

# Norfolk County Council

Date: **Monday 29 November 2021**

Time: **10.00 am**

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

## Supplementary Agenda

### **1 Minutes**

**The minutes of the previous meeting held on 27 September 2021 (reissued to include an addendum to acknowledge that not all the business on the agenda was considered at the meeting).** **Page A3**

### **7 Recommendations from Corporate Select Committee** **Page A33**

Recommendations from the meeting held on 15 November 2021

### **9 Committee Reports**

#### **9.2 Corporate Select Committee** **Page A87** Meeting held on 15 November 2021

#### **9.3 Infrastructure & Development Select Committee** **Page A93** Meeting held on 17 November 2021

#### **9.4 People and Communities Select Committee** **Page A97** Meeting held on 19 November 2021

#### **9.11 Employment Committee** **Page A99** Meeting held on 28 October 2021

Tom McCabe  
Head of Paid Service  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

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**Norfolk County Council  
Minutes of the Meeting Held at 10 am on  
Monday 27 September 2021**

<b>Present:</b>		
	<b>ADAMS</b> Timothy	<b>LONG</b> Brian
	<b>ADAMS</b> Tony	<b>MACKIE</b> Ian
	<b>ANNISON</b> Carl	<b>MASON BILLIG</b> Kay
	<b>AQUARONE</b> Steffan	<b>MAXFIELD</b> Ed
	<b>ASKEW</b> Stephen	<b>MIDDLETON</b> Graham
	<b>BAMBRIDGE</b> Lesley	<b>MORIARTY</b> Jim
	<b>BENSLY</b> James	<b>MORPHEW</b> Steve
	<b>BIRMINGHAM</b> Alison	<b>NEALE</b> Paul
	<b>BORRETT</b> Bill	<b>OLIVER</b> Rhodri
	<b>BOWES</b> Claire	<b>OSBORN</b> Jamie
	<b>CARPENTER</b> Penny (Chair)	<b>PECK</b> Greg
	<b>CLANCY</b> Stuart	<b>PLANT</b> Graham
	<b>COLWELL</b> Robert	<b>PRICE</b> Ben
	<b>CONNOLLY</b> Ed	<b>PROCTOR</b> Andrew
	<b>CORLETT</b> Emma	<b>RICHMOND</b> Will
	<b>DALBY</b> Michael	<b>RILEY</b> Steve
	<b>DARK</b> Stuart	<b>ROPER</b> Dan
	<b>DAWSON</b> Christopher	<b>SANDS</b> Mike
	<b>DEWSBURY</b> Margaret	<b>SAVAGE</b> Robert
	<b>DIXON</b> Nigel	<b>SHIRES</b> Lucy
	<b>DUFFIN</b> Barry	<b>SMITH</b> Carl
	<b>DUIGAN</b> Phillip	<b>SMITH-CLARE</b> Mike
	<b>EAGLE</b> Fabian	<b>STONE</b> Barry
	<b>ELMER</b> Daniel	<b>STOREY</b> Martin
	<b>FISHER</b> John	<b>THOMAS</b> Alison
	<b>FITZPATRICK</b> Tom	<b>THOMSON</b> Vic
	<b>GRANT</b> Andy	<b>VARDY</b> Eric
	<b>GURNEY</b> Shelagh	<b>VINCENT</b> Karen
	<b>HEMPSALL</b> Lana	<b>WALKER</b> Colleen
	<b>HORSBRUGH</b> Michael Chenery of	<b>WARD</b> John
	<b>JAMIESON</b> Andrew	<b>WATKINS</b> Brian
	<b>JERMY</b> Terry	<b>WEBB</b> Maxine
	<b>JONES</b> Brenda	<b>WHITE</b> Tony
	<b>KEMP</b> Alexandra	<b>WHYMARK</b> Fran
	<b>KIDDIE</b> Keith	<b>WILBY</b> Martin

**Present: 70**

## **A Apologies**

Apologies for absence were received from Cllr David Bills, Cllr Sharon Blundell, Cllr Julie Brociek-Coulton, Cllr Graham Carpenter, Cllr Ed Colman, Cllr Nick Daubney, Cllr Jane James, Cllr Mark Kiddle-Morris, Cllr Julian Kirk, Cllr Judy Oliver, Cllr Saul Penfold, Cllr Richard Price, Cllr Mathew Reilly and Cllr Chrissie Rumsby.

## **B Chairman's Opening Remarks**

The Chairman said that she would like to acknowledge colleagues' anxieties about this Council meeting taking place here in the Chamber today, given the number of people physically present and the amount of business on the agenda for this meeting.

The Chairman therefore proposed (duly seconded by the Vice Chairman) a change to the order of business to use her discretion to take the motions report after the item on the boundary review, given that recent Council meetings had motions after the business items had been dealt with and there was other business that had to be got through in this meeting. The revised order had been shared with Group Leaders and circulated to Councillors for information in advance of the meeting and was agreed in the meeting on a show of hands.

### **1. Minutes**

- 1.1** The minutes of the Council AGM meeting held on 24 May 2021 were confirmed as an accurate record of the meeting.
- 1.2** The minutes of the Extraordinary Council meeting held on 7 June 2021 were confirmed as an accurate record of the meeting.

### **2 Chairman's Announcements**

- 2.1** The Chairman said that it was a pleasure to start receiving invitations to in-person events during the summer as Coronavirus restrictions eased. Details regarding the Chairman's engagements could be found on the Norfolk County Council website, on the Chairman's page.
- 2.2** The Chairman placed on record her congratulations to Cllr Mike Smith-Clare who had recently received an honorary doctorate from the UEA in Civil Law for Community and Education Engagement. All Councillors shared in the congratulations to Cllr Mike Smith-Clare.
- 2.3** The Chairman also placed on record her congratulations on the recent success of Norfolk athletes at the Tokyo Olympics which was also shared by all Councillors.
- 2.4** The Chairman said that she wished to bring to the attention of Councillors that yesterday it was the police national Memorial Day to remember officers who were killed in the execution of their duties, The Chairman's year of office was focused on all blue light services officers and support staff. Over 5,000 police

officers had lost their lives 1,500 of which were due to acts of violence. The Police Federation had set up this charity and the patron was HRH Prince Charles.

- 2.5 The Chairman asked the Council to mark the sad passing earlier this month of Sir Timothy Colman who was the Lord-Lieutenant of Norfolk from 1978 to 2004. As the Queen's representative he promoted cooperation between various groups related to the social cohesion and economic prosperity of Norfolk. Sir Timothy also held many other roles and was a true champion for the county. He played a key part in the establishment of the University of East Anglia and was an important supporter of City College Norwich. He was patron or president of many local organisations including the Norfolk and Norwich Festival, the Friends of Norwich Museums, Norfolk Wildlife Trust, Norfolk and Norwich Horticultural Society and the Royal Norfolk Agricultural Association. He loved the natural world and outdoor pursuits and played a key role in the establishment of Whitlingham Broad.

- 2.6 Councillors joined the Chairman in a minute's silence as a mark of respect for Sir Timothy Colman.

### **3 Declarations of Interest**

- 3.1 Cllr Dan Roper declared an "other interest" in the item on the Norfolk Youth Justice Annual Plan as he was an employee of the Ministry of Justice which was a partner organisation.
- 3.2 Cllr Chenery of Horsburgh declared an "other Interest " in the report of the Records Committee as a Trustee of the Norfolk Record Office Charity.
- 3.3 Cllr Lucy Shires declared an "other Interest " in the motion about Member Champions as the mental health champion for North Norfolk District Council.

### **4 Any items of business which the Chair decides should be considered as a matter of urgency**

- 4.1 There were no items of urgent business

### **5 Questions to Leader of the Council**

#### **5.1 Question from Cllr Emma Corlett**

Cllr Emma Corlett said that she shared the Leader's dismay that the recent Government announcement on social care would not even be sufficient to meet this Council's immediate and pressing need this winter and next year. The announcements would also do nothing to address the many systemic failures identified in the Serious Adults Review into the deaths of Joanna, "Jon" and "Ben" at Jeasal Cawston Park which happened in plain sight of many agencies. What steps had the Leader taken since the review was published to ensure that the recommendations were implemented in full and those living with a learning disability who lived or came to Norfolk were safe from harm?

The Leader replied that what had happened at Jeedal Cawston Park was a very serious situation and due to be considered by the Norfolk Health Overview and Scrutiny Committee. There had recently been a debate on this issue in the House of Commons and the Minister of State had agreed to meet the families of Ben, Joanna and Jon. Adult Social Services were taking all necessary steps to protect vulnerable people in our remit, whether they were adults or children; to do all that could be done to learn lessons and take appropriate action.

## **5.2 Question from Cllr Tim Adams**

Cllr Tim Adams said that the Safeguarding Review into Cawston Park of hospitals for people with learning disabilities and autism was highly critical and yet the same was said by Norfolk communities about Norfolk County Council therefore when would the public get to see a review of how the County Council was going to better protect those within the social care system?

The Leader replied that in the earlier response he had made it very clear that all that the County Council could do to protect our vulnerable communities was being done.

## **5.3 Question from Cllr Jamie Osborn**

Cllr Jamie Osborn said that the UK would shortly be hosting the United Nations climate talks. The UK had some ambitious climate targets but was insufficient in terms of climate finance. Was it therefore not the case that Local Authorities needed to point out to the government that they would be unable to meet carbon reduction targets unless there was additional funding for climate action? Was the Leader seeking government funding to address this issue and if not provide evidence to show how the County Council would be carbon neutral by 2030?

The Leader replied that the Council was on track to be carbon neutral by 2030. Detailed environmental policies were being put forward by the Council to tackle this issue and everyone shared the view about the requirement for sufficient government finance for all Council services, including funding for climate change.

## **5.4 Question from Cllr Ed Maxfield**

Cllr Ed Maxfield asked if the Leader had taken part in a meeting of the National Resilience Forum (NRF) at the weekend to discuss the situation with the fuel crisis and if he could provide the Council with an update about how he saw the situation evolving.

The Leader replied that while he had not attended the NRF meeting he had been kept informed by officers about what was discussed. The NRF was fully engaged on this issue which was not helped by panic buying on garage forecourts. The County Council had well established business continuity plans in place to deliver its services and manage the situation safely and was doing so.

## **5.5 Question from Cllr Alison Thomas**

Cllr Alison Thomas asked the Leader to join her in congratulating the Senior Management Team on having been nominated for an award by the Municipal Journal.

In reply the Leader said that while the Senior Management Team did not win this award they had done extremely well to get to the final. The Leader added that he wished to use this opportunity to mention that the HR Team had won an award for the best change management organisation and development initiative at the PPMA Awards Ceremony and that Norfolk had won the Internet of Things Award from the Innovation Network at the Connecting Britain Awards which was all positive news for Norfolk.

## **5.6 Question from Cllr Alexandra Kemp**

Cllr Alexandra Kemp asked the Leader what changes in Committee structures were needed within the Council to bring in more regular oversight of situations such as that which had occurred at Cawston Park given that the Executive Director of Adult Social Services had said that he would have closed down Cawston Park if he could have done so and that more needed to be done? Should small groups of Councillors be tasked with oversight of the situation to prevent people with learning difficulties from being failed again?

In reply the Leader referred to three things that needed to be done. The first was to examine the reports from the Executive Director of Adult Social Services on the issue. Secondly there was a report going to the NHOSC. Thirdly there was the need to be more vigilant regarding the current structures of activity and oversight and change things in accordance with the recommendations of the Executive Director for Adult Social Care.

## **5.7 Question from Cllr Brenda Jones**

Cllr Brenda Jones said that Mundesley Hospital closed in 2017 after it was unable to ensure the safety of patients. Ellingham Hospital closed 2 wards in 2019 after the CQC said they were “inadequate in all areas” with significant and immediate concerns. Huntercombe Hospital closed in 2017 following the death of a patient. Milestones Hospital closed earlier this year after the CQC banned them from admitting new patients because of serious safety concerns. And recently Cawston Park, part of the Jeasal Group, closed after scandalous care resulting in the death of three young people. As Leader, what have you done to raise concerns and do you think it’s ethical to purchase care from the Jeasal Group? As far as I can see, the Cawston Park recommendations is not on the agenda for either Cabinet or the Health and Wellbeing Board; should it be?

In reply the Leader reiterated that this issue was due to be considered at NHOSC. The hospitals concerned were mainly private hospitals and not within the Council’s remit. Work was however being done through the offices of the Executive Director of Adult Social Care to take a positive approach to this sad situation and take necessary action.

## **5.8 Question from Cllr Robert Colwell**

Cllr Robert Colwell said that Sir Patrick Vallance has told ministers to react swiftly if cases quickly rise, warning “you can’t wait until it’s late because you’ve got to do more”, so with the number of Covid 19 cases rising in Norfolk what number of cases and/or deaths in Norfolk from Covid would make you start to call for a further lockdown?

- 5.9 In reply the Leader said that the Government was trying to avoid more lockdowns and balance the health needs of the nation with those of the economy. The Council was putting all the health advice it could out to the public about Covid 19 and no one wanted to see the numbers of cases rise to previous levels. The vaccination process was working well and saving lives.

5.10 **Question from Cllr Ben Price**

Cllr Ben Price said that a recent analysis by the BBC had found that more than one in three top tier Councils had formed policies that were in direct contradiction to the climate emergency in relation to road building and airport expansion. Aviation had a disproportionate effect on the climate. NCC did not answer the question about whether it supported airport expansion, Does the Leader recognise that the expansion of Norwich Airport in the airport’s master plan was incompatible with climate targets?

The Leader replied that we needed to balance what we did on transport with the needs of the economy, and we needed to ensure that people did the right things. What was done in the UK in relation to transport was small in relation to carbon emissions from China. It was important for other countries to do as much as was being done here in relation to climate issues.

6 **Recommendations from Committees**

6.1 **Recommendations from Cabinet**

- 6.1 The recommendations from the Cabinet meetings held on 7 June 2021, 5 July 2021, 2 August 2021 and 6 September 2021 were moved by Cllr Andrew Proctor, Chair of Cabinet.

A **Meeting held on Monday 7 June 2021:**

**Council RESOLVED**

To agree the Annual Treasury Management Outturn Report 2020-21 as set out in Annex 1 of the report to Cabinet.

B **Meeting held on 5 July 2021**

**Council RESOLVED**

1. To agree the addition of **£6.787m** to the capital programme to address capital funding requirements as set out in detail in capital appendix 2 of the report, paragraph 4 as follows:

- Older People Estate Transformation £5.000m (Appendix 2 paragraph



- 4.2)
  - Structural repairs to King's Lynn Museum £0.600 (Appendix 2 paragraph 4.3)
  - Better Broadband for Norfolk £0.050m (Appendix 2 paragraph 4.4)
  - Greenways to Greenspaces £0.350m (Appendix 2 paragraph 4.5)
  - Dereham Fire Station (Phase 2) £0.434m (Appendix 2 paragraph 4.6)
  - Emergency Response Vehicles £0.300m (Appendix 2 paragraph 4.7)
  - Card payments Programme £0.053m (Appendix 2 paragraph 4.8)

2. Subject to County Council approval of recommendation 1 above, to delegate:

- 2.1) To the Director of Procurement authority to undertake the necessary procurement processes including the determination of the minimum standards and selection criteria (if any) and the award criteria; to shortlist bidders; to make provisional award decisions (in consultation with the Chief Officer responsible for each scheme); to award contracts; to negotiate where the procurement procedure so permits; and to terminate award procedures if necessary;
- 2.2) To the Director of Property authority (notwithstanding the limits set out at 5.13.6 and 5.13.7 of Financial Regulations) to negotiate or tender for or otherwise acquire the required land to deliver the schemes (including temporary land required for delivery of the works) and to dispose of land so acquired that is no longer required upon completion of the scheme;
- 2.3) To each responsible chief officer authority to:
  - (in the case of two-stage design and build contracts) agree the price for the works upon completion of the design stage and direct that the works proceed; or alternatively direct that the works be recompleted
  - approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope
  - subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme or programme budget.
  - That the officers exercising the delegated authorities set out above shall do so in accordance with the council's Policy Framework, with the approach to Social Value in Procurement endorsed by Cabinet at its meeting of 6 July 2020, and with the approach set out in the paper entitled "Sourcing strategy for council services" approved by Policy & Resources Committee at its meeting of 16 July 2018.

3. To delegate decisions relating to the use of the extended Covid Local Support Grant to the Director of Community Information and Learning, in consultation with the Leader, as described in Appendix 1 of the report paragraphs 5.6 and 5.7.

4. To note the period 2 general fund forecast revenue **balanced position**, noting also that Executive Directors will continue to take measures to reduce or eliminate potential over-spends where these occur within services;
5. To note the COVID-19 grant funding available of **£53.767m**, including £19.274m brought forward from 2020-21;
6. To note the period 2 forecast 100% savings delivery in 2021-22, noting also that Executive Directors will continue to take measures to mitigate potential savings shortfalls through alternative savings or underspends;
7. To note the forecast General Balances at 31 March 2021 of **£23.763m**.
8. To note the expenditure and funding of the revised current and future 2021-25 capital programmes.

**C Meeting held on 2 August 2021**

The Leader withdrew the recommendation and said that the Local Transport Plan would now be reported to Council in November 2021 via Cabinet.

**D Meeting held on 6 September 2021**

**Council RESOLVED by 57 votes in favour and 28 votes against:**

1. An increase in the capital programme to include the allocation of £1m capital funding to establish a new Road Safety Community Fund (RSCF) to enable delivery of 100 community identified local road safety schemes across Norfolk.
2. To agree that the RSCF will be delivered over four years and will focus on different geographical areas for each of these four years, as set out in paragraph 2.6 of the report.

**Council RESOLVED by 58 votes in favour and 3 votes against:**

- 1) To increase the Capital programme by £10m to create a Pothole Maintenance Fund.
- 2) To approve the distribution of the £2.5m allocation for 2021/22 from the £10m Highway Maintenance Pothole Fund, as detailed in Appendix A of the report.

To agree that the future reporting arrangements for this fund should form part of the Annual Highways Capital Programme Report to Cabinet.

**Council then RESOLVED by 65 votes in favour and 0 votes against and 4 abstentions:**

1. The addition of **£4.521m** to the capital programme to address capital funding requirements as set out in detail in capital Appendix 3, paragraph 4.2 of the report as follows:
  - £2.173m for the 2021-22 Highways project for the Foundry Bridge junction funded by the Department for Transport
  - £2.348m for the 2021-22 Highways project for the St. Stephens-

2. As a consequence of 1 above, to delegate:
  - 2.1) To the Director of Procurement authority to undertake the necessary procurement processes including the determination of the minimum standards and selection criteria (if any) and the award criteria; to shortlist bidders; to make provisional award decisions (in consultation with the Chief Officer responsible for each scheme); to award contracts; to negotiate where the procurement procedure so permits; and to terminate award procedures if necessary;
  - 2.2) To the Director of Property authority (notwithstanding the limits set out at 5.13.6 and 5.13.7 of Financial Regulations) to negotiate or tender for or otherwise acquire the required land to deliver the schemes (including temporary land required for delivery of the works) and to dispose of land so acquired that is no longer required upon completion of the scheme;
  - 2.3) To each responsible chief officer authority to:
    - (in the case of two-stage design and build contracts) agree the price for the works upon completion of the design stage and direct that the works proceed; or alternatively direct that the works be recompeted
    - approve purchase orders, employer's instructions, compensation events or other contractual instructions necessary to effect changes in contracts that are necessitated by discoveries, unexpected ground conditions, planning conditions, requirements arising from detailed design or minor changes in scope
    - subject always to the forecast cost including works, land, fees and disbursements remaining within the agreed scheme or programme budget.
    - That the officers exercising the delegated authorities set out above shall do so in accordance with the council's Policy Framework, with the approach to Social Value in Procurement endorsed by Cabinet at its meeting of 6 July 2020, and with the approach set out in the paper entitled "Sourcing strategy for council services" approved by Policy & Resources Committee at its meeting of 16 July 2018.
3. To approve the allocation of capital receipts from the sale of Carrow House for the Norwich Western Link capital reserve. (Appendix 3 paragraph 3.6 of the report).
4. To approve the delegation of authority to the Executive Director of Adult Social Services to approve the utilisation Provider Risk and Resilience Fund (as described in Appendix 1, note 5.13 of the report) to support Adult Social Care (ASC) providers when the situation arises and in line with the criteria established for this fund.
5. To approve the delegation of the authority to the Director of Community Information and Learning in consultation with the Leader to approve the

utilisation of the Council's Hardship Board fund which was set up to address the unexpected consequences of the pandemic (as described in Appendix 1, note 5.11 of the report)

6. To note the period 4 general fund forecast revenue **balanced position**, noting also that Executive Directors will continue to take measures to reduce or eliminate potential over-spends where these occur within services;
7. To note the COVID-19 funding available of **£71.280m**, including £19.274m brought forward from 2020-21;
8. To note the period 4 forecast 100% savings delivery in 2021-22, noting also that Executive Directors will continue to take measures to mitigate potential savings shortfalls through alternative savings or underspends;
9. To note the forecast General Balances at 31 March 2022 of **£23.763m**.

To note the expenditure and funding of the revised current and future 2021-25 capital programmes.

## 6.2 **Recommendations from Audit Committee**

The recommendation from the Audit Committee meeting held on 29 July 2021 was moved by Cllr Ian Mackie, Chairman of Audit.

**Council RESOLVED** in respect of the Audit committee meeting held on 27 July 2021 to direct the Executive Director of Finance and Commercial Services to formally 'opt in' with the Government's designated appointing person (in this case PSAA), as allowed under Section 17 of the Act, as the preferred option offering the greatest potential economic and efficiency savings.

## 7 **Cabinet Report (Questions to Cabinet Members)**

Cllr Andrew Proctor, Leader and Chair of Cabinet, moved the report of the Cabinet meetings held on 7 June, 5 July, 2 August and 6 September 2021.

Council **RESOLVED** to **AGREE** the reports.

### 7.1 **Question from Cllr Emma Corlett to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention**

Cllr Emma Corlett said that as of last week 54 individual care packages were handed back by private providers since the 16th August 2021 and that there were over 600 people on the unmet needs list, including a resident in her division who was left unable to leave the house for several days and facing the humiliation of having to call the emergency duty number if they needed personal care. What action was the Cabinet Member taking to address the urgent issue of lack of care and to ensure that people's dignity was maintained, and their rights upheld?

In reply Cllr Bill Borrett said that the figure was 60 rather than 54 individual care

packages handed back and more than the whole of the previous year which gave an indication of the pressure that the system was under. There were currently some 630 people on the unmet needs list who received interim care which relied on family cooperation and permanent care that was arranged when packages became available. The individual care needs of people were being met in priority order and external factors such as the Covid -19 pandemic had impacted on this. The Cabinet Member said that he wished to take this opportunity to thank the staff for their hard work and commitment at this difficult time.

**7.2 Question from Cllr Steve Riley to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention**

Cllr Steve Riley said that as the County Councillor for Aylsham he was only too aware of the local concerns raised by what had happened at Cawston Park. The way residents were let down and treated was so appalling and shameful that this had brought national condemnation as reported on national news. Given that 27% of Norfolk care homes failed to reach 'good' or 'outstanding' by the Care Quality Commission and care homes regularly close in Norfolk would the Cabinet Member consider reviewing and enhancing the Council's quality assurance procedures and team support to ensure that such events cannot happen again?

In reply Cllr Bill Borrett said that it was very important to make clear that the County Council had not commissioned services at Cawston Park, a private hospital commissioned by the CCG. The County Council had commissioned social care from the company's care homes across Norfolk and had made clear to those people who received such services that the Council could not recommend that they continued to do so given the manifest failings at their hospital. It was however for those individuals to make that decision for themselves and the Council would do all it could to assist those who wished to move elsewhere. Assisting private care providers to provide the best possible quality care remained high on the Council's agenda.

**7.3 Question from Cllr Andrew Neale to Cllr Jamieson, Cabinet Member for Finance**

Cllr Andrew Neale said that in July 2021 the Cabinet Member for Finance stated that "There can be no long-term solution to local authority funding without a long-term solution to adult social care funding." The funding of social care has been a problem that has been avoided by successive Governments, meaning that we are now at crisis point. The impact of this was seen in the September Cabinet report which demonstrated that the Council was well below target in 5 of its 6 metrics for adult social services. The Government's announcement that an increase in National Insurance would still be insufficient to adequately fund social care and would mean that people who were already on the breadline would pay disproportionately more. Would the Cabinet Member join the calls for a fairer and more sustainable settlement for social care funding?

In reply Cllr Jamieson said that the response of the Resources Committee of

the LGA on this matter was reported in the media. There was no doubt that Local Government needed more money. There were many additional burdens that the Council faced in this sector and changes of funding was part of this. Clarification was being sought from the Government as part of the comprehensive spending review which was due on 27 October 2021 and should explain the position in relation to social care.

**7.4 Question from Cllr Ed Maxfield to Cllr Martin Wilby Cabinet Member for Highways, Infrastructure and Transport**

Cllr Ed Maxfield asked if the County Council could next year communicate better with Parish Councils and local communities in advance of its grass and hedge cutting programme and allow for greater flexibility in its definition of where it would provide assistance than just for vision displays around road junctions?

In reply Cllr Martin Wilby said that the Council had a very good record on verge cutting and maintenance and would always work with others on schemes that they could take on to support the cutting of verges and hedgerows and the planting of wildflowers.

**7.5 Question from Cllr Stuart Dark to Cllr Martin Wilby Cabinet Member for Highways, Infrastructure and Transport**

Cllr Stuart Dark asked if given the recent support from the business community for the dualling of the A47 the Cabinet Member would join him in congratulating the Council on its declaration of a renewed campaign for recognition of the importance of infrastructure improvements across the county?

In reply Cllr Martin Wilby said that infrastructure improvements were crucial to Norfolk's prosperity. Cllr Wilby explained the infrastructure priorities of the Council going forward and asked for everyone to support the improvements to the A47 that were planned to improve its safety record and journey times,

**7.6 Question from Cllr Alexandra Kemp to Cllr Martin Wilby Cabinet Member for Highways, Infrastructure and Transport**

Cllr Alexandra Kemp asked what would be done to ensure that the in-house verge cutting teams had the flexibility that they needed to deal with issues concerning the cutting of the undergrowth from pathways in King's Lynn south and to review the contract to outsource this service so that the Council could use its own in-house teams where they were needed?

In reply Cllr Martin Wilby said that the Council had a good track record on this issue and would work with parish councils and local communities to support work on such issues where this was possible.

**7.7 Question from Cllr Maxine Webb to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention**

Cllr Maxine Webb asked how many children, young people and adults had their respite cancelled in the last six months and how many had not had their respite

reinstated following Covid-19 and what were Cabinet Members doing about it?

In reply Cllr Bill Borrett said that all respite care facilities were open.

**7.8 Question from Cllr Lucy Shires to Cllr Andy Grant Cabinet Member for Environment and Waste**

Cllr Lucy Shires said that given that now more than 90% of councils in England have declared Climate Emergencies, was Cllr Grant embarrassed that Norfolk was still, as usual, lagging behind?

In reply Cllr Andy Grant said that the Council continued to act on what needed to be done rather than talk about it.

**7.9 Cllr Jamie Osborn to Cllr Martin Wilby Cabinet Member for Highways, Infrastructure and Transport**

Cllr Jamie Osborn asked why the local transport plan did not take account of the cumulative effect of road building programmes?

Cllr Martin Wilby in reply said that infrastructure improvements were a priority for the Council and that the Council had a good track record in this area.

**7,10 Cllr Barry Stone to Cllr Greg Peck, Cabinet Member for Commercial Services and Asset Management**

Cllr Barry Stone referred to the work that had been done on the Civic Suite which enabled Norfolk residents to watch Council proceedings in person and online and asked if the cabinet member wished to comment on this matter?

In reply Cllr Greg Peck said that he agreed with the comment made by Cllr Barry Stone and wished to place on record thanks to the Director of Property and all staff who had helped to complete a 20-months project in 8-months and under budget. This was particularly impressive in the middle of the Covid-19 pandemic and with staff and material shortages.

**7.11 Cllr Terry Jermy to Cllr Bill Borrett, Cabinet Member for Adult Social Care, Public Health and Prevention**

Cllr Terry Jermy said that the Government had mandated that staff who go in to CQC registered care homes must be double vaccinated. Any staff who had not yet had their first dose of vaccine would not be double vaccinated by the deadline. We were already in a social care staffing crisis. How many social care staff across Norfolk were not yet vaccinated, what would the impact be on continuity of care and what contingency was he putting in place to ensure there was no failure of care.

In reply Cllr Bill Borrett said that there were a few hundred people who had not had their vaccinations in time. The arrangements to deal with such situations were down to the employers of these people. The Council as one of the chief commissioners of services would do all it could to help facilitate that these people were double vaccinated.

**7.12 Cllr Brian Watkins to Cllr Graham Plant, Deputy Leader and Cabinet Member for Growing the Economy.**

Cllr Brian Watkins said that with rising food prices, increasing food shortages, energy firms collapsing, energy prices rising, petrol shortages, rising inflation and the huge number of job vacancies, do you agree with the comment by the Chief Executive of the New Anglia Local Enterprise Partnership at the Scrutiny Committee last week that Brexit has added to the economic problems caused by Covid?

In reply Cllr Graham Plant said that while there might be economic issues in the country in the lead up to Christmas the economy in Norfolk was going through a huge boost due to the influx of tourism. The Norfolk economy was in a strong position irrespective of Covid-19 and Brexit.

**7.13 Cllr Ben Price to Cllr Andy Grant Cabinet Member for Environment and Waste**

Cllr Ben Price said that nearly two years ago the County Council committed to become carbon neutral by 2030. At the Scrutiny Committee it had become apparent that the Council had not tracked the carbon emissions associated with the County Farms Estate and did not have a plan for reducing them. Why after 2 years did the Council not have a plan for meeting its carbon reduction targets?

In reply Cllr Andy Grant said that he would provide an answer outside of the meeting regarding the County Farms Estate and that the Council was dealing with the issue of carbon reduction in the way that it had said that it would.

**7.14 Cllr John Ward to Cllr Greg Peck, Cabinet Member for Commercial Services and Asset Management**

Cllr John Ward asked what the County Council position was about investing in commercial property outside of its geographical area which had achieved mixed results elsewhere?

In reply Cllr Greg Peck said that in recent years some Councils had made increased use of cheap borrowing to invest in this way even though the National Audit Office had warned that such income was high risk over the long term. The Government had recently changed the rules governing the purposes for which Councils could borrow money. Norfolk County Council had always only borrowed money for commercial investment that met its service requirements.

**8 Committee Reports**

**Scrutiny Committee meetings held on meetings held on 23 June 2021 and 21 July 2021.**

Cllr Steve Morphew, Chair, moved the report.



Following questions to the Chair of Scrutiny Council **RESOLVED** to note the report.

The Chair said that he would speak to the Leader outside of this meeting about the work of the Performance Review Panels that reported to the Scrutiny Committee.

**Corporate Select Committee meetings held on 12 July 2021 and 13 September 2021**

Cllr Kay Mason Billig, Vice Chair, moved the report.  
Following questions, Council **RESOLVED** to note the report.

**Infrastructure & Development Select Committee meetings held on 14 July 2021 and 15th September 2021**

Cllr Barry Stone, Chair, moved the report.  
Following questions, Council **RESOLVED** to note the report.

The Chair said that he would write to Cllr Kemp about when the next round of active travel funding would commence,

Cllr Osborn requested that the Committee consider the total inbuilt carbon emissions of the A47 and Norwich Western Link proposals at its next meeting. In reply Cllr Stone said that he hoped I&D would consider the total carbon emissions of these projects within the LTP4 policy before sending on to Cabinet and Council for approval.

**People and Communities Select Committee meetings held on 16 July 2021 and 17 September 2021 (which was published with a supplementary agenda)**

Cllr Fabian Eagle, Chair, moved the report.

Following questions, Council **RESOLVED** to note the report.

**Health Overview and Scrutiny Committee meetings held on 15 July 2021 and 2 September 2021.**

Cllr Alison Thomas, Chair, moved the report.

Following questions, Council **RESOLVED** to note the report.

**Audit Committee meeting held on 29 July 2021**

Cllr Ian Mackie, Chairman, moved the report.

In reply to questions Cllr Mackie said that he would take up with the Chief Internal Auditor after the meeting whether removing "RM028 - Risk of any failure to monitor and manage health and safety standards of third-party providers of services" was appropriate given the Cawston Park situation and report back to the Audit Committee on this matter.

Council **RESOLVED** to note the report.

**Norfolk Records Committee meeting held on 23 July 2021**

Cllr Chenery of Horsbrugh moved the report.

Council **RESOLVED** to note the report

**Joint Museums Committee meeting held on 23 July 2021**

Cllr John Ward, Chair, moved the report. Council **RESOLVED** to note the report.

**Planning (Regulatory) Committee meetings held on 18 June 2021 and 30 July 2021**

Cllr Brian Long, Chair, moved the report.

Council **RESOLVED** to note the report.

**9 Proportional Allocation of Seats on Committees**

9.1 The Leader of the Council, Andrew Proctor, moved the recommendation in the report.

9,2 Group Leaders commented on the report.

**Council then AGREED**

**The allocation of Committee places set out in the report and noted that the Conservative Group had given up 1 place on the Pensions Committee to the Labour Group and 1 place on Planning (Regulatory) Committee to the Liberal Democrat Group.**

**10. Appointments to Committees, Sub-Committees and Joint Committees (Standard Item).**

10.1 Council **RESOLVED** to note the following changes made under delegated powers since the last meeting:

**a. To note any changes made under delegated powers since the last meeting:**

**(i) Cllr Brociek-Coulton to replace Cllr Rumsby on the Norfolk Joint Museums Committee.**

**(ii) Cllr Julian Kirk to replace Cllr Michael Chenery on Norfolk Health Overview and Scrutiny Committee**

**b. To consider any proposals from Group Leaders for changes to committee places or consequential positions:**

**(iii) Cllr Robert Colwell to take up the vacancy on Planning  
Regulatory Committee.**

**11 Norfolk Youth Justice Annual Plan**

- 11.1 Cllr John Fisher, Cabinet Member for Children's Services, introduced the Norfolk Youth Justice Annual Plan.

During discussion of the report the Cabinet Member agreed to provide detailed figures regarding numbers of ethnic minority young offenders and how they compared with the national situation.

Appendix C to the minutes refers.

- 11.2 Council **RESOLVED**

**To approve the Norfolk Youth Justice Plan 2021-24.**

**12 Pay Policy Statement 2021-22**

- 12.1 The Leader of the Council, Andrew Proctor, moved the recommendation in the report.

- 12.2 The Leader agreed to take up outside of the meeting how the Council applied the cost of living pay award for health workers who had moved employment from the NHS to the Council.

- 12.3 Council **RESOLVED by 49 votes in favour and 12 votes against and 4 abstentions:**

**To agree the Pay Policy Statement 2021-22.**

**13 Local Government Boundary Commission Review**

- 13.1 The Leader of the Council, Andrew Proctor, introduced the report.

- 14 It was noted that the Labour Group would be writing to the Boundary Commission separately to express their own views on this issue.

It was also noted that the Liberal Democrat Group did not support the Council's response.

Cllr Terry Jermy said that he did not support the Council response in relation to the village of Croxton in his own division.

**Council RESOLVED**

1. **Note the final recommended division boundaries as proposed by the Local Government Boundary Commission for England (LGBCE).**
2. **Note the response from the NCC Electoral Review Working Group (ERWG).**

15        **Motions**

15.1       **Protecting Norfolk Residents from Air Pollution from Incineration**

15.1.1     Cllr Kemp moved the amended version of the motion duly seconded by Cllr Jamie Osborn

15.1.2     The motion was then debated and put to a recorded vote (Appendix A).

**With 21 votes in favour, 39 votes against and 7 abstention, the motion was LOST.**

**Chairman's Remarks—Duration of the Meeting**

At this point in proceedings the Chairman pointed out that in accordance with the Constitution unless the Council passed a motion to extend the meeting beyond 3 hrs the meeting would end in 15 minutes time.

Cllr Steve Morphey moved duly seconded by Cllr Jamie Osborn that the meeting be extended for a further 1 hour.

**On being put to the vote the motion was LOST, there were 20 votes in favour and 44 votes against.**

The Chairman then said that the meeting would end at 1.35 pm.

15.2       **Footpaths**

15.2.1     Cllr Steffan Aquarone moved the motion as set out in the report duly seconded by Cllr Tim Adams.

15.2.2     **On being put to the vote the motion was LOST, there were 20 votes in favour and 44 votes against and 2 abstentions.**

15.3       **The Glasgow Food and Climate Declaration**

15.3.1     Cllr Emma Corlett moved the motion as set out in the motions report duly seconded by Maxine Webb.

15.3.2     Cllr Andy Grant moved as an amendment duly seconded Cllr Maxine Webb

To refer this matter for consideration at an Environmental Services Working Group in anticipation that it would be reported back to the next meeting of Council.

16        **Remaining Motions**

16.1       The Chairman asked the Council to agree whether to refer back the remaining motions on the agenda to the next meeting of the Council.

On being put to the vote this was LOST, there were 17 votes for, 43 votes

against and 5 abstentions.

Council noted that while the motions had not been held over to the next meeting they could be resubmitted.

**17 To answer questions under Rule 8.3 of the Council Procedure Rules (if any received).**

**17.1 Council noted the following question which was submitted by Cllr Webb:**

“I note the Department for Education’s “Skills For Jobs” consultation and a new Skills Fund proposal which will restrict funding to Adult Learning courses with an employment outcome only. With the potential in Norfolk for over 4,500 lost learner registrations per academic year in free courses such as Family Learning, Healthy lifestyle, mental wellbeing, living skills, Lipreading and British sign language, will the Cabinet Member for Communities and Partnerships submit a formal response to the consultation, write to the Secretary of State for Education to make clear the impact of these proposals on Norfolk’s most vulnerable residents and lobby all Norfolk MPs to raise this issue before the consultation closes on 7th October 2021?”

**17.2** Cllr Margaret Dewsbury agreed to respond in writing to the question.

**18** The Chair then ended by thanking everyone who had attended the meeting.

It was acknowledged that some of the business that was due to have been considered at this meeting was not dealt with in the time available. This can be seen at page A29, an addendum to these minutes.

The meeting ended at 1.35 pm.

## Chairman



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# Motion 1: Protecting Norfolk Residents from Air Pollution from Incineration

Alteration to motion:

Proposer: Cllr Alexandra Kemp

Seconded: Cllr Jamie Osborn

65,000 West Norfolk Residents voted no to an incinerator in South Lynn in the Borough Council poll. Now Medworth (MVV UK) wish to build a Waste Incinerator Facility in Wisbech, just 13 miles upwind of King's Lynn and the Wash ~~triple~~ ~~SSSSS~~. It is outrageous and undemocratic that Medworth are refusing to consult with the people of King's Lynn, despite requests from local councillors. Air Pollution knows no boundaries.

~~Burning waste produces emissions and destroys precious resources like fossil fuels.~~  
**Burning waste produces CO2 emissions.** Incineration of 1 tonne of municipal waste (MSW) is associated with the release of about 0.7 to 1.7 tonnes of carbon dioxide, on average, meaning it generates proportionately more CO2 pollution even than some fossil fuel sources. Reports have stated that continued promotion of "waste-to-energy" incineration is incompatible with the targets of decarbonisation set out in the Paris Agreement. Furthermore, the opening of the Wisbech Incinerator would mean at least 386 lorry movements to and from the site every day, locking-in carbon emissions from transport.

**Incineration produces air pollution.** Even the most advanced technologies cannot guarantee the capture of all particulate matter (fine pollutants) from burning waste, with the emissions of dioxins, heavy metals and particulate matter unavoidable. So air, soil and water can be contaminated ~~and pollutants can enter the food chain.~~

Even if all recyclables like metals, wood, paper, glass are removed, incinerators still encourage the burning of plastics ~~and consequent depletion.~~ More than half of finite oil resources, which waste that is currently incinerated could be ~~prevented by alternative packaging recycled or reuse composted.~~

~~The incinerator will increase Climate Change as it will act as a perverse incentive not to reduce residual waste or carbon emission producing processes like crude oil extraction.~~

~~The World is embracing Zero Waste so~~

**Incineration is a backwards step in regards to efforts to reduce waste.** "Waste-to-energy" is often described as a good way to extract energy from resources, but this forgets that if the waste burnt is capable of being recycled, its destruction is contrary to the Circular Economy and the fundamental principles of the waste hierarchy, Prevent, Reduce, Reuse, Recycle.

**Burning waste creates fewer employment opportunities than recycling** Incinerators offer relatively few jobs when compared to recycling. The

large footprint of a huge Incinerator could produce more jobs if it were a manufacturing space.

**1. This Council does not support the construction of an incinerator in Wisbech, because of its impact on West Norfolk and on Climate Change.**

**2. This Council will write to the Secretary of State to make clear our opposition to the plan.**

**Norfolk County Council**  
**Date: 27 September 2021**

**AGENDA ITEM NUMBER 11: RECORDED VOTE**

	For	Against	Abstain			For	Against	Abstain
<b>ADAMS</b> Timothy	x				<b>MACKIE</b> Ian		x	
<b>ADAMS</b> Tony		x			<b>MASON BILLIG</b> Kay		x	
<b>ANNISON</b> Carl		x			<b>MAXFIELD</b> Ed	x		
<b>AQUARONE</b> Steffan	x				<b>MIDDLETON</b> Graham			x
<b>ASKEW</b> Stephen		x			<b>MORIARTY</b> Jim	x		
<b>BAMBRIDGE</b> Lesley			x		<b>MORPHEW</b> Steve	x		
<b>BENSLY</b> James		x			<b>NEALE</b> Paul	x		
<b>BIRMINGHAM</b> Alison	x				<b>OLIVER</b> Rhodri			
<b>BORRETT</b> Bill		x			<b>OSBORN</b> Jamie	x		
<b>BOWES</b> Claire		x			<b>PECK</b> Greg		x	
<b>CARPENTER</b> Penny			x		<b>PLANT</b> Graham		x	
<b>CLANCY</b> Stuart		x			<b>PRICE</b> Ben	x		
<b>COLWELL</b> Robert	x				<b>PROCTOR</b> Andrew		x	
<b>CONNOLLY</b> Ed		x			<b>RICHMOND</b> Will		x	
<b>CORLETT</b> Emma	x				<b>RILEY</b> Steve	x		
<b>DALBY</b> Michael		x			<b>ROPER</b> Dan			
<b>DARK</b> Stuart			x		<b>SANDS</b> Mike	x		
<b>DAWSON</b> Chris			x		<b>SAVAGE</b> Robert		x	
<b>DEWSBURY</b> Margaret		x			<b>SHIRES</b> Lucy	x		
<b>DIXON</b> Nigel		x			<b>SMITH</b> Carl		x	
<b>DUFFIN</b> Barry		x			<b>SMITH-CLARE</b> Mike	x		
<b>DUIGAN</b> Phillip		x			<b>STONE</b> Barry		x	
<b>EAGLE</b> Fabian		x			<b>STOREY</b> Martin			
<b>ELMER</b> Daniel		x			<b>THOMAS</b> Alison		x	
<b>FISHER</b> John		x			<b>THOMSON</b> Vic		x	
<b>FITZPATRICK</b> Tom		x			<b>VARDY</b> Eric		x	
<b>GRANT</b> Andy		x			<b>VINCENT</b> Karen			x
<b>GURNEY</b> Shelagh		x			<b>WALKER</b> Colleen	x		
<b>HEMPSALL</b> Lana		x			<b>WARD</b> John		x	
<b>HORSBRUGH</b> Michael Chenery of		x			<b>WATKINS</b> Brian	x		
<b>JAMIESON</b> Andrew		x			<b>WEBB</b> Maxine	x		
<b>JERMY</b> Terry	x				<b>WHITE</b> Tony		x	
<b>JONES</b> Brenda	x				<b>WHYMARK</b> Fran		x	
<b>KEMP</b> Alexandra	x				<b>WILBY</b> Martin		x	
<b>KIDDIE</b> Keith		x						
<b>LONG</b> Brian			x					

<b>For</b>	<b>21</b>
<b>Against</b>	<b>39</b>
<b>Abstentions</b>	<b>7</b>

LOST / CARRIED



## **Appendix C Response to Questions at Full Council –Minute 11 refers**

I would like to offer an opportunity to those Councillors who raised questions to join us for a session during which we can brief them on the YOT's work.

In response to specific questions:

### **Questions from Councillors Shires, Smith-Clare re: funding**

Over a number of years an operational budget deficit has arisen due to;

1. Reduction in some partner contributions
2. Loss of time-limited external funding sources
3. No ongoing inflationary uplift from partners
4. Reductions in nationally determined contributions
5. A level of increased demand

At the Norfolk Youth Justice Board on 27 September 2021 a proposal was put to the Board that included some back-office efficiencies, change in some roles, request for a statutory partner cash uplift for 2022/23, and an ongoing percentage increase in funding from 2023/24. The proposal was accepted and will help to ensure the YOT can continue to operate whilst fulfilling its statutory obligations and focusing on diverting children from the Youth Justice system.

### **Questions from Councillors Shires, Smith-Clare re: data/throughput**

The table (A) below shows the throughput of community cases since 2014/15. The table does not include the number of custodial cases (see Table B), pre-sentence support (bail /intensive support packages), Criminal Behaviour Orders and Sexual Harm Prevention Orders.

**Table A** also shows that our diversion activity has grown significantly since the implementation of our diversion project 'Challenge 4 Change' and statutory cases have reduced over time. The impact of our diversionary activity is smaller numbers of young people moving into the statutory system from which our reoffending rate is determined by the Youth Justice Board.

Every child who might have previously received a first youth caution is offered the opportunity to engage voluntarily with Norfolk YOT rather than receive a formal disposal outcome and therefore avoid having a criminal record. Without this initiative all of these children would become a first-time entrant to the youth justice system, which would impact adversely on their life opportunities and outcomes.

In the first three months of the 2021/22, the numbers of new cases suggest that the volume of work is beginning to return to pre-pandemic levels, and there are early indications that diversion work is increasing week on week with a potential higher level of demand to previous years.

**Table B** shows the numbers of children receiving custodial sentences including their ethnicity. This demonstrates that the number young people in custody has halved since 2017/18, and we will be undertaking a deep dive into any disparity based on ethnicity as a key priority in YOT's 2021-24 plan.

**Table A: Voluntary and statutory interventions in the community**

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21 (Covid)	<b>2021/22 Q1</b>
Early help	71	115	88	102	76	60	31	2
Diversion	N/A	246	290	318	382	420	264	78
Youth Caution	118	46	23	22	24	24	41	11
Youth Conditional Caution	104	111	63	65	46	50	41	
Referral Order	185	183	173	152	135	97	87	20
Youth Rehabilitation Order	111	95	80	95	81	52	36	4
Totals	589	796	717	754	744	703	500	123

**Table B: Numbers of Children sentenced to custody including ethnicity**

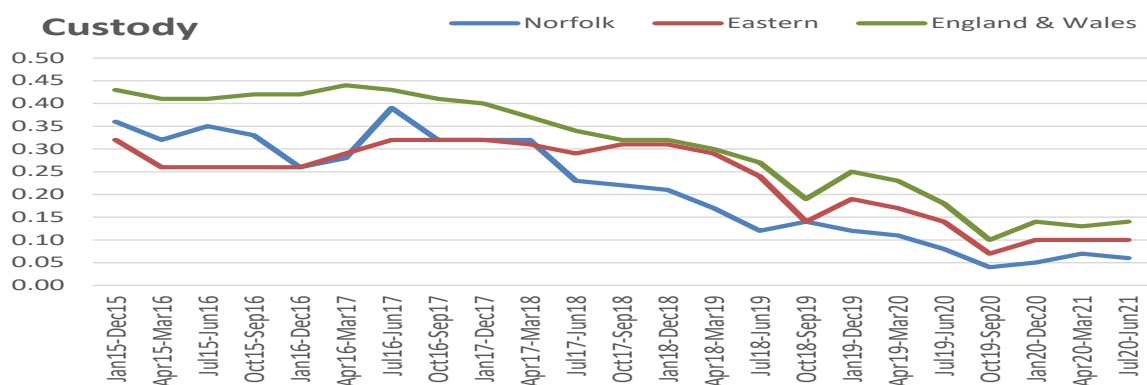
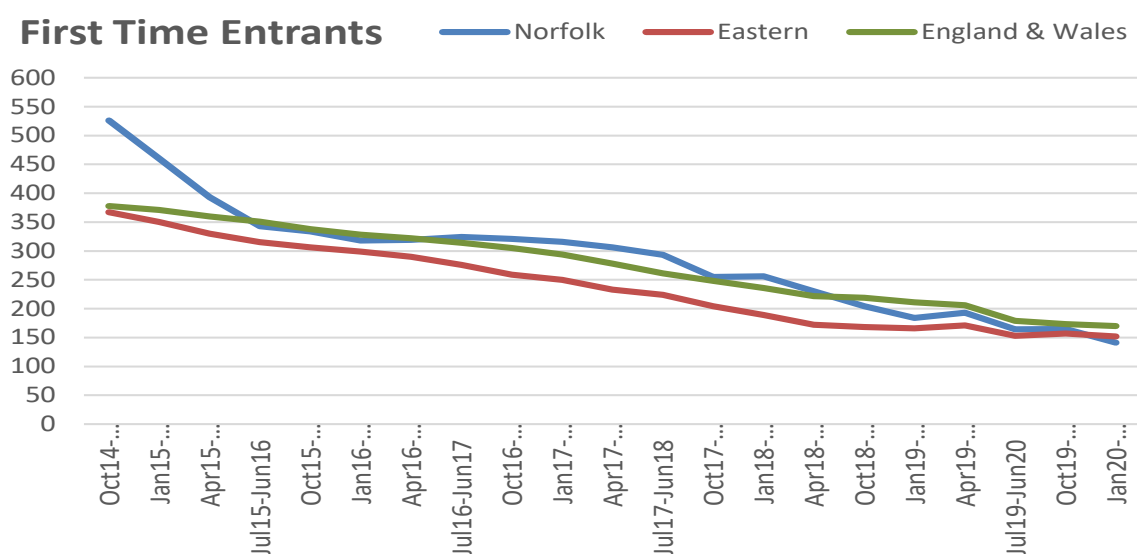
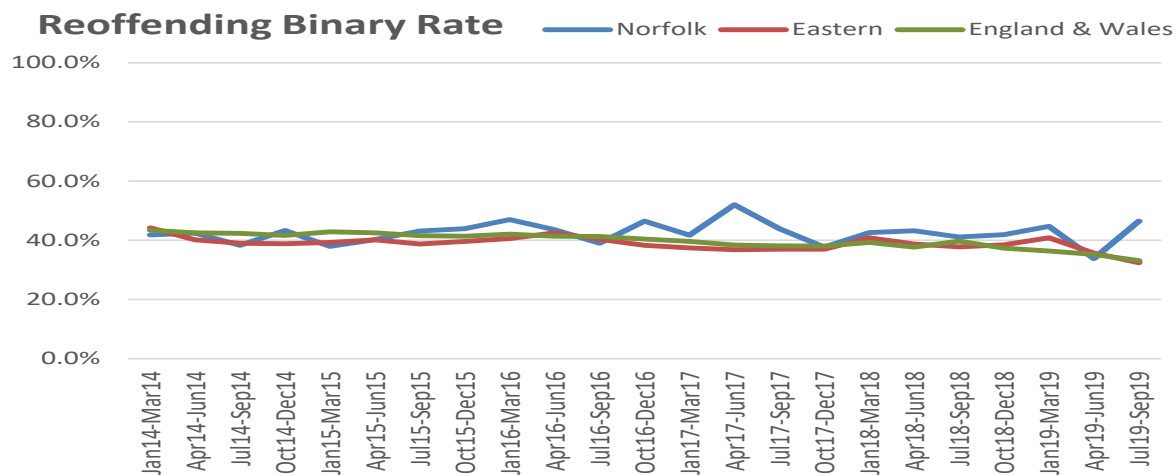
	Number of individual children						
Intervention v ethnicity 2017-18	Asian or Asian British	Black or Black British	Mixed	Unknown	White	Total	Total BAME
Detention and Training Order (DTO) / Custody	1	-	-	-	15	16	1
Percentage of Total %	6.25	-	-	-	93.75	100	6.25
	Number of individual children						
Intervention v ethnicity 2018-19	Asian or Asian British	Black or Black British	Mixed	Unknown	White	Total	Total BAME
DTO / Custody	-	-	1	-	6	7	1
Percentage of Total %	-	-	14.3	-	86.7	100	14.3
	Number of individual children						
Intervention v ethnicity 2019-20	Asian or Asian British	Black or Black British	Mixed	Unknown	White	Total	Total BAME
DTO / Custody	-	1	-	-	7	8	1
Percentage of Total %	-	12.5	-	-	87.5	100	12.5

**Latest Performance Figures including reoffending.**

Reoffending rates, whilst not where we would want them, it is worth noting that it includes those children who receive outcomes at Court such as Discharges and Fines. These children may not be involved with Norfolk YOT but if they commit a further offence, they are counted in the reoffending rate.

We are successful in avoiding sending children to custody and compare well with our family of YOTs and the region.

Our first-time entrant rate is continuing to reduce and also compares well with other YOTs. Our diversion work is the critical factor in this reduction. There is an associated impact on the level of children who go on to receive a statutory disposal.



**Question from Councillor Kemp re: disparity**

Understanding and addressing disparity in the Youth Justice System is a national and local priority and one of eight priorities in the 2021-24 plan. The paragraph below shows the high-level actions which will be supported by a more detailed delivery plan of activity and actions.

**2021-24 Priority: Reduce disparity in the youth justice system**

Purpose: Ensure that the 'child first' culture is built into the youth justice system, so that all agencies take responsibility for understanding every child's background and experiences and take appropriate actions to minimise disparity

Proposed Areas of Activity:

- To establish a multi-agency group responsible for the development of a local joint disparity protocol and scrutiny of outcomes and processes
- To ensure staff are skilled in identifying and eliminating bias in respect of all decisions (includes training, induction processes etc)
- Understand the terminology used and how we differentiate between groups (including Gypsy, Roma, Traveller) to help us understand any disparity
- Collect and analyse data to understand where disparity is occurring

Quarterly reports on progress/proposals will be presented to the Norfolk Youth Justice Board.

### **Addendum to the minutes**

The following motions were not considered at this Council meeting :

#### **4 Offshore Wind Benefits to Norfolk**

**Proposer: Cllr Plant**

**Seconder: Cllr Grant**

**The Council recognises** the multiple benefits that offshore wind power, off the Norfolk coast, presents:

- A sustainable and renewable energy source which will assist in meeting the Government's target of delivering 40 gigawatts of offshore wind power by 2030.
- A major contribution to the Council's Environment Policy, which seeks to work with partners towards carbon neutrality by 2030 and "embed the ethos and practice of supporting 'clean growth' within the economy, including investigating opportunities which help to develop the green/renewable energy sector".
- Significant employment and skills opportunities, especially in areas like Great Yarmouth, where higher value jobs are in short supply. Norfolk has the potential to benefit more than any other area in England from growth in offshore wind, that will require a diverse mix of skills, with an additional **6,150 full-time well-paid jobs** forecast to be created by 2032 (New Anglia Energy Recovery and Resilience Plan).

#### **The Council also:**

- Recognises the need for some of these projects to make landfall and grid connection in various parts of the county, involving cable routes and new sub-stations.
- Acknowledges the disruption that this may cause to local communities in the short term and therefore supports the need for a coordinated and integrated approach to connecting the electricity generated from offshore wind farms to the grid.
- Recognises the need for further detailed work to be carried out by National Grid on the implications of the various grid connection options, including the:
  - Wider onshore environmental implications of any new transmission network
  - Economic opportunities for those coastal areas and communities affected
  - Opportunities for local communities to be appropriately compensated for any impacts caused by the need for either onshore or offshore infrastructure.
- Would support any offshore transmission infrastructure which reduces the environmental and community impacts that the current approach (radial, point to point) has on the county, subject to there being no anticipated long term impact on the marine environment off the Norfolk Coast;.
- Support the wider opportunities for harnessing electricity generated offshore to supply clean energy to local homes and business; as well as helping to deliver housing and employment growth in Norfolk.

**The Council resolves to continue to work closely with:**

- The Department of Business, Energy and Industrial Strategy (BEIS), National Grid; the Office for Gas and Electricity Markets (OFGEM), New Anglia LEP, local councils and energy companies to progress the work needed to secure the long term environmental and economic benefits of offshore wind, whilst minimising its impact on local communities as far as possible.
- BEIS on the Government Offshore Transmission Network Review.
- Major companies: their supply chains and local colleges to develop employment and skills strategies to ensure that the high quality jobs set to be created in the sector over the next 50 years, are accessible to, and promoted to, Norfolk residents.

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**5**

**Member Champions**

**Proposer: Cllr Brenda Jones**

**Seconder: Cllr Lucy Shires**

Council notes the decision of the Leader to appoint Members champions drawn solely from Conservative members of council. Council recognises the excellent work done previously when Members champions were drawn from across political groups and the credibility those members had among other councillors and those involved with the issues they championed because they were representing all councillors rather than the administration.

Council notes that the abolition of the Mental Health Champion means the council will no longer be able to comply with the terms of the decision made by council in 2014 to sign up to the Mental Health Challenge and regards that as a retrograde step.

Council further notes that as yet the requirements of Appendix 32 of our Constitution have not yet been met as the Leader has not consulted other group leaders nor made an announcement of the Members Champions at cabinet.

**Council therefore requests**

1. **The Leader to fulfil his obligations under the constitution to consult the leaders of other groups on the council before making an announcement to council of his decision, together with an explanation of his reasons**
2. **To reinstate the position of Mental health Champion so that council can continue to be a signatory to the Mental Health Challenge as determined unanimously at the council meeting on 20 January 2014**
3. **Requests the Corporate Select Committee to review the constitutional arrangements of Member champions to clarify their roles, responsibility and accountability and make recommendations to council accordingly**

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**6**

**Future Olympic Success from Norfolk**

**Proposer – Cllr Steve Morphew**

**Seconder – Cllr Colleen Walker**

Council congratulates Norfolk athletes who were selected to represent team GB at the recent Tokyo Olympic and Paralympic Games

- Gianni Regini-Moran (gymnast from Gt Yarmouth)
- Sophia McKinna (shot putter from Gorleston)
- Aaron Heading (Trap shooter from Kings Lynn)
- Lauren Hemp (footballer from North Walsham)
- Jessica Jane Applegate (swimmer from Gt Yarmouth, won 1 gold and 2 bronze medals)
- Alfie Hewitt (tennis player from Cantley, won 1 silver medal)
- Amy Conroy (basketball player from Norwich)

Council notes Olympic Team GB was a total of 375 athletes of which only 4 were from Norfolk representing 1.4% of the total athletes competing for GB and unfortunately none won medals.

Paralympics Team GB was a total of 215 athletes of which 3 were from Norfolk who between them won four medals. This represents 1.1% of the total athletes competing for GB.

We are proud of the achievements of our Olympians and Paralympians and Council believes more of Norfolk athletes could achieve success at the highest level if they had access to better facilities and support.

Council was inspired by the success of Team GB athletes in skatepark disciplines and recognises the high level of interest amongst younger people in the county reflected in the continuing demand for more and better skateparks.

Council believes the sale of the Airport Industrial Estate provides an opportunity to build an international standard skatepark for Norfolk that would cater for skatepark disciplines from beginner to elite and help Norfolk athletes achieve success in these new Olympic events.

Council

1. Urges cabinet to retain a suitable site from the sale of the Airport Estate and use part of the sale proceeds from the remainder towards building an international skatepark.
2. Requests officers to develop a scheme in conjunction with the skateboarding community for an operational model based on a community business that could manage a new skatepark without relying on county council revenue funding

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## **7 Business rates for offshore installations**

**Proposer – Cllr Steve Morphew**

**Seconder – Cllr Terry Jermy**

Sizewell B power station in Suffolk pays around £25m a year in business rates. However, none of the wind farms or offshore platforms that provide energy through and are serviced in Norfolk pay business rates because the structures are situated beyond the shoreline.

Onshore wind and other renewable generators are subject to business rates that help support local services and fund the council's work on protecting the environment and combatting climate change.

Council believes Norfolk and other counties that contribute to the energy needs of the country offshore deserve to be recognised in the same way as those who host onshore generation and supply.

### **Council**

- 1. calls upon the government to extend the boundary for business rate liability to include offshore installations.**
- 2. requests the Leader of the council to**
  - a) write to and lobby ministers**
  - b) raise the issue with the Local Government Association and other representative bodies in local government**
  - c) seek support from Norfolk MPs**



## **Recommendations from the Corporate Select Committee Meeting held on 15 November 2021**

### **1. Proposed Constitutional Amendments – Policy Framework and Local Choice Functions**

#### **1.1 Recommendation to Council:**

To agree the amendments proposed for recommendation to Full Council at its meeting on 15 November 2021, as outlined in Appendix A to:

- 1. Agree the local choice functions and decision maker and**
- 2. Agree the policy framework list**

### **2. Financial Regulations 2021 Update**

#### **2.1 Recommendation to Council:**

- 1. To agree proposed amendments to Financial Regulations as outlined in Appendix B.**
- 2. To agree the further amendments required in line with Cabinet decisions in respect of the *Natural Norfolk: Progress on delivering the Environmental Policy* report.(Note these are also now reflected within Appendix B)**

**Cllr Ed Colman  
Chairman**

## **Corporate Select Committee**

Item No:11

**Report Title: Constitutional Amendments – Policy Framework and Local Choice Functions**

**Date of Meeting: 15 November 2021**

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

**Responsible Director: Helen Edwards** Director of Governance

### **Executive Summary**

The Corporate Select Committee is charged with considering changes to the Constitution. During a recent review, it has been noticed that those functions that can be a matter for Council, or for the Executive have not been identified as clearly as they could be. Therefore, for the first part of this paper we have set out the local choice functions applicable to County Council decision making and suggested who the decision maker should be. The second part of this paper is concerned with the policy framework. The policy framework is the list of documents that appear in article 4 of the Constitution. Some documents (statutory plans) must be adopted by the full Council. But others, as indicated on the list in this report, are plans that the Council could consider adding to the list as those documents that set the policy tone and direction in which the whole council operates. The content of the major policy framework has recently been reviewed by Executive Directors, as a result of which changes are being recommended.

### **Recommendations**

The Corporate Select Committee is asked to:

1. Agree the local choice functions and decision maker and recommend these to Full Council
2. Agree the policy framework list and recommend this to Full Council

### **1. Local Choice Functions**

- 1.1 The Local Authorities (Functions and Responsibilities) Regulations 2000 explain the split of functions between the Council (and its committees) and the Executive (the Leader and the Cabinet and cabinet members).
- 1.2 In Schedule 2 of those Regulations there is a list of functions that may be, but do not need to be, exercised by the Executive. Although a number of these functions are delegated through the constitution, for completeness it is recommended that the table below is included in the Constitution.

	<b>Local choice functions</b>	<b>Decision maker</b>	<b>Delegation</b>
1	Any function under a Local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Leader	There are no current local acts but if there were to be the Leader would delegate these through the scheme of delegation
2	Determining appeals against any decision made by or on behalf of the Council	Council	Delegated to the Planning and Regulatory Committee
3	Repealed		
4	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Leader	Delegated to the Executive Director Children's Services
5	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admissions appeals)	Leader	Delegated to the Executive Director Children's Services
6	The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies)	Leader	Delegated to the Executive Director Children's Services
7	Repealed		
8	Repealed		
	Any functions relating to contaminated land	Leader	Delegated to the Head of Trading Standards and the Head of Planning
9	Any function relating to the control of pollution or the management of air quality.	Leader	Delegated to the Head of Trading Standards and the Head of Planning
10	Not relevant		
11	Not relevant		
12	Not relevant		
13	Not relevant		

14	Obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990.	Council	Delegated to the Planning (Regulatory) Committee
15	Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	Delegated to the Planning (Regulatory) Committee
16	Making agreements for the execution of highways works.	Leader	Delegated to M grade officers and above
17	The appointment of any individual to any office (other than one in which the individual is employed by the Council) or to any outside body, and the revocation of any such appointment.	Leader	Remains with the Leader subject to the provisions in appendix 3(2)(b) of the constitution
18	Making agreements with other local authorities for the placing of staff at the disposal of those authorities	Leader	Delegated to the Cabinet (page 30 of the constitution)

## 2. Policy framework

2.1 The second matter the Committee is asked to consider is the policy framework.

2.2 The current policy framework reads;

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

- o) Asset Management Plan
- 2.3 It is stated in the constitution that this list will be reviewed on an annual basis by the Corporate Select Committee.
- 2.4 Executive Directors have been asked to consider this list and recommend the amended list below;
  - a) Norfolk County Council Strategy
  - b) Annual investment and treasury management strategy
  - c) Children and young people's strategy\*
  - d) Adult social care strategy
  - e) Local Transport Plan\*
  - f) Norfolk County Council Waste strategy and policies\*
  - g) Minerals and Waste development framework\*
  - h) Fire and Rescue Integrated Risk Management Plan as part of the Crime and Disorder Reduction Strategy\*
  - i) Youth Justice Plan\*
  - j) Strategic Asset Management Plan (note: subsequent to Corporate Select Committee the title has been corrected to Strategic Property Asset Management Framework with the agreement of the Group Spokespersons)
  - k) Environmental Policy (Agreed by Council in November 2019)
- 2.5 Plans with an asterix (\*) are those that are legally required to be within the framework

### **3. Proposal**

- 3.1 That the Corporate Select Committee considers the above matters and indicates;
  - a) If they are in agreement with the local choice functions delegations and
  - b) If they are content with the policy framework

### **4. Impact of the Proposal**

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

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

- 5.1 Executive Directors have considered what they think is the policy framework for the council and have put forward those policies in their area which they believe create the framework in which the Council operates

## **6. Alternative Options**

- 6.1 retain the status quo and make no changes. This may leave delegations under local choice functions vulnerable to those looking to challenge decisions and may mean that the policy framework becomes outdated.

## **7. Financial Implications**

- 7.1 None

## **8. Resource Implications**

- 8.1 Staff: None

- 8.2 Property: None

- 8.3 IT: None

## **9. Other Implications**

- 9.1 Legal Implications: dealt with in the report

- 9.2 Human Rights Implications: n/a

- 9.3 Equality Impact Assessment (EqIA) (this must be included): not applicable

- 9.4 Data Protection Impact Assessments (DPIA): n/a

- 9.5 Health and Safety implications (where appropriate):n/a

**9.6 Sustainability implications (where appropriate):n/a**

**9.7 Any Other Implications: n/a**

## **10. Risk Implications / Assessment**

10.1 No applicable risk implications

## **11. Recommendations**

The Select Committee is asked to:

1. Agree the local choice functions and decision maker and recommend these to Full Council
2. Agree the policy framework list and recommend this to Full Council

## **12. Background Papers**

12.1 none

### **Officer Contact**

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

**Officer name: Katrina Hulatt**

**Telephone no.:**

**Email: [Katrina.hulatt@norfolk.gov.uk](mailto:Katrina.hulatt@norfolk.gov.uk)**



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

## Appendix 15

### FINANCIAL REGULATIONS

#### Background

- A. The County Council's governance structure is laid down in the Constitution, which sets how the County Council operates; how decisions are made; and how procedures are followed.
- B. The County Council has adopted a Cabinet and Leader form of governance.
- C. Elected Members are responsible for "ownership" of the County Council's financial management. Responsible Budget Officers (RBOs) act on behalf of the County Council in exercising that responsibility and in securing compliance with the County Council's Financial Regulations.
- D. The County Council's Head of Paid Service is responsible for the corporate and strategic management of the County Council. The Head of Paid Service must report to, and provide information for, the County Council, its Cabinet and Committees. Furthermore, the Head of Paid Service is responsible for establishing a framework for management direction, style, and standards, and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer (Director of Governance), for the system of record keeping in relation to all the County Council's decisions.
- E. The Statutory Finance Officer, the Executive Director of Finance and Commercial Services at Norfolk County Council, has statutory duties in relation to the administration and stewardship of the County Council's financial affairs. This statutory responsibility cannot be overridden. The statutory duties arise from the legislation referenced in 2.5.3.
- F. The Executive Director of Finance and Commercial Services is responsible for the proper administration of the County Council's financial affairs and for setting and monitoring compliance with agreed standards of financial administration and management, including advice on the County Council's corporate financial position. The Executive Director of Finance and Commercial Services is also the "head of profession" for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development. Within these Financial Regulations, the terms Statutory Finance Officer, Chief Finance Officer, and Section 151 Officer all refer to the Executive Director of Finance and Commercial Services.



Updated November 2021

## Contents

<b>Background .....</b>	<b>1</b>
<b>Contents.....</b>	<b>2</b>
<b>1. Status of Financial Regulations .....</b>	<b>4</b>
1.1. Purpose and Scope.....	4
1.2. Key Roles and Responsibilities .....	4
<b>2. Financial Management .....</b>	<b>5</b>
2.1. Introduction .....	5
2.2. The Council .....	5
2.3. The Cabinet.....	5
2.4. Scrutiny Committee .....	6
2.5. Statutory Officers .....	6
2.6. The Money Laundering Reporting Officer .....	7
2.7. Executive Director of Finance and Commercial Services.....	7
2.8. Corporate Board.....	9
2.9. Executive Directors .....	9
2.10. Other Financial Accountabilities .....	10
<b>3. Financial Planning .....</b>	<b>11</b>
3.1. Introduction .....	11
3.2. Revenue Budget .....	11
3.3. Capital Budget.....	11
3.4. Medium Term Planning and Budget Preparation .....	11
3.5. Strategic Asset Management Plan .....	13
3.6. Decisions .....	13
3.7. Budget Monitoring and Control.....	14
3.8. Virement.....	15
3.9. Treatment of Year-End Balances .....	15
3.10. Maintenance of Reserves .....	16
<b>4 Governance, Risk Management and Internal Control.....</b>	<b>16</b>
4.1 Governance.....	16
4.2 Internal Control and Internal Audit.....	17
4.3 Risk Management .....	17
4.4 External Audit.....	18
4.5 Anti-Fraud, Bribery and Corruption .....	18
4.6 Money Laundering and Proceeds of Crime .....	19
4.7 Treasury Management.....	20
4.8 Norfolk Pension Fund.....	21
<b>5 Assets, Systems, Processes and Records.....</b>	<b>22</b>
5.1 Introduction .....	22
5.2 Data Management.....	22
5.3 Financial Processes and General Data Protection Regulations .....	23
5.4 Schemes of Authorisation and Financial Responsibility .....	23
5.5 Income Collection.....	24
5.6 Payments to Employees, Third Parties and Members.....	24
5.7 Taxation .....	24
5.8 Trading Accounts .....	25
5.9 Monitoring Reporting.....	25
5.10 Companies, Trusts and Charities .....	25
5.11 Early payments and loans to suppliers and service providers.....	26

Updated November 2021

5.12	Contract Standing Orders.....	28
5.13	Assets .....	29
5.14	Making Grants.....	35
5.15	Retention of Financial Records .....	35
<b>6</b>	<b>External Arrangements .....</b>	<b>35</b>
6.1	Introduction .....	35
6.2	Partnerships .....	36
6.3	External Funding .....	36
6.4	Financial Guarantees .....	37
6.5	Work for Third Parties .....	37
6.6	Subsidy and Competition .....	37
6.7	Projects / Business Cases (including Private Finance 2 (PF2)).....	38
6.8	Social Impact Bonds (SIBs).....	39
<b>Annex A: Norfolk County Council's Scheme of Virement.....</b>		<b>41</b>
	Revenue.....	42
	Capital.....	42
<b>Annex B: Norfolk County Council process for the issue of a report under Section 114 of the Local Government Finance Act 1988 .....</b>		<b>43</b>

## **1. Status of Financial Regulations**

### **1.1. Purpose and Scope**

- 1.1.1. These Financial Regulations provide the basis for managing the County Council's financial affairs. They provide a framework for decision-making, which sets out how specific statutory powers and duties are complied with, as well as reflecting best professional practices. This document also acts as a reference point to other documents which include the detailed policies and procedures behind these Financial Regulations.
- 1.1.2. The Financial Regulations apply to every elected Member and officer of the County Council and, when stated, to third parties acting specifically on its behalf. The Regulations apply to all Norfolk County Council's financial arrangements, including joint committees, save where there is express agreement to the contrary.

### **1.2. Key Roles and Responsibilities**

- 1.2.1. The Regulations identify the financial responsibilities of the County Council, Cabinet and its Committees, the Executive Director of Finance and Commercial Services and other Executive Directors.
- 1.2.2. All elected Members and staff have a general responsibility for taking reasonable action to provide for the security of the County Council's assets under their control, and for ensuring that the use of these resources is legal, properly authorised, and provides value for money.
- 1.2.3. The Executive Director of Finance and Commercial Services is responsible for maintaining a continuous review of the Financial Regulations and for submitting any additions or changes necessary to County Council for approval and at a minimum annually. Elected Members are responsible for considering and approving the County Council's Financial Regulations and for satisfying themselves that they are sufficient to ensure sound financial management of the County Council's resources.
- 1.2.4. The Executive Director of Finance and Commercial Services is responsible for reporting, where appropriate, breaches of the Financial Regulations to the County Council, Cabinet and the Audit Committee.
- 1.2.5. The Executive Director of Finance and Commercial Services is responsible for issuing advice and guidance on the operation of the Financial Regulations. The County Council's detailed 'Financial Procedures', which support these Regulations, are determined by the Executive Director of Finance and Commercial Services and set out how the Regulations will be implemented.

Financial Procedures are described in separate guidance and have the same status as the Financial Regulations.

- 1.2.6. Executive Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the County Council's Financial Regulations, Financial Procedures and other internal regulatory documents and that they comply with them at all times. They must ensure that all staff have access to, or the opportunity to access, these Regulations, Procedures and other regulatory documents either published on the County Council's internet or intranet ([MyNet](#)) pages as appropriate.
- 1.2.7. The Executive Director of Finance and Commercial Services is responsible for ensuring that both elected Members and officers are sufficiently competent, trained and informed regarding the financial affairs of the Council.

## **2. Financial Management**

### **2.1. Introduction**

- 2.1.1. Financial management covers all financial activities in relation to the running of the County Council, including the policy framework and budget. In overall terms, elected Members are responsible for agreeing the financial policy framework and officers are responsible for advising Members, and for the operational delivery of financial processes in line with the agreed policy. The financial management responsibilities for particular Members' groups and individual post-holders are detailed in this section.

### **2.2. The Council**

- 2.2.1. The County Council is responsible for adopting and changing the principles of governance and for approving or adopting the policy framework and budget within which the Council operates.
- 2.2.2. The principles of decision making, and the roles of the Leader, Cabinet, Select Committees, and Scrutiny Committee are set out in Articles 6, 7 and 12 of the Norfolk County Council Constitution.

### **2.3. The Cabinet**

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

**2.4. Scrutiny Committee**

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

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

**2.5. Statutory Officers****2.5.1. The Head of Paid Service**

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

**2.5.2. The Monitoring Officer (Director of Governance)**

The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution and contributing to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. They are also responsible, in conjunction with the Head of Paid Service and the Executive Director of Finance and Commercial Services, for reporting to the County Council and Cabinet if they consider that any proposal, decision, or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered. The Monitoring Officer will also provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

**2.5.3. The Chief Finance Officer (Executive Director of Finance and Commercial Services)**

The Council has designated the Executive Director of Finance and Commercial Services as the Chief Finance Officer. The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. The statutory duties arise from:

- Section 151, Local Government Act 1972
- The Local Authorities Goods and Services Act 1970 and 1988
- Section 114, Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Acts 2000 and 2003
- The Accounts and Audit (England) Regulations 2015

Updated November 2021

- The Local Government Pension Scheme Regulations 1974 and 1997
- The Local Government Pension Scheme Regulations (Management and Investment of Funds) 1998
- The Localism Act 2011

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

## **2.6. The Money Laundering Reporting Officer**

2.6.1. The Director of Governance is appointed as the Money Laundering Reporting Officer and the Head of Legal Services, nplaw and the Chief Internal Auditor as the Deputy Money Laundering Reporting Officers. The Council has an Anti-Money Laundering Policy and Procedures in place. The Money Laundering Reporting Officer is the officer responsible for reporting disclosures to the National Crime Agency.

## **2.7. Executive Director of Finance and Commercial Services**

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

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

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

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

- the proper administration of the County Council's financial affairs
- ensuring adherence to accounting standards
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management, including the level of balances, closure of accounts and statement of accounts
- setting the framework for reporting financial implications to Cabinet
- providing financial information on the corporate position of the County Council

Updated November 2021

- providing financial advice and information on all the County Council's services
- preparing the overall revenue budget and capital programme, including the three-year rolling medium term financial strategy
- preparing the [Strategic Asset Management Plan](#)~~asset management plan~~
- reporting on the robustness of the estimates made for the purposes of budget calculations, and the adequacy of proposed financial reserves
- effective administration of the treasury management function and aspects of pension fund administration and investment
- preparing the prudential indicators and ensuring adherence to the authorised limits set by Council
- defining standards of financial administration and management throughout the County Council
- defining the competencies of finance employees and for the delivery of effective and appropriate training and development opportunities to those employees
- advising on the adequacy and effectiveness of internal systems of control and internal audit
- delivering appropriate financial training to Members and non-financial staff

2.7.5. The Executive Director of Finance and Commercial Services has the Head of Profession role for all finance staff in the County Council and has a responsibility for their professional standards, competencies, training and development. This includes ensuring that procedures are in place to enable Finance Business Partners for each service to concurrently support the Executive Director of Finance and Commercial Services and their Service Executive Director on key financial matters. Finance Business Partners report to the Director of Financial Management.

2.7.6. The Head of Profession role of the Executive Director of Finance and Commercial Services carries the statutory responsibility laid down by Section 151 of the Local Government Act 1972 to "make arrangements for the proper administration of the County Council's financial affairs." The Director of Financial Management performs the role of the Deputy Section 151 Officer.

2.7.7. Section 114 of the Local Government Finance Act 1988 requires the Executive Director of Finance and Commercial Services to report to each Member of the Council, and the External Auditor, if [it appears to them that the authority](#), the County Council's Cabinet, a joint committee on which the County Council is represented, or one of its officers:

- has made, or is about to make, a decision which involves the County Council incurring unlawful expenditure
- has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency to the County Council
- is about to make an unlawful entry in the County Council's accounts.



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

- the Executive Director of Finance and Commercial Services to nominate a properly qualified member of staff to deputise if he or she is unable to perform personally, the duties under section 114. The Director of Financial Management is nominated to deputise for the Executive Director of Finance and Commercial Services.
- the Authority to provide the Executive Director of Finance and Commercial Services with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

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

## **2.8. Corporate Board**

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

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

## **2.9. Executive Directors**

2.9.1. Executive Directors are responsible:

- for ensuring that the Council is advised of the financial implications of all proposals relating to their respective services and for ensuring that the financial implications have been agreed by the Executive Director of Finance and Commercial Services;
- for consulting with the Executive Director of Finance and Commercial Services and seeking approval on any matter liable to materially<sup>1</sup> affect the County Council's finances before any commitments are entered or incurred. This includes notification to the Executive Director of Finance and Commercial Services as soon as possible in the event of identification of

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<sup>1</sup> I.e. significantly impact on the Council's financial position



Updated November 2021

- overspending or of a shortfall in income against the budget approved by the Council; and
- for ensuring that budget monitoring is undertaken monthly, and that costs are contained within budget. In the event of identification of overspending or a shortfall in income against the budget, Executive Directors are responsible for ensuring that corrective action is managed in a rigorous manner.
- 2.9.2. Executive Directors should maintain a written record where decision-making has been delegated to members of their staff, including seconded staff.
- 2.9.3. Executive Directors' role includes working with outside bodies and accessing additional funds and resources to support the County Council's programme of work.
- 2.9.4. Executive Directors, in consultation with the Director of Procurement, are responsible for evaluating planned capital projects within their services, and capital contracts as they fall due for replacement or extension, in order to:
- identify any potential to reduce whole-life carbon emissions.
  - consider the optimum balance between price and low carbon which can be achieved; and
  - ensure that any identified cost pressures linked to carbon reduction in respect of their capital projects are provided for within capital budgets.
- 2.9.5. Executive Directors, in consultation with the Director of Procurement, are responsible for evaluating contracts within their services as they fall due for replacement or extension, and proposals for new contracts, in order to:
- identify any potential to reduce carbon emissions.
  - consider the optimum balance between price and carbon reduction opportunities which can be achieved; and
  - ensure that any identified cost pressures linked to carbon reduction in respect of their services are provided for within the Council's budget and Medium Term Financial Strategy.

## **2.10. Other Financial Accountabilities**

### **2.10.1. Accounting Policies**

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

### **2.10.2. Accounting Records and Returns**

The Executive Director of Finance and Commercial Services is responsible for the accounting procedures and records for the County Council and must

Updated November 2021

ensure that the financial accounts and financial records of the County Council comply with all accounting policies and standards where applicable and that these standards are applied consistently across the County Council.

### **2.10.3. Annual Statement of Accounts**

The Executive Director of Finance and Commercial Services is responsible for ensuring that the annual Statement of Accounts is prepared in accordance with proper practices as required by the Accounts and Audit Regulations 2015. Proper practices include the Code of Practice on Local Authority Accounting in the United Kingdom (the code) and relevant statutory provisions. Council has delegated responsibility for approving the annual Statement of Accounts to the Audit Committee.

## **3. Financial Planning**

### **3.1. Introduction**

- 3.1.1. The Executive Director of Finance and Commercial Services, in accordance with the strategies, policies and priorities of the County Council, is to be responsible for the proper administration of the financial affairs of the County Council, including multi-year financial planning and control.

### **3.2. Revenue Budget**

- 3.2.1. The consolidated revenue budget is proposed by the Cabinet and is approved by the County Council. The budget should have regard to proper accounting standards and include a statement of the allocation of resources to different services and projects and to proposed council tax levels. Once the overall budget has been approved by County Council, it cannot be increased by the Cabinet, subject to the arrangements set out in paragraph 3.7.5 below.

### **3.3. Capital Budget**

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

### **3.4. Medium Term Planning and Budget Preparation**

- 3.4.1. The County Council is responsible for agreeing the Council's priorities and policy framework. This sets the overall strategic framework for the County Council's services. The Medium-Term Financial Strategy sets out the approach and financial context for the County Council. The Medium-Term Financial Strategy also gives further detail as to how the County Council will

Updated November 2021

deliver plans and resource services over three years. The County Council is responsible for agreeing a rolling three-year balanced budget and agreeing the council tax precept for the following financial year at the February County Council meeting. Executive Directors are collectively responsible for developing a framework and timetable to deliver medium term planning requirements. This framework will include: review of the planning context and the forward budget planning forecast; service priorities and costs; and provide a structure incorporating the development of medium-term service options including efficiencies, financial implications, risk impact and likelihood assessment; Member engagement, public and stakeholder consultation and the decision-making process.

3.4.2. Cabinet is responsible for setting the parameters and providing guidance on the preparation of the budget in consultation with the Executive Director of Finance and Commercial Services. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the County Council's core roles
- all available resources including external funding and income
- fluctuations in demand, and inflation
- changes in grant funding
- best value
- government guidelines
- accounting standards
- the Prudential Code
- The County Council Plan
- [Strategic](#) Asset Management Plan
- Reserves, general and earmarked
- Arms' length bodies

It will also set out the minimum requirements for preparation of budget proposals including:

- option appraisal and use of whole life costing, comparing the relative costs of the options, over the life of the project. For example, whether to lease, purchase or new build;
- risk assessment and owner;
- equality and rural impact assessment, to ensure all the necessary key cross cutting issues are considered, including equality and sustainability; and
- Budget proposals pro-forma templates where appropriate to ensure that budget proposals are developed on a consistent basis.

3.4.3. The Executive Director of Finance and Commercial Services is responsible for ensuring that rolling three-year revenue and capital budget proposals are prepared on an annual basis for consideration by Cabinet. Cabinet is responsible for ensuring that the three-year revenue and capital budget

Updated November 2021

proposals are robust and underpinned by an adequate level of reserves before submission to the County Council. Cabinet will publish to all County Council Members each autumn the financial context for forward financial service planning, a review of the issues relating to the budget for the following financial year, and a timetable for the preparation and approval of the budget. This timetable will take account of the need for discussion and review of the proposals by Select Committees and the Scrutiny Committee and of the need for statutory and other consultation on the budget proposals.

- 3.4.4. It is the responsibility of Executive Directors to ensure that proposals are prepared in accordance with the guidance, to ensure that budgets are set on a sound financial basis and in accordance with best practice including ensuring that they have been risk assessed.
- 3.4.5. The Executive Director of Finance and Commercial Services is responsible for ensuring that proposals demonstrate adherence to the guidance and Members should ensure that any proposed budget amendments are made available to the Executive Director of Finance and Commercial Services at least five working days before the County Council budget meeting. Members should adhere to any agreed protocol for budget amendments. Members' proposed budget amendments must be finalised two working days before the County Council budget meeting in order that the Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In accordance with established culture and practice, proposed budget amendments received in accordance with Financial Regulations will be published in advance of the County Council meeting at which they are to be discussed.
- 3.4.6. The County Council will consider the budget proposals and may adopt them, amend them or substitute its own proposals in their place prior to 1 March. The County Council will agree at least a three-year balanced budget and agree the precept for the following year.

### **3.5. [Strategic](#) Asset Management Plan**

- 3.5.1. The Corporate Property Officer (Director of Property) is responsible for ensuring an [Strategic](#) Asset Management Plan is prepared / updated / reviewed on an annual basis for consideration by Cabinet before submission to County Council.

### **3.6. Decisions**

- 3.6.1. All decisions must be undertaken in accordance with the decision-making and reporting framework set out in the Constitution of the County Council and must comply with the County Council's Financial Regulations and Financial Procedures. Details of financial implications must be provided before any

Updated November 2021

financial decision can be taken. Decisions which commit the County Council to spending over £100m must be referred to Full Council<sup>2</sup>.

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

### **3.7. Budget Monitoring and Control**

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

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

3.7.3. The Executive Director of Finance and Commercial Services is responsible for monitoring the cash flow of the County Council and ensuring this is used to inform borrowing and investment decisions.

3.7.4. It is the responsibility of Executive Directors to control income and expenditure within their area in accordance with the approved budget and to monitor performance, taking account of financial information provided by the Executive Director of Finance and Commercial Services. Executive Directors are responsible for alerting the Executive Director of Finance and Commercial Services and the relevant Cabinet Member(s) or the Leader, to any overspendings or shortfalls in income and for identifying strategies and options for containing spend within the budget approved by the Council. If the overspending or shortfall in income cannot be accommodated within the service's budget this shall be reported to Cabinet.

3.7.5. Any policy proposal, which would have the effect of increasing a Service Department's budget, must be supported by a funding proposal setting out how it can be accommodated within the Service Department's existing budget. Such proposals must be made available to the Executive Director of Finance

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<sup>2</sup> For the avoidance of doubt, although referred to Full Council, the ultimate decision will be in the hands of the executive unless the decision falls outside of the budget and policy framework

Updated November 2021

and Commercial Services at least five working days before the meeting at which they are to be proposed and must be finalised two working days before the meeting in order that the Executive Director of Finance and Commercial Services can report on the robustness of any proposed budget amendments. In the event that the proposal falls outside the scope of the Policy Framework as set out in Article 4 of the Constitution, it must be referred to Full Council for consideration.

- 3.7.6. Any variation or variations to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Director of Procurement.

### **3.8. Virement**

- 3.8.1. Virement is the process of transferring the budget expenditure or income, whether revenue or capital, from one approved budget head to another. The County Council is responsible for agreeing the overall procedures for the virement of budget and the approval of virements between Departments. Executive Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Executive Director of Finance and Commercial Services where required. (The current approved procedures are shown in Annex A).

- 3.8.2. Schools are free to vire between budget heads in the expenditure of their budget shares, but Governors are advised to establish criteria for virements and financial limits above which the approval of the Governors is required.

### **3.9. Treatment of Year-End Balances**

- 3.9.1. Any under and overspendings by Service Departments are required to be reported to Cabinet as part of year-end reporting. Cabinet is responsible for reporting the overall under and overspendings to County Council and making recommendations as to how they are utilised or managed.
- 3.9.2. The Executive Director of Finance and Commercial Services is responsible for putting in place controls to ensure that carry-forward of revenue budget, revenue reserves and revenue grants above agreed limits are documented and reported to all Executive Directors and totals agreed by Cabinet.
- 3.9.3. The Executive Director of Finance and Commercial Services is responsible for putting in place controls to ensure that carry-forward of capital budget, capital reserves and capital grants above agreed limits are documented and reported to all Executive Directors and totals agreed by Cabinet. Any slippage on the capital programme will be carried forward to the next financial year and reported to Cabinet.



### **3.10. Maintenance of Reserves**

- 3.10.1 It is the responsibility of the Executive Director of Finance and Commercial Services to review the County Council's financial risks and planning assumptions and advise the Cabinet and the County Council on prudent levels of reserves and of general balances as part of setting the budget. This advice needs to take account of relevant accounting standards and professional best practice as part of the Council's budget planning process and regular budget monitoring.
- 3.10.2 The annual revenue budget sets out details of the purpose for which earmarked reserves are held and high-level forecasts for the use of such reserves. The timing of the use of reserves may however be uncertain and the annual budget setting process therefore provides the framework in which the use of reserves is agreed. In agreeing the annual revenue budget, the County Council is approving the use of reserves for the purposes for which they have been earmarked, and it is recognised that the timing of this use will be dependent on operational requirements and other factors.
- 3.10.3 Where it is proposed that reserves are to be used for a purpose other than that for which they have been earmarked, this will be subject to approval by Cabinet in-year, based on the advice of the Executive Director of Finance and Commercial Services, with reference to a recommendation from the relevant Executive Director as appropriate in respect of service reserves. There is a general presumption that Cabinet will normally approve recommendations for the use of earmarked reserves which are made by Executive Directors, except where there are wider implications for financial control across the County Council, or delivery of the Council's budget plans. If the Executive Director of Finance and Commercial Services advises that a decision about the use of reserves may have broader implications, Cabinet will recommend a course of action but refer the matter to be decided by the County Council.

~~3.10.33~~ 3.10.4 Cabinet is responsible for approving the creation of a balance sheet reserve (of any value), on the advice of the Executive Director of Finance and Commercial Services). The reserve will be reported to Full Council as part of the annual budget setting process and within reports from Cabinet to Full Council.

## **4 Governance, Risk Management and Internal Control**

### **4.1 Governance**

- 4.1.1 The Audit Committee is primarily responsible for Governance, Risk Management and Internal Control throughout the County Council. Its Terms of Reference are reviewed annually and published as part of Appendix 2 of the Constitution. Any changes are approved by the County Council. The

Updated November 2021

composition is politically balanced and is reviewed at each appointment to the Committee.

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

## **4.2 Internal Control and Internal Audit**

- 4.2.1 Internal control refers to the systems of management and other controls put in place to ensure that the County Council's objectives are achieved in a manner which promotes economic, efficient and effective use of resources and in a way, which ensures that the County Council's assets and interests are safeguarded.
- 4.2.2 The Executive Director of Finance and Commercial Services is responsible for advising on adequate and effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant best practice.
- 4.2.3 It is the responsibility of Executive Directors, having regard to advice from the Executive Director of Finance and Commercial Services, to establish sound arrangements for internal control including planning, appraising, authorising and controlling their operations to achieve continuous improvement, economy, efficiency and effectiveness and in order to achieve their targets.
- 4.2.4 The Accounts and Audit Regulations 2015 require the County Council to:
- undertake an adequate and effective internal audit;
  - review the effectiveness of its internal audit, at least annually; and
  - ensure the Audit Committee considers the findings of that review as part of its consideration of the system of internal control for the County Council.
- 4.2.5 The Leader of the Council and the Head of Paid Service are responsible for signing the Annual Governance Statement that should be produced following an annual review of systems of internal control. The Annual Governance Statement is published with the annual Statement of Accounts.

## **4.3 Risk Management**

- 4.3.1 The County Council through the Cabinet is responsible for approving the County Council's Risk Management Policy as part of the risk management and framework, its implementation and ensuring that proper insurance exists where appropriate.



Updated November 2021

4.3.2 The Audit Committee is responsible for reviewing the effectiveness of the County Council's risk management arrangements. It will receive risk management reports at least four times a year and take appropriate action to ensure that corporate business risks are being actively and appropriately managed. Annually, it will report on risk management to the County Council.

4.3.3 The Executive Director of Finance and Commercial Services is responsible for informing the preparation of the County Council's Risk Management Policy as part of the risk management and Framework, for promoting it throughout the County Council and for advising the Cabinet on proper insurance cover where appropriate. The Executive Director of Finance and Commercial Services will also report on the Corporate Risk Register quarterly to the Cabinet, to each meeting of the Audit Committee, and ensure that Executive Directors report their ~~full~~ departmental risk register to the Cabinet at least once per annum.

#### **4.4 External Audit**

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

4.4.2 The County Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

4.4.3 External auditors have a responsibility to satisfy themselves that the County Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. This judgement is based on criteria specified by the National Audit Office. The Executive Director of Finance and Commercial Services, in conjunction with Executive Directors, must ensure that the organisation makes best use of resources and that taxpayers and / or service users receive value for money.

#### **4.5 Anti-Fraud, Bribery and Corruption**

4.5.1 In managing its responsibilities, the County Council is determined to protect itself against fraud and corruption both from within the County Council and from outside. The County Council is committed to maintaining a strong anti-fraud and corruption culture through its Anti-Fraud and Corruption Policy. This is designed to:

- encourage prevention;
- promote detection;
- identify a clear pathway for investigation; and
- fulfil the requirements of Section 17 of the Crime and Disorder Act 1998

- 4.5.2 The County Council expects Members and staff at all levels to lead by example in ensuring adherence to legal requirements, rules, procedures and practices and internal controls including internal checks.
- 4.5.3 Executive Directors are responsible for ensuring that internal controls are such that fraud, bribery or corruption will be prevented, where possible, and the measures in the Anti-Fraud, Bribery and Corruption Policy are promoted.
- 4.5.4 Under the Anti-Fraud, Bribery and Corruption Policy, an Executive Director is required to immediately inform the Executive Director of Finance and Commercial Services of any financial irregularity or suspected financial irregularity.
- 4.5.5 The County Council expects that all who have dealings with it have a similar anti-fraud, bribery and corruption ethos and that they have no intent or actions with respect to fraud, bribery and corruption. (The County Council has issued guidance in “How to do business with Norfolk County Council” including whistleblowing, to support this).

#### **4.6 Money Laundering and Proceeds of Crime**

- 4.6.1 The County Council has adopted an anti-money laundering policy and procedures intended to prevent the use of proceeds from crime. This policy has been developed with regard to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.
- 4.6.2 The County Council has nominated the Director of Governance to perform the role of Money Laundering Reporting Officer (MLRO) whose principal role is to receive, consider and respond to any reports received of known or suspected money laundering.
- 4.6.3 Executive Directors are responsible for ensuring that:
- all staff most likely to be exposed to, or suspicious of, money laundering situations are made aware of the requirements and obligations placed on the County Council and themselves by legislation;
  - those staff considered most likely to encounter money laundering are given appropriate training (nplaw can provide relevant in-house training);
  - departmental procedures are established to help forestall and prevent money laundering, including making arrangements for reporting concerns about money laundering to the MLRO; and
  - periodic and regular assessments are undertaken of the risks of money laundering that may exist in their Departments.

## **4.7 Treasury Management**

- 4.7.1 The County Council has adopted the CIPFA Code of Practice for Treasury Management in the Public Services and complies with the CIPFA Prudential Code when carrying out borrowing and investment activities under Part 1 of the Local Government Act 2003.
- 4.7.2 The County Council is responsible for the setting and revising of prudential indicators and for the approval of the Annual Investment and Treasury Strategy.
- 4.7.3 The County Council has delegated responsibility to the Executive Director of Finance and Commercial Services for the execution and administration of treasury management decisions, including decisions on borrowing, investment, financing (including leasing) and maintenance of the counter party list. The counter party list contains details of those banks, building societies and other bodies that meet the County Council's criteria for investment. The Executive Director of Finance and Commercial Services has delegated authority to effect movement between the separately agreed limits for borrowing and other long-term liabilities reflected in the Prudential Code's operational and authorised limits. The Executive Director of Finance and Commercial Services is required to act in accordance with the County Council's Treasury Management Policy Statement and Treasury Management Practices and CIPFA's Standards of Professional Practice on Treasury Management in accordance with external advice.
- 4.7.4 The Executive Director of Finance and Commercial Services will prepare for County Council an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close. In addition, the Executive Director of Finance and Commercial Services will regularly report to the Treasury Management Panel and the Cabinet on treasury management policies, practices, activities and performance monitoring information.
- 4.7.5 The Executive Director of Finance and Commercial Services is responsible for:
- monitoring performance against prudential indicators, including reporting significant deviations to the Cabinet and County Council as appropriate.
  - ensuring all borrowing and investment decisions, both long and short term, are based on cash flow monitoring and projections.
  - ensuring that any leasing financing decisions are based on full options appraisal and represent best value for the County Council, in accordance with the County Council's leasing guidance.
  - the provision and management of all banking services and facilities to the County Council.

## 4.8 Norfolk Pension Fund

- 4.8.1 The Local Government Pension Scheme (LGPS) is a national pension scheme, administered locally with its own regulator (the Ministry of Housing, Communities and Local Government Department for Levelling Up, Housing and Communities (DLUHC)), ~~which is administered locally.~~
- 4.8.2 The County Council is the Administering Authority of the Norfolk Pension Fund and administers the LGPS on behalf of all the participating employers and scheme members. Norfolk County Council is also an employer within the scheme.
- 4.8.3 Norfolk County Council delegates all its responsibilities as Administrator of the scheme to the Pensions Committee who act as quasi-trustee of the Fund.
- 4.8.4 All Pension Fund assets are separate from the County Council, and all costs and income are accounted for separately. The Fund has a separate bank account.
- 4.8.5 The Pensions Committee is responsible for all aspects of the administration of the scheme. This includes responsibility for deciding upon the best way in which the Pension Fund is to be invested with appropriate regard to its fiduciary responsibilities.
- 4.8.6 Advice is received as required from professional advisers. The Pensions Committee formally reviews the performance of investments and the overall strategy on a regular basis. The Fund is invested in compliance with the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016. The 2016 Regulations introduced the requirement for LGPS funds to pool investment assets from the 1st April 2018.
- 4.8.7 In order to facilitate the pooling of assets, the Norfolk Pension Fund has entered into an Inter-Authority Agreement with 10 other Administering Authorities, collectively known as the ACCESS (A Collaboration of Central, Eastern & Southern Shires) Pool. The ACCESS Funds are Cambridge, East Sussex, Essex, Hampshire, Hertfordshire, Isle of Wight, Kent, Norfolk, Northamptonshire, Suffolk and West Sussex.
- 4.8.8 The Pensions Committee is also responsible for the appointment and monitoring of Investment Managers, Custodian and other related service providers to the Fund.
- 4.8.9 The Executive Director of Finance and Commercial Services is responsible for the administration and financial accounting of the Norfolk Pension Fund. The Executive Director of Finance and Commercial Services is responsible for the preparation of the Pension Fund statutory accounts and annual report. The

Updated November 2021

County Council delegates responsibility for the approval of the annual Pension Fund statutory accounts to the Audit Committee.

4.8.10 The Norfolk Pension Fund has adopted an Investment Strategy Statement ~~(formerly the Statement of Investment Principles)~~ in relation to the investment of the assets. This Statement includes details of compliance with recognised good investment practices. It is the Pensions Committee's responsibility to monitor the Fund's position in relation to the Investment Strategy Statement.

4.8.11 The Pension Fund maintains a Funding Strategy Statement, which sets out the Fund's approach to funding liabilities, based on principles agreed by the Pensions Committee. The Pension Fund is committed to providing clear, relevant, accessible and timely information to all stakeholders and to this end publishes and maintains a Customer Care and Communication Strategy Statement and a Governance Statement.

4.8.12 The Executive Director of Finance and Commercial Services ensures compliance with relevant regulatory and legislative guidelines and for keeping records of all scheme members, calculation and payment of benefits, transfers between schemes and the collection of contributions from participating employers.

4.8.13 In line with all public service pension schemes, LGPS Funds are required to have a local Pensions Board. The Board helps ensure that the Fund is managed and administered effectively and efficiently and complies with the Code of Practice on Governance and Administration of Public Service Pension Schemes issued by the Pensions Regulator. In Norfolk the local pension board is known as the Pensions Oversight Board and is made up of scheme member and scheme employer representatives with an independent chair.

## **5 Assets, Systems, Processes and Records**

### **5.1 Introduction**

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

### **5.2 Data Management**

5.2.1 ~~The Corporate Board~~[Cabinet](#) is responsible for ensuring that policies and procedures are in place to enable management of data to support effective decision-making.

5.2.2 It is the responsibility of the Executive Directors to ensure data management policies are understood and used effectively within their services.

### 5.3 Financial Processes and General Data Protection Regulations

5.3.1 The Executive Director of Finance and Commercial Services is responsible for the determination and operation of the County Council's accounting processes, for the form of accounts and for the supporting financial records. The Executive Director of Finance and Commercial Services must approve any changes made by Executive Directors to the financial processes or the establishment of new processes, including IT systems.

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

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

5.3.4 Executive Directors must ensure that all staff are aware of their responsibilities under the Code of recommended practice for local authorities on data transparency. These include:

- The requirement to maintain an inventory of data sets.
- The general requirement that, where data is published, it should be in a non-proprietary format and published in a timely fashion.
- The requirement to publish certain, specified data sets.

5.3.5 To ensure that open data which is published corporately is accurate and complete, Executive Directors must ensure that:

- All contracts over £50,000 are registered on the corporate contracts register maintained by the procurement team.
- All goods and services are ordered via one of the council's electronic ordering systems (for general purposes, Oracle iProcurement).
- All goods and services are ordered in advance and purchase order descriptions are accurate and complete.
- All changes of structure are notified to HR.

### 5.4 Schemes of Authorisation and Financial Responsibility

5.4.1 It is the responsibility of Executive Directors to ensure that the scheme of authorisation and financial responsibility is implemented using Budget Manager and is operating effectively. The scheme of authorisation and



Updated November 2021

financial responsibility identifies staff authorised to act on the Executive Director's behalf, or on behalf of the County Council, in respect of payments, income collection and procurement (including ordering). Procurement authorisations shall be made in accordance with the requirements of Contract Standing Orders. For clarity, staff identified to act in this way will be required to formally accept their responsibilities under the scheme of authorisation and financial responsibility.

## **5.5 Income Collection**

- 5.5.1 The Executive Director of Finance and Commercial Services is responsible for the provision and management of all income collection arrangements for the County Council.
- 5.5.2 Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control. The Debt Recovery Policy and Framework forms part of the Financial Procedures and is required to be followed by all parties involved in the recovery of monies owed to the Council.

## **5.6 Payments to Employees, Third Parties and Members**

- 5.6.1 Except for schools, the Executive Director of Finance and Commercial Services is responsible for all payments of salaries and wages to all staff, including payments for overtime, goods and services provided, and for the payment of allowances to elected Members. Schools have delegated responsibility under the [Local Management of Schools \(LMS\)](#) scheme.

## **5.7 Taxation**

- 5.7.1 The Executive Director of Finance and Commercial Services is responsible for advising Executive Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues, including VAT, that affect the County Council. [Executive Directors are responsible for ensuring that such advice is complied with within their services.](#)
- 5.7.2 The Executive Director of Finance and Commercial Services is responsible for maintaining the County Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- ~~5.7.25.7.3~~ [The Executive Director of Finance and Commercial Services will ensure that VAT incurred in relation to "exempt" business income is not at risk of exceeding the partial exemption limit in any financial year and undertake the annual calculation after year-end.](#)

## **5.8 Trading Accounts**

- 5.8.1 Cabinet must approve the establishment of all Trading Accounts. Trading Accounts are required for all services that provide goods or services to a third party on a traded basis or where the organisation has identified that a service should operate as a separate trading unit.
- 5.8.2 The Executive Director of Finance and Commercial Services is responsible for the form of the trading accounts included in the Trading Framework document. Executive Directors are responsible for reporting on the activities of any trading organisation within their respective areas of service, taking account of current accounting standards and best practice in reporting.

## **5.9 Monitoring Reporting**

- 5.9.1 Executive Directors are responsible for ensuring that monthly budget monitoring reports for both revenue and capital expenditure and income are produced for their respective areas of service. The Executive Director of Finance and Commercial Services is responsible for regularly reporting the details (including compliance with the Prudential Code) to Cabinet.
- 5.9.2 Any variation, or variations, to a contract which in aggregate result in additional costs exceeding 5% of the original contract value or £50,000 (whichever is the greater) shall be subject to the prior approval of the Director of Procurement.

## **5.10 Companies, Trusts and Charities**

- 5.10.1 Cabinet is responsible for:

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

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



Updated November 2021

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

5.10.4 The Executive Director of Finance and Commercial Services is responsible for reviewing the ongoing viability of such entities and regularly reporting the performance of their activities, with a view to ensuring that the County Council's interests are being protected.

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

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

5.10.7 The Executive Director of Finance and Commercial Services and Director of Governance should be contacted for assistance at an early stage to discuss the proposals.

## **5.11 Early payments and loans to suppliers and service providers**

### **5.11.1 Early Payments**

In the normal course of business, the County Council may on occasion make early payments (ahead of contractual payment terms). These are agreed on a case by case basis, entirely at the discretion of the County Council, and (where appropriate) taking into account the overall value of the contract and the implications of any failure of service provision. Any decision to vary a contract by amending the payment terms shall be taken in accordance with Regulation 72 of the Public Contracts Regulations 2015. The Council has a protocol in place which governs the amendment of payment terms for existing contracts. This protocol covers both permanent, ongoing arrangements and one-off requests for early payment. The Council's Contract Standing Orders set out the general principle that advance payment terms should not be offered during procurement activities other than in exceptional circumstances. In all cases, care must be taken to ensure the Council is not committed to making infeasibly fast payments. There are broadly three scenarios which may arise:

### 5.11.2 Payment ahead of terms

Where suppliers or service providers experiencing cash flow difficulties or other financial hardship seek payment ahead of terms but not in advance of the supply of goods or services, the contract manager, in conjunction with the relevant Finance Business Partner, may agree to payment ahead of terms provided that an appropriate discount is secured. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e., payment made ahead of terms with no discount required).

Where suppliers or service providers which are not in financial difficulties seek payment ahead of terms but not in advance of the supply of goods or services, the Director of Procurement, in conjunction with the relevant Finance Business Partner, may agree to payment ahead of terms provided that an appropriate discount is secured. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e. payment made ahead of terms with no discount required).

### 5.11.3 Payment in advance of goods or services being supplied

Due to the credit risk involved, only the Executive Director of Finance and Commercial Services, Director of Financial Management or Assistant Director of Finance (FES) may agree to vary a contract to allow for payment in advance of goods or services being delivered, subject to an appropriate discount being secured, and taking into account ~~subsidy~~ state aid considerations. For the avoidance of doubt, at the discretion of the Council, a discount may be set at zero (i.e. payment made ahead of terms with no discount required), but only with the approval of the Executive Director of Finance and Commercial Services.

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

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

Updated November 2021

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

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

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

~~5.11.75.11.8~~ [Any loan arrangements not specifically covered above, including mid to longer term loans made for other purposes, will be subject to approval by the Executive Director of Finance and Commercial Services, or the Director of Financial Management, following consultation with the Leader and / or Deputy Leader. Any loans made in this way will be reported to Cabinet.](#)

## **5.12 Contract Standing Orders**

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

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

5.12.3 Any award with a value exceeding £30,000 entered into on behalf of the Council must be evidenced by way of a contract. Such contracts must either be signed by at least two authorised officers of the Council or made under the common seal of the Council attested by at least one authorised officer.

### **5.13 Assets**

5.13.1 Executive Directors should ensure that records of assets are properly maintained and securely held (in practice property asset records are kept by the Corporate Property Team on behalf of Executive Directors). Executive Directors should also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

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

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

5.13.4 All property disposals (including lease surrenders/assignments), acquisitions and other property transactions (such as granting / taking licences, granting of easements and wayleaves to statutory undertakers etc., granting tenancies at will) are to be made only by the Council's Corporate Property Officer (Director of Property). In reaching decisions on the disposal of land and property, the County Council should give due consideration to the advice of the Corporate Property Officer (Director of Property). The Council's named and designated Corporate Property Officer (Director of Property) may, in accordance with arrangements approved by the Executive Director of Finance and Commercial Services, dispose of property assets, acquire property assets and approve of property transactions as set out in the tables at 5.13.6 and 5.13.7 below. Proposals for disposals, acquisitions and other property transactions must involve the Local Member as set out within the Local Member Protocol in the Constitution (Annex to Appendix 5 of the Constitution).

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

#### **5.13.6 Disposals**

The disposal of surplus assets will be undertaken as follows:

#### **Property Disposal**

Updated November 2021

<u>Disposal value* £m</u>	<u>Responsibility and authorisation</u>
<u>Over £1.250m (unless covered by a specific item in the budget)</u>	<u>Cabinet</u>
<u>Over £0.250m and up to and including £1.250m</u>	<u>Cabinet Member for Commercial Services and Asset Management</u>
<u>Over £0.050m and up to and including £0.250m</u>	<u>Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services</u>
<u>Up to and including £0.050m</u>	<u>Corporate Property Officer (Director of Property)</u>
<u>All disposals at less than best consideration (irrespective of value)</u>	<u>Cabinet</u>
<u>Disposal value* £m</u>	<u>Responsibility and authorisation</u>
<del>Over £1.250m (unless covered by a specific item in the budget)</del>	<del>Cabinet</del>
<del>Over £0.500m</del>	<del>Cabinet</del>
<del>Over £0.250m and up to and including £1.250m</del>	<del>Cabinet Member for Commercial Services and Asset Management</del>
<del>£0.250m and up to and including £0.500m</del>	<del>Executive Director in consultation with Executive Director of Finance and Commercial Services</del>
<del>Over £0.050m and up to and including £0.250m</del>	<del>Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services</del>
<del>Up to but not including £0.250m</del>	<del>Executive Director</del>
<del>Up to and including £0.050m</del>	<del>Corporate Property Officer (Director of Property)</del>

### Other Asset Disposal

<u>Disposal value* £m</u>	<u>Responsibility and authorisation</u>
<u>Over £1.250m (unless covered by a specific item in the budget)</u>	<u>Cabinet</u>
<u>Over £0.500m</u>	<u>Cabinet</u>
<u>Over £0.250m and up to and including £1.250m</u>	<u>Cabinet Member for Commercial Services and Asset Management</u>
<u>£0.250m and up to and including £0.500m</u>	<u>Executive Director in consultation with Executive Director of Finance and Commercial Services</u>
<u>Over £0.050m and up to and including £0.250m</u>	<u>Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services</u>

Updated November 2021

Disposal value* £m	Responsibility and authorisation
Up to but not including £0.250m	Executive Director
All disposals at less than best consideration (irrespective of value) Up to and including £0.050m	Corporate Property Officer (Director of Property) Cabinet

### **Leases:**

Disposal value* £m	Responsibility and authorisation
All leases out or lease out renewals where the total value (annual rent multiplied by lease term) is more than £1.250m, or the term is over 20 years	Cabinet
All leases out or lease out renewals where the total value (annual rent multiplied by lease term) is over £0.250m and up to and including £1.250m, and the term is for 20 years or less	Cabinet Member for Commercial Services and Asset Management
All leases out or lease out renewals where the total value (annual rent multiplied by lease term) is up to and including £0.250m and the term is for 20 years or less	Corporate Property Officer (Director of Property)

### **Farm Business Tenancies**

#### **Property Disposal:**

Disposal value* £m	Responsibility and authorisation
Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is more than £1.250m, or the term is over 20 years	Cabinet
Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is over £0.250m and up to and including £1.250m, and the term is for 20 years or less	Cabinet Member for Commercial Services and Asset Management
Farm business tenancies or renewals where the total value (annual rent multiplied by tenancy term) is up to and including £0.250m, and the term is for 20 years or less	Corporate Property Officer (Director of Property)

Updated November 2021

### Other Property Transactions:

Disposal value* £m	Responsibility and authorisation
Granting of all: <ul style="list-style-type: none"> <li>i. Licences</li> <li>ii. Leases, easements and wayleaves to statutory undertakers</li> <li>iii. Granting of easements and wayleaves</li> <li>iv. Tenancies at will</li> <li>v. Lettings in accordance with the Mobile Home Act 1983</li> </ul>	Corporate Property Officer (Director of Property)

\*Disposal value in these tables refers to the valuation of the asset, irrespective of the consideration to be received.

#### 5.13.7 -Acquisitions

Acquisitions of assets will be undertaken as follows:

#### Property Acquisitions

~~Property~~

~~Other Assets~~

Acquisition value £m	Responsibility and authorisation
Over £1.250m	Cabinet
<del>Over £0.250m</del>	<del>Cabinet</del>
Over £0.250m and up to and including £1.250m	Cabinet Member for Commercial Services and Asset Management
<del>Up to and including £0.250m</del>	<del>Executive Director</del>
Over £0.050m and up to and including £0.250m	Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services
Up to and including £0.050m	Corporate Property Officer (Director of Property)

#### Other Asset Acquisitions

<u>Acquisition value £m</u>	<u>Responsibility and authorisation</u>
<u>Over £0.250m</u>	<u>Cabinet</u>
<u>Up to and including £0.250m</u>	<u>Executive Director</u>

#### Leases



**Property Acquisitions**

Acquisition value £m	Responsibility and authorisation
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is above £1.250m, or the term is over 20 years	Cabinet
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is over £0.250m and up to and including £1.250m, and the term is for 20 years or less	Cabinet Member for Commercial Services and Asset Management
Lease acquisitions and renewals where the proposed total rental value (annual rent multiplied by lease term) is up to and including £0.250m, and the term is for 20 years or less	Corporate Property Officer (Director of Property)

**Other Property Transactions**

Acquisition value £m	Responsibility and authorisation
Acquisition of all i. Licences ii. Leases, easements and wayleaves from statutory undertakers iii. Easements and wayleaves from other third parties. iv Tenancies at Will	Corporate Property Officer (Director of Property)

~~5.13.65.13.8~~ 5.13.8 The following activities are business as usual and will be approved by the Director of Property:

Where NCC acts as landlord or where NCC acts as tenant:

- Determination (ending of), surrender, assignment or forfeiture of leases, licences and other property rights.
- Agreeing dilapidations.
- Landlord consents (granting and requesting).
- Rent reviews.
- Agreeing sub leases.
- Minor alterations to lease in/lease out agreements to ensure the agreement is completed.



Updated November 2021

For freehold property disposed of or acquired:

- Agreeing overage and claw back provisions.
- Minor alterations to disposal or acquisition agreements to ensure the agreement is completed.

~~5.13.75.~~13.9 The government has consulted on regulations (the proposed Local Authorities (Functions and Responsibilities) (England) Regulations 2015) which would require any decision to dispose of land and buildings with a value above £500,000 to be agreed by the Full Council. The regulations above show the responsibility is with Cabinet / the Cabinet Member for Commercial Services and Asset Management pending the outcome of the consultation. As at October 2020 these have not yet been enacted. If enacted, the following thresholds would apply:

Disposal value	Responsibility and authorisation for land and buildings
Up to and including £0.050m	Corporate Property Officer (Director of Property)
Over £0.050m and up to and including 0.250m	Corporate Property Officer (Director of Property) in consultation with the Executive Director of Finance and Commercial Services
Over £0.250m and up to and including £0.500m	Cabinet Member for Commercial Services and Asset Management
Over £0.500m and all disposals at less than best consideration (irrespective of value)	Full Council

~~5.13.85.~~13.10 The County Council has an aspiration to at least maintain the size of its current County Farms estate, under the County Farms policy agreed by the County Council in October 2014. To that end any capital receipts from the sale of County Farm land will be treated in the following way:

For all County Farms land that is sold:

- If it is sold as **agricultural land**, 100% of the capital receipt will be hypothecated towards further acquisitions of County Farm land / capital improvements to the County Farm estate that produce a revenue uplift.
- If it is sold as **residential/development** land:
  - A valuation will be undertaken to establish the value of the land, should it have been sold without planning permission. That value will then be hypothecated towards further County Farm acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.

Updated November 2021

- The balance of the sale value will be split:
  - 65% towards general capital receipts to be utilised by the Council for any purpose.
  - 35% will be put into a reserve for the use of County Farms for further acquisitions / capital improvements to the County Farm estate that produce a revenue uplift.
  - If this reserve reaches £3m in value, then any additional receipts will be made available for general Council use for any purpose

## **5.14 Making Grants**

5.14.1 Executive Directors are authorised by the Scheme of Delegated Powers to Officers to make grants (subject to any specific grant thresholds set out in the limitations on officers delegated powers within the Constitution). Executive Directors are responsible for ensuring that:

- adequate records are kept for the required period;
- controls are in place to ensure any grant conditions will be met, with provision to recover / claw back unused grant as appropriate;
- grant payments made by their department do not constitute a breach of subsidy rules; and
- any requirements to notify Members under the Local Member Protocol are complied with.

5.14.2 When making grant decisions or awards, Norfolk County Council must reserve the right to refuse (or recover) funding awarded by the authority if it is found that the recipient, or anyone connected to the use of the funding provided, is an active participant in support of extremist views / activity that is contra to the Authority's duty of due regard in relation to the Prevent Duty 2011.

## **5.15 Retention of Financial Records**

5.15.1 The County Council has a specific policy in place on the minimum retention periods for financial records and these periods are set out in the corporate records retention and disposal scheme. Executive Directors should ensure records are maintained and held securely for the correct period, after which they should be disposed of in accordance with the procedures.

## **6 External Arrangements**

### **6.1 Introduction**

6.1.1 Where the County Council operates in a devolved environment or through a partnership or other arrangements, the Executive Director of Finance and Commercial Services must ensure that the roles and responsibilities for each

Updated November 2021

of the activities and tasks in maintaining financial administration and stewardship are clearly defined, allocated and operated effectively.

## **6.2 Partnerships**

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

6.2.2 Separate governance arrangements will exist for external boards / partnerships / joint ventures and decisions taken by Council Members at these boards that affect Norfolk County Council will still be subject to the Norfolk County Council Constitution.

6.2.3 The Executive Director of Finance and Commercial Services must ensure that the accounting and reporting arrangements to be adopted relating to partnerships and joint ventures, as defined within Financial Procedures, are satisfactory. The Executive Director of Finance and Commercial Services and Director of Governance must consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

6.2.4 Executive Directors are responsible, in consultation with the Executive Director of Finance and Commercial Services and Director of Governance, for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. They should also ensure that the risks identified above are mitigated where possible.

## **6.3 External Funding**

6.3.1 The Executive Director of Finance and Commercial Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the County Council's accounts. Executive Directors are responsible for ensuring that the Executive Director of Finance and Commercial Services is notified of external funding bids at an early stage. If there are conditions associated with funding, Executive Directors are responsible for ensuring that adequate records are kept for the required period and controls are in place to ensure that any grant conditions will be met, with provision in place to repay any amounts deemed non-compliant with the conditions.

6.3.2 The receipt of grants and acceptance of other external funding, outside of the annual budget setting process, should be undertaken in line with the approvals set out in the scheme of virement in Annex A. This reflects the fact that this type of income may have clawback provisions that could have a

Updated November 2021

budgetary impact, and there should be transparency about the source of funding for any increase in spending within a service.

## **6.4 Financial Guarantees**

- 6.4.1 Executive Directors must inform the Executive Director of Finance and Commercial Services of all proposals that may require a financial guarantee prior to implementation.
- 6.4.2 The Executive Director of Finance and Commercial Services is responsible for ensuring that any proposed financial guarantee requirement is within the powers of the County Council and shall consult with the Director of Governance as appropriate. As a matter of principle, the County Council seeks to avoid providing financial guarantees. Any guarantees that are provided will be reported to Cabinet in financial monitoring reports.
- 6.4.3 Requirements for suppliers to provide the County Council with either bonds or guarantees shall be agreed with the Corporate Property Officer (Director of Property) (for property contracts) or the Director of Procurement (for other contracts)

## **6.5 Work for Third Parties**

- 6.5.1 Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies, not already covered by the Scheme of Authorisation to Executive Directors.

## **6.6 ~~State Aid~~Subsidy and Competition**

- 6.6.1 Executive Directors are responsible for ensuring that any payments (or payments in kind) made by their department do not constitute a subsidy~~State Aid~~ or breach rules on competition. Subsidy (which includes the provisions which pre-date the UK-EU Trade and Co-operation Agreement where a project began when the UK was a member of the EU or during the subsequent transition period) are measures which mean that a level playing field for open and fair competition and sustainable development cannot be ensured. Typical examples can include:~~State Aid (which is governed by EU regulations) is the illegal subsidy of commercial activity from public funds, and could arise, for example, from the following:~~

### 6.6.26.6.1

- Cheap loans
- Grant funding
- Sharing staff, equipment or accommodation (particularly with wholly owned companies)
- Waiver of deductions due on contracts.

Updated November 2021

~~6.6.36.6.2~~ If an Executive Director is unsure as to whether a payment or payment in kind would constitute a subsidy~~State Aid~~ or anti-competitive practice, the advice of the Executive Director of Finance and Commercial Services should be sought in consultation with the Director of Governance where appropriate.

## **6.7 Projects / Business Cases (including Private Finance 2 (PF2)<sup>3</sup>)**

6.7.1 Executive Directors considering projects or business cases should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission ~~to the County Council or Cabinet (Cabinet if less than £100m).~~

6.7.2 County Council / Cabinet are responsible for approving material projects / business cases at all key stages. The Executive Director is responsible for ensuring that such approvals are sought and obtained from County Council / Cabinet in a timely manner.

6.7.3 There will not be a maximum payback period for carbon reduction projects where the Executive Director of Finance and Commercial Services agrees that the net present value of the project is positive, after allowing a reasonable contingency for risk.

~~6.7.36.7.4~~ The Executive Director of Finance and Commercial Services is responsible for:

- ensuring that the project / business case has the necessary support from appropriately skilled financial and procurement specialists at all stages of its procurement, as well as during the operational stage
- ensuring that the necessary banking arrangements are available in time for the project to commence
- endorsing the outline business case, including underlying financial assumptions, value for money, and ability to deliver
- ensuring that the financial implications of all projects are incorporated in financial planning.

Executive Directors are responsible for:

- preparing a business case for submission ~~to County Council / Cabinet~~ prior to commencing the procurement process

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<sup>3</sup> Private Finance 2 (PF2) is the current model of Private Finance Initiative (PFI) for new Government projects. At the Autumn Budget 2018, the Government announced that it would no longer use PF2, although existing PFI and PF2 contracts were not affected by the announcement. In the event that PF2 or a successor scheme were to become an option in future, Executive Directors considering such projects should consult with the Executive Director of Finance and Commercial Services during the preparation of the business case for submission ~~to the County Council or Cabinet (Cabinet if less than £100m).~~

Updated November 2021

- ensuring that the project has the necessary support from appropriately skilled legal and procurement specialists at all stages of its procurement, as well as during the operational stage
- compliance with Contract Standing Orders
- ensuring that, at all stages, cost estimates for both the capital and revenue expenditure are carefully made and reviewed to ensure that they are robust before seeking formal approval from County Council / Cabinet
- ensuring that procedures are in place to limit, as far as reasonably possible, the likelihood of the County Council failing to pay the contractor on time, or otherwise defaulting or making an overpayment
- informing the Executive Director of Finance and Commercial Services of any matter that may lead to termination under the contract. Cabinet is required to approve termination of a contract by use of the Authority Default provisions
- fully considering the risks associated with undertaking a project and reporting them to Cabinet when they are considering the approval of a project
- ensuring that any dedicated bank accounts necessary to enable their projects to function efficiently are set up and properly operated. Any bank accounts opened in the name of the County Council require the approval of the Executive Director of Finance and Commercial Services.

~~6.7.46~~6.7.5 In relation to existing PFI and PF2 contracts, Executive Directors are responsible for ensuring that deductions required to the unitary payment for the unavailability of the contracted service or a performance shortfall are made in full in a timely manner. If another service or asset is proposed in exchange for foregoing such deductions, the Executive Director of Finance and Commercial Services is responsible for ensuring that the alternative proposal has a value equal to the foregone deductions.

~~6.7.56~~6.7.6 Where the County Council has the right to make a deduction under the contract, any waiver of the deduction shall be treated as a write-off of debt and shall be covered by the Council's Debt Recovery procedure. When considering the thresholds for approval of the write off, all deductions due in a financial year should be aggregated together.

~~6.7.66~~6.7.7 Private Finance transactions contain complex financial arrangements including (usually) a Funder's Direct Agreement that can obligate the County Council to take over the responsibility for the Contractor's debt in the event of Authority or Contractor default. It is the responsibility of the Executive Director to ensure that the Executive Director of Finance and Commercial Services has all the relevant information regarding these arrangements and of any material financial matters. It is the responsibility of the Executive Director of Finance and Commercial Services to account for the arrangements in accordance with the relevant regulations and proper accounting practice.

## **6.8 Social Impact Bonds (SIBs)**



Updated November 2021

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

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

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

- ensuring that the project has the necessary support from appropriately skilled financial and procurement specialists at all stages of its procurement, as well as during the operational stage
- endorsing the outline business case, including underlying financial assumptions, value for money, and ability to deliver
- ensuring that the financial implications of all SIBs are incorporated in financial planning.

6.8.4 Executive Directors are responsible for:

- preparing a business case for submission to Cabinet at an appropriate point
- ensuring that the project has the necessary support from appropriately skilled legal and procurement specialists at all stages of its procurement, as well as during the operational stage
- compliance with Contract Standing Orders
- ensuring that, at all stages, cost estimates are carefully made and reviewed to ensure that they are robust, that a sufficient budget is available to fund the anticipated level of outcome payments, and there are measures in place to limit the County Council's exposure to uncapped outcome payments
- ensuring that procedures are in place to limit, as far as reasonably possible, the likelihood of the County Council failing to pay the investor on time, or otherwise defaulting or making an overpayment

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

## **Annex A**

### **Norfolk County Council's Scheme of Virement**

#### **Background**

1. The scheme of virement is intended to enable Cabinet, Executive Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the County Council, and therefore to optimise the use of resources.
  2. The scheme is administered by the Executive Director of Finance and Commercial Services within guidelines set by the County Council. Any variation from this scheme requires the approval of the County Council.
  3. The overall budget is approved by the County Council. Executive Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure – both revenue and capital. For the purposes of this scheme, a budget head is considered to be the subdivision of Departmental / service budgets as reported in the County Council Budget Book for the relevant year. Virement does not include the switching of resources between revenue and capital.
  4. Virement does not create additional overall budget liability. Executive Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Executive Directors must plan to fund such commitments from within their own budgets.
  5. The capital and revenue budgets may contain block allocations of funding for specific purposes. The movement of resources from a block allocation to a specific identified scheme does not constitute a virement provided that the expenditure being incurred is in accordance with the original policy decision agreed by the County Council. If an Executive Director wishes to transfer funding from a block allocation and use it for a different purpose, for example, the transfer of purchase of care from one client group to a different client group, the rules below will apply.
- 5.6. The scheme also covers receipt of grants and acceptance of other external funding, outside of the annual budget setting process.



**Revenue**

~~6.7.~~ County Council is responsible for agreeing virement **between** services (as shown in the budget report to County Council in February each year), and where the virement has a value in excess of £200,000.

~~7.8.~~ Cabinet is responsible for agreeing virement **between** services where the virement has a value of up to £200,000, subject to the prior agreement of the virement by the service department(s) concerned.

~~8.9.~~ County Council is also responsible for agreeing virements between budget heads defined in 3 above – **within** services, where the virement has a value in excess of 1% of the net budget of the service (as shown in the budget report to County Council in February) or £100,000 – whichever is the higher. For Children's Services, net budget is calculated exclusive of amounts delegated to schools.

~~9.10.~~ All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services.

~~10.11.~~ Executive Directors may delegate authority to make virements to other officers, consistent with the above and in accordance with formally agreed departmental arrangements.

**Capital**

~~11.12.~~ County Council is responsible for agreeing virements between services and schemes (as shown in the Capital Budget document produced by the Executive Director of Finance and Commercial Services).

~~12.13.~~ County Council is also responsible for agreeing virements greater than £250,000 within services or schemes (as defined above).

~~13.14.~~ All other virements are the responsibility of Executive Directors, subject to consultation with the relevant Cabinet Portfolio Holder, Leader or Deputy Leader and the agreement of the Executive Director of Finance and Commercial Services and subject to the service's overall financial provision for capital spending not being exceeded in the current and future years.

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

1. Section 114 of the Local Government Finance Act 1988 requires a report to all the authority's Members to be made by the Section 151 Officer (Executive Director of Finance and Commercial Services) in consultation with the Monitoring Officer (Director of Governance) if there is, or is likely to be, unlawful expenditure or an unbalanced budget. [Similar provisions apply under s114A if the decision is an Executive decision.](#) The Executive Director of Finance and Commercial Services takes a view of the robustness of the Council's budget across the whole period covered by the Medium-Term Financial Strategy. Making a report under section 114 is likely to have serious implications and this Annex therefore sets out the process and controls which will be adopted prior to such a report being made. It should be noted that the objective of these Financial Regulations and, more broadly, the Council's effective financial management and reporting procedures, is to minimize the prospect of the Executive Director of Finance and Commercial Services being required to make such a report, and such an eventuality is to be avoided if possible.
2. The Executive Director of Finance and Commercial Services has a duty to report to the authority if they believe:
  - that a decision involves, or would involve, unlawful expenditure (114 (2) (a));
  - a course of action is unlawful and is likely to cause a loss or deficiency (114 (2) (b));
  - an entry of account is unlawful (114 (2) (c)).
3. In such circumstances, the Executive Director of Finance and Commercial Services is required to make a report to the authority and send a copy to every Member and the external auditor. The Full Council [\(or in the case of a report under s114A, the Executive\)](#) must consider the report within 21 days and the action to which the report relates must not be pursued until this has taken place. Full Council [\(or the Executive in the case of a s114A report\)](#) must decide whether it agrees or disagrees with the report and determine the action it proposes to take.
4. The Executive Director of Finance and Commercial Services is also required to inform the authority in the event they believe that expenditure is likely to exceed available resources (114 (3)). The authority then may not enter into agreements incurring expenditure until the report has been considered by the full council.
5. Information leading to the preparation of a section 114 report might arise from a council officer (including a member of the Finance and Commercial Services

Updated November 2021

department), a Member of the council, the public, or from the authority's auditors. Members and officers should note that it is the Executive Director of Finance and Commercial Services' duty to investigate possible issues which might lead to a formal report. The statutory duty to make a report rests with the Executive Director of Finance and Commercial Services.

6. A report made under section 114 (2) requires the Executive Director of Finance and Commercial Services to make a judgement that a decision or course of action is unlawful. Such a decision will only be made after consultation with the Director of Governance (Monitoring Officer). A report made under section 114 (3) relates to a financial judgement which may be reached by the Executive Director of Finance and Commercial Services alone, although consultation with the Head of Paid Service and Director of Governance (Monitoring Officer) is still required in case other corporate and legal issues arise as a result of the report.
7. These Financial Regulations adopt the recommendations of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, where further information about the issuing of a section 114 report can be found.

**Section 114 Process**

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

<b>1) Executive Director of Finance and Commercial Services consults with Director of Governance</b> (Monitoring Officer) to determine whether an action or proposed action was or will be unlawful
<b>2) Consult with Head of Paid Service</b>
<b>3)</b> In the event of disagreement or doubt, Director of Governance to seek opinion of counsel
<b>4)</b> Following confirmation that an action would be unlawful; a prospective <b>action may be halted</b> at this stage through management action. In such an event, no further action or report would be required
<b>5)</b> In the case of an <b>event which has already occurred, or where it is not possible to stop</b> the course of action, the Executive Director of Finance and Commercial Services will <b>draft a report</b> under Part VIII of the Local Government Finance Act 1988
<b>6)</b> Report agreed with Head of Paid Service and Director of Governance (consultation with counsel if required)
<b>7)</b> Executive Director of Finance and Commercial Services <b>signs report</b> - sent to every member of the council and the external auditor as soon as practical. The report should normally be sent with the summons to the Full Council meeting ( <a href="#">or Cabinet, if appropriate</a> ) which will consider it. Proof of sending should be retained
<b>8)</b> From the date of issue, a <b>prohibition period</b> begins (the action may not be progressed). Within 21 days the Full Council ( <a href="#">or Cabinet, if appropriate</a> ) must meet to consider the report. The Head of Paid Service notifies the External Auditor of the date, time and place of the meeting
<b>9)</b> Full Council ( <a href="#">or Cabinet, if appropriate</a> ) may <b>agree the report</b> and decide remedial action <b>or disagree the report</b> and take no action. The prohibition period ends the following day and the <b>Head of Paid Service notifies the External Auditor of the outcome</b>

Updated November 2021

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

1. <b>Executive Director of Finance and Commercial Services</b> identifies that <b>Capital or Revenue expenditure exceeds likely resources</b> (either for current or future year)
2. <b>Consult with Head of Paid Service</b> and <b>seek corrective action</b> for the relevant year. Executive Director of Finance and Commercial Services considers need for <b>informal consultation with Internal and External Auditor</b>
3. In the event that <b>corrective action is successful</b> , no further action or report would be required
4. In the <b>event that the corrective action is not successful</b> , the Executive Director of Finance and Commercial Services will <b>draft a report</b> under Part VIII of the Local Government Finance Act 1988
5. <b>Consultation</b> about report with Head of Paid Service and Director of Governance (Monitoring Officer)
6. Executive Director of Finance and Commercial Services <b>signs report</b> - sent to every member of the council and the external auditor as soon as practical. The report should normally be sent with the summons to the Full Council meeting which will consider it. Proof of sending should be retained
7. From the date of issue, a <b>prohibition period</b> begins (no new expenditure may be undertaken). All budget holders (including schools) must be notified of restrictions. Within 21 days the Full <a href="#">Council (or Cabinet, if appropriate)</a> must meet to consider the report. The Head of Paid Service notifies the External Auditor of the date, time and place of the meeting
8. Full Council <a href="#">(or Cabinet, if appropriate)</a> may <b>agree the report</b> and decide remedial action <b>or disagree the report</b> and take no action. The prohibition period ends the following day and the <b>Head of Paid Service notifies the External Auditor of the outcome</b>

**Exceptions and other considerations**

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

**Further action**

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

## **Report of the Corporate Select Committee meeting 15 November 2021**

### **Items from the meeting of 15 November 2021**

#### **1 Digital Inclusion Strategy**

1.1 A report from the Executive Director of Finance and Commercial Services and Executive Director of Community and Environmental Services was received, and introduced by the Cabinet Member for Commercial Services and Asset Management and Cabinet Member for Communities and Partnerships.

1.2 The Director for Information Management Technology and the Director for Community Information & Learning gave a presentation which is [available on the committee website pages](#).

1.3 The report followed on from the committee's discussion held earlier in July 2021 with a commitment to return the item to the committee in the Autumn. The dynamic landscape of the digital world means that the strategy will need to be refreshed and reviewed on a regular basis to ensure that connectivity for all Norfolk residents is achieved. Nationally, 11% of adults still are without basic internet skills. The report provided details of how over the last 18 months the Council had ramped up efforts significantly to ensure more residents were digitally connected. The strategy aimed to support the outcomes of "Together for Norfolk" by enabling Norfolk's residents to have digital skills for work, life, engaging with their communities and accessing information and resources to thrive in today's digital world.

1.4 The committee noted that:

- The business cases and economic benefits for further investment was in the process of being worked up in consultation with partners and stakeholders such as library services, NHS and LGA.
- The data collected to identify those digitally excluded will be refreshed and updated regularly to ensure goals to reach target groups are achieved.
- Accessibility options to support those with hearing problems was discussed and it was acknowledged that whilst not perfect speech to text technologies are continually improving.
- The vulnerability hub set up during the pandemic is still in existence and is critical to help identify the cohort who fall into the digitally excluded community.
- Laptops provided to schools were being maintained by schools and refreshed to ensure pupils in the future can still benefit. Some laptops were also issued directly to families and were enabled with software protection to ensure correct usage.
- Project Gigabit will see £115m invested in fast broadband connectivity to all properties within Norfolk that can not receive a commercially viable service from providers.



- The lack of a reliable mobile phone signal was also acknowledged as an issue for many rural residents in Norfolk.
- Voluntary groups, the charity sector, town and parish councils as well as connections with adult social cares services and primary care providers were all being engaged to help identify and connect with the digitally excluded cohort.

1.5 The committee **RESOLVED** to:

- Endorse the Digital Inclusion Strategy including the strategic plan and performance indicators.

## 2 **MyOracle Programme Update**

2.1 A report by the Executive Director of Finance and Commercial Services was received. The report was introduced by Cabinet Member for Innovation, Transformation and Performance.

2.2 The Programme Director for HR & Finance gave a verbal presentation on the update. The committee noted:

- During validation testing it became apparent that the go live date would require pushing back from November 2021. The new date of April 2022 was agreed to avoid critical Christmas and New Year periods. This new live date was fully supported by the Cabinet Member for Innovation, Transformation and Performance.
- Business and system readiness was a key component in achieving the go live date and a comprehensive training programme is in place to build user confidence ahead of launch.
- Covid had contributed to the delays experienced in moving back the go live date with colleagues working remotely.
- Whilst confidence was very high that the launch date of April 2022 would proceed, contingencies were in place to cover any issues that might arise.
- The *MyOracle* software would be available to staff on any platform including mobile phones. Arrangements were in place to provide access to staff who did not own a digital device.
- The delay in implementation would have some financial impact, although final costs at this stage were not known. The overrun costs known to date were much lower than other local authorities are experiencing in introducing similar software.

2.3 The Committee **RESOLVED** to:

- Endorse the work completed to date and the next steps.

## 3 **Smarter Working Programme Update**

3.1 A report by the Executive Director of Strategy & Transformation was received, and introduced by the Cabinet Member for Cabinet Member for Innovation, Transformation and Performance. The Director for Transformation gave a presentation which is [available on the committee website pages](#).

3.2 The committee discussed and noted:

- It was felt that there should be more of a focus on outcomes for end users rather than on staff activities and processes.



- More feedback from staff was required to ensure that all aspects including wellbeing and mental health was being considered.
- Anyone that needed to work from an office base, for example because of poor working conditions at home, was being accommodated.
- Since 4th October 2021 approximately 200 staff per day were using County Hall. Only a handful of staff had taken up the option of the subsidised Park and Ride facility.
- It was felt that new employees might be at a disadvantage as they could not work with and learn from colleagues if working from home. However, new processes and inductions were being developed to help and support new employees. Each individual department and team would need to assess their requirements and act accordingly.
- The programme had accelerated the asset management rationalisation initiative and concerns were expressed that it would be difficult to reverse the loss of office space if more was required in the future. A slower more cautious approach to asset sale was suggested.
- The Council had carried out assessments for all those working from home and had funded the purchase of new equipment for employees home based.
- It was noted that home working benefits carbon reduction and helps the Council towards its zero net carbon target by 2030. However baseline data and carbon reduction figures was requested for future reports.
- The Council is challenging itself to be more effective and creative with how space and assets are used as well as how services are delivered to Norfolk residents. New technologies were making this process easier but there is more work to be done to achieve the savings required.
- A report in March 2022 would set out the recommendations for consideration by the committee.

### 3.3 The committee **RESOLVED** to agree:

- Deliver ways in which the Smarter Working Programme can help directorates maintain the benefits realised as a result of the pandemic, including the commencement of the implementation of Hybrid working.
- Acknowledge the ongoing savings programme in the 2021/22 financial year and steps that have been taken to maintain the financial benefits and positive service outcomes of the Smarter Working Programme.
- Endorse the proposed approach to be taken over the next 4 months in shaping phase 2 of the Smarter Working Programme, given the uncertainty due to the pandemic that continues to impact our ability to plan with confidence and certainty.
- That a further report be made to the Corporate Select Committee, with an updated plan that takes our transformation forward into Phase 2, in March 2022.

## 4 **Strategic and financial planning 2022-23**

4.1 A report by the Executive Director for Finance & Commercial services was received. The report provided proposals and considerations for the budget position for 2022-23 and the challenges around the savings required. Cllr Jamieson, Cabinet Member for Finance introduced the report.

4.2 The committee discussed and noted the following:

- The budget proposals for 2022/23 included £24.5m of new savings, with a need for an additional £5m of new savings yet undecided, and a Council Tax increase of 3%
- The level of new savings required were wholly intertwined with initiatives such as Independence at Home and the Smarter Working Programme which had been detailed earlier in the meeting.
- The Government had not yet undertaken the long awaited Fair Funding Review which is felt would benefit Norfolk due its demographics of an aging population. In addition, business rates review and extensions to Covid grants were also outstanding pieces of central government work.
- The three year settlement does provide the Council with an opportunity to look more closely at a transformative review of operations and how services are delivered to develop a medium to longer term strategy.
- A strategic approach for Norfolk should be formed to ensure the bids for funding from the Share Prosperity Fund are successful so that Norfolk benefits from the central government levelling up agenda.
- The County Council would receive a 2% Adult Social Care precept raise as 1% had been deferred from the previous year.
- The proposed longer term goals of £108m savings by 2025/26 would only be achievable if a wholesale review and transformation of the delivery of services and functions was carried out. The initial stages of these reviews have shown promise but there is much work to do.
- The £330m spent on adult social care service contractors was a large sum that needed to be reduced. The £4m spent on contract management was an area that the County Council had been slow to examine and reduce and would be an item to focus on in the short term.
- The burden of taxation was being switched by central government to local authorities. However, there was not always the extra support in funding to manage this transition. Local authorities were being left to deal with the demographic challenges themselves.
- NP Law did have the capability to increase their services to other local authorities to produce an increase in their income.
- The recent Cabinet paper on environmental policy had underlined the Council's commitment to carbon neutrality and progress has been made but there is much work to do. Carbon reduction can be sought through a proper procurement policy.
- Although 50% of the Council's streetlighting stock had been converted to more energy efficient LEDs, there was a programme being undertaken to ensure all lighting is switched. The remainder of the programme would be more challenging to switch than the first 50% of the stock.
- It was thought that consideration could be given to commercial investment ideas in Norfolk to produce income and help smooth out the potential increases in Council Tax to Norfolk residents and reduce the need to find a further £5m in savings. This was a proposition that had not been explored by the Council before in much detail. A proposal for such a joint report from the Cabinet Member for Finance and the Deputy Leader was seconded and was agreed that it would be placed as an item on the forward work programme.

The Committee **RESOLVED** to agree to:

- Note the key issues for the budget proposals for the services within its remit which are being taken forward to public consultation, to inform Cabinet's recommendations to County Council on the 2022-23 Budget in February 2022.
- Note the requirement for a further £5m savings, and identify any further areas which the Select Committee consider should be explored to deliver 2022-23 saving proposals

## 5.0 **Constitutional Amendments – Policy Framework and Local Choice Functions**

5.1 A report was received and introduced by the Director of Governance.

5.2 The report appeared in two parts. The first part of the paper set out the local choice functions applicable to County Council decision making and suggested who the decision maker should be. The second part of the paper is concerned with the policy framework. The content of the major policy framework had recently been reviewed by Executive Directors, as a result of which changes had been recommended.

5.3 The committee **RESOLVED** to agree:

- The local choice functions and decision maker.
- The policy framework list.

## 6.0 **Financial Regulations 2021 Update.**

6.1 The annexed report (12) from Executive Director of Finance and Commercial Services was received and introduced by the Cabinet Member for Finance.

6.2 The Financial Regulations are reviewed and updated on an annual basis to ensure that they remain up to date, aligned with current systems and processes, and compliant with statutory requirements. This paper appended the Financial Regulations with amendments proposed following the annual review exercise.

6.3 The committee noted that changes to the regulations were required due to the environmental report received by Cabinet on 8<sup>th</sup> November. The cost benefit analysis matrix formula was being developed. This was seen as a starting point to take into account current projects which if recalculated might place a greater emphasis on the carbon neutrality benefits.

6.4 The committee **RESOLVED** to agree:

1. The proposed amendments to Financial Regulations.
2. The further amendments which would be required subject to Cabinet decisions in respect of the Natural Norfolk: Progress on delivering the Environmental Policy report.

## 7.0 **Corporate Select Committee Forward Work Plan**

A note by the Executive Director of Strategy and Governance was received.

The committee **RESOLVED** to agree the forward work programme and add the following items:

1. Update on Digital Connectivity for March 2022

2. Report on Economic Development Opportunities in Norfolk to reduce the saving requirement for 2022/23 of an additional £5m and budgets gaps in the future. The time line of the report to be agreed in due course by the Chair, Cabinet Members involved and Officers.

**Cllr Ed Colman, Chair  
Corporate Select Committee**

## **Report of the Infrastructure and Development Select Committee Meeting held on 17 November 2021**

### **1. Norfolk Rural Economic Strategy 2021-2024**

- 1.1 The Select Committee received the report which set out the third edition of the Strategy, covering 2021-2024. The Strategy set out a partnership approach by the public, private and not-for-profit sector to rural economic development in Norfolk over a three-year period.
- 1.2 The Select Committee **RESOLVED**:
1. To review and consider the Norfolk Rural Economic Strategy 2021-24
  2. To note that a Delivery Plan for the Strategy will be produced once the Government's guidance on the UK Shared Prosperity Fund had been published.

### **2. Norfolk Strategic Infrastructure Delivery Plan (NSIDP) 2021**

- 2.1 The Select Committee received the report which set out the updated delivery plan.
- 2.2 The Select Committee **RESOLVED**:
1. To review and comment on Norfolk Strategic Infrastructure Delivery Plan 2021 as set out in Appendix A of the report, prior to consideration by Cabinet:
  2. To recommend that an officer working group investigate the issues of power shortages and report back to Infrastructure and Development Select Committee with its findings.

### **3. Transport for Norwich Strategy Review**

- 3.1 The Select Committee received the report which summarised the outcome of the recent consultation on the Transport for Norwich Strategy.
- 3.2 The Select Committee **RESOLVED** to consider the responses received to the consultation and the proposed changes as set out in Appendix 2 of the report.

### **4. Active Norfolk Strategy**

- 4.1 The Select Committee received the report which set out the new strategy. This strategy detailed the actions to be taken by Active Norfolk, in partnership with departments across Norfolk County Council, as well as the broader local government, health and social care and voluntary and community sector, to improve residents' lives – supporting Together for Norfolk ambitions of a growing economy, thriving people and stronger communities.

- 4.2 The Select Committee **NOTED** the new Active Norfolk strategy, especially the way in which it connected with other Norfolk County Council strategies and priorities, including Public Health and Active Travel

## **5. Waste Services Update**

- 5.1 The Select Committee received the report which provided an overview and update on the breadth of waste services delivered by the County Council. Firstly, in its role as the Waste Disposal Authority for Norfolk, which includes the disposal of residual waste, provision of recycling centres and payments to the District, City and Borough Councils for the recycling they do. And secondly, in relation to its responsibility for the safe aftercare and long-term management of closed landfill sites in its ownership or for which it has a liability. The report also provided a progress update on single use products initiatives, which was a legacy of the Member Task and Finish Group; work on waste initiatives together with the District, City and Borough Councils as the Norfolk Waste Partnership; and provided further indications of the potential implications of national waste policy development.
- 5.2 The Select Committee **RESOLVED**;
1. To note and comment on the update.
  2. In accordance with the County Council's second Waste Policy to review the arrangements for the 'incineration of waste or fuel derived from waste' outside Norfolk set out in para 6.6 of the report.
  3. To comment on the intention to extend an arrangement with Norse Environmental Waste Services Ltd to 2027 as a fall-back and alternative option for the processing and sale of material from recycling centres and recycling points, as outlined in section 2.5.2 of the report.

## **6. CES Compliance and Enforcement Policy Annual Review**

- 6.1 The Select Committee received the report which set out the CES Compliance and Enforcement Policy as that, and associated performance data are subject to annual review by Members. The Policy had been reviewed and updated to reflect recent changes to legislation and guidance. A revised CES Compliance and Enforcement Policy had been included at appendix A of the report, with proposed amendments highlighted with explanatory notes.
- 6.2 The Select Committee **RESOLVED**.
1. To review and comment on the revised CES Compliance and Enforcement Policy at Appendix A and its annex documents (A-1 to A-6), prior to consideration by Cabinet
  2. To note the 2020/21 enforcement performance data provided at Appendix B, and summary of stakeholder engagement at Appendix C.

## **7. Developing an overarching Policy for the use of Glyphosate-based herbicides by NCC**

- 7.1 The Select Committee received the report which set out the plans for developing the policy. The NCC Policy would set out in what circumstances continued use of glyphosate will be permitted (and its use optimised); where it will never be used; and how the Council (and third parties) will adopt alternative measures to control

vegetation. The Policy will be developed by an NCC Officer-led group.

7.2 The Select Committee **RESOLVED**.

1. To note that a Policy for the use of Glyphosate-Based Herbicides by NCC (The Policy) will be developed by an NCC Officer-led group
2. To identify any key points, issues or concerns that the Select Committee would like to see taken account of as part of development of The Policy.

8. **Strategic and Financial Planning 2022-23**

- 8.1 The Select Committee received the report which provided an opportunity for the Select Committee to provide its views on the detailed budget proposals for the services within its remit which are being taken forward to public consultation (subject to Cabinet decisions 8 November 2021). As such this report formed an important part of the process of preparing the 2022-23 Budget and would enable the Select Committee's views on proposals to form part of the Cabinet's considerations when it makes recommendations about the Budget to Full Council in February 2022.

8.2 The Select Committee **RESOLVED**

1. To consider and comment on the County Council strategy as set out in section 2 and how the Budget process is aligned to the overall policy and financial framework;
2. To consider the potential implications of Government announcements about Social Care, the considerable uncertainty remaining in respect of these, which may result in additional cost pressures in the medium to longer term, and agree that these should be reflected, where possible, in the 2022-23 Budget;
3. To consider the latest details of announcements made at the Spending Review 2021 and Autumn Budget 2021, and note that the outcome of these national funding announcements, alongside the Local Government Finance Settlement, will have potentially significant impacts on the 2022-23 Budget position, which will not be fully known until later in the process;
4. To consider and agree for planning purposes the latest assessment of significant areas of risk and uncertainty around emerging budget pressures for the 2022-23 Budget and Medium Term Financial Strategy, which remain to be resolved and which may have a material impact on budget planning (paragraph 13.4);
5. To confirm that Cabinet's intention is to seek, as planned, a total council tax increase of 2.99% for 2022-23 made up of 1.99% general council tax and 1.00% adult social care precept deferred from 2021-22;
6. To direct Executive Directors to seek to identify further recurrent savings of £5.000m and to report to Cabinet in January 2022;
7. To agree to undertake a full review of how the Council operates to deliver its future services and strategy;
8. To note the Executive Director of Finance and Commercial Services' advice about the sustainability of the Medium-Term Financial Strategy position (section 13), noting also the wider uncertainty about funding levels and cost pressures for 2022-23. Recommendation 5 sets out Cabinet's intention to seek, as planned, a total council tax increase of 2.99% for 2022-23 made up of 1.99% general council tax and 1.00% adult social care precept and therefore in that context to agree to consult the public on that level of increase
9. To consider and agree the proposed savings as set out in sections 7-12

(tables 5-10) to be taken forward in budget planning for 2022-23, subject to final decisions about the overall Budget in February 2022, noting the level of savings already included from the 2021-22 Budget process (table 10. To agree that public consultation (as set out in section 5) and equality impact assessment (as set out in section 21) be undertaken on the 2022-23 Budget and saving proposals as set out in sections 7-12 (tables 5-10), and the level of council tax and Adult Social Care precept for 2022-23, as set out in section 14 and table 11;

11. To note the responsibilities of the Executive Director of Finance and Commercial Services under section 114 of the Local Government Act 1988 and section 25 of the Local Government Act 2003 to comment on the robustness of budget estimates as set out in section 13, and having regard to the level of savings required for 2023-24, to direct Officers to bring forward proposals to support early development and identification of saving proposals for 2023-24 with a focus on transformational activity;

12. To agree the proposed next steps in the Budget planning process for 2022-23, and the remaining Budget planning timetable (Appendix 1); and

13. To note and thank Select Committees for their input into the Budget development process for 2022-23 in July, and to invite Select Committees to comment further on the detailed saving proposals set out in this report when they meet in November 2021 (section 23).

## **9. Forward Work Programme**

9.1 The Select Committee received the report which set out the Forward Work Programme for the Committee to enable the Committee to review and shape.

9.2 The Select Committee **REVIEWED** and **AGREED** the Forward Work Programme for the Select Committee set out in Appendix A.

**Cllr Barry Stone, Chair  
Infrastructure and Development Select Committee**



## Report of the People and Communities Select Committee meeting held on 19 November 2021

### 1. Adult Social Services Charging Policy for Non-Residential Care - update on engagement

- 1.1 The Committee received the report detailing work carried out since a Judicial Review in December 2020, which identified that changes to Norfolk County Council's charging policy had unintentionally discriminated against a group of people the judge identified as severely disabled. This work included amending the Charging Policy for non-residential care to address the findings of the High Court and engaging with the disabled community. Some of the key issues highlighted from this engagement were presented in the report, which updated the Committee on engagement work to date and setting out work planned for the coming months.
- 1.2 The Committee heard from members of the Disability Norfolk Network Group and Carers Voice.
- 1.3 The Committee:
  - a) **NOTED** the completion of reimbursement;
  - b) **NOTED** the update on the work currently in progress;
  - c) **AGREED** to receive a further report on the engagement at a subsequent meeting, including clarity on national reforms and the implications for charging and next steps.

### 2. Covid-19 Update

- 2.1 The Committee heard a verbal update and saw a presentation from the Programme Director – Lead Outbreak Control on the current situation in Norfolk and actions being taken in relation to the Covid-19 pandemic.
- 2.2 The Committee **NOTED** the update and presentation.

### 3. Carers Charter Progress Report

- 3.1 The Committee received the report setting out the important work completed across 2021 towards the Council's commitments in the Carers Charter.
- 3.2 The Committee:
  - a) **ENDORSED** the 2021 Carers Charter progress report;
  - b) **REVIEWED** the working group's focus areas for 2022.

### 4. Strategic and Financial Planning 2022-23

- 4.1 The Committee received the report which responded to feedback from Select Committees in July 2021 and provided an opportunity for the Select Committee to give

its views on the detailed budget proposals for the services within its remit and which are being taken forward to public consultation (subject to Cabinet decisions 8 November 2021).

- 4.2 The Committee **CONSIDERED** and **COMMENTED** on the budget proposals for the services within its remit which are being taken forward to public consultation, to inform Cabinet's recommendations to County Council on the 2022-23 Budget in February 2022.

## **5. Special Educational Needs (SEND): Performance Framework**

- 5.1 The Committee received the regular report to the People and Communities Select Committee providing a range of performance data regarding services and provision for Special Educational Needs & Disability (SEND). Information was being reported to Committee over a 2-year period (which began in November 2020) following recommendations by the Local Government & Social Care Ombudsman (LGSCO) in 2020 following their published investigation report.

- 5.2 The Committee:

1. **NOTED** the ongoing content of the SEND performance framework and agree ongoing reporting at all subsequent meetings through to Summer 2022, complying with the outcome of the LGSCO report.
2. **AGREED** that the range of performance measures will directly assist with decision making regarding any policy changes needed over time as part of the range of SEND improvement programmes.

## **6. Forward Work Programme**

- 6.1 The Committee considered and **AGREED** the forward work programme.

**Cllr Fabian Eagle, Chair  
People and Communities Select Committee**

## **Report of the Employment Committee Meeting held on 28 October 2021**

- 1. Remuneration arrangements to support recruitment and retention of Family Assessment and Safeguarding Team (FAST) Social Workers**
- 1.1** The terms of Reference of the Employment Committee state that it is responsible for “determining new material local terms and conditions of employment for employees that have a significant financial impact for the organisation or would impact on a significant part of the overall workforce as identified and advised by the Director for People and Head of Paid Service”. The Committee considered the confidential report by the Executive Director of Children’s Services about remuneration arrangements to support the recruitment and retention of Family Assessment and Safeguarding Team Social Workers..
- 1.2** The Committee **RESOLVED:**
  - To approve the proposed changes to the remuneration arrangements to support the recruitment and retention of Family Assessment and Safeguarding Team Social Workers

**Andrew Proctor  
Chairman**