

Cabinet

Minutes of the Meeting held on Monday 2 September 2019 at 10am in the Council Chamber, County Hall, Norwich

Present:

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

Local Members Present:

Cllr Alexandra Kemp
Cllr Emma Corlett

Other Members Present:

Cllr Steve Morphew
Cllr David Bills
Cllr David Harrison
Cllr Ed Maxfield
Cllr Alison Thomas
Cllr Vic Thomson
Cllr Bev Spratt

Executive Directors Present:

Tom McCabe	Executive Director of Community & Environmental Services and Head of Paid Service.
James Bullion	Executive Director of Adult Social Services
Helen Edwards	Chief Legal Officer & Monitoring Officer
Simon George	Executive Director of Finance & Commercial Services
Sarah Shirtcliff	Head of HR (for Executive Director of Strategy & Governance)
Phil Watson	Assistant Director Social Work (for Executive Director of Children's Services).

1 Apologies for Absence

There were no apologies.

2 Minutes

The minutes from the Cabinet meeting held on Monday 5 August 2019 were agreed as an accurate record and signed by the Chairman.

3 Declaration of Interests

There were no declarations of interest made.

4 Items of Urgent Business

The Chairman announced that notification of the Government's spending review was expected on Wednesday 4 September 2019. He added that the Government had already announced a £14bn package for schools funding until 2023, with the first tranche of £2.6bn in 2020-21, including £700m for Special Educational Needs.

5 Public Question Time

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

5.2 The Chairman invited Marilyn Heath to ask a supplementary question. Ms Heath said if all Conservative Councillors were unable to attend the meeting arranged for 17 September, could the representatives attend the Conservative Group meeting on 20 September where budget proposals would be discussed in private, to address issues before decisions were made. She also asked if Cllr Proctor and Cllr Borrett would prioritise some time to spend with disabled people and their families before future budget decisions, so they could experience the difficulties faced.

In reply, the Chairman said that as many Conservative Councillors as possible would attend the meeting on 17 September. He added, with regard to the meeting on 20 September, that this was a private Group meeting so it would not be possible for anyone else to attend, although he committed, and he felt sure Cllr Borrett would as well, to try to meet the people concerned to understand their issues and what is needed to be addressed.

6 Local Member Questions/Issues

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

6.2 As a supplementary question Cllr Kemp said that she did not agree with the answer as no Council serious about congestion puts traffic on a bus lane; no Council serious about disabled people disrespected them so much; the Traffic Order placed traffic on 1/4 of Hardings Way and also maximum HGV's for a private firm's benefit, without a highways assessment. She asked why there had been a cover-up. There was a serious conflict of interest as the first

Highways Case Officer was also a Planning Agent and a TRO was a key decision being local legislation. She added that both her call-ins had been blocked and Hardings Way was built for buses, not HGV's which would cause it to collapse and there would be a tragic accident. She asked what the Leader was going to do.

The Chairman replied that he totally rejected the words "cover up" and that he had no further information to add than he had discussed with Cllr Kemp at their recent meeting.

- 6.3 As a supplementary question, Cllr Corlett asked if the Cabinet Member would agree to meet with her to discuss the matter further as she was certain that the lease for the car park was solely for the use of Independence Matters, with no right of use for Action for Children, given the pressures on the Independence Matters staff car park. Cllr Corlett added that the informal agreement which had been in place would not be able to continue and she would like to discuss the matter further.

The Chairman deferred the question to the Cabinet Member for Commercial Services and Asset Management who replied that he would be happy to meet with Cllr Corlett to discuss the arrangements. The Cabinet Member added that he was aware of the issues from previous correspondence with Cllr Corlett and that he thought she had been happy with the outcome. He added that, regarding the new tenants, work was being carried out to try to solve the car parking situation, with options of erecting barriers or proposing parking permits being considered.

7 Proposed Updates to Planning Obligations Standards 2019.

- 7.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out a series of proposed amendments to the Standards reflecting the Government's amended Community Infrastructure Levy (CIL) Regulations, which came into force on 1 September 2019 and addressed member issues raised at the Environment, Development and Transport Committee in March 2019; and the Infrastructure & Development Select Committee in July 2019.
- 7.2 The Executive Director for Community & Environmental Services advised that, since the introduction of the Regulations, over £242m of funding had been secured towards much needed infrastructure and services.
- 7.3 The Cabinet Member for Highways, Infrastructure & Transport introduced the report and moved the recommendations.
- 7.4 The Chairman emphasised the lifting of the pooling restrictions on Section 106; the health and social care aspects and the Health Protocol Agreement which committed Local Planning Authorities to engage with all the relevant health care and social care partners on relevant planning applications. The Chairman also highlighted that the Planning Obligations Standards would take into account viability issues on major urban regeneration sites.
- 7.5 The Cabinet Member for Adult Social Care, Public Health and Prevention mentioned the Accessible Housing paragraph, where the County Council would

support the District Council as the housing authority, in seeking contributions towards extra care housing provision for the elderly; sheltered accommodation for the elderly; and supported living (housing with care) for working age adults with special needs.

- 7.6 The Cabinet Member for Innovation, Transformation & Performance commended the Standards, which indicated that where a site was allocated for a school there may be opportunities to consider the wider community use of both the school building and the playing fields.

7.7 **Decision**

Cabinet **RESOLVED**:

1. That the updated Standards set out in the Appendix 1 are adopted from 2 September 2019 and that officers write to the respective District Councils to inform them of the new Standards;
2. To **agree** that officers work with the District Councils to consider the wider implications of the Government's reforms in respect of infrastructure delivery to support growth in the county; and
3. To incorporate any further amendments into the 2020 Standards Review.

7.8 **Alternative Options**

Refer to Cabinet report.

7.9 **Reasons for Decision**

The alternative option to agreeing the proposed updates to the County Council's Standards is not to take these amendments forward and instead rely on the existing Standards (March 2019). This alternative option is not recommended as the existing Standards agreed by EDT Committee in March 2019 do not reflect the new Community Infrastructure Levy Regulations (Amendment) (England) (No.2) Regulations 2019, which came into force on 1 September 2019.

8 Norfolk Strategic Planning Framework Update.

- 8.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out how the Norfolk Strategic Planning Framework helped to demonstrate that, in the development of Local Plans, the authorities had discharged the "duty to co-operate".
- 8.2 The Cabinet Member for Highways, Infrastructure & Transport introduced the report setting out how the Strategic Planning Framework helped to demonstrate the "duty to cooperate" with local planning authorities on strategic planning matters and moved the recommendations.
- 8.3 The Chairman stated the Norfolk Strategic Planning Framework would reinforce the County Council's duty to co-operate.
- 8.4 **Decision**

Cabinet **RESOLVED** to

- **Endorse** the updated Norfolk Strategic Planning Framework as part of our ongoing “duty to co-operate”.

8.5 **Alternative Options**

Refer to Cabinet Report.

8.6 **Reason for Decision**

The Framework had already been used successfully to support the development of Local Plans. It must be kept up to date to continue to fulfil this role.

9 **Business Rates Pool Funding for West Winch Housing Access Road design work (and other strategic transport priorities).**

- 9.1 Cabinet received the report by the Executive Director of Community & Environmental Services asking it to approve Norfolk County Council’s element of the local match-funding for the West Winch Housing Access Road and the Pullover Roundabout for scheme development, so they could be added to the Capital Programme.
- 9.2 The Executive Director for Community & Environmental Services said that the issues on both the A10 and at the A17/A47 junction were well known and the proposal sets out plans to tackle those and deliver much needed housing in the area.
- 9.3 The Cabinet Member for Growing the Economy introduced the report and moved the recommendations.
- 9.4 The Cabinet Member for Highways, Infrastructure & Transport stated that he fully supported the proposal and the recommendation, adding that it was important to ensure the right infrastructure was in place throughout the county.
- 9.5 The Cabinet Member for Adult Social Care, Public Health and Prevention supported the proposals, adding that for every £1 from the Business Rates Pool, the Government would contribute £1 to deliver infrastructure in Norfolk and that he hoped the bid would be successful.
- 9.6 The Chairman advised that the Business Rates Pool was used for generating economic growth and this was an opportunity for it to be used across the county as part of “working better together” and contributing to the development of the King’s Lynn area.

9.7 **Decision**

Cabinet **RESOLVED** to:

- **Approve** the match-funding for the Business Rates Pool (BRP) bids for the West Winch Housing Access Road (£1.1m) and the Pullover Roundabout

(£100k) for scheme development. If the BRP bid is successful, then these schemes would be added to the capital programme for 2020/21 and 2021/22.

9.8 Alternative Options

Refer to Cabinet report.

9.9 Reason for Decision

The West Winch Housing Access Road (WWHAR) was essential infrastructure to enable the delivery of 4000 new homes and would provide additional highway capacity to enable strategic through traffic on the A10 to bypass the village of West Winch. If this work is not funded now it will delay the programme for delivering the road and would compromise the Strategic Outline Business Case (SOBC) risking it not being approved for Department for Transport (DfT) Major Road Network (MRN) funding to build the scheme.

10 Future Mobility Zone Fund

- 10.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out that out of 14 applicants, Greater Norwich was one of 7 areas that had successfully reached the second stage of the funding application process.
- 10.2 The Executive Director of Community & Environmental Services stated that the proposal was closely aligned to the Transforming Cities Fund which sought to deliver a step change, both in transport provision and mobility in the Greater Norwich area.
- 10.3 The Cabinet Member for Highways, Infrastructure & Transport introduced the report and moved the recommendations, highlighting that this was a real opportunity for Greater Norwich to be at the forefront of innovation in transport solutions.
- 10.4 The Cabinet Member for Innovation, Transformation & Performance commended the innovative scheme as a good example of how technology could be harnessed by using data taken from public transport, highways network performance, bus companies and mobile phone companies to make decisions using the best possible data to arrive at the best possible solution.
- 10.5 The Cabinet Member for Growing the Economy added his endorsement to the proposal, which would work well with the Low Carbon Innovation Fund which was now available, offering grants to help companies with good ideas about how to reduce the carbon footprint.
- 10.6 The Cabinet Member for Children's Services said he supported the proposal from his work with Norwich Highways Agency Committee as he realised how important accessing the city was as well as the need to reduce pollution levels. He was pleased that the bus companies were on board.
- 10.7 The Cabinet Member for Environment & Waste stated this was a great opportunity to put Norwich on the map and he looked forward to seeing the end

results and the reduction in transport times, the improvement in air quality and lower carbon emissions.

10.8 The Cabinet Member for Adult Social Care, Public Health & Prevention said that the key point was the £16-£18m on offer from the Government and that the project had a 2:1 chance of getting it. He applauded the work of the team and the management time the Council had spent on the achievement so far, which showed how serious the County Council was with its green agenda as well as how competent the bids put forward were.

10.9 The Chairman highlighted that initial feedback from the Department for Transport was that Norfolk County Councils submission was strong which boded well. He also referred to the financial implications and said, from the discussions held so far, he was confident match-funding would be achieved locally.

10.10 **Decision**

Cabinet **RESOLVED** to **agree**:

1. The proposed programme of activity to be delivered as part of the Future Mobility Zone Project.
2. The outline of the business case as set out in the report.
3. Delegate sign-off of detailed submission to the Cabinet Member for Highways, Infrastructure & Transport.

10.11 **Alternative Options**

Refer to Cabinet Report.

10.12 **Reason for Decision**

Securing additional funding is a real opportunity to strengthen the position of Norwich as a Sharing City and a leading demonstration city in new and emerging technologies, as well as delivering a step change improvement in the air quality within the city centre and across Greater Norwich.

11 **France-Channel-England Government Guarantee of funding.**

11.1 Cabinet received the report by the Executive Director of Community & Environmental Services setting out how Norfolk County Council (NCC) had requested, and had now received, a written guarantee from the Ministry of Housing, Communities and Local Government (MHCLG) confirming that the UK Government would cover all the costs of NCC in ensuring delivery of the programme in the event of a no deal Brexit to ensure the smooth transition into whatever new arrangements apply as a result.

11.2 The Executive Director of Community & Environmental Services advised that Officers had been involved in discussions with both the European Commission and the UK Government over a period of time, to try to secure the future of the 300m Euro for the France Channel England project and to get a guarantee of the Council's financial position.

- 11.3 The Cabinet Member for Growing the Economy introduced the report and moved the recommendations, highlighting that Norfolk County Council's contract was directly with the European Commission to carry out regulatory functions for which the EC covered 85% of the costs, with additional financial support from the UK and French Governments to fund 100% of the expenditure.

The UK Government had indicated they would like Norfolk County Council to continue to manage the FCE programme until a clear way forward had been agreed after Brexit. The written guarantee would ensure this would be at no cost to Norfolk County Council.

- 11.4 The Cabinet Member for Adult Social Care, Public Health and Prevention said that the County Council should be commended on its application to central Government to obtain clarity, which also showed how the County Council was preparing for Brexit. He added that the Government should also be congratulated on its very clear response

11.5 **Decision**

Cabinet **RESOLVED** to agree:

1. that NCC continue management and delivery of the France (Channel) England (FCE) programme in the event of a no deal Brexit until the future of the programme is resolved.
2. that the treasury guarantee is sufficient to provide assurance that the programme will be managed at no cost to the Norfolk County Council budget.

11.6 **Alternative Options**

Refer to Cabinet Report.

11.7 **Reason for Decision**

A letter received from MHCLG dated 5 August 2019 confirming that the UK Government will cover the costs that NCC will incur fulfilling its MA role within the France (Channel) England programme that would otherwise have been paid by the EU.

12 Leases for Early Childhood and Family Service Bases and leasing out of repurposed Children's Centres.

- 12.1 Cabinet received the report by the Executive Director of Finance & Commercial Services setting out the 12 sites owned, plus 2 sites leased by Norfolk County Council that, following the service redesign, will be leased to Action for Children to provide the Early Childhood and Family Service for the Council. The Priory Centre site, Great Yarmouth would be leased directly to Action for Children by Great Yarmouth Community Trust. The Priory Centre site, together with the 14 NCC controlled sites would form the 15 early childhood and family support bases proposed in the report to Children's Services Committee in January 2019.

- 12.2 The Cabinet Member for Commercial Services and Asset Management introduced the report and moved an amendment to the recommendations, that Cabinet would be asked to decide on 13 children's centres rather than 14 as stated in the report. He added that the NAR site had been temporarily withdrawn due to some technical points which had arisen with regard to the lease and who owned part of the site. This would not affect the ongoing delivery of the service, which would continue with an existing tenancy at will with Action for Children until the lease arrangements had been resolved.

The Cabinet Member advised that, under the current Norfolk County Council Constitution, leases with terms of 10 years or more needed to be approved by Cabinet.

- 12.3 The Cabinet Member for Children's Services added his support for the proposal and confirmed that this was the first step for these sites to be leased to Action for Children and confirmed that the service was on track to deliver a much better service to families in need which had been difficult to access in the past.
- 12.4 The Cabinet Member for Innovation, Transformation & Performance welcomed the report, showing the County Council's ongoing commitment and determination to deliver the service. He added that one of the centres was in his division of Fakenham and he was pleased to see an enhanced service continue.

12.5 **Decision**

Cabinet **RESOLVED** to

1. **Agree** to enter into leases with Action for Children for 13 of the sites listed in table 1 of the report on the terms as detailed in the table in Appendix 1, with the NAR property remaining as a tenancy at will pending resolution of outstanding legal issues.
2. **Agree** to enter into leases for the sites and with the organisations as listed in table 2 of the report on the terms as detailed in the table in Appendix 2.
3. **Agree** to accept the surrender and re-granting of a lease or the granting of a supplemental lease for the sites and with the organisations as listed in table 3 of the report.
4. **Delegate** to the Head of Property the authority to make minor changes to affected leases to ensure each lease is completed in a timely manner.

12.6 **Alternative Options**

The reletting of existing Council owned facilities was the most practicable option in the time allowed.

12.7 **Reason for Decision**

All leases out of property for a term of 10 years or more is a Cabinet decision. The leased sites are in the appropriate locations for the delivery of the service.

13 Finance Monitoring Report 2019-20 P4: July 2019

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

13.2 The Cabinet Member for Finance introduced the report, highlighting that an overspend was still forecast in this financial year, although it had decreased slightly to £5.008m from just over £6m. He added that, if the current overspend in Adult Social Care followed the pattern of previous years, he would expect the overspend to reduce through recharging some expenditure to the NHS.

The Cabinet Member added that the main cause for concern remained with the Children's Services budget, with the current overspend set at £9m gross, although this had reduced by £2m to £7m by using capital receipts money to assist an ongoing Invest to Save transformation programme agreed in 2018, which Cabinet was being asked to approve at this meeting.

He added that pressures continued within the High Needs Block and with the recent Government spending announcement it was hoped that it would ameliorate part of the Council's requirements.

The overspend by service departments for the current year was currently budgeted at £11.9m which was offset by savings in Corporate Finance.

The Cabinet Member also referred to the utilisation of interest received on capital balances and the accrued interest from developers using our local infrastructure fund to facilitate the Greater Norwich Growth Board's ambitions.

The Cabinet Member also announced that Norfolk County Council had borrowed £20m last month, £10m at 1.95% fixed for 42 years and a further £10m at 1.85% fixed for 42 years.

13.3 The Cabinet Member for Children's Services drew attention to the work being undertaken in Children's Services to ensure that only children that needed to be looked after were in care which would have an impact on the budget in the longer term, and the current commitments showing that more children with higher costs than anticipated when the budget was set with the transformation expected to impact later in the year.

13.4 The Cabinet Member for Adult Social Care stated that purchase of care was a demand related service and one of the Council's strategic aims was promoting independence which had shown promise in long-term care. More short-term placements had increased pressure on the budget. The Cabinet Member hoped that the government settlement would include more money for adult social care as part of its announcement.

13.5 The Cabinet Member for Communities & Partnerships highlighted the cost pressures on the Fire Service, some of which were due to the number of staff retiring and new staff needing to be trained whilst others were still in post, increasing the costs to the department. The Cabinet Member also added that the Improvement Plan had now been drawn up following the HMICFRS

Inspection which would incur costs in the development of a new cultural framework to ensure all staff knew what behaviour was expected from them, following the references to bullying in the inspection report. Any overspend this year in the budget would be covered from the wider Community & Environmental Services budget.

13.6 The Cabinet Member for Innovation, Transformation & Performance said that the County Council should be commended for bidding for money for projects such as Better Broadband for Norfolk and the Norfolk Local Full Fibre Network project of nearly £1m, for the benefit of Norfolk.

13.7 The Chairman commended the Executive Director of Finance & Commercial Services and his team for its management of the budget.

13.8 **Decision**

Cabinet **RESOLVED** to:

1. **Recommend** to County Council the flexible use of £2m capital receipts to fund the Children's Services Demand Management & Prevention Strategy in 2019-20, as set out in appendix 2, paragraph 3.4 of the report;
2. **note** the period 4 forecast general fund revenue overspend of £5.008m noting also that Executive Directors will take measures throughout the year to reduce or eliminate potential over-spends;
3. **note** the period 4 forecast shortfall in savings of £4.706m noting also that Executive Directors will take measures throughout the year to mitigate savings shortfalls through alternative savings or underspends;
4. **note** the forecast General Balances at 31 March 2020 of £19.623m, before taking into account any over/under spends;
5. **note** the expenditure and funding of the revised current and future 2019-22 capital programmes.

13.9 **Alternative Options**

Refer to Cabinet Report.

13.10 **Reasons for Decision**

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

Appendix 1 summarises the revenue outturn position, including:

- Forecast over and under spends
- Changes to the approved budget
- Reserves
- Savings
- Treasury management and
- Payments and debt performance

Appendix 2 summarises the capital outturn position, and includes:

- Current and future capital programmes
- Capital programme funding

- Income from property sales.

14 Corporately Significant Vital Signs Report – August 2019

- 14.1 Cabinet received the report by the Executive Director of Strategy & Governance presenting the current performance information for corporately significant vital signs.
- 14.2 The Cabinet Member for Innovation, Transformation & Performance introduced the report, highlighting that Norfolk County Council was using vital signs to measure operational performance.
- 14.3 The Chairman asked each Cabinet member to comment on their own individual areas of responsibility, during which the following points were noted:
- 14.3.1 Adult Social Care, Public Health & Prevention
The Cabinet Member stated that delayed transfer of care was an area that needed attention, particularly agreeing how to measure success or failure with the NHS. Adult Social Care department was now confident in the quality of reporting, with the key point being the improved joint working with hospital teams to embed a 'home first' approach. Adult Social Services was also looking at the use of short-term beds to ensure they were being appropriately used for reablement rather than for long-term residential care which was expensive; it was also not what patients were telling the Council they wanted as they wanted to remain in their own homes for as long as possible.
- 14.3.2 Children's Services.
The Cabinet Member highlighted the work done with regard to Looked after Children, leading to the downward trajectory. Educational Health and Care Plans were also of concern, and a new action plan had now been established which should show some positive results later in the year. Permanent exclusion rates were down as a result of the work carried out in this area. Good improvement had been shown in the percentage of schools judged to be good or better following Ofsted inspections, particularly early years, secondary and special need schools.
- 14.3.3 Growing the Economy
The Cabinet Member highlighted the issue of the government changing the rules to the apprenticeships scheme, with the number of apprentices reducing. Measures had been put in place to mitigate changes, including an Apprenticeship Board established to look at apprenticeships across the county and also how larger companies with extra levy which was not being used could be pooled with the Local Enterprise Partnership to identify where the money could be spent to help small and medium sized businesses across Norfolk. This was a positive move as the levy would not return to Government and could be used help small and medium sized businesses.

480 apprentices had now been recruited against a target of 500 and the Cabinet Member confirmed he was confident with the new arrangements being put in place an increase in the number of apprenticeships would be achieved.

14.3.4 Communities & Partnerships

The Cabinet Member referred to the on-call (retained) fire station availability performance which was mainly due to the recruitment of retained fire-fighters. She added that it was difficult to recruit people in rural areas who lived or worked within five minutes of their station. One way of addressing this was to increase the distance slightly, as they may be able to reach an emergency quicker than calling staff from the next station. Work was under way to address the issue.

14.3.5 Environment & Waste

The Cabinet Member said that the figures were not yet available for this year, although trends had been positive over the last three years. He added that the main item to note was that the Norfolk Waste Partnership continued to work to drive efficiencies to reduce waste and boost recycling, working with all the seven district councils across Norfolk.

14.3.6 Finance

The Cabinet Member referred to the Savings targets delivered which was where the County Council was placed with regard actual savings versus budget. The current forecast was that £27.021m would be delivered, which was 85% of the planned savings for 2019-20. He added that the Capital Programme was likely to slip.

14.3.7 Commercial Services & Asset Management

The Cabinet Member stated that capital receipts showed red at £3.9m against the target of £5.31m although he was confident that, with the action being taken, the target would be green by the time the report came back to Cabinet.

14.3.8 Strategy & Governance

The Cabinet Member referred to the response provided to the Member question raised by Cllr Strong on workforce concerns. He recognised there was data that gave cause for concern but that actions were in place. He flagged that the time lost due to sickness was of concern and action was being taken to manage.

In terms of new employee retention, one of the things that helped people obtain other jobs was the training that they received at the County Council, so the action would be to ensure staff were retained.

The overall vacancy rate of 12.5% against a target of 12% was not a bad result, although work needed to be done to ensure that they stayed in post at the County Council.

Regarding Personal Development Plans, the Chairman encouraged all Executive Directors to ensure that all their managers and staff completed a PDP. The target was 95% and needed to be attained.

14.3.9 Road Safety

The Cabinet Member for Adult Social Care, Public Health and Prevention stated that the stark figures showed that men were in control of three quarters of all the vehicles involved in accidents and that 25% of all collisions were between 4pm and 6pm in the afternoon, with an equal split between rural and urban roads, showing that the peak time of risk was people on their way home

from work during rush hour, when there was more traffic on the road. He added that advice for residents would be to take more care and attention whilst driving home from work.

- 14.4 The Chairman recognised that there was still some work to be done, although it was expected that the agreed actions would ensure all targets were met.

14.5 **Decision**

Cabinet reviewed the report and **RESOLVED** to agree the recommended actions.

14.6 **Alternative Options**

Refer to Cabinet Report.

14.7 **Reason for Decision**

Refer to paragraphs 4.1 to 4.5 of the report.

15 Risk Management Framework

- 15.1 Cabinet received the report by the Executive Director of Finance & Commercial Services setting out how the Risk Management Policy Framework was being updated to reflect the governance changes and setting out the latest corporate risks under its remit.

- 15.2 Cabinet Members detailed the actions being undertaken to mitigate each of the risks listed below:

- 15.2.1 RM001 – Realising infrastructure funding requirements to achieve the infrastructure ambition of the Business Plan. The Cabinet Member for Highways, Infrastructure & Transport highlighted the good track record of securing funding for schemes in Norfolk which needed to be continued. The risk was currently assessed as Amber and the Cabinet Member highlighted the tasks to mitigate the risk, as set out in the report.

- 15.2.2 RM002 – The potential risk of failure to manage significant reductions in local and national income streams. The Cabinet Member for Finance highlighted that monitoring of the risk was demonstrated in the Finance Monitoring Report. He added that the forecasts contained in the Medium Term Financial Strategy were conservative and robust and reiterated the hope that clarity would be received once the Government had made its spending announcement on 4 September.

- 15.2.3 RM003 – Potential for failure to comply with information compliance and information security requirements. The Chairman and Cabinet Member for Strategy & Governance advised he was comfortable the target would be met by the target date of March 2020. He drew attention to 3 points in the report about embedding and enhancing cyber-security techniques and protocols; the embedding of GDPR and the mitigation of risks by undertaking a six month review. He added that the Chief Legal Officer had responsibility as the SIRO and DPO and that a six month review was in place to reduce demand and

increase capacity to deal with the increased volume of Special Access Requests.

- 15.2.4 RM004 – The potential risk of failure to deliver effective and robust contract management for commissioned services. The Cabinet Member for Finance advised that the Finance department was continuing to push the ownership of contracts back to service Directors and Cabinet Members as they owned the expenditure. He added that Internal Audit had been auditing the major contracts and the six largest contracts had been audited with only very minor issues found out of the largest 50 contracts. Internal Audit would soon be auditing the control processes that Executive Directors had in place to ensure contract management control was effective. The Cabinet Member added that the message was being reinforced with other Portfolio Holders to ask questions to ensure procurement policies were sound and a robust programme of audits was in place.
- 15.2.5 RM006 – The potential risk of failure to deliver our services within the resources available for the period 2018/19 to the end of 2020/21. The Chairman and Cabinet Member for Strategy & Governance, regarding the Resources aspect, advised that the “Together for Norfolk Business Plan” was in place and provided evidence for Members to make decisions about spending priorities. He added that he was confident the target date of March 2021 would be met.
- 15.2.6 RM007 – Risk of poor data quality leading to poor decisions being made affecting outcomes for Norfolk citizens. The Chairman and Cabinet Member for Strategy & Governance advised that he expected the target date to be met and that there were a number of tasks included in the report to meet the target, including the Information Compliance Group and ensuring staff and managers were provided with appropriate training.
- 15.2.7 RM010 – Risk of the loss of key ICT systems including: internet connection; telephony; communications with cloud provided services; or the Windows and Solaris hosting platforms. The Cabinet Member for Innovation, Transformation & Performance was confident the target would be met by the due date and highlighted the tasks to mitigate the risks as set out in the report.
- 15.2.8 RM013 – Potential risk of failure of the governance protocols for entities controlled by the Council, either their internal governance or the Council’s governance as owner. The failure of entities controlled by the Council to follow relevant guidance or share the Council’s ambitions. The Cabinet Member for Commercial Services & Asset Management advised that the target was currently green. He added that every company and subsidiary company had its own Memorandum and Articles of Association and regular Shareholder meetings were held, together with encouraging them to strengthen their governance by appointing high quality non-executive directors.
- 15.2.9 RM016 – Failure to adequately prepare for and respond to a major disruption to Norfolk County Council Services. The Chairman and Cabinet Member for Strategy & Governance felt the target was more green than amber, a part of which was about business continuity. He added that business continuity plans should be exercised once per year, and that the Resilience Management

Board received a quarterly update on the implementation of the business continuity framework to understand the latest position.

- 15.2.10 RM022 – Potential changes in laws, regulations, government policy or funding arising from the UK leaving the European Union, which may impact on Council objectives, financial resilience and affected staff (Brexit). The Cabinet Member for Growing the Economy highlighted the risk descriptions and tasks to mitigate the risks as outlined in the report. He added that the current target was amber, which was unlikely to change.
- 15.2.11 RM023 – Lack of clarity on sustainable long-term funding approach for adult social services at a time of increase demographic pressures and growing complexity of need. The Cabinet Member for Adult Social Care, Public Health & Prevention advised that an established and well understood Strategy, titled “Promoting Independence” focusing on prevention and keeping people able and well for as long as possible was established. Long term guidance from the Government was needed about how they saw the demands for Adult Social Care in the future, and although Brexit had seen the focus of Government move from Adult Social Care, lobbying continued through the County Councils Network and the Minister to press the case for future funding.
- 15.2.12 RM024 – Failure to construct and deliver the Great Yarmouth 3rd River Crossing within agreed budget (£121m) and to agreed timescales (construction to be completed early 2023). The Cabinet Member for Highways, Infrastructure & Transport advised good progress was being made on the scheme which had been agreed by Council in December 2016 as a key priority infrastructure project. The target was currently amber.
- 15.2.13 RM025 – Potential change of Governance in the Fire & Rescue Service. The Cabinet Member for Communities & Partnerships advised that there was a concern that the costs of the Police & Crime Commissioner taking over the service could be around £1m which would be more cost effective through closer collaboration. It was also felt that the Fire Service could be better supported financially by remaining with the County Council. She added that the target remained at amber, although she was confident the target would be met soon.
- 15.2.14 RM026 – Legal challenge to procurement exercise. The Cabinet Member for Finance stated that there had been a lot of procurement litigation over the last few months. He added that most of the problems had arisen due to timing issues and that evaluation needed to be standardised to ensure that complex and grandiose contracts were avoided wherever possible. He added that the target was green and the risk was well under control.
- 15.2.15 RM027 – Risk of failure of new Human Resources and Finance System implementation. The Cabinet Member for Innovation, Transformation & Performance advised that the current system was reaching the end of its life and failure to implement a new system solution would be a risk of delivering a service for both departments. The tasks put in to mitigate the risk and reduce the target by September 2021 would be met. He added that he had also asked the Corporate Select Committee to review the programme to provide a further layer of assurance.

- 15.2.16 RM028 – Risk of failure to monitor and manage health and safety standards of third party providers of services. The Chairman and Cabinet Member for Strategy & Governance advised that the risk was of concern and that he fully supported the agreed, robust action plan. He added that he held regular meetings with the Health and Safety Manager to monitor the progress of the target.
- 15.2.17 RM029 – NCC may not have the employees (or a sufficient number of employees) with critical skills that will be required for the organisation to operate effectively in the next 2-5 years and longer term. The Chairman and Cabinet Member for Strategy & Governance drew Cabinet's attention to the tasks to mitigate the risks set out in the report.
- 15.2.18 RM030 – Realisation of Children's Services Transformation change and expected benefits. The Cabinet Member for Children's Services highlighted the progress to mitigate the risk, the main issue of which was the £120m for SEND which was now in place. He added that the business case for the Safer Children and Resilient Families Programme had been agreed.

15.3 **Decision**

Cabinet **RESOLVED** to

1. **Agree** the key messages (2.1) and key changes (Appendix A) and the risks presented at Appendix B of the report.
2. **Agree** the proposed approach to risk management for the Council.

15.4 **Alternative Options**

No alternative options identified.

15.5 **Reason for Decision**

Not applicable.

16 **Delegated Decisions Reports**

- 16.1 Cabinet **noted** the following Delegated Decisions:

Cabinet Member for Communities & Partnerships:

- Period Poverty
- NFRS – Improvement Plan in response to 2019 inspection by HMICFRS.

- 16.2 With regard to the NFRS Improvement Plan, in response to the 2019 inspection by HMICFRS, the Cabinet Member for Communities & Partnerships provided an update on actions following the recent HMICFRS inspection report with particular reference to concerns raised about bullying by staff. She explained that a new cultural framework was being developed so that all staff would understand the expectations of behaviour to underpin making the Fire Service a good place to work. The Cabinet Member advised that the inspection had commended the Service on its responses to fires and emergencies and also

commented that staff were well trained and knowledgeable. She added that the aim was to ensure all staff were happy in the workplace and work was being undertaken to achieve that aim.

The meeting ended at 11.25am.

Chairman



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Public & Local Member Questions

**Agenda Public Question Time
item 5**

Question received from Marilyn Heath:

Will the Leader and Cabinet Member for Adult Social Care reject the views expressed by Cllr Stone, permit the disabled affected by the MIG cuts, carers and families to use a room for their meeting on 17th September at 7pm in County Hall and instruct Cllr Stone and other Conservative Cllrs to meet with us?

Response from the Chairman:

I am truly sorry this ever happened and will do my best to ensure it does not happen again. Neither myself, the Cabinet Member for Adult Social Care nor the Administration endorse the comments made by Cllr Stone. Cllr Stone has now apologised directly to Mr & Mrs Taylor as well as making a public apology.

I fully appreciate the desire of all families to do the utmost for their children and that they should have an opportunity to express how they feel.

The meeting on the 17th of September will be held at County Hall and I have already confirmed this to Mr & Mrs Taylor as representatives of the Disability Norfolk Networking Group that this will happen.

I will be asking my Group members to join me and the invitation is open to all Conservative Councillors. I will be requesting all Conservative Councillors to attend if they are able.

Appendix B

**Agenda Local Member Issues/Questions
item 6**

Question from Cllr Alexandra Kemp

Scrutiny

NCC's new Cabinet System made the Executive the most powerful in the country, abolished the Managing Director, gave her powers to the new Executive Leader.

With more power, one expects more scrutiny. However, the Constitution provides for less scrutiny than the law says.

The Local Government Act Section 21A requires Council to enable any Member to ensure a Local Government Matter is referred to an Overview and Scrutiny Committee, placed on the Agenda and discussed - a "Community Call for Action" to empower communities.

But the system cannot call in a Key Decision - Local Legislation - affecting 4,000 South Lynn residents.

How will the Leader improve the Constitution with stronger scrutiny function?

Response from the Chairman:

I am afraid your question makes a number of inaccurate statements.

Firstly, you claim that the Council's Executive is the most powerful in the country. I have no idea what your evidence is for this – the Council's Executive arrangements are guided by statute and regulation and have no greater or lesser powers than any other Executive arrangements.

Secondly, you state that we "abolished the Managing Director, and gave her powers to the new Executive Leader". That is not the case. Members continue to set the strategic direction of the Council and Officers continue to implement it. When Council took the decision to delete the post of Managing Director in December 2018 it was advised that "the Executive Leader and Cabinet system of governance is a very different arrangement to the previous Committee system of governance. With more direct involvement of members in decision making with the existing Chief Officer management team individually carrying statutory and other accountabilities there is a substantially reduced need for a Managing Director". Despite your assertion, it is not true to say that the MD's powers were simply given to the Leader. You will also be aware that the Council has appointed Tom McCabe as Head of Paid Service.

The Council's Overview and Scrutiny arrangements, consisting of one Scrutiny Committee and three Select Committees, more than meet the minimum requirements of the legislation.

No Member has an absolute right to have an item placed on the agenda of a Scrutiny Committee. The legislation to which you refer gives you a right to refer a matter to the Committee, through the Councillor Call for Action which is set out in App 11 of the Constitution. As stated at App 11, para 1.2, this gives councillors a power to tackle local issues on behalf of their constituents by calling for the Scrutiny Committee to consider any issue affecting their division. In exercising your right to refer a matter to the Scrutiny Committee, you have to have regard to the Secretary of State guidance, which has been

incorporated into the procedures for a Councillor Call For Action. A Councillor Call For Action is intended to be used as a last resort, when other avenues have been exhausted. It is not intended to be a substitute for call-in.

You claim that “the system cannot call in a Key Decision - Local Legislation - affecting 4,000 South Lynn residents”. I assume you are referring to the Hardings Way Traffic Regulation Order where you failed to get sufficient support to call in the decision of the Cabinet Member for Highways and Infrastructure. The statement in your question is simply untrue. It was not a key decision and you have been advised of this. You are also aware that all Executive decisions made by Members are subject to call in. Despite the advice you have received, you continue to make inaccurate statements and unfounded allegations. I am also aware of emails you have sent making defamatory comments about individual officers.

I am surprised that you consider it is the role of the Executive Leader of the Council to propose changes to the Council’s Scrutiny arrangements. That would be completely inappropriate, and whilst the Cabinet and myself are committed to a constructive relationship with the Scrutiny Committee, it is important to ensure that there continues to be a clear demarcation between the 2 functions.

Question from Cllr Emma Corlett

RE Agenda Item 12 - Lease of Vauxhall Centre to Action for Children

Can the cabinet member confirm that the on-site car park is leased solely to Independence Matters, that there is no on-site car parking available to Action for Children as part of this proposed lease and also confirm the number of Action for Children Staff who will be based at the Vauxhall Centre in the new service, compared to how many are based there under the current contract.

Response from the Chairman

Currently staff and visitors to the children’s centre park in the on-site car park which is shared with Independence Matters. This will continue once the new service is operational on 1st October. Having parking available supports staff being able to come and go throughout various times of the day in order to complete work with the most vulnerable members of the community, such as carrying out home visits. The car park is owned by NCC. It is intended the lease will include provision for the tenant to park on a first come/first served basis.

There is currently a permit system in place at the car park to restrict users to only those working or accessing the children’s centre and Independence Matters, however we are working with Action for Children on how collectively we can further control parking here. We are aware of the need to ensure that the car park is not abused by individuals who do not need to park there but perceive the car park as a cheaper alternative to the shoppers pay and display/pay on exit car parks in the centre of Norwich. We are currently exploring options for various forms of car park control.

The building will be used as a base for the new Early Childhood and Family Service, which commences on 1st October 2019. There will be three bases within the Norwich district, City and Eaton, Earlham, and Catton, Fiddlewood, and Milecross (CFM). Action for Children plan to deploy approximately 23 staff to the Norwich district, flexibly across the three bases, to provide outreach services across the city as well as some activity from the three bases. The current children’s centre has 6 staff working in the building.

Question from Cllr Chris Jones.

Does the cabinet member accept that the process for evidencing Disability Related Expenditure is unduly onerous, complicated and intrusive for families and will he publish the costs of administering it to show whether it is cost effective in the time taken for officers to administer it and will he commit to reviewing this as a matter of urgency to uphold disabled people's dignity and reduce the false economy in staff time spent on this?

Response from the Chairman.

In 2017/18 and in 2018/19, following consultation as part of the budget, we changed our policy on charging in relation to disability related expenses.

Prior to these changes, our approach made an allowance for £15 a week of standard disability related expenses - regardless of whether or not these costs were actually incurred. We reduced the standard allowance to £7.50 in 2017/18 and removed the allowance in 2018/19. Prior to 2017/18 if people had disability related costs over and above those standard amounts then they needed to apply to us and evidence those costs. Instead of a 'blanket' standard allowance for everyone, individuals now have to claim for disability related expenses. Whilst this has introduced an application process, it does ensure that money goes to where it is genuinely needed. There is no cap on what people can claim, provided it is in line with legislation.

We do try and make the process of applying as straight-forward as possible but recognise that there is always more we can do to improve this.

In 2016/17 approximately £3.2m was disregarded from non-residential care charges, using the standard and claimed amounts. In 19/20 approximately £700,000 is actually disregarded following claims (outlined below), meaning that £2.5m is no longer needed to be disregarded and is therefore saved costs.

The process for assessing and the requirement for evidencing Disability Related Expenditure (DRE) as part of the Social Care Financial Assessment has remained the same throughout these changes. The main change has been the numbers of service users having an individual DRE assessment undertaken as part of the financial assessment process.

The below table sets out of the number of individual awards made to service users at points in time and the total weekly DRE disregard at that point in time:

DRE Data	Number of Service Users	Weekly Amount
Apr-17	68	£862.66
Apr-18	579	£8,283.46
Apr-19	791	£12,363.87
Jul-19	910	£13,999.00

The financial assessment process, which the DRE assessment is an element of, does ask service users to provide information and evidence to enable officers to clearly understand their financial circumstances and needs. This of course will lead to a level of intrusion in to their financial affairs and individual care needs. Without this information and relevant evidence, a fully formed financial assessment would not be possible.

Through changes in working practices and linked to the introduction of the Social Care and Finance system (LiquidLogic) there have been no additional costs incurred as a direct result of the DRE change. This contrasts with approximate annual savings of £2.5m having been made.

As part of the recent changes to the Charging Policy some additional resources have been made available to support the Financial Assessment process. The estimated cost of this is approximately £75k.

Supplementary Question from Cllr Chris Jones

Was an equality impact assessment undertaken on the DRE policy change specifically, and any consideration given to the problems that this volume of complex admin and calculation presents to those living with a severe disability, and their carers.

Response by the Chairman.

Equality impact assessments were undertaken and reported at the time for the changes in policy in relation to the 2017/18 and 2018/19 DRE proposals and with the more recent change to the charging policy in relation to Minimum Income Guarantee and PIP proposals.

Question from Cllr Marie Strong

I believe no cabinet member can be less concerned that I am regarding the welfare of our staff. Yet the continuing rise of staff sickness levels; low retention rate of new employees; increasing numbers of staff reported suffering from stress and mental health issues; reported bullying in the Fire and Rescue Services and the legal action taken by the Children Services Social Care staff last year suggest significant problems for our workforce.

Will the Cabinet member agree to implement an urgent review of the Council's workforce strategy so that we can ensure the Council's staff are appropriately supported for their benefit and that of the Council?

Response by the Chairman.

Thank you for your question on workforce concerns.

I would agree that the welfare of our colleagues working for NCC is our highest priority to enable us to serve our communities well. To that end, we have previously reported twice a year to P&R Committee and now Corporate Select Committee on our Health, Safety and Well-being strategy, plans and key measures. We also have reported to P&R Committee on our workforce strategy and plans to ensure transparency on plans activity and measures in line with our workforce strategy. I summarise below our draft strategy statement updated following the publication of the 6 year business plan. Additionally, we have recently reviewed the feedback from our All Employee Survey which over 3000 staff

responded to. We were pleased with our results overall, which compare favourably to other Authorities, and each department is currently working through local action plans on specific needs to continue to improve on specific workforce issues including well-being at work.

On the specific points raised,

1. Rise of staff sickness levels – data now includes the Fire service absence data from November 2018 which aligns to the increase in trend. Our sickness rate whilst above our NCC target is below the average reported by large organisations.
2. low retention rate of new employees – this varies month on month. On average, we retain 66% of employees with less than 2 years' service which is comparable with national benchmarks. We are working on local plans of identified areas of higher turnover.
3. increasing numbers of staff reported suffering from stress and mental health issues – we have seen a slight increase in actual lost days of on average .5 days a year. It should be noted as detailed above this data includes Fire service absence data. We have trained over 300 managers in mental health first aid and have run a range of awareness campaigns supporting individuals to speak up. This positive action could increase reporting.
4. reported bullying in the Fire and Rescue Services – I would refer the members to the HMICFRS inspection report which included a staff survey completed by 23% of staff. In response to this feedback we have immediately provided awareness on wellbeing support including use of NCC Harassment Support Officers, and are working on new leadership development to support effective behaviour standards.
5. legal action taken by the Children Services Social Care staff last year – This statement is not recognised and I would request that the member provides further clarity on this point

Ambassadors of our people vision, owned by us all

"Encourage and facilitate all of us to be at our best so that we can improve the lives of our communities to grow, thrive and prosper"

To do that, we must:

- foster a positive and healthy environment
- live our values including trust, fairness and care
- Improve our skills and diversity
- keep people practices simple and fair with people at the centre
- Keep adapting to make work customer focussed collaborative, effective and rewarding

Question from Cllr Brian Watkins:

What further work can the County Council do to significantly reduce air pollution around Norfolk schools so that our children can breathe healthy air?

Response by the Chairman:

A wide range of activities are carried out to encourage residents and visitors to use alternative means of transport, including parents taking children to school. This includes improving and promoting walking and cycling routes, working to improve the quality and timeliness of public transport, providing alternatives like Park and Rides and arranging school transport. We also deliver the Pushing Ahead scheme sessions, which aims to get people to use active transport like walking and cycling.

More generally, there are three areas in Norfolk identified as Air Quality Management Areas (AQMAs); these are Norwich, King's Lynn and Swaffham. In Norwich, we are implementing some major improvement programmes that will impact positively on air quality. This includes the Transforming Cities programme – where we have already successfully secured £6.1m additional funding and are seeking more - which includes a focus on high quality public transport. A number of new cycle and pedal ways have also been put in place as part of the Cycle City Ambition in Norwich. In King's Lynn, we are reviewing the transport strategy and undertaking feasibility work on schemes that will address air quality. At Swaffham, monitoring shows that the air quality has improved.

Supplementary Question from Cllr Brian Watkins:

Will the Cabinet member also explore how the Schools Streets initiative could be used in Norfolk to ease the congestion, poor air quality and road safety concerns that many schools experience during drop-off and pick-up times?

Response by the Chairman:

There is already work taking place to support parents, students and schools to assess alternative travel choices. This includes supporting new schools to develop travel plans and strategies for managing the drop-off and pick-off times.

There is also significant work taking place to help address road safety concerns, including cycle and driver training, direct engagement with students on road safety through programmes delivered by our Road Safety and Fire and Rescue services including the #Impact programme, Crucial Crew and cycling proficiency. We also continue to provide a school crossing patrol service in many of the schools across the county.

If any schools would like to adopt the School Street initiative, we would be more than happy to discuss how we can support them.

Question from Cllr Tim Adams

What due diligence has been carried out to ensure that the potential lessees of the Children's Centres will be able to maintain the leases throughout the next five years; and what consideration has been given to the risk of Clawback under the terms of the original SureStart deal if the organisations involved are not able to see out the terms of the lease?

Response from the Chairman:

Action for Children, as the new Early Childhood and Family Service provider, were subjected to a robust financial appraisal by the council's procurement team as part of bidding for the contract. We are satisfied that Action for Children are in a financially stable position to deliver the service for the duration of the contract and as part of this take on leases for buildings being used as bases. For the other buildings owned by Norfolk County Council and previously designated as a children's centre, interested parties were required to submit a business case, which enabled officers to look at organisations' financial planning and there has been close engagement with potential tenants by officers from Children's Services, the Corporate Property Team and our consultants NPS. This has included providing detailed information on each property, including setting out likely future maintenance and running costs of buildings. As a result, the process has provided an appropriate level of scrutiny and challenge in considering proposals for leasing of the buildings. The majority of the proposed lease arrangements are with early years providers who already deliver childcare in part of the building we are leasing out, and as a result they have been able to demonstrate a track record of financial sustainability.

We have been in constant dialogue with the DfE regarding the potential clawback liability associated with any Sure Start capital investment. Use of 15 buildings as bases for the new Early Childhood and Family Service are not classified as a change of usage, and there is therefore no impact. For the other buildings within this report that have DfE clawback liability associated with them, and we have acknowledgement from the DfE that they are content to defer any potential clawback of the Sure Start investment as they are satisfied that the proposals outlined within the leasee's business cases are appropriately focused on services for children aged 0-5. A condition of the leases is the continued delivery of services for children aged 0-5s and in the event that a tenant is unable to keep operating, NCC would look for an alternative provider to take on the site and thereby mitigate any closure of the site and potential Sure Start clawback.
