

**Cabinet**  
**Minutes of the Virtual Teams Meeting held**  
**on Tuesday 12 January 2021 at 10am**

**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.

**Executive Directors Present:**

James Bullion	Executive Director of Adult Social Services
Simon George	Executive Director of Finance & Commercial Services
Tom McCabe	Executive Director of Community & Environmental Services and Head of Paid Service.
Sara Tough	Executive Director of Children's Services
Sam Pittam-Smith	Director of Transformation

The Chairman welcomed everyone to the Cabinet meeting and advised viewers that pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the meeting was being held under new Regulations which had been brought in to deal with the restrictions under Covid 19. Decisions made in the meeting would have the same standing and validity as if they had been made in a meeting in County Hall.

Cabinet Members and Executive Directors formally introduced themselves.

**1 Apologies for Absence**

1.1 There were no apologies for absence.

## **2 Minutes**

- 2.1 The minutes from the Cabinet meeting held on Monday 7 December 2020 were agreed as an accurate record.

## **3 Declaration of Interests**

- 3.1 The following declarations were declared:
- The Chairman declared a non-pecuniary interest related to agenda item 14, "Performance and Governance of Norfolk County Council owned companies", as he was a Councillor Appointed Director on Repton Properties and Norse Group, and a non-pecuniary interest related to agenda item 15, "Norse Group Business Plan", as he was a Councillor Appointed Director on Norse Group.
  - The Cabinet Member for Commercial Services & Asset Management declared a non-pecuniary interest related to agenda item 14, "Performance and Governance of Norfolk County Council owned companies", as he was a Council Nominated Director of Hethel Innovation Ltd and Repton Properties.
  - The Cabinet Member for Communities & Partnerships declared a non-pecuniary interest as a member of the Fire CIC.

## **4 Matters referred to Cabinet by the Scrutiny Committee, Select Committees or by full Council.**

- 4.1 There were no matters referred to Cabinet.

## **5 Items of Urgent Business**

- 5.1 There were no matters of urgent business discussed

## **6 Public Question Time**

- 6.1 The list of public questions and responses is attached to these minutes at Appendix A.

### **6.2 Supplementary Question from Mr Price**

As a supplementary question Mr Price asked if Cabinet would support district Councils through the Norfolk Climate Change Partnership to safeguard mature trees on County Council owned land through issuing appropriate tree preservation orders (TPOs).

In reply, the Cabinet Member for Environment & Waste said that Norfolk County Council would have to work in collaboration with districts to issue TPOs on Council land; he could not guarantee preserving all trees, but supported working with District Councils on appropriate trees in appropriate areas.

### **6.3 Supplementary Question from Mr Atterwill**

As a supplementary question, Mr Atterwill queried whether people in Norfolk would wonder whether Councillors had the right priorities for Norfolk in mind when hearing about allowance increases for Councillors and the cost of refurbishment of the Council Chamber. He asked whether vulnerable people could be confident that Councillors, Cllr Borrett and the Council had their best interests at heart.

In reply, the Chairman said that all Councillors had the best interests of all Norfolk residents and businesses at heart in the work that they do. The judicial review outcome had been demonstrated as unforeseen and unintended. The Chairman believed Cllr Borrett did a good job in his role, and he was confident in him continuing in this role.

- 6.4 Mr Clark had provided a written supplementary question, which would be responded to in writing (see appendix C).

## **7 Local Member Questions/Issues**

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

### **7.2 Supplementary question from Cllr Ed Maxfield**

Cllr Maxfield was concerned about the delay of devolution from the Cabinet agenda and the potential impact on outcomes for children on a major redesign of children's services in Norfolk that may follow devolution. He asked Cllr Fisher to consider looking at setting up a task and finish group to look at any issues that may arise for children's services following changes brought about by devolution.

In reply, the Chairman said that the white paper from Government on devolution was still being awaited. Certain aspects could not be considered until this was received.

### **7.3 Supplementary question from Cllr Alexandra Kemp**

Cllr Kemp noted that during the lockdown in 2020, care home residents were discharged from NHS hospitals untested or with Covid-19 and was concerned about this; as the Council responsible for care homes, she asked whether the Cabinet Member for Adult Social Care, Public Health & Prevention could give assurances that this would not happen again

The Cabinet Member for Adult Social Care, Public Health & Prevention confirmed that he could give this assurance.

### **7.4 Supplementary question from Cllr Brenda Jones**

Cllr Jones felt that the Cabinet Member for Adult Social Care, Public Health & Prevention had shown inability to listen to people whose lives had been affected by the MIG (Minimum Income Guarantee) policy changes and been dismissive to people who challenged his views. She asked whether the Leader would appoint a new Member in this role.

The Chairman confirmed that the Cabinet Member for Adult Social Care, Public Health & Prevention had his trust in the job that he did, and he had no intention of replacing him

- 7.5 The Cabinet Member for Highways, Infrastructure & Transport responded to Cllr Douglas' substantive question: officers had spoken to Highways England Historical Railways Estate who confirmed that as a result of assessments undertaken on their assets they had a programme of works to bring forward, starting with the works deemed most urgent. Currently, the bridge at Guist was subject to a 3-tonne weight restriction, so works there had been identified as priority 2 urgent. No immediate works were planned now that the issues about works threatening

restoration work at the railway which had been a ambition of a private railway group has been brought to the Cabinet Member's attention; he would ensure engagement with Council officers and Highways England Historical Railways Estate to seek resolution of the issues. A representative of Highways England Historical Railways Estate had agreed to attend the next Norfolk Rail Group meeting in Feb 2021.

## **8 Adult Social Services charging policy for non-residential care – next steps following Judicial Review**

- 8.1 Cabinet received the report by the Executive Director of Adult Social Services brought forward at the earliest possible moment as a result of the judgment of the High Court in respect of Norfolk County Council (the Council) changing its charging policy to reflect the Government's national guidelines.
- 8.2 The Cabinet Member for Adult Social Care, Public Health & Prevention introduced the report and moved the recommendations, during which the following points were noted:
- The Cabinet Member was sorry that the Council had been found to have caused discrimination although noted it had been deemed to be inadvertent
  - The Cabinet Member noted that the decision may have far reaching implications for other councils as the changes had been made to bring the Council in line with Government's Minimum Income Guarantee (MIG) national guidelines
  - The Cabinet Member had apologised formally to the family who brought the judicial review and had the upmost respect for people who lived with disabilities and those who cared for them, and aimed to do all he could to do improve the quality of the Council's Adult Social services and strive to make these services the best possible for those who relied on them.
  - The Council had sought the changes as it did not have unlimited funds and had to make the best use of them by law. The Cabinet Member had historically supported increases in the adult social care precept and campaigned with MPs for the need for a sustainable settlement for adult social care.
  - The Cabinet Member highlighted the charging policy of Norfolk compared to other comparable counties, shown on page A10 of the report, who had a lower MIG than that offered by Norfolk County Council although being within the national guidelines.
- 8.3 The Executive Director of Adult Social Care apologised that the Council did not sufficiently see the link between the ability of disabled people to work and have their earnings disregarded against the ability of severely disabled people to not work and have their enhanced Personal Independence Payment (PIP) taken into account as part of the charging policy; while this was in line with guidance this had been judged as discriminatory and therefore the proposal was to disregard the enhanced PIP. The Council aimed to engage with service users moving forward to see how changes would impact on disabled people, and not just severely disabled people.
- 8.4 The Chairman endorsed The Cabinet Member's apology and noted that this had been an unforeseen and unintended situation. The Council had responded as quickly as possible with the paper to cabinet and drawing up next steps to engage with service users properly and rigorously.

8.5 The Cabinet Member for Finance endorsed the comments made by the Cabinet Member for Adult Social Care, Public Health & Prevention and the recommendations in the report. He agreed that the Council wanted to make resources fully available to the people of Norfolk while achieving good value for money. The Adult Social Care gross budget had increased in the previous 4 years from £355million to £448million.

8.6 Cabinet **RESOLVED** to:

- a) make an initial amendment to the charging policy for non-residential care for people of working age, setting a minimum income guarantee of £165 per week, and using discretion to disregard the enhanced daily living allowance element of Personal Independence Payment
- b) apologise to those affected and implement that amendment as soon as practicable and backdate it to July 2019
- c) initiate further detailed work on the impact of the charging policy as it relates to the group of severely disabled people identified by this judgment, and wider groups

## 8.7 **Evidence and Reasons for Decision**

In changing its charging policy in February 2019, the Council was bringing itself into alignment with many other councils. A driver for the change was to support more people into work – which many people said they wanted.

The judgment recognised that the Council had not taken the decision lightly, and that the discrimination had been inadvertent.

This approach to remedying the injustice can be put in to place swiftly, and back payment made as soon as is practicable. The longer-term review allows a more detailed, considered piece of work to be undertaken, with consultation, to ensure that the policy is equitable and sustainable in the longer term.

## 8.8 **Alternative Options**

An alternative option would be to not implement changes straight away, however the Council's view is that this is not a helpful or sustainable position and would be detrimental to those affected.

## 9 **Fee levels for adult social care providers 2021/22**

9.1 Cabinet received the report by the Executive Director of Adult Social Services, detailing the adult social care provider fee uplift 2021-22. The Council has legal duties under the Care Act 2014 to promote the effective and efficient operation of this market including its sustainability including setting and maintaining adequate fee levels.

9.2 The Executive Director of Adult Social Care introduced the report:

- An engagement had been carried out with the Norfolk Care Association as part of the process of setting the fee levels as set out in the report.

- The Executive Director noted the excellent work of care providers during the Covid-19 pandemic and the impact of this on costs for them which would continue to impact on them in the next year, 2021-22.
- The Executive Director pointed out a correction to the published information at paragraph 2.73 of the the report: consultation period will actually be 19 January to 15 February.

9.3 The Cabinet Member for Adult Social Care, Public Health & Prevention introduced the report and moved the recommendations, during which the following points were noted:

- The Cabinet Member thanked care providers for their hard work during the pandemic.
- The Council had historically increased the amount paid to providers above the level of inflation to provide sustainability and security for the care market and intended to do so in 21-22 also.
- The uplift percentages in table 1, paragraph 2.2, outlined the percentage increases across the different types of services.
- The announcement of the national living wage was lower than expected, therefore the Council was providing fee increases which would allow providers to pay staff an increase above this amount.

9.4 The Chairman thanked the Cabinet Member and Executive Director and noted the hard work of care providers during the pandemic, and the positive partnership working which had developed between the NHS and County Council over the past year.

9.5 The Cabinet Member for Finance endorsed the report as the changes would support long term stability in the employment market, target support where it was most needed and reward care workers for the work they had been carrying out.

9.6 Cabinet **RESOLVED** to:

**AGREE** the approach to fee uplifts for the 2021/22 financial year as set out below:

- a) In respect of contracts where an inflation index or indices are referenced, an uplift is implemented to match any changes in the relevant index or indices
- b) In respect of contracts where there is a fixed price for the duration of the contract, no additional uplift in contract prices takes place
- c) In other contracts, where the Council has discretion in relation to inflationary fee uplifts, that uplifts are considered in line with those set out in this report
- d) In respect of fees above usual price that have been negotiated within the last six months, including short term residential services, it is recommended that no automatic uplift be applied for 2021/22
- e) In the case of residential and nursing care any final uplift including other adjustments is subject to formal consultation, with implementation being through the use of Chief Officer delegated powers following that process

9.7 **Evidence and Reasons for Decision:**

#### **The legal framework – The Care Act 2014**

The Care Act places duties on local authorities to facilitate and shape their market for adult care, and support as a whole, so that it meets the needs of all people in

their area who need care and support, whether arranged or funded by the state, by the individual themselves or in other ways.

The ambition is for local authorities to influence and drive the pace of change for their whole market leading to a sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and cost effective outcomes that promote the wellbeing of people who need care and support.

The statutory guidance to the Care Act requires local authorities to commission services having regard to cost effectiveness and value for money. The guidance also states, however, that local authorities must not undertake any actions that might threaten the sustainability of the market as a whole, that is the pool of providers able to deliver the services required to an appropriate quality - for example by setting fee levels below an amount which is not sustainable for providers in the long term. The guidance emphasises the need to ensure that fee levels are sufficient to enable providers to meet their statutory obligations to pay at least the national minimum wage and provide effective training and development of staff.

### **Contracts**

The Council spends over £310m a year in securing the care services needed through a large number of contracts. These contracts contain legally binding provisions regarding fee levels and often the treatment of inflationary and deflationary pressures on the fee levels which vary from contract to contract.

At current usage rates the fee levels proposed in this report would add £10.143m to the value of our total investment in the care market in 2020/21. This is considered to be essential to enable the Council to continue to discharge its legal obligations as well as securing stable supply in the longer term.

## **9.8 Alternative Options**

The option recommended within this report is affordable within the Council's budget planning approach and alternative options are not presented. However, members could choose to make different budget decisions as part of the County Council budget process.

## **10 Progress with delivering the NCC Environmental Policy**

- 10.1 Cabinet received the report by the Executive Director, Community & Environmental Services with an update for Cabinet on progress to date on the Member Oversight Group to provide the governance for delivering our new Environmental Policy, including NCC carbon reporting and future trajectory, tree planting, a concept for a land management best practice project, an approach for internal engagement within NCC which would inform department and organisation-wide future activities to deliver the Policy, and how the Policy sits within the wider context of the County's 25 Year Environment Plan
- 10.2 The Cabinet Member for Environment and Waste introduced the report and moved the recommendations, during which the following points were noted:

- Last year Norfolk County Council produced 11,600 net tonnes of carbon and the Cabinet Member was determined that this would be reduced to 0 by 2030 as agreed.
- The Council had agreed to plant over 1m trees in Norfolk, a £1.5m investment in active travel, and planning was being worked out for the Burlingham estate. The Council was working with Norwich City Council and UK power networks for on-street charging points.
- Installation of 15,000 LED streetlights and a new waste contract would save 47,000 tonnes of emissions per year.

10.3 The Cabinet Member for Highways, Infrastructure & Transport welcomed the initiatives highlighted in the report. He noted the successful funding to support active travel across Norfolk and that the Council would continue to attract funding for similar schemes across the County. He felt that the work to install on-street charging points showed that the Council was working to bring innovative schemes to Norfolk and endorsed rolling it out further afield when possible.

10.4 The Cabinet Member for Finance noted that the Healthy Streets and Greenways to Green Spaces project had received funding, and that Councillors were working together to further enhance this.

10.5 The Cabinet Member for Adult Social Care, Public Health & Prevention noted that the Norfolk Climate Change Partnership demonstrated positive partnership working and he commended the Cabinet Member for bringing this together.

10.6 Cabinet **RESOLVED** to:

1. review progress to date on the delivery of the Environmental Policy and to approve changes to the Member Oversight Group's Terms of Reference (Appendix 1), reflecting ongoing activities to deliver the Policy.

## 10.7 **Evidence and reasons for Decision**

This report details the progress being made to deliver the commitments in the County Council's Environmental Policy. Although the work is at an early stage, good progress is being made, overseen by the Member Oversight Group and with input from key stakeholders, including the UEA

## 10.8 **Alternative Options**

No alternative options are being considered. The approach outlined within the report is felt to be the logical approach at this time. As delivery develops, the approach can be further refined. If major changes are envisaged these will be developed by the Member Oversight Group, for Cabinet to consider.

## 11 **Local Flood Risk Management Strategy Review**

11.1 Cabinet received the report by the Executive Director of Community & Environmental Services detailing a review of the existing policies in the Local Flood Risk Management Strategy against new and emerging national strategies and policies which had resulted in the proposal of 3 new policies and minor updates to our existing policies.



- 11.2 The Executive Director of Community and Environmental Services noted the flooding experienced in the County over the recent weeks; there were many organisations involved in flood prevention and it was imperative that all of these partners worked together in order to achieve best outcomes.
- 11.3 The Cabinet Member for Environment and Waste introduced the report and moved the recommendations, during which the following points were noted:
- The Cabinet Member sent his sympathies to people who had experienced the flooding over the past weeks and paid tribute to all residents and emergency services who responded to help.
  - Flooding was now a more common event therefore national policy needed to change to reflect this, and the Council would continue to press Government for increased funding.
  - There were issues of maintenance and infrastructure which needed addressing in Norfolk.
- 11.4 The Cabinet Member for Communities & Partnerships endorsed the plans to develop community-led action plans, drawing on local knowledge. Bringing partners together would help resolve local issues.
- 11.5 The Cabinet Member for Highways, Infrastructure & Transport paid tribute to the highways teams who helped residents during the recent flooding and welcomed the review of how partners and services worked together.
- 11.6 Cabinet Members supported the initiatives put forward in the report, noting the importance of a Norfolk-wide and partnership approach across all partners, and the ability to maintain the network and hold partners to account.
- 11.7 The Vice-Chairman and Cabinet Member for Growing the Economy queried the information in paragraph 2.3 and 2.11 of appendix A. The Cabinet member confirmed that this would be changed so that a record would be kept of Sustainable Drainage Systems constructed in new developments.
- 11.8 Cabinet **RESOLVED** to:
1. approve the new policies set out in para 2.1 of this report and the amendments to the existing policies set out in Appendix A for inclusion in the Local Flood Risk Management Strategy.
  2. note the heightened risk to Norfolk from flooding and coastal change when compared to much of England and agrees to set up a task force to work with our MPs and other stakeholders to ensure that the Environment Agency develops comprehensive, costed and funded plans to meet these challenges as set out in the recently published national strategy for England.
  3. To convene a series of meetings with strategic partners across Norfolk, including the District Councils, Environmental Agency, Anglian Water, Internal Drainage Boards amongst others, and find a leading figure to chair this.
  4. To invest 100k in additional revenue costs for creation of three new posts (1 Flood Risk Officer and 2 Flood Risk Assistants); £300k in additional capital to cover urgent repairs on the network and to invest £250k in additional revenue to repair existing drainage systems.

The Chairman said he would find a high profile Chairman to lead this activity

## **11.9 Evidence and Reasons for Decision**

With the publication of the National Flood and Coastal Erosion Risk Management Strategy for England the policies in the Local Flood Management Strategy needed to be reviewed and updated to ensure consistency.

Following the consultation minor amendments have been made to the proposed new policies.

## **11.10 Alternative Options**

Members could decide to make further amendments or changes to the policies. The proposed additions and amendments are consistent with the National Strategy.

## **12 Responding to Ash Dieback over the next two years.**

- 12.1 Cabinet received the report by the Executive Director of Community & Environmental Services reporting on the scale of ash dieback in Norfolk and outlining the resources required to manage the disease over the next two years
- 12.2 The Executive Director of Community and Environmental Services reported that over the next two years, officers were looking to develop a deeper understanding to inform the course of action over the next 10 years.
- 12.3 The Cabinet Member for Environment & Waste introduced the report and moved the recommendations, during which the following points were noted:
- data showed that across Norfolk there were 168,000 trees within close proximity to the highway of which NCC were responsible for 2,200, and there were 150,000 trees on the trails network.
  - It may be necessary for NCC to become involved with private land as 5% of the network was unregistered and there may be a duty to fell trees on this land.
  - Spending for this would need to be increased to £1m over the next 2 years and NCC would lobby government for funding.
- 12.4 The Cabinet Member for Highways, Infrastructure & Transport was concerned about ash dieback trees at the side of highways and trails as the Council had to ensure these were safe for users and was pleased that action would be taken.
- 12.5 The Vice-Chairman and Cabinet Member for Growing the Economy commented on paragraph 2.5, p125; he hoped that once finances were in place, the 150,000 trees which were planned to be planted would be on top of the 1m trees which the Council had pledged to plant to improve Norfolk's carbon footprint. He recommended trees being replanted in communities, rather than next to highways where this could pose a danger. The Cabinet Member for Environment and Waste confirmed that there was an ambition that for every tree felled, an additional tree would be planted, so there would not be a net loss. Work would be carried out with private landowners and the woodland trust to commit to planting the 1m trees as agreed by Council.

12.6 Cabinet **RESOLVED** to:

1. To increase the resource to manage Ash Dieback across NCC departments to £1m over the coming two financial years, with a view to developing a comprehensive 10 year programme.
2. Thank Defra for their support in our work to date and work with Central Government to develop the case for a nationally funded programme to manage Ash Dieback.

12.7 **Evidence and Reasons for Decision**

This report details the use of existing, interpreted and new data in a risk-based approach to target the management of ash trees.

Evidence on the increasing decline of ash trees supports the need to provide more resource to manage ash populations across NCC departments and particularly on the highway network in a responsible and defensible way.

12.8 **Alternative Options**

No alternative options are being considered. Without an increase in effort and resource to manage the risk of tree failure due to ash dieback, NCC would not be acting responsibly. The approach outlined within the report is felt to be the most appropriate at this time.

**13 Finance Monitoring Report 2020-21 P8: November 2020**

13.1 Cabinet received the report by the Executive Director of Finance and Commercial Services giving a summary of the forecast financial position for the 2020-21 Revenue and Capital Budgets, General Balances, and the Council's Reserves at 31 March 2021, together with related financial information.

13.2 The Cabinet Member for Finance introduced the report and moved the recommendations, during which the following points were noted:

- The forecast overspend had been reduced to £349k and remaining overspend was now all linked to financial pressure caused by Covid-19, mainly within Adult Social Care but also within Finance and Commercial Services. Most of this had been offset by additional grant funding.
- Moving funds to business risk reserves was crucial to allow the Council to remain resilient
- Children's services were seeing a significant increase in Covid-19 related costs for example the level of support to schools or increased costs of transport, which were likely to continue into the new financial year, 2021-22. Some Covid-19 grant funding had been provided for 2021-22, however, this was before the most recent lockdown and these costs were therefore not fully funded.
- It was important to provide Adult Social Care with reserves to mitigate the worst pressures resulting from the pandemic; purchase of care, made up 77% of their expenditure and the cost of care was rising to reflect increased costs in the sector. One off funding had helped reduced the overspend however this would be a recurring theme.

- Ability to deliver the necessary savings had added to pressures in 2020-21 but would impact on 2021-22.
- An earlier than expected reversion in financial arrangements agreed with NHS on funding of hospital discharges had seen the Council absorb an increasing amount of individuals for who they may not be fully compensated by the NHS and it was not possible to forecast the scale of the financial impact at that time.
- The shortfall in achieved savings of £17.685m was noted, 44% of the total budgeted for; revenue annex 3 gave detail on this. This was due to pressures caused by the impact of the pandemic. Non-delivery had been met by grant funding but there was a higher risk for next year, 2021-22
- Covid-19 related pressures were at £107.481m, a £10.161m net shortfall, with full details on table 4c and revenue annex 2.
- £419,000 funding was received for home to school transport and the Council would receive £1.5m from the Ministry of Housing, Communities and Local Government for income compensation and anticipated claiming a further at least £1.5m.
- Reprofiting of the capital programme due to timescales on when schemes could be delivered meant that the £80m borrowing may not be fully drawn down this year.

- 13.3 The Chairman noted that the cost of the impact of the pandemic across the Local Governments is already high.
- 13.4 The Cabinet Member for Children's Services reported that there were still some unknown factors related to impacts of Covid-19 on the Children's Services budget such as the impact of the costs of home schooling in the current lockdown, impact on social work teams and on the transformation programme.
- 13.5 The Chairman noted the Contain Outbreak Management fund was available to support issues which arose related to the pandemic
- 13.6 Members thanked the financial team for their work over the past year in responding to the financial challenges.
- 13.7 The Cabinet Member for Finance and the Chairman noted that the financial situation was challenging.
- 13.8 Cabinet **RESOLVED** to:
1. To approve the setting up of a CES business risk reserves of £1.681m as set out in paragraph 2.35 of Appendix 1, and to approve proposed additional transfers to the Adult Social Services business risk reserve (£3.857m), Children's Services business risk reserve (£1m) and the corporate Covid risk reserve (£2.5m) as set out in paragraphs 2.8, 2.28 and 2.43 of Appendix 1.
  2. Note the period 8 general fund forecast revenue overspend of £0.349m noting also that Executive Directors will take measures to reduce or eliminate potential overspends;
  3. Note the COVID-19 grant funding received of £97.320m, the proposed use of that funding, and the related expenditure pressures resulting in net Covid-19 pressure, of £10.161m taking into account proposed transfers to the Corporate Risk reserve.

4. Note the period 8 forecast shortfall in savings of £17.685m, noting also that Executive Directors will take measures to mitigate savings shortfalls through alternative savings or underspends;
5. Note the forecast General Balances at 31 March 2021 of £19.706m, before taking into account any over/under spends;
6. Note the expenditure and funding of the revised current and future 2020-23 capital programmes.

### 13.9 **Evidence and Reasons 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
- Covid-19 pressures and associated grant income
- Changes to the approved budget
- Reserves
- Savings
- Treasury management
- Payment performance and debt recovery.

**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.

### 13.10 **Alternative Options**

In order to deliver a balanced budget, no viable alternative options have been identified to the recommendations in this report. In terms of financing the proposed capital expenditure, no grant or revenue funding has been identified to fund the expenditure.

## 14 **Performance and Governance of Norfolk County Council owned companies**

- 14.1 Cabinet received the report by the Executive Director of Finance and Commercial Services providing Cabinet with details of the Council's companies and setting out the governance arrangements on how the Council's interests as shareholder are safeguarded.
- 14.2 The Cabinet Member for Commercial Services and Asset Management introduced the report and moved the recommendations, noting the following points:
  - High profile cases were being reported of local authority companies having a detrimental effect on their parent council, therefore it was an opportune time for the Council to review its companies and satisfy itself that sufficient scrutiny and challenge of its companies was taking place.
  - The report demonstrated that the council had appropriate governance arrangements and oversight of its companies and that the Council's interests were safeguarded.

- The review had not identified any concerns

14.3 The Chairman noted that Norse Group and Repton Properties had non-executive directors on their Boards bringing their expertise to the companies, and Simon George as the Shareholder Representative attending many meetings.

14.4 Cabinet **RESOLVED** to:

- Review and endorse the governance arrangements for the Council's companies
- Note the performance of the Council's companies

#### 14.5 **Evidence and Reasons for Decision**

One annex is attached to this report, giving details of the performance and governance of Norfolk County Council owned companies including:

- Details of the ownership of each company
- Why councils create companies?
- The company governance arrangements within the constitution
- The framework for assessing whether a company is delivering the intended benefits and that the Council's interest are safeguarded.

#### 14.6 **Alternative Options**

In order to manage the Council's companies, no viable alternative options have been identified to the recommendation in this report.

### 15 **Norse Group Business Plan**

15.1 Cabinet received the report by the Executive Director of Finance and Commercial Services providing details of the Norse Group Business Plan for 2021-22.

15.2 Dean Wetteland, Chief Executive of Norse Group, introduced the Norse Group Business Plan:

- The Business Plan for 2021-22 was underpinned by a three-year strategy
- Officers had reduced costs in excess of £3m prior to covid-19, and one senior management team had been implemented across the Group. The Group had been grown, with £15m turnover and two Joint Ventures mobilised during the first lockdown in 2020.
- Returns to the public sector had been increased to around £6.7m and customer satisfaction maintained at around 92%.
- Return to the shareholder was estimated to be around £2.2m, with a target to rise to £2.4m in 2021-22.
- The pandemic had impacted on the plans of the Group; the core aims for the Group during this time were survival and maintaining as many groups as possible once the pandemic is over. The accommodation footprint had been reduced to decrease costs.
- Staff had been furloughed during the pandemic with a focus on job protection.

- The Group had recently reviewed its strategy and values, which were quality, innovation, respect and trust, and aimed to embed these into its culture further in the next 12 months.
- The Group had reviewed its mission which was that they provide public services to the public sector. Their goals were good quality, be a good employer, and generate a good return to the business and to the stakeholder.
- The services provided had been reviewed and categorised into five areas: environmental services; facilities management; highways maintenance; properties services; and consultancy and adult care
- The Group was committed to continuing to provide a service to the public sector.
- The Group was focussed on trying to improve its environmental impact as much as possible and working with partners to achieve this.
- it was planned to deliver a retained profit of £2.1m after tax, with £5.6m to be returned to the public sector, of which £2.4m would be returned to NCC.
- There were still unknown factors involved with the impact of Covid-19 and Brexit.

15.3 The Chairman noted the sad passing of Mike Britch who had been a key figure in establishing NPS and the Norse Group and offered his condolences to his family. Individual Cabinet Members did the same and paid their tributes to Mike Britch.

15.4 Fiona McDiarmid, Chair of Norse Board, said that the Board had worked hard to refresh the strategy, and the new governance arrangements of the non-executive director appointments were working well and providing good challenge and support to the executive. Fiona thanked and congratulated the team for their work over the past year in very difficult circumstances during the pandemic.

15.5 The Cabinet Member for Commercial Services & Asset Management thanked Dean Wetteland and Fiona McDiarmid for introducing the Business Plan, and the Board for bringing forward the informative Business Plan. He noted that the Norse Group was the largest Local Authority Trading Company in the country, controlling 62 companies in locations across the country. The Group was monitored by a Norfolk County Council Shareholder Committee, which meets quarterly providing feedback to the Council,. The Cabinet Member for Commercial Services & Asset Management moved the recommendations and confirmed that they reflected the Council's aspirations as shareholder.

15.6 The Cabinet Member for Adult Social Care, Public Health & Prevention, as a Member of the Norse Shareholder Committee, endorsed the business plan, and championed the work of the Group with local authorities across the Country.

15.7 The Vice-Chairman and Cabinet Member for Growing the Economy noted the work of the Group in supplying PPE (personal protective equipment) across the County's care homes during the pandemic.

15.8 Cabinet **RESOLVED** to:

- Review and approve the Norse Group Business Plan for 2021-22 to ensure that it reflects the aspirations of the shareholder.

## 15.9 **Evidence and Reasons for Decision**

Norse Group Limited Board has approved a business plan and is subsequently seeking Cabinet's consent to operate the company in accordance with the business plan. The business plan is attached as an annexe to the Cabinet report.

## 15.10 **Alternative Options**

The County Council, as shareholder, could set alternative objectives for the company and request a revised business plan.

## 16 **Corporately Significant Vital Signs report**

- 16.1 Cabinet received the report by the Director of Transformation providing an update on the Council's current performance towards achieving its strategic outcomes set out in Together, For Norfolk. Each quarterly performance report provides an opportunity to review current performance, validate the actions being taken to address gaps in performance and identify further opportunities for improvement using the resource and knowledge of the Council as a whole.
- 16.2 The Cabinet Member for Innovation, Transformation and Performance introduced the report and moved the recommendations, during which the following points were noted:
- These corporately significant vital signs were aligned to the four principles outlined in the Council's plan Together for Norfolk.
  - Thirteen areas had met or exceeded their target, as shown in table one. Some areas were below the target set, and these were being addressed.
  - The Cabinet Member noted that ICT had enabled many Council services to be delivered effectively from home during the pandemic
- 16.3 The Chairman thanked staff for their work during the pandemic so far and in the coming months, noting that time lost due to sickness had been lower than the national average.
- 16.4 The Cabinet Member for Adult Social Care, Public Health & Prevention discussed the Adult Social Services indicator which had not met its agreed level, 202, "% of people who require no ongoing formal service after completing reablement"; this was a direct result of the Covid-19 pandemic as many people were reluctant to have face to face visits and was not a reflection on the team delivering the service.
- 16.5 The Cabinet Member for Finance noted that there were no areas causing him any concern.
- 16.6 The Cabinet Member for Children's Services noted that there had been an increase in unaccompanied asylum seekers over the past year and staff had been able to make contact with them and provide support. With reference to vital sign 417 "Percentage of Relevant and Former Relevant Care Leavers in



EET”, the Cabinet Member for Children’s Services noted that numbers were down, but initiatives were coming forward through the corporate parenting board which it was hoped would have an impact through 2021. With reference to vital sign 416 “Percentage of Education, Health & Care Plans completed within timescale”, the Cabinet Member for Children’s Services reported that there were now resources in place to reduce the backlog of health and care plans in 2021.

16.7 Cabinet **RESOLVED** to:

- Review and comment on the current performance data and agree the planned actions as set out in Appendices 1 and 2 of the report.

16.8 **Evidence and Reasons for Decision**

N/A

16.9 **Alternative Options**

Information Report

**17 Risk Management**

17.1 Cabinet received the report by the Executive Director of Finance and Commercial Services setting out key messages and the latest corporate risks.

17.2 In introducing the report and moving the recommendations, the Chairman highlighted the following key areas:

- Paragraph 2.1 on page 297 highlighted the corporate risk messages.
- RM010 had a change of score; there was further detail set out on pages 303 and 317.
- There were further key changes to risks set out in appendices a and b of the report

17.3 The Cabinet Member for Innovation, Transformation & Performance discussed the change to RM010, highlighting the importance of ICT and telephony on the running of the council at that time. The risk of cyber attack had not increased as lots of work had been carried out to increase resilience against attacks, such as staff awareness training and rolling out of technology.

17.4 Cabinet **RESOLVED** to agree:

1. To consider and agree the key messages (2.1) and key changes (Appendices A and B) to corporate risks since the last risk management report in October 2020.
2. To consider and agree the corporate risks as at December 2020 (Appendix C).

17.5 **Evidence and Reasons for Decision**

N/A

## 17.6 **Alternative Options**

There are no alternatives identified.

## 18 **Health, Safety and Well-being Annual Report 2019-20**

18.1 Cabinet received the report by the Director of Transformation providing data and analysis on the Health, Safety and Well-being (HSW) midyear performance of Norfolk County Council (NCC) as an employer.

18.2 In introducing the report and moving the recommendations, the Chairman highlighted the following areas:

- The team's main focus had been on the response to the pandemic and ensuring staff safety during this time; he thanked Derryth Wright and her team for ensuring staff were working safely and efficiently
- The report showed both positive indicators and negative indicators, including an the improvement notice that had been served on the council and responded to, with the issue of violence being the biggest cause of incidents.
- Page 352, paragraph 2.1.2, discussed leadership, highlighting the importance of leadership in promoting health and safety.

18.3 Cabinet **RESOLVED** to:

1. To consider the reported performance of NCC
2. To note that the health and safety team have redirected efforts to manage service changes to create "COVID-Secure" services and workplaces, and more recently have provided professional support to Public Health colleagues and educational settings managing situations and outbreaks
3. Agree that priority actions for the HSW team are to:
  - a. Continue to focus on the response to the COVID-19 pandemic,
  - b. Re-instigating the monitoring programme in a COVID-Secure way
  - c. Develop the training offer to enable remote delivery
4. Agree that actions for services are to focus on key priorities during continued pandemic which will support mental health, well-being and safety including:
  - a. Effective people leadership and management practice as priority
  - b. Working from home arrangements including DSE assessment
  - c. Lone working procedures
  - d. Continued well-being of staff

## 19 **Reports of the Cabinet Member and Officer Delegated Decisions made since the last Cabinet meeting:**

Cabinet **RESOLVED** to **note** the Delegated Decisions made since the last Cabinet meeting.

The meeting ended at 12.12pm.

**Chairman**

**Cabinet  
12 January 2021  
Public Questions**

**Agenda  
item 6**

**Public Question Time**

6.1

**Question from Hannah Wallis**

Will members support the introduction of a 20-mph speed limit on Thorpe Road between the junction of Clarence Road and the Fat Cat and Canary PH? Residents often find that traffic here greatly exceeds the 30-mph limit causing a danger to people as they enter or leave their parked cars. It is also dangerous for cyclists near parked cars where the road is narrowed. The introduction of the new road system here in January, will be put cyclists at increased risk as they will be forced to make an effective right turn as they enter the contraflow system. A 20-mph limit on their approach would make this safer.

**Response:**

The revised road layout as part of the proposed Transforming Cities Fund scheme provides a new zebra crossing and a narrowing of the carriageway. Drivers approaching the new zebra crossing should be exercising caution and pedestrians crossing will break the flow of traffic. This combination of changes should encourage a reduction in traffic speeds.

With regard to cyclists turning right into the contraflow, this is a normal manoeuvre carried out in a wide variety of highway environments and is not a reason in itself to implement a lower speed limit.

The accident record in this area shows that in the last 5 years, one accident has been recorded by Norfolk Constabulary. This was a slight injury accident in November 2020 in dark street lit conditions where speed was not identified as a contributing factor.

A 7-day automated traffic survey was carried out in November 2019 on Thorpe Road near to Heathside Road. This indicated average eastbound speeds of 25.6mph (85th%ile 29.5mph) and average westbound speeds of 22.2mph (85th%ile 27.3mph), which represents good compliance with the existing 30mph speed limit. Given the low accident record, good speed limit compliance and that the proposed highway works should help reduce traffic speeds further, we are not recommending any further changes at this time

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6.2

**Supplementary Question from Hannah Wallis**

Other than a new pedestrian crossing, what alternative or additional measures would the council be prepared to put in place to safeguard pedestrians, cyclists, children and pets who live on this short but dangerous and busy stretch of road?

**Response:**

As outlined in 6.1 above, given the low accident record, good speed limit compliance and that the proposed highway works should help reduce traffic speeds further, we are not recommending any further changes at this time.

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6.3 **Question from Moira Newlan**

A new study by the Centre for Cities (EDP 11 December) has shown that the improvement on Norwich's air quality during lockdown was short-lived with levels of NO2 reaching pre-lockdown levels by October 2020. In addition, levels of particulates (PM2.5) have continued to rise even during lockdown. The study says that increased post-pandemic home-working will do little to alleviate these problems, as cars are still being used for leisure and shopping activities.

What urgent measures will the Council be taking to ensure that car use is reduced, and improvements in public and cycling transport are increased?

**Response:**

While significant reductions in traffic emissions were seen in the first lockdown over prior levels, these did return to levels at or close to those before lockdown commenced. However, it is important to note that prior to the pandemic, significant improvements had already taken place, focussing on tackling congestion, carbon emissions and poor air quality. The 2019 Air Quality Annual Status Report from the City Council reported that overall levels of NO2 within the central Air Quality Management Area are falling. The increase in PM2.5 particulates observed during lockdown was identified as not being due to road traffic sources and was caused by dust from the Sahara blown over the UK.

Before lockdown, we saw an overall increase in those cycling by more than 40% following investment in cycle infrastructure. In the last few months, we have had two successful funding bids from the Department for Transport (DfT) through the Transforming Cities Fund (TCF) and Active Travel Fund. The roll out of these programmes will see new cycle lanes, improved pedestrian facilities, additional bus priority features and an £18m investment by First in new and refurbished buses and increased frequency of bus services.

Other schemes that have been introduced during the last year aimed at reducing car use include the new Beryl bike share scheme, which has now been enhanced to include electric bikes, and the provision of an electric scooter trial. Both schemes have been very successful, with users of the Beryl Bike scheme cycling the equivalent of six and half times round the globe, saving 44 tonnes of CO2. Use of bikes and e-scooters is increasing all the time.

The Transport for Norwich Strategy is currently being reviewed and will be revised and updated to further support the increased use of sustainable transport, improving air quality in and around the city centre and reducing carbon emissions

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6.4 **Supplementary Question from Moira Newlan**

Are you able to supply up to date figures on the levels of NO2 and particulates within Norwich and set these in the context of levels over the whole of 2020 and in addition, can you tell me what measures are being taken to discourage parents sitting with car engines running whilst waiting for children to enter and leave school?

**Response:**

The whole of Norwich city centre is formally declared as an Air Quality Management

Area (AQMA), with a low emission zone in place. Levels of NO2 and particulates within Norwich are monitored and reported by Norwich City Council and is reported annually in their Air Quality Annual Status Report, which can be downloaded from the City Council website. The most recent report is for 2019 and outlines that overall levels of NO2 within the central AQMA are falling. The City Council also has an Air Quality Action Plan, which sets out measures to address air quality issues. The latest version of this is from 2015, which can also be downloaded from the City Council website; a more up-to-date 2020 version is currently being finalised. This will outline the measures being delivered through the recent funding awards, such as the Transforming Cities Fund.

In addition to highway measures that provide more cycle lanes, pedestrian facilities and public transport enhancements, we need people to change their behaviour in order to reduce current levels of single car occupancy and increase the number of people travelling sustainably. Going forwards, we are therefore seeking to promote behaviour change through a sustained and co-ordinated programme. Through this approach, there will be the opportunity to consider how best to improve air quality around schools.

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6.5 **Question from Carol Smith**

On the 19/12/2020, the EDP stated that Cllr Borrett said, "I absolutely regret that people were charged the wrong amount and am very sorry for the distress this has caused."

The young person who took the case to judicial review and her litigation friend clearly suffered great stress, so I assume that they are 'owed' an apology from Cllr Borrett. As Cabinet member for Adult Social Care, it was Cllr Borrett that led the changes, so should therefore take responsibility.

If Cllr Borrett is truly sorry, has he had the decency to write to the individual who took the case to Judicial review to apologise?

**Response:**

Thank you for your questions. I can confirm that I have.

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6.6 **Supplementary Question from Carol Smith**

If Cllr Borrett has not written to apologise to the young person who took the case to judicial review can I ask why not?

**Response:**

Please see the answer to your first question.

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6.7 **Question from Andrew Smith**

Our son has recently transitioned into Adult Social care, and the fear of the of reduced services as well as these charges, deemed illegal by the High Court, has been of great concern. Quality of life and independence were affected by the

charging policy. What assurances have we that future policies do not further erode the quality and affordability of our young adults?

**Response:**

Thank you for your questions. The Council's aim is to help people meet their needs so they can achieve the things that matter to them. Promoting their independence to maximise their quality of life and enable them to have as much control over their lives as possible. The Council continues to look at new ways to support people, with new opportunities being offered by our day services to specialist housing like the enablement schemes at Netherwood Green and St Thomas House. These services are specifically designed to support people with disabilities to live as independently and full a life as possible. We have already taken steps via our Preparing for Adult Life Service to improve the transition for younger people between children's services and adult services. I hope that these continuing actions demonstrate the Council's commitment, because we do recognise that this is a hugely important time in people's lives.

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6.8 **Supplementary Question from Andrew Smith.**

How can we be assured that NCC future actions are transparent and do not affect my son's human rights and independence and treat him as an equal citizen in every way in Norfolk?

**Response:** The Council makes all its decisions in a transparent way and the paper in today's Cabinet meeting confirms this and outlines the future plans.

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6.9 **Question from Rose Titchiner**

When the unlawful care costs are refunded, will the full £65.95 of the Severe Disability Premium, paid to people who live independently, still be taken towards ASC care costs? It seems discriminatory and disproportionate to take all of this allowance, or will it take a new judicial review by someone receiving this benefit, to rectify this. From his track record I have no confidence that Cllr Borrett is the appropriate person to ensure this group of people, who may still be subject to MIG charges, are treated fairly and he must resign.

**Response:** Thank you for your questions. The immediate amendment to the charging policy set out in today's Cabinet paper will (if agreed) remove the charge in relation to the enhanced daily living allowance element of Personal Independence Payment. The treatment of the Severe Disability Premium is in line with the National Guidance. This has been the case for many years under all political administrations. If the Government were to change the guidance we would of course seek to change the Council's policy to align with it. The Council would also look to lobby the Government for compensation for any increase in costs that may arise as a result.

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6.10 **Supplementary Question from Rose Titchiner**

In the light of the recent Judicial Review, how will NCC and the Cabinet ensure that

all those disabled people affected by the drop in the MIG, are repaid swiftly and fully, the money they are now owed, including repaying fully all those in receipt of the Severe Disability Premium?

**Response:**

Today's Cabinet paper (if agreed) sets out the Council's arrangements for reimbursing people affected by the judgment.

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6.11

**Question from Jan Kerby**

I believe the Disability Norfolk Network Group, of which I am a member, have called for the resignation of Bill Borrett, Cabinet Member for Adult Social Care, which he has refused.

Mr Borrett has no empathy or understanding of Adults with Learning and/or Physical Disabilities. He appears pompous, sneering and dismissive of this community towards individuals and their families/carers.

Doesn't he see for himself how difficult life is for these people? He so obviously does not understand the situation and should not be in a position of power on the cabinet. Adult Social Care should be championed and supported at the very least.

**Response:**

Thank you for your questions. I am sorry that you feel the way you do and for the impact of the Council's original decision.

The Council does not have unlimited resources and has to set a balanced budget by law. It has to make some very difficult decisions across all the people that adult social care supports. Our approach to balancing the budget includes investment in prevention and housing, integrating our work with the NHS, maximising people's income through welfare benefits, advice, supporting carers and – in line with National guidance – charging people. This judgement challenges and potentially changes that Guidance, the Council is responding accordingly. It is for other councils to consider its implications too.

I have supported the raising of the Adult Social Care Precept when we have been allowed to by the Government. I have campaigned with fellow Councillors, our local MP's and Government Ministers to raise the issue of the need for a sustainable settlement for Adult Social Care. My colleagues in the Cabinet will testify to my championing for a generous share of the Council's resources for adult social care.

I have the utmost respect for people who live with disabilities, and for those who care for them. I will continue to do all I can to improve the quality of the Council's services, and strive to make the resources available work in the best possible way for the people who rely on them.

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6.12

**Supplementary Question from Jan Kerby**

Can we ask Mr Borrett how he feels following the recent legal judgement made against him?

**Response:**

I am surprised at the result of the Judicial Review because I was advised that the Council was following the National Guidance and making a decision that had already been taken by many other similar councils. I do accept it and today's Cabinet paper is designed to reduce the uncertainty and worry for everyone affected.

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6.12 **Question from John Hannaway**

When the unlawful care costs are refunded, will the full £66.95 of the severe disability premium pay to people who live independently still be taken towards ASC care costs - it seems discriminatory and disproportionate to take all of this allowance or will it take a new judicial review by someone receiving this benefit to rectify this? From this track record I have no confidence that Cllr Borrett is the appropriate person to make sure this group of people who still may be subject to MIG charges, are treated fairly and he should resign.

**Response:**

Thank you for your questions. As your first question is exactly the same as that asked by Rose Titchiner (No. 6.8) I refer you to the answer given there.

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6.13 **Supplementary Question from John Hannaway**

When will NCC reverse the MIG and when will the over charges be reimbursed?

**Response:**

Today's Cabinet paper (if agreed) sets out the arrangements for reimbursing people affected by the judgment.

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6.14 **Question from Matthew Plunkett**

Cllr Borrett has been responsible for introducing a policy judged to have breached the human rights of the most vulnerable people in Norfolk, despite being told many times his discriminatory actions were causing anxiety, distress, misery and hardship. His actions have caused huge reputational and financial harm to NCC. Neither can be excused with just an apology for the 'wrong charge' not even for the decision to apply it. He refuses to take ownership, despite his arrogance and lack of empathy at pushing through the MIG cuts, saying 'it was a full council decision'. This is misleading at best. Will the responsible Member explain why he has not yet resigned?

**Response:**

The Council is responsible for setting its own charging policy, and to interpret the relevant guidance. It has tried to do this accurately, based on consultation and advice and the final decision was made by Members at a full Council meeting.

The judgement is clear that the discrimination in the policy was inadvertent, unforeseen and unplanned. It is however the Council's responsibility to change its approach in line with the judgement. The Council (and therefore the Cabinet



Member), did not intend to discriminate. Its intention – which the judgement acknowledges – was to amend its charging policy in line with the National Guidance, and to bring it into line with other councils. It considered this carefully and conscientiously, seeking to both phase in and mitigate the impact on vulnerable people and their income. Cllr Borrett has publicly apologised on behalf of the Council, he continues to work with the people who use services to explain the implications and he has brought forward revised arrangements for us to consider at today's Cabinet meeting.

Due to the above reasons and the acknowledged unintentional nature of the breach I do not consider this a matter for resignation

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6.15 **Question from Rachel Knights**

Councillor Borrett was specifically asked to lobby Government with DNNG members in October 2019 and refused. If he is unable to work with the people he represents then why does he hold this post?

**Response:**

The Council continues to lobby Government for fair and sustainable funding, including and importantly the future of Adult Social Care funding. This issue has been raised with the Chancellor and Secretary of State within written correspondence from myself and the Cabinet Member. I, with the support of the Cabinet Member, have been working with local MPs, in particular George Freeman MP to raise the issue of funding for adults with disabilities.

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6.16 **Supplementary Question from Rachel Knights**

What assurances do we have that this Council will fight for the extra funding required from the Government openly and inclusively with the disabled people themselves and /or their advocates?

**Response:**

As referred to in the previous answer we are working with Local MPs to engage directly with the Secretary of State to highlight the need for a reform on Adult Social Care funding. If you look at the actions of the Council you will see that not only are we lobbying but we have also taken the full Adult Social Care Precept whenever the Government has allowed it to be charged. This now makes a significant contribution to the income available to the Council for adult social care

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6.17 **Question from Amanda Smy**

During the Judicial Review which I viewed live, NCC's barrister (Jonathan Auburn) referred to Direct Payments as income. This is incorrect, who briefed the barrister with this information which he publicly stated? Direct Payments are not income to be spent as pleased, they are tightly monitored on how they are spent. If unused throughout the financial year they are grabbed back and placed back into NCC's income.

**Response:**

Thank you for your questions. The Council did note during the Judicial Review the incorrect use of language by the barrister on this point. We have been reassured that the barrister was properly briefed and understood the position, which is that Direct Payment funding is not deemed to be 'earned income' for those that choose that service arrangement. The Council does monitor Direct Payment spend and where resources remain unused we will undertake reclaims against those accounts but always leaving up to 12 weeks funds with the service users.

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6.18

**Supplementary Question from Amanda Smy**

How has NCC described DP payments as income?

Since NCC took over accounts from Equal Lives it has been extremely difficult to oversee, manage, communicate, etc. The whole scenario of care charging alongside financial services shambolic, degrading and expensive to the Council addressing many errors with manpower. I call for Councillor Borrett's resignation from his post

**Response:**

Please see the response given to your first question on Direct Payments.

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6.19

**Question from David Fairbairn**

Can the Cabinet member for Childrens' Services please provide an update on planning for new primary school places in the Poringland area, reflecting the shortfall in places identified in the Schools local growth and Investment Plan April 2020?

**Response:**

I would like to thank Mr Fairbairn for his questions. We have commissioned and received a site search to look at available land which meets the criteria for a new school. This availability is slightly limited because there has been considerable house building on land around the village (hence the pressure on school places). This has been shared with NCC Highways to ensure access for any of the sites is achievable, and we are now looking at these sites in more detail.

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6.20

**Supplementary Question from David Fairbairn**

Can the update include the latest projection of the shortfall in primary school places, and a list of all sites that have been or are being actively considered, identifying those that have been rejected as unsuitable?

**Response:**

A site search has been completed, but this makes no assumption about the land available and in particular a landowner's desire to dispose of their land. As such it wouldn't be appropriate to put this into the public domain at the moment, but as we

move forward we will share some proposals. The forecast of pupil numbers indicates a similar level of pressure for places. Some parents are choosing to send their children to other schools nearby and this is helping us to manage the pressure through the admissions process.

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6.21 **Question from Jacqueline McCarney**

Mr Justice Griffiths' recent High Court judgement against the Council highlights that none of the consultation, discussion and decision-making records (including briefing papers, meeting minutes and an Equality Impact Assessment) addressed the differential impact on the most severely disabled of the Charging Policy (judgement paragraph 85). What measures and corrections will the council now undertake to ensure that its policy development processes, especially EIAs, address and ensure there are no breaches under the Human Rights Act 1998, the European Convention on Human Rights and the Equality Act 2010

**Response:**

Thank you for your questions. Today's Cabinet paper (if agreed) seeks to address the immediate issue through an interim amendment to the charging policy and to put in place steps to adjust people's accounts. The Council is also asking for a review of the charging policy to ensure a sustainable policy going forward, and this will include a full Equality Impact Assessment.

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6.22 **Supplementary Question from Jacqueline McCarney**

The recent High Court judgement also highlights that the Council ignored warnings (judgement paragraph 90 and 91) and a suggestion of a "less intrusive measure" (paragraph 92) in Government guidance. What measures will the council introduce into its policy development processes to ensure that, in the future, guidance issued by the Secretary of State is fully followed under Section 78 of the Care Act?

**Response:**

As mentioned in the answer to your first question, the Council is requesting a review of the charging policy to ensure a sustainable policy going forward, and this will include a full Equality Impact Assessment.

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6.23 **Question from Iain Robinson**

The 2020/21 budget allocated a total of £4.055m for the Norwich Western Link road broken down into Procurement (£637K), Design (£931K), Statutory process (£1.94m) and Outline Business Case (£544K). A further £2.98m was allocated to acquire land. A total of just over £7m. How much of each of these allocations has been spent to date and how much is allocated for each in the 2021/22 budget?

**Response:**

To month ending December 2020 the costs for each element are Procurement

(£0.479m), Design (£0.700m), Statutory Process (£1.559m) and Outline Business Case (£0.473m) for financial year 2020/21. There is a degree of overlap between these activities, and the development of the scheme is in line with the budget allocation.

Land acquisition costs to the end of December are £2.466m and include costs from financial year 2019/20 as well as 2020/21. Most of this is as a result of blight notices served on the Council where the qualifying criteria have been met following the preferred route announcement in July 2019.

The budget for 2021/22 will be determined following completion of the design and build contractor procurement process. All details forecasting future year budget provision will be reported to Cabinet in March 2021 and will be set out in the Outline Business Case.

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6.24

#### **Supplementary Question from Iain Robinson**

In response to Cllr Corlett at December's cabinet, you said that the design and build contractor for the Norwich Western Link road is due to be appointed in March 2021. Who are the shortlisted companies and which Cabinet meeting will agree the appointment?

#### **Response:**

A report that will seek Cabinet's approval to appoint a contractor for the Norwich Western Link is due to be taken to a Cabinet meeting in March. We cannot disclose who the shortlisted bidders are as this information is commercially sensitive at this time.

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6.25

#### **Question from Ben Price**

I note the targets for the Environmental Policy and welcome the commitment for Norfolk CC to get to net zero carbon emissions by 2030. It is good to see that a programme of tree planting is included in the policy. However will the cabinet member and the oversight group go further and commit to keeping all mature trees on council land in situ, as it is well documented that it will be more than 50 years before any new saplings planted now will have an appreciable effect on carbon reduction?

#### **Response:**

In response to the question, the intention of the tree-planting programme is to build on already established trees and shrubs as these are already working effectively to trap carbon. The focus initially, will be on areas where there are gaps in the existing tree cover. However, tree-felling may be needed to control disease (such as Ash dieback), to manage safety, and for development purposes. In this regard we will follow the agreed protocols in the latest version of the NCC Tree Policy.

It is worth stressing that the tree-planting programme is not just focused on the County Council's own land, but seeks to support tree planting endeavours within the community at large. The same premise applies – we aim to consolidate around existing established woodland where that already exists, if at all possible.

6.26

**Question from Harry Clarke**

Surface water flooding in Dereham is now more frequent, before and after 20i6, including September 2020 and 24th December 2020. You no longer have Surface Water Management Plans in place. Are you confident and can evidence that your new approach will work, and will you review and reintroduce Surface Water Management Plans if this is necessary and resources for the Flood Team ?

**Response:**

The Council prioritises and progresses flood risk mitigation studies based on the findings of the Preliminary Flood Risk Assessment (PFRA) for Norfolk. The PFRA provides a consistent evidence base to guide our work. Due to this and the Flood Investigation Report for Dereham we are undertaking a feasibility study to identify a package of measures to better protect properties at risk of flooding within the Town. This approach is similar but more targeted than the Surface Water Management Plan process.

Implementation of these proposed measures will require external, partnership funding, but the evidence from the feasibility study provides the best evidence case to help access this funding in the future.

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6.27

**Question from Christine Dring**

Cllr Borrett has been responsible for introducing a policy judged to have breached the human rights of the most vulnerable people in Norfolk, despite being told many times his discriminatory actions were causing anxiety, distress, misery and hardship. His actions have caused huge reputational and financial harm to NCC. Neither can be excused with just an apology for the 'wrong charge' not even for the decision to apply it. He refuses to take ownership, despite arrogance and lack of empathy at pushing through the MIG cuts, saying 'it was a full council decision.' This is misleading at best. Will the responsible Member explain why he has not yet resigned?

**Response:**

Please see answer provided at 6.14

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6.28

**Supplementary Question from Christine Dring**

It says in the Cabinet Papers 4.3 that you will bring a new policy following consultation. Will that 'consultation' include ALL those who will be affected (unlike the 2018 consultation for the MIG cuts) and will you take proper notice of that consultation or just ignore the outcome as you did with the aforementioned consultation?

**Response:**

Thank you for your question. The Council wants to continue to work with the DNNG and other representative groups on how we engage and consult on future policy.

6.29 **Question from Tracy Clarke**

Cllr Borrett has been responsible for introducing a policy judged to have breached the human rights of the most vulnerable people in Norfolk, despite being told his discriminatory actions would cause severe hardship and distress. These actions have caused financial harm to NCC and anxiety to those unfairly charged which cannot be excused with apologies. This policy was implemented despite many attempts by those affected to point out the hardships this would cause, showing a clear lack of empathy and understanding.

Will Cllr Borrett explain why he has not yet resigned?

**Response:**

Please see answer provided at 6.14

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6.30 **Supplementary Question from Tracy Clarke**

Will the council explain how they will move forward from here, including their plans to work with those affected, their families and carers to gain a full understanding of how these decisions will impact the lives of the most vulnerable people in Norfolk.

**Response:**

Today's Cabinet paper (if agreed) outlines the interim amendment to the charging policy and the steps to put in place to adjust people's accounts. The Council has also asked for a review of the charging policy to ensure a sustainable policy going forward, and this will include a full Equality Impact Assessment.

The Council wants to continue to work with the DNNG and other representative groups to on how we engage and consult with those people affected.

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6.31 **Question from Anne Killett**

A net carbon footprint of -47K tCO<sub>2</sub>e is given for the new arrangements to treat around 180,000 tonnes of Norfolk's waste at energy from waste plants outside Norfolk at agenda page 58. Please provide (in tCO<sub>2</sub>e – tonnes of 'carbon dioxide equivalents'):

- The gross CO<sub>2</sub>e generated by the burning process
- The avoided CO<sub>2</sub>e from each of recycling, energy recovery, landfill diversion, transport and any other factors

Please provide clear assumptions behind the figures (eg: how many tonnes of landfill are being diverted by the new arrangements).

**Response:**

The figure referred in the Cabinet report as 47,000 tonnes of carbon emissions saved every year is over the period of the contract and is 'compared to sending the waste to landfill'.

This figure derives from a tool called Wrate (Waste and Resources Assessment Tool for the Environment), which is a Life Cycle Assessment tool specifically for the purpose of evaluating the environmental aspects of waste management activities,

which was applied to evaluate the effects of each solution received on 20,000 tonnes of waste a year.

Using this approach, for the proposed solution Wrate established a Global Warming Potential (GWP100a) of -778,009kg CO<sub>2</sub> equivalent. In relation to the different aspects of the proposal they were calculated as:

- The treatment process: +544,873kg of CO<sub>2</sub> equivalent.
- Transport: +557,371kg of CO<sub>2</sub> equivalent.
- Recycling: -1,882,296kg of CO<sub>2</sub> equivalent.
- Landfill: +2,044kg of CO<sub>2</sub> equivalent.

This generates a calculated -778,009kg CO<sub>2</sub> equivalent saving or -778.01 tonnes per 20,000 tonnes of waste treated a year, which when compared to the high carbon scenario of waste landfill for 180,000 tonnes a year over the life of the contract generates the overall estimate of carbon saving referred to in the Cabinet report.

And in the proposal all 180,000 tonnes a year are being diverted from disposal direct to landfill but from the treatment process some air pollution control residues will be disposed of and that is reflected in the assessment.

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6.32

#### **Supplementary Question from Anne Killett**

For full transparency of how waste management fits into the Corporate Environmental Policy, please publish the carbon emissions assessment in full for the new arrangements to treat around 180,000 tonnes of waste including relevant references to the carbon footprints of the waste disposal facilities being contracted by the Council.

#### **Response:**

Residual waste treatment is not the only way that waste services relate to the County Council's Environmental Policy, as the County Council has a longstanding and significant focus on waste reduction, reuse and recycling.

The answer to the previous question provides details about the carbon emissions assessment for the new arrangements. The carbon footprint of the entire facility is not a feature of this process, as what was calculated in the evaluation and used to estimate the effect of 180,000 tonnes a year over the life of the contract, was the carbon footprint of the treatment of the County Council's waste – which is only a part of the total capacity of the proposed new Rookery South Energy Recovery Facility at a site near Stewartby, in Bedfordshire.

For context on the carbon emissions details provided in the previous answer, these were established using a bespoke waste composition that was based on a 2015 residual waste composition study in Norfolk. The Wrate evaluation tool calculated the potential impacts arising from all processes in the waste management system that would apply to this waste, including the collection of waste from locations in Norfolk, transportation, transfer, treatment, disposal and recycling of materials. The Wrate model also takes account of the construction and operation of infrastructure and vehicles, and offsets this burden against the avoided burdens associated with materials and energy recovery, meaning that inputs of waste, energy and materials, and outputs of energy, process residues, materials and emissions are taken in to account.

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6.33 **Question from Karen McKerrow, obo National Autistic Society West Norfolk Branch.**

Given that this council has wrongfully charged the most severely disabled within our autistic community more than the less severely disabled and this has been found to be discriminatory – please give assurance that not one penny more will be taken and that every penny wrongfully taken will be refunded forthwith.

Our adult children are so severely disabled with such complex needs they are never likely to be able to work and need their money back as a matter of urgency. Please confirm this will be happening.

**Response:**

Thank you for your questions. Today's Cabinet paper (if agreed) sets out the Council's arrangements for reimbursing people affected by the judgment.

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6.34 **Supplementary Question from Karen McKerrow, obo National Autistic Society West Norfolk Branch.**

Our adult children are so severely disabled with such complex needs they are never likely to be able to work and need their money back as a matter of urgency. Please confirm this will be happening.

**Response:**

Please can we refer you to the answer to your first question which also covers this one.

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6.35 **Question from Marilyn Heath**

The Judge stated that the discriminatory effect of the measures NCC imposed was irrational, unnecessary, and wholly out of proportion. This is what we have said from the start but it took a JR for you to listen.

There is more to be done to remove the discriminatory impact and whilst I look forward to engaging with the council to achieve this, it is impossible to accept that Cllr Borrett is the right person, given his refusal to hear us. If the Council is serious about observing Human rights and eliminating discrimination then will they put in place a person who genuinely Cares, as Cabinet member for ASC ?

**Response:**

Please see answer provided at 6.14

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6.36 **Supplementary Question from Marilyn Heath**

1.2 correction- 3 phase

Severely disabled people and carers have suffered great stress, financial hardship and fear since this policy was announced in 2018.

The report mentions other Councils as a mitigating factor, which seems non-sensical, when the judgement means some are clearly breaking the same laws. I



wish the Council was more concerned with their own breach of Human Rights  
Costs are due to your mistakes.  
When will the interim repayments be made?

**Response:**

Thank you for your question. Today's Cabinet paper (if agreed) sets out the Council's arrangements for reimbursing people affected by the judgment.

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6.37 **Question from Shane Landamore**

Will the entire amount of the Severe Disability Premium paid to people who live independently continue to be taken towards care charges, does NCC consider the taking of the full amount of this benefit has a discriminatory impact, is disproportionate, makes the severely disabled worse off than the lesser disabled and does this breach Article 14 and Article 1 of Protocol 1 of the European Convention on Human Rights?

**Response:**

Thank you for your question. The immediate amendment to the charging policy set out in today's Cabinet paper will (if agreed) remove the charge in relation to the enhanced daily living allowance element of Personal Independence Payment. The treatment of the Severe Disability Premium is in line with the National Guidance. This has been the case for many years under all political administrations. If the Government were to change the National Guidance we would of course seek to change the Council's policy to align with it. The Council would also look to lobby the Government for compensation for any increase in costs that may arise.

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6.38 **Supplementary Question from Shane Landamore**

Are you confident that you are not putting the Council at risk of further legal action by not considering the discriminatory impact on the disabled by taking the entire amount of this fully assessed benefit towards care charges?

**Response:**

Please refer to the answer given to your first question above.

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6.39 **Question from Susan Hewitt**

I have noted in the meeting details, the MIG level is remaining for the time being at the 2019 rate of £165, a drop in benefits of £24.

In April 2021 disabled peoples benefits ESA and PIP will rise respectively by 1.7% amounting to around £3.50, My question to the Cabinet is.....

Are the cabinet aware that when the benefits ESA and PIP rise each year the disabled people will not receive this, the rise although paid within the benefits are added to the way the MIG is worked out and therefore in turn taken as part of the care contributions?

**Response:**

Thank you for your questions. The Council is aware which is why it has supported the call for the Government to increase the Minimum Income Guarantee in line with benefit increase.

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6.40 **Supplementary Question from Susan Hewitt**

Will the Cabinet consider when charging to now start raising the MIG level with inflation each year?

The MIG level has not risen since 2015!

**Response:**

As mentioned in the response to your first question, the Council supports the call for a Government increase in the Minimum Income Guarantee in line with benefit increase. Given the financial pressure the Council is under, we are not able to make a decision on the position for Norfolk for next year until the relevant Government information for that year is announced.

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6.41 **Question from Debbie Pegg.**

I understand if there is a rise in our sons benefits. He will not actually receive this rise. It will automatically be taken away.

Will the MIG level raise with inflation each year?

**Response:**

Thank you for your question. The Council has supported the call for the Government to increase the Minimum Income Guarantee in line with any benefit increase. It will be possible to take a decision on the position for Norfolk for next year when the Government announces the information for that year.

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6.42 **Question from Bernard Tansley**

I refer to the judgement against Norfolk County Council by Mr Justice Griffiths and the subsequent Discrimination Ruling. Bearing in mind a comment by the judge stating, "the discriminatory effect is irrational, unnecessary and wholly out of proportion", I question why you have chosen not to "withdraw" the existing flawed discriminatory Charging Policy and misleading Impact Assessment, nor to revert back to the original £189 MIG, whilst you produce a new Charging Policy & Impact Assessment?

Cllr Borrett has been responsible for introducing a policy judged to have breached the human rights of the most vulnerable people in Norfolk and should step down from his position forthwith.

**Response:**

Today's Cabinet paper (if agreed) sets out the Council's interim arrangements and its plans to carry out a full review of the policy.

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6.43 **Supplementary Question from Bernard Tansley**

Would a decision to bring in a charging policy on the back of a flawed document render that decision null and void? I refer to NCC Jan 2019 Impact Assessment (Conclusions 39) & (Human Rights Implications 43).

**Response:**

Today's Cabinet paper (if agreed) seeks to introduce interim changes to the charging policy in advance of a full review taking place during 2021. If any further changes are identified as part of that review, appropriate consideration will be given as to the point in time that such changes should be introduced from. At this time we believe the actions and rectifications included as part of the interim solution are in line with the JR judgement and are reasonable given the detailed review which the Council seeks.

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6.44 **Question from Sharon Sapwell**

We welcome the changes to the care charges however after 2 years. You have been told numerous times the impact of these charges will have on the severely disabled, by themselves or their family and carers. I ask are they not worthy of a quality of life, the same rights that you hold?.

This had to be taken to high court for you to finally wake up and see the stress, anxieties, scared, frightened you have caused families.

As we go forward Cllr Borrett is not the appropriate person to make sure this vulnerable group of people, who may still be subject to MIG charges, and therefore should resign, to make way for someone who cares, and do right by them

**Response:**

Please see answer provided at 6.14

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6.45 **Supplementary Question from Sharon Sapwell**

Do you agree to work with the disabled themselves and family carers, as this has been said by you before, and then you refused to meet with any of those that you are discriminating against, this has now been proven at high court, to see for yourselves the impact of hardship, isolated, scared, me having to give up our motability car because of these charges. Its time for you to look upon the severely disabled as people with rights

**Response:**

Thank you for your question. The Council wants to continue to work with the DNNG and other representative groups to look at how we engage and consult on these matters.

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6.46 **Question from Corinne Fulford**

The actions of Cllr Borrett in bringing forward the MIG proposal caused distress to vulnerable people and brought disgrace on Norfolk for breaching their human rights. Why has he not resigned?

**Response:**

Please see answer provided at 6.14

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6.47 **Question from Simon Skull**

How can Norfolk put their trust in a cabinet member who has been found to have breached the human rights of some of the most vulnerable people in Norfolk?  
Whether or not it was deliberate surely resigning is the only honourable thing to do.

**Response:**

Please see answer provided at 6.14

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6.48 **Question from Mike Wabe**

The actions of Cllr Borrett in bringing forward the MIG proposal caused distress to vulnerable people and brought disgrace on Norfolk for breaching their human rights. Why has he not resigned?

**Response:**

Please see answer provided at 6.14

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6.49 **Supplementary Question from Mike Wabe**

How can Norfolk put their trust in a cabinet member who has been found to have breached the human rights of some of the most vulnerable people in Norfolk?  
Whether or not it was deliberate surely resigning is the only honourable thing to do.

**Response:**

Please see answer provided at 6.14

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6.50 **Question from Jack Manzi**

Cllr Borrett is the cabinet member for adult social care. In bringing forward the MiG proposal that caused so much distress to those that he is meant to represent, he has utterly failed in this role. When so many of the very people he is meant to represent are calling for his resignation, what possible justification is there for the councillor to carry on in his role?

**Response:**

Please see answer provided at 6.14

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6.51 **Supplementary Question from Jack Manzi**

How can the councillor, in good conscience, stand before the council and insist that he is still the right person for the job

**Response:**

Please see answer provided at 6.14

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6.52

**Question from Roger Atterwill**

In light of the recent devastating High Court ruling which found that NCC had breached the human rights of vulnerable people here in Norfolk in an attempt to save money, it is disappointing to see that you have not removed Cllr Borrett from his cabinet post nor has he found the moral courage to resign. This gives the impression of arrogance and that neither of you really care about our vulnerable people. Given the reputational damage to Cllr Borrett and NCC, can you please explain how, going forward, vulnerable people in this county can have confidence that this council has their best interests at heart?

**Response:**

Please see answer provided at 6.14

**Cabinet  
12 January 2021  
Local Member Questions**

**Agenda item 7**    **Local Member Issues/Questions**

**7.1      Question from Cllr Mick Castle.**

I welcome the prospect of Norfolk developing a concerted bid for funding to address the threat from surface water flooding to thousands of homes in Norwich and our Market Towns but - if we are to have an overall strategy embracing both inland surface water flooding and coastal flooding and erosion - does the Cabinet agree with me that it must recognise that the latter is concentrated in a small number of locations and that the position of Yarmouth as a heavily-populated port and industrial town is quite different to a rural location where managed retreat and adaption might be more appropriate?

**Response:**

We would acknowledge that Gt Yarmouth does present unique challenges when it comes to addressing flood risk compared to areas inland. However, there are links with regard to upstream impacts. Though as far as coastal erosion specifically focused on Gt Yarmouth is concerned, any action going forward will be determined by conclusions in the work emanating from the Broadland Futures Initiative – a partnership that includes the Environmental Agency, Broads Authority and Norfolk County Council. The work within the partnership has not drawn final conclusions as yet but will be outlining approaches to meet the challenge of the expected sea level rise in the southern North Sea by 2125, where it is not expected to exceed 160cm. In addition, we continue to liaise with those coastal authorities forming Coastal Partnership East along the Norfolk and Suffolk Coasts as part of ongoing coastal strategy work to identify measures to manage the risk of coastal erosion and flooding to people and the developed environment along the coastline.

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**7.2      Supplementary Question from Cllr Mick Castle**

Does the Cabinet agree with me that the Council needs to continue to balance its Economic Development and Regeneration imperatives alongside its wider commitment to carbon-reduction especially when Yarmouth as an Energy Hub is so essential to the meeting those latter targets and that it is a matter of regret that the Cameron/Clegg Coalition Government jettisoned implementation of SUDs back in 2013 which is critical to progress on alleviating surface water flooding?

**Response:**

Great Yarmouth as an energy hub is indeed essential both to driving clean growth jobs and helping the county transition from fossil fuels to renewable energy. We are seeking to address both economic growth and carbon reduction aims by putting forward the Offshore Wind Operations and Maintenance Centre as part of the package of capital projects deliverable within 18 months for the Government's call for the Getting Building Fund last summer. The project received £6M from the Fund.

In terms of SUDs, all new development is required to use Sustainable Drainage Systems to drain their sites, in line with the National Planning Policy Framework, Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The County Council, as Lead Flood Authority has a clearly defined role to support sustainable urban drainage through the planning system and continues to exercise these functions.

7.3

**Question from Cllr Ed Maxfield**

What work is being done to model how Children's Services will work following local government reorganisation if, say, the current arrangement is replaced with two or three unitary authorities covering Norfolk?

**Response:**

We aren't modelling any scenarios until we receive government guidance around Local Government Reform. Any work done before the publication of the white paper towards developing a detailed deal or unitary proposals will take up time and effort and will not be the best use of scarce resources at a time when we are focused on the COVID19 impact and recovery. It is fully recognised that this is emerging government policy and that we must take a positive approach to working to deliver it but only once the white paper is published or we are completely certain of its content and direction.

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7.4

**Question from Cllr Eric Seward**

For some two years the County Council in different formats has commissioned the delivery of a Social Prescribing Service in Norfolk. In North Norfolk the District Council was commissioned by the County Council to provide a social prescribing service. It consists of three officers and currently funding for the service ends on March 31st 2021. My question is:

How does the County Council view the advice and support service provided by the Social Prescribing Project in North Norfolk?

**Response:**

Thank you for your questions. The Council recognises the value of the service and its ability to respond to the needs of its community, so much so that despite the intense budget pressures in Adult Social Care we were able to add a further year's investment. Social Prescribing has enabled the provision of additional access into other services provided by Adult Social Services, for example our Information Advice and Advocacy services and Social Isolation and Loneliness services.

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7.5

**Supplementary Question from Cllr Eric Seward**

What plans does the County Council have for the continued funding of the Social Prescribing Project in North Norfolk beyond March 2021?

**Response:**

The Council took an early lead on funding Social Prescribing, but the initial money available was just for two years. We have managed to extend our funding by an extra year despite budget pressures. The council's funding ends on 31st March 21. We are very pleased that the NHS has also recognised the value of the work and there is now funding for Primary Care Networks to fund social prescribing.

Even though the Council's direct investment ends in 2021, there still exists the opportunity to work with all partners on the development of a strong Norfolk Social Prescribing offer. It is important to note the links with the Social Isolation & Loneliness service. Loneliness is one of the top 3 reasons for a Social Prescribing referral and based on this, the Council has begun to develop the options for

continuing delivery of the Social Isolation and Loneliness service beyond the current contract end date.

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7.6 **Question from Cllr Dan Roper**  
How many complaints has the council lost over the last two years in judgements by the Local Government and Social Care Ombudsman on Children Services and Adult Social care complaints and what have been the financial implications of these?

**Response:**

Thank you for your questions. During 2019/2020 the Local Government and Social Care Ombudsman received 127 complaints regarding Adult or Children's Services at Norfolk County Council. Of those, 68 were closed after initial enquiries or referred back to the Council for local resolution. The Ombudsman's office made a final decisions in 56 cases, following detailed investigations. Fault was identified in 63% of those cases. This compared to an average of 66% in similar authorities. The Council agreed with the Ombudsman's recommendation of a financial remedy in 28 cases , with payments to recognise fault, backdate allowances, refund charges, agree to waive outstanding fees or arrange additional services totalling £33,694.95.

In the previous year, 2018/2019, the Local Government and Social Care Ombudsman received 125 complaints regarding Adult or Children's Services at Norfolk County Council. Of those, 64 were closed after initial enquiries or referred back to the Council for local resolution. The Ombudsman's office made final decisions in 58 cases, following detailed investigations. Fault was identified in 67% of those cases. This compared to an average of 64% in similar authorities. The Council agreed with the Ombudsman's recommendation of a financial remedy in 24 cases, with payments to recognise fault, backdate allowances, refund charges, agree to waive outstanding fees or arrange additional services totalling £64,918.02.

It is important to note there may be a significant elapse of time between the circumstances giving rise to a complaint and the Ombudsman arriving at a final decision, at the conclusion of what may be a lengthy and complex investigation by his office. Whilst the Ombudsman normally expects a complaint is brought within 12 months, this can be extended if it is felt a person was not in a position to raise the matter earlier. Some of the circumstances which the Ombudsman investigates are therefore historic in nature, for instance those brought by former looked after children when they become adults, and may not be reflective of contemporary services.

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7.7 **Question from Cllr Alexandra Kemp**  
The Covid Vaccination Programme in GP Surgeries began in West Norfolk on Tuesday 15 December and on Wed 30 Dec at the QE's Inspire Centre, prioritising people over 80, Care Home Residents and Care Home Workers. The NHS is responsible for the Covid Vaccination Programme, while the County Council regulates Care Homes. Can the Cabinet Member for Adults Social Care tell us if every care home in Norfolk has now been contacted with available timeslots for residents and staff to receive their first doses of vaccine, or when this is expected to happen, bearing in mind that the Govt target is to vaccinate all vulnerable cohorts



by 15 February.

**Response:**

Thank you for your question. The Covid-19 vaccination programme is a fast moving and fast changing picture and is particularly challenging and complex for care homes and people who are housebound.

National guidance recommends that staff and residents from the care homes with the largest number of beds are vaccinated first, and this is the approach we have followed locally. All care homes have been asked to complete a return for NHSE/I identifying their staff numbers and locations. Staff lists from our largest care homes have been provided to the hospital hubs who have contacted these staff direct to arrange appointments for vaccination. Primary care hubs are also inviting staff from their aligned care homes and others to attend appointments for their vaccine.

Lowestoft, Thetford and Swanton Morley PCNs participated in a care home Pfizer pilot and vaccinated 75 care home residents between Christmas and New Year. We are now starting to vaccinate more care homes residents using roving teams, led by our PCNs. The roving teams will be using the Oxford/AstraZeneca vaccine and the care homes will be contacted directly to inform them when vaccination will take place.

The NHS is refining its planning based on the pilot and work done to date, as well as conducting preparatory work (for example talking with care homes and organising consent), so that the system is as ready as it can be as the supplies of vaccines increase. There has been positive feedback from those care providers and from those who have received the vaccination as part of the care home pilots.

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7.8 **Question from Cllr Emma Corlett**

How much has the Minimum Income Guarantee legal case cost Norfolk County Council to date?

**Response:**

We are still calculating the costs and will publish these as soon as we can (subject to commercial confidentiality on certain aspects).

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7.9 **Question from Cllr Brenda Jones**

How are you going to restore trust given the breakdown in relationships between those affected and those Cabinet members responsible for promoting the unlawful Minimum Income Guarantee policy?

**Response:**

Thank you for your question. I have apologised to those affected on behalf of the Council. The Council did not intend to discriminate. Its intention – which the judgement acknowledges – was to amend its charging policy in line with the National Guidance, and to bring it into line with other councils (see appendix 2). It considered this carefully and conscientiously, seeking to both phase in and mitigate the impact on vulnerable people and their income. I hope that we can continue to work together in the future.

7.10

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**Question from Cllr David Rowntree**

Given the substance of the legal judgment regarding the Council's interpretation of the Human Rights Act and the Equalities Act, why does the Leader believe it is reasonable to publish an Easy Read version less than four hours before the deadline to inform questions submitted to this meeting?

**Response:**

I am disappointed that it took as long as it did to publish the easy read version and as a result, we extended the question deadline for questions on the report to 10am Friday 8th January.

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7.11

**Question from Cllr Terry Jermy**

On Boxing Day hundreds of Thetford residents were advised of possible flooding. Having been contacted by dozens of residents asking for advice I attempted to speak to County Council officers on the emergency numbers but could not speak with anyone - the telephone system advised the offices were closed.

I spoke with the Emergency Team at Breckland Council who advised County Council had advised there were no sandbags available for Thetford residents and they would not be replenished until at least the 29th December 2020.

Please can the Cabinet Member urgently review arrangements for the provision of sandbags across Norfolk to ensure the County is better prepared for future incidents?

**Response:**

The usual procedure for Norfolk County Council out of hours response is via Highways, Norfolk Fire and Rescue and Adults Social services and all these teams were available. Highways received over 200 calls and NFRS over 400 for Flooding across Norfolk.

The provision of flood protection measures (including sandbags) is a District Authority function.

The Norfolk Resilience Forum have already started a multi-agency de-brief procedure and an information request has been sent out to all agencies for their input and feed back. A full structured de-brief will take place on 26th January when all lesson learnt will be captured. This will then form an action plan to ensure that required measures and mitigations are put into place.

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7.12

**Question from Cllr Mike Smith-Clare**

In response to a question I asked the Cabinet Member for Children's Services on 11th May 2020, his response was:

- Schools have been working in clusters and have resilience plans in place which ensure that if they have significant reductions in staff and are unable to be open safely, there is back up provision for places for children elsewhere.
- Furthermore there is a plan for an emergency workforce that can be drafted in to support schools.

Why then aren't there enough places now and why did he make these claims, when he must have known they were unachievable?

**Response:**

I would like to thank Cllr. Smith-Clare for his question. The situation for this lockdown is different compared to March 2020. The support that was in place then was appropriate and schools were able to operate effectively.

The guidance from the Department for Education for how schools need to operate in this Lockdown with regard to the attendance of pupils was issued on Thursday 6th January 2021.

Schools have needed this week to understand the demand for provision and the staff that are available. With regard to capacity a number of factors have affected this, including staff ill health, shielding, and union action. On Thursday 6th January some aspects of the union action were changed which continues to affect the capacity that schools have to offer places in school.

Schools have been open as normal for the last term, and services that supported the cluster structure also returned largely to normal working as this infrastructure is not needed when schools are open. Since Tuesday staff have once again be re-focused to support schools at a District level.

With regard to an emergency workforce different control measures to prevent transmission, compared to March affect how school staff and any additional adults can be used in school. Supply teachers cannot be used in the same way as previously, as adults must be locked into bubbles and cannot be swapped for different teachers.

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7.13

**Question from Cllr Chrissie Rumsby**

Since the beginning of December 2020, how quickly have decisions been made on applications to the Norfolk Assistance Scheme?

**Response:**

The Council has seen a significant increase in applications to the Norfolk Assistance Scheme (NAS) throughout 2020 with an average of around 450 applications per month in the first quarter of the 2020/21 financial year. December saw the launch of the Winter Hardship scheme and we received 2,920 applications within the month for the NAS element. This has proven a challenge however applications for food, heating and living costs were able to be processed from receipt of application to fulfilment on average within 3 working days. Further additional staff have been recruited and are currently being trained to support the continued increasing application numbers.

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7.14

**Question from Cllr Mike Sands**

In response to a question in regarding the distribution of the Councils allocation of 1,800 laptops to children with social workers on 6th July 2020 the Cabinet Member for Children's Services stated that "the laptops for children with a social worker have been distributed already via Norfolk schools." On 7th December 2020 however, he advised that "this scheme is still active and distributing devices to care

leavers and children with a social worker in Norfolk.”

Please could he therefore clarify whether or not the laptops have been distributed, when, and why there is a disparity in his responses to this issue?

**Response:**

I would like to thank Cllr. Sands for his question. The criteria for this government scheme limits the distribution of devices to children with a social worker, who don't already have access to a device. We contacted schools and families of more than 2000 children to identify who most needed this support. We responded to all requests received from schools and distributed the devices as previously advised. The remaining devices are allocated to social work teams, so that any emerging need could be responded to immediately. Schools and social workers continue to be aware of this scheme. Devices are held in three locations across the county to ensure swift distribution

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7.15

**Question from Cllr Colleen Walker**

Can the Cabinet Member for Children's Services explain what he has done to ensure SEND families receive the support they need during this lockdown?

**Response:**

I would like to thank Cllr. Walker for her question. Our approach during this latest lockdown follows the way we worked during the first lockdown, appreciating that direct support for SEND children and their families comes from our early years settings, schools and colleges.

We are again ensuring close working with our parent/carer groups and special school headteachers. This contact ensures that we have a two-way process; hearing their concerns and providing LA support as well as ensuring that they are aware of the requirements set out by the DfE nationally. Officers are meeting every day with a range of setting, school and college leaders and this week has met twice with leaders in Special Schools, hearing the extraordinary lengths they are going to in order to support families.

We know that some families will need additional support during this time and staff across children's services are working together, with schools to provide additional support where needed.

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7.16

**Question from Cllr Julie Brociek-Coulton**

The Cabinet Member Delegated Decision Report on use of the Infection Control Fund Round 2 made on 11th December 2020 states that £100,000 will be allocated to carer support, with “more detailed proposals pending.” One month on from this decision being made, can the Cabinet Member for Adult Social Services expand on what this funding is for and how, if appropriate, carers will be able to access this money?

**Response:**

Thank you for your question. The infection control fund is a national grant which has been allocated to Norfolk County Council to put in place infection control and prevention measures.

We aim to deliver wellbeing packs to carers using this funding, which includes PPE as well as information on the Carers Matter Norfolk Service and other support available to them over the Winter. In line with the grant conditions, funding will be used by the end of March 2021, we are urgently working with delivery partners to ensure the quickest mobilisation possible.

7.17

#### Question from Cllr Chris Jones

Could the Cabinet Member for Finance confirm how much funding Norfolk County Council will be receiving from the Government which could be used to support a Localised Council Tax Support Schemes in each Norfolk district?

#### Response:

The £670 million of new funding for 2021-22 – the “local council tax support grant” announced at the Spending Review 2020 is being provided in recognition of the increased costs of providing local council tax support (LCTS) and other help to economically vulnerable households following the pandemic. For the avoidance of doubt, this grant is mainly to cover lost income arising from the anticipated extra cost of LCTS schemes in 2021-22 including costs due to higher unemployment (i.e. higher numbers of claimants and extensions of LCTS schemes). The grant is therefore being used by the County Council to enable the continued provision of all services.

The Government has published indicative allocations for this funding ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/946116/LCTS\\_indicative\\_allocations.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946116/LCTS_indicative_allocations.xlsx)), which are subject to confirmation following consultation on the provisional settlement. These provide the following for Norfolk, including a County Council allocation of £7.512m

Billing authority	Initial total billing authority area allocation (£m)	Of which:		
		Indicative County allocation (£m)	Indicative Police allocation (£m)	Indicative Billing Authority allocation (£m)
Breckland	1.334	1.009	0.187	0.137
Broadland	1.051	0.788	0.146	0.117
Great Yarmouth	1.423	1.082	0.201	0.140
Kings Lynn and West Norfolk	1.462	1.104	0.205	0.153
North Norfolk	1.177	0.879	0.163	0.134
Norwich	2.307	1.677	0.311	0.319
South Norfolk	1.317	0.973	0.181	0.163
<b>Total</b>	<b>10.070</b>	<b>7.512</b>	<b>1.395</b>	<b>1.163</b>

7.18

#### Supplementary Question from Cllr Chris Jones

Could the Cabinet Member for Finance confirm what this additional funding will be used for if not to support Local Council Tax Support Schemes?

#### Response:

The Government expects that the funding will meet the additional costs associated

with increases in local council tax support ('LCTS') caseloads in 2021-22. Decisions on local council tax support scheme design for 2021-22 are for billing authorities to take, in consultation with their major precepting authorities (the County Council), and the public.

In essence, the grant funding is intended to compensate for reduced council tax income due to LCTS changes and increased uptake in 2021-22. This will impact on the County Council via the tax base set by the billing authority, which should represent the amount that they estimate they can collect in 2021-22, taking into account growth in the number of properties on the valuation list, the impact of local council tax support schemes, and the estimated collection rate. As such the grant will be included within the proposed 2021-22 Revenue budget to offset these LCTS scheme impacts.

The County Council provides targeted support for the most vulnerable people in the county through the Norfolk Assistance Scheme, which is available to all people who are unable to meet their immediate needs or need practical support to set up home, as well as those who are struggling because of coronavirus.

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7.19

**Question from Cllr Danny Douglas**

Will Norfolk County Council call for the retention on Bridge 1171 on the Fakenham to Wymondham line, which is under threat of being demolished by Highways England? This will keep the possibility of the rail network to be reconnected to Fakenham and support the Norfolk Orbital Railway project.

**Response:**

The concerns regarding this bridge, which carries a minor road across the old railway near Guist, were only brought to the council's attention on 5th January.

This bridge is one of a number of similar structures across the county which is the responsibility of Highways England Historical Railway Estates. HE Railway Estates took over responsibility for bridges on disused railway lines from the British Rail Property Board some years ago.

Our Bridges Team has had no communication from HE Railway Estates regarding any proposals for this bridge.

Officers have not yet been able to contact HE Railway Estates to get clarity about what, if any, proposals they intend to bring forward on this structure. I hope that I am able to give an oral update at Cabinet once officers have spoken to the HE Railway Estates team. The team will also be invited to attend the next meeting of the Norfolk Rail Group (in February) to give a broader outline about their assets on old railway lines and their management plans for these.

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7.20

**Question from Cllr Steff Aquarone**

To the Leader:

If the High Court judgment over cuts to the MIG isn't a resigning matter for a cabinet member, then can he give a specific example of a (non-criminal) action that would lead him to call for a resignation?

**Response:**

If a Cabinet Member loses my trust and confidence I would only then consider asking for their resignation. I would suggest an incident such as the Greyhound Opening Scandal, which happened under the Leader of the opposition's watch would be a perfect example for a call for resignation.

**Written Supplementary Questions requiring written responses  
from the Cabinet Meeting held on  
Tuesday 12 January 2021**

**Agenda item 6      Public Written Supplementary Questions**

**Written Supplementary Question from Harry Clarke.**

Its important I think that NCC gets buy in from partners such as District Councils to help boost flood resilience, communication and with the public. Will NCC consider bringing back the Norfolk wide Water Management Partnership, and if agreed when will this start?

**Response from the Cabinet Member for Environment & Waste:**

The Cabinet on the 12th of January 2021 agreed:

To convene a series of meetings with strategic partners across Norfolk, including the District Councils, Environmental Agency, Anglian Water, Internal Drainage Boards amongst others, and find a leading figure to chair this. It is expected that the first of these meetings will be held in the Spring.

Additionally, it is important to note that all relevant stakeholders, including District Councils, are already involved in flooding related feasibility studies. This ensures support and agreement of any proposed measures.

**Agenda item 7      Local Member Written Supplementary Questions**

**Written supplementary question from Cllr Terry Jermy:**

With the hindsight of latest incidents concerning the general public driving their cars into flooding, will the County consider a public safety campaign so the people will better understand that flash flooding is dangerous and even in a four wheel drive you are putting yourself at risk as well as the Norfolk Fire and Rescue Service?

**Response by the Cabinet Member for Environment & Waste:**

The Norfolk Resilience Forum has already started a multi-agency de-brief procedure and information requests have been sent out to all partners for their input and feedback. A full structured de-brief will take place on 26<sup>th</sup> January when all lessons identified will be captured. This will then form an action table to ensure that required measures and mitigations are put into place. The de-brief process allows for mitigation actions to be raised and we will recommend that the Norfolk Resilience Forum reviews and updates its procedures and plans with regards to flooding. Part of this should be a Norfolk wide campaign to remind the public of all the dangers and risks associated with flooding.

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**Written supplementary question from Cllr Colleen Walker:**

At the 6/7/20 Cabinet meeting, Fisher said “Just this week all four of the key parent / carer SEND forums met with senior officers to look at the range of ways we can improve this, and I have requested to meet with these groups over the next few weeks.”

When did these meetings take place and how have these meetings informed the Council’s work supporting SEND families through the pandemic?

**Response by the Cabinet Member for Children’s Services:**

The senior lead for SEND strategy and transformation met with the parent/carers groups on a weekly basis from April through to October 2020. These were initially solely for the purpose of COVID support and, from June onwards, focussed on our collective response to the SEND inspection by Ofsted/CQC. There were meetings held in July and I, as Cabinet



## Appendix C

Member for Children's Services attended one of those on July 7th. I also attended EHCP workshops with a mixed group of officers and parent/carers representatives during July and August. A monthly meeting now takes place with parent/carers. I attend the SEND Ofsted improvement Board with Cllr Mike Smith Clare and Cllr Ed Maxfield which also has representatives from parent/carers forums.

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**Written supplementary question from Cllr Mike Sands:**

I understand that schools in Norfolk surveyed parents after October half term about digital exclusion. Has the Council collated and mapped this information, and if not, when is this important piece of work going to start in light of the current national lockdown?

**Response by the Cabinet Member for Children's Services:**

Last year schools carried out their own surveys to understand the digital needs of families. We were able to support schools in providing laptops for many children with social workers. We also provided NCC laptops to other vulnerable children during the last lockdown.

We asked schools last week to tell us how many children lack access to an appropriate device, how many had connectivity issues and how many families needed technical support. We are working with colleagues across Children's Services, Information Management Technology and the Library Service to ensure that everyone who can access a DfE Laptop has one, and those who are excluded from this scheme receive one from us if they need it to access learning. We are prioritising our efforts to make sure that we support where it will make the most difference.

The next batch of NCC laptops will start to be sent out to schools from the 13<sup>th</sup> January. We are already providing advice and support to schools to help them meet the remote learning expectations. In order to best support learners once they have access to a device, we will also be providing access to support to parents via the library service, to help all children and young people to access their school/colleges' remote provision'

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**Written supplementary question from Cllr Chrissie Rumsby:**

If parents are not eligible for free school meals but are in hardship, are they being advised that they can access the Edenred Voucher scheme through the discretionary decision of the Norfolk Assistance Scheme?

**Response by the Leader and Cabinet Member for Strategy & Governance?**

The Norfolk Assistance Scheme staff have access to the NCC account on EdenRed and are continuing to provide vouchers to families in need.