Risk Management section to reflect the Insurance Strategy.
 - 2.1.7. Changes to the responsibilities and authorisation limits relating to the disposal and acquisitions of land and property assets.
 - 2.1.8. Amendments to reflect changes to terms of leases in relation to disposals and acquisitions of land and property asset leases.
 - 2.1.9. Updates to include delegation of responsibility for land and property transactions in the absence of the Corporate Property Officer.
- 2.2. The Director of Governance holds a number of statutory roles. The Director of Governance has resigned and will leave the Council on 8 January 2022. Corporate Select Committee is asked to consider making the following recommendations to Full Council, to take effect from 9 January 2023.

2.2.1. Monitoring Officer (MO)

The Council is required by s5 Local Government & Housing Act 1989 to designate one of its officers as the Monitoring Officer. The Constitution at Part 10 (1) (f) designates the Director of Governance as its Monitoring Officer. The Committee is asked to recommend to Council that this is changed to designate the Head of Legal Services (currently Katrina Hulatt) as Monitoring Officer. The Committee is asked to note that miscellaneous changes will be

made by the Director of Governance under her existing delegation, to reallocate other miscellaneous delegations to other officers within her department.

2.2.2. Data Protection Officer (DPO)

The General Data Protection Regulations (GDPR) require the Council to appoint a senior officer as its Data Protection Officer. The Committee is asked to recommend to Council to designate the Executive Director of Strategy & Transformation (currently Paul Cracknell) as DPO.

2.2.3. Money Laundering Reporting Officer (MRLO)

The MRLO is appointed to ensure compliance with the Money Laundering Regulations 2007. The Committee is asked to recommend to Council to designate the Chief Internal Auditor (currently Adrian Thompson) as MRLO.

2.2.4. Senior Responsible Officer (SRO)

The SRO is responsible for RIPA (Regulation of Investigatory Powers) activity under the Regulation of Investigatory Powers Act 2000. This power is used mainly by Trading Standards, and the Committee is therefore asked to recommend to Council to designate the Head of Trading Standards (Currently Sophie Leney) as the SRO.

- 2.3. Further, it has been announced that the Executive Director of Finance and Commercial Services is leaving the Council later in 2023. Changes to the Constitution will be required to reallocate his delegations to other officers. Corporate Select Committee is asked to agree that recommendations may be made directly to Full Council for its meeting in March 2023, without the need to be brought to Corporate Select Committee first for their consideration. This is simply to avoid taking up further time on the Committee's work programme.

3. Impact of the Proposal

- 3.1. If in agreement, the changes will be made to the constitution and it will be submitted to full Council for formal agreement

4. Evidence and Reasons for Decision

- 4.1. The annual process to review Financial Regulations has been undertaken with input from officers across the organisation. The proposals ensure that the Financial Regulations remain current and reflect policy decisions.
- 4.2. The amendments to statutory roles are required to enable the Council to comply with its requirements to appoint officers to these statutory roles.

5. Alternative Options

5.1. Retain the status quo and make no changes or propose alternative changes. This may risk the Financial Regulations becoming outdated, and the remainder of the Constitution not fulfilling Council's obligations to appoint to statutory roles.

6. Financial Implications

6.1. No direct financial implications. Amendments to the Financial Regulations ensure they remain fit for purpose and set the financial context within which the County Council operates.

7. Resource Implications

7.1. **Staff:** None identified.

7.2. **Property:** None identified.

7.3. **IT:** None identified.

8. Other Implications

8.1. **Legal Implications:** The Council is required to appoint certain statutory officers, and the amendments identified will ensure that obligation is met.

8.2. **Human Rights Implications:** None identified.

8.3. **Equality Impact Assessment (EqIA) (this must be included):** None identified.

8.4. **Data Protection Impact Assessments (DPIA):** None identified.

8.5. **Health and Safety implications (where appropriate):** None identified.

8.6. **Sustainability implications (where appropriate):** None identified.

8.7. **Any Other Implications:** None identified.

9. Risk Implications / Assessment

9.1. No specific risks have been identified. If Financial Regulations are not regularly reviewed there is a risk they may become outdated or non-compliant with statutory or other changes.

10. Recommendations

10.1. The Select Committee is asked to:

1. Consider the proposed amendments to Financial Regulations and recommend these to Full Council.
2. Consider the proposed amendments set out in para 2.2 below and recommend these to Full Council
3. Decide whether they wish to have later changes required following the departure of the Executive Director for Finance and Commercial Services brought to the January committee meeting for consideration, or whether they may be recommended directly to Council without needing to be brought first to this Committee

11. Background Papers

11.1. [Internal Carbon Pricing Guidance](#), item 11, Corporate Select Committee 11 July 2022

Officer Contact

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