Council AGM

Mrs S Thomson
Chairman of the Council

Mr C Gould
Vice-Chairman of the Council

Agenda

Date
Monday 21 May 2012

Time
7.30 pm

Place
Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Group Meetings

Conservatives:
Cavell & Colman Rooms  6.00 pm

Liberal Democrats:
Blomefield Room  6.30 pm

Contact
Claire White   tel (01508) 533669
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

If you have any special requirements in order to attend this meeting, please let us know in advance.
Large print version can be made available

21 May 2012
AGENDA

1. Apologies for absence;

2. To Receive Declarations of Interest from Members;
   (Please see guidance form and flow chart attached – page 5)

3. Chairman’s Engagements;
   (engagements attached – page 7)

4. Election of Chairman of the Council for 2012/13 and Declaration of Acceptance of Office;

5. Appointment of Vice-Chairman of the Council for 2012/13 and Declaration of Acceptance of Office;

6. Election of Leader of the Council for 2012/13;

7. Vote of thanks to Retiring Chairman;

8. To confirm the minutes of the meeting of the Council held on 22 February 2012;
   (attached – page 9)

9. Chairman’s Announcements;

10. To consider any petitions received under Section I of the “Rights of the Public at Meetings”;

11. A new Standards Regime and Code of Conduct for South Norfolk Council;
    (report attached – page 23)

12. Report of the Monitoring Officer – Constitutional Changes and Appointments to Committees:
    (report to follow)

    (report attached – page 45)

15. Appointments to Outside Bodies; (report attached – page 85)

16. Chairmen’s Reports;

To receive/hear reports and to take questions from Councillors and the public.

Note: [Time allocated to be at the discretion of the Chairman. No notice is required of questions, however it may be necessary for written answers to be provided where an immediate response cannot be supplied]. If members choose to submit questions in writing in advance, they will be circulated before the meeting.

a. Cabinet – report of the Leader (report attached – page 90)

   Questions to the Leader and other Cabinet members as follows:
   (table below indicates membership for 2011/12)

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Wilby</td>
<td>Deputy Leader, Community Empowerment and Building the Big Society</td>
</tr>
<tr>
<td>Yvonne Bendle</td>
<td>Localism</td>
</tr>
<tr>
<td>David Bills</td>
<td>Organisational Efficiency and Shared Services</td>
</tr>
<tr>
<td>Keith Kiddie</td>
<td>Public Protection and Development Control</td>
</tr>
<tr>
<td>Garry Wheatley</td>
<td>Corporate Resources and Governance</td>
</tr>
</tbody>
</table>

b. The Seventh Annual Report of the Scrutiny Committee – report and questions to the Chairman (report attached – page 93)

c. Annual Report of the Accounts Audit and Governance Committee - report and questions to the Chairman (report attached – page 107)

d. Licensing, Appeals and Complaints Committee/ Licensing and Gambling Acts 2003 Committee - report and questions to the Chairman (report attached – page 114)

e. Planning Committees - report and questions to the Chairman (report attached – page 115)

f. Champions – Members of the Council will also have the opportunity to question Member Champions as follows:
   (table below indicates appointments for 2011/12)

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derek Blake</td>
<td>Design</td>
</tr>
<tr>
<td>Laura Webster</td>
<td>Young People</td>
</tr>
</tbody>
</table>
17. **Representatives on Strategic Outside Bodies;**

To receive feedback from representatives as set out below:

(table below indicates membership for 2011/12)

<table>
<thead>
<tr>
<th>Cllr Gould</th>
<th>Broads Authority</th>
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<tbody>
<tr>
<td>Cllr Fuller</td>
<td>LGA General Assembly</td>
</tr>
<tr>
<td>Cllr J Savage</td>
<td>LGA Rural Commission</td>
</tr>
<tr>
<td>Cllr Legg</td>
<td>Norfolk Health Overview and Scrutiny Committee</td>
</tr>
<tr>
<td>Cllr Kiddie</td>
<td>Norfolk Waste Partnership</td>
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<tr>
<td>Cllr Wilby</td>
<td>South Norfolk Alliance</td>
</tr>
<tr>
<td>Cllr Palmer and Overton</td>
<td>Saffron Housing Trust</td>
</tr>
</tbody>
</table>

18. **To consider any correspondence**
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether the interest is a personal one only or one which is also prejudicial. The declaration should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote. If it is a prejudicial interest, a member has the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. A member can participate fully where the interest is shared with the majority of residents in that particular ward. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<table>
<thead>
<tr>
<th>Is (or should) the Interest be registered in the Register of Members' Interests?</th>
<th>Is (or should) the Interest be registered in the Register of Members' Interests?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?</td>
<td>If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?</td>
</tr>
<tr>
<td>Your own</td>
<td>A family member</td>
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<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
<td>Any person or body who has employed or appointed your family member/close associate</td>
</tr>
<tr>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
</tr>
<tr>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
</tr>
<tr>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
</tr>
</tbody>
</table>

Does the interest:

(a) affect your financial position or the financial position of a person or body described above? *(If Yes the interest may be prejudicial)*

(b) relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above? *(If Yes the interest may be prejudicial)*

(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to? *(If Yes the interest is prejudicial)*

(d) relate to the functions of the council in respect of housing (except your tenancy), statutory sick pay, an allowance, payment or indemnity given to members, any ceremonial honour given to members, or setting the council tax or a precept under the Local Government Finance Act 1992. *(If Yes the interest is NOT PREJUDICIAL)*

PREJUDICIAL INTEREST

If you answered Yes to (a) or (b) is the interest one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that that it is likely to prejudice your judgement of the public interest? *If Yes the interest is PREJUDICIAL*

If you answered Yes to (c) the interest is PREJUDICIAL

If prejudicial do you intend to attend the meeting to make representations, answer questions or give evidence?

*FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF*
a) What matters are being discussed at the meeting? 
Do any relate to my interests?

A  Does it affect my entries in the Register of Interests?  

OR  

B  Does it affect the well being or financial position of me, my family or close associates; or my family’s or close associates’
• employment, employers or businesses;
• companies in which they are a director or where they have a shareholding of more than £25,000 face value;
• business partnerships;
or

C  Does it affect the well being or financial position of the following organisations in which I hold a position of general control or management:
• other bodies to which I have been appointed or nominated by the council;
• other public authorities;
• charitable bodies;
• bodies whose main purpose is to influence public opinion or policy

More than the majority of other people in the ward?

D  Is Overview and Scrutiny considering a decision I made? If so you have a prejudicial interest.

Yes

Person Interest 

No

Prejudicial Interest 

You have a personal interest in the matter

Disclose the existence & nature of your interest

You may have a prejudicial interest

The interest is not prejudicial you can participate in the meeting and vote

This matter relates to
• housing (except your tenancy)
• statutory sick pay from the council
• an allowance, payment or indemnity given to members
• any ceremonial honour given to members
• setting the council tax or a precept

Would a member of the public – if he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?

Yes

No

The interest is prejudicial withdraw from the meeting by leaving the room (after making representations, answering questions or giving evidence). Do not try to improperly influence the decision
### CIVIC ENGAGEMENTS
23rd February 2012 – 21st May

**CHAIRMAN – CLLR SUE THOMSON**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>1st March</td>
<td>Community Sports Achiever Awards 2011/12</td>
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<td></td>
<td>Poringland Community Centre</td>
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<td></td>
<td>South Norfolk Council</td>
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<tr>
<td>7th March</td>
<td>Community Covenant – Official Signing Ceremony</td>
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<td></td>
<td>County Hall, Norwich</td>
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<td></td>
<td>Norfolk County Council</td>
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<td>20th March</td>
<td>MusicMix with the BBC Concert Orchestra</td>
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<td></td>
<td>Theatre Royal, Norwich</td>
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<td></td>
<td>Creative Arts East/ South Norfolk County Council</td>
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<tr>
<td>23rd March</td>
<td>Opening of Robin Welch Exhibition</td>
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<td></td>
<td>Wymondham Arts Centre</td>
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<tr>
<td>29th March</td>
<td>Civic Service of Thanksgiving</td>
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<td></td>
<td>County Hall, Norwich</td>
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<td></td>
<td>Norfolk County Council</td>
</tr>
<tr>
<td>12th April</td>
<td>Opening of the Great Yarmouth Easter Fair</td>
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<td></td>
<td>Town Hall &amp; Market Place</td>
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<td>Great Yarmouth Borough Council</td>
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<td>16th April</td>
<td>Opening of Spring Gymnastics</td>
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<td>Diss High School</td>
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<td>Spring Gymnastics</td>
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<td>21st April</td>
<td>Concert by Essex Choir</td>
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<td>Bunwell Church</td>
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<td>Bunwell Church</td>
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<td>27th April</td>
<td>Civic Reception</td>
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<td>Wymondham Abbey</td>
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<td></td>
<td>Mayor of Wymondham</td>
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<td>29th April</td>
<td>Grand Opening of Diss Renovated Clubhouse</td>
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<td>Diss Rugby Football Club, Diss</td>
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<td>Diss Rugby Football Club</td>
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<tr>
<td>1st May</td>
<td>Visit at Hassingham House Care Home</td>
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<td>Hassingham House, Hingham</td>
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<td></td>
<td>Hassingham House</td>
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<tr>
<td>2nd May</td>
<td>Opening of the Village Games</td>
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<td>Sports Park, UEA</td>
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<td></td>
<td>Active Norfolk</td>
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<tr>
<td>5th May</td>
<td>Launch of the Broads Outdoor Festival 2012</td>
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<td>Flint Barn, Whittingham Country Park</td>
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<td></td>
<td>Broads Authority</td>
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<tr>
<td>5th May</td>
<td>Norfolk Scouts Day</td>
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<td></td>
<td>Norfolk Showground</td>
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<td></td>
<td>Norfolk Scouts</td>
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<tr>
<td>10th May</td>
<td>Wymondham Rugby Clubs Players Dinner</td>
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<td></td>
<td>Wymondham Rugby Club</td>
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<td></td>
<td>Wymondham Rugby Club</td>
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<tr>
<td>Date</td>
<td>Event Description</td>
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A new standards regime and code of conduct for South Norfolk Council

Compliance and Risk Manager

The Purpose of this report is to seek approval for a new standards regime and code of conduct in order to comply with the requirements of the Localism Act. More specifically, this report contains:

- A new Code of Conduct;
- Arrangements for dealing with allegations relating to the new Code of Conduct;
- Interim arrangements for the registration and declaration of interests;
- Proposed appointment process for the Independent Person(s);
- Other changes required to the Constitution

Cabinet member(s): John Fuller
Ward(s) affected: All
Contact Officer, telephone number, and e-mail: Leah Mickleborough 01508 533954 lmickleborough@s-norfolk.gov.uk

1. Background

1.1. The Localism Act abolishes the standards regime established under the Local Government Act 2000 and replaces it with a simpler, less prescriptive method of addressing standards and ethics issues within Local Authorities.

1.2. The key features of the Act's provisions in relation to standards and ethics are:-

- A statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Authority.
- The abolition of the Standards Board for England ("Standards for England").
- The mandatory adoption of a Code of Conduct intended to promote and maintain behaviour consistent with the following principles:
1.3. Officers have worked with other Norfolk authorities in developing the Code of Conduct and associated issues. Where officers believe a consistent approach does meet the needs of this Council, such an approach has been adopted. However, there are departures in some areas.

2. **Current Position and Issues**

   **A new Code of Conduct**

2.1. In keeping with the Localism principles of the Act, each Local Authority is given the discretion to decide on the contents of its own Code. It must, however, serve to promote and maintain high standards of conduct and must be consistent with the seven principles outlined above.

2.2. The Authority’s current Code is intended to be repealed as from 1 July 2012, pending the commencement of the necessary legislation.

2.3. The Department for Communities and Local Government has presented a simple model code, on which the proposed South Norfolk Council Code of Conduct is based. The model code is very clearly based on the 7 principles highlighted above, and the requirement for members to declare pecuniary and non-pecuniary interests. We are therefore proposing the model code should be the adopted Code of Conduct for South Norfolk Council, as attached at Appendix 1.

2.4. The County Council has favoured the model code issued by the Local Government Association. The substance of the content is broadly the same as the DCLG model, albeit it contains additional guidance on how members may comply with the principles in fulfilling their duties. In proposing adoption of the LGA model, the County Council has recognised that if other Local Authorities in Norfolk adopted the DCLG model, this should not present an issue to members in terms of compliance, as in practice the requirements of the two codes are identical.

2.5. The Code permits individual Authorities to prescribe their own arrangements for registration and disclosure of interests. The Act requires members to declare
pecuniary interests, and interests other than pecuniary interest (further detailed in paragraphs 2.10 to 2.14 below). However, what constitutes a pecuniary interest is yet to be formally determined by the Secretary of State, as required by s.30 of the Act. Officers are therefore proposing to adopt the Code on the basis that this definition will be received ahead of the anticipated 1 July deadline, with sufficient time to allow information to be disseminated to members. If this does not occur, in line with the County Council, South Norfolk Council will continue with our current constitution requirements in respect of declaring interests until such time as we receive the Secretary of State’s determination.

2.6. The adoption of a Code (and any subsequent revision or replacement) under the Act can only be done by full Council. The Council must publicise the adoption, revision or replacement of a code in such a way as the Council considers likely to bring it to the attention of persons living in its area.

Members’ Interests

2.7. The Act makes provision for the registration and disclosure of members’ interests. This must be included within the Code and, as above, in a change to the current personal and prejudicial interest definitions, the Act introduces pecuniary interests and interests other than pecuniary interests.

2.8. The Act places a duty upon the monitoring officer to establish and maintain a register of interests for all members – District, Town and Parishes. The register must be available for public inspection and published on South Norfolk Council’s website.

2.9. Details of sensitive interests (which may cause the member to be subject to violence or intimidation) may be withheld from the register and the website although the fact that there is an interest will be recorded.

Disclosable Pecuniary Interests (regulations awaited, as referred to in 2.5 above)

2.10. A member who has a ‘disclosable pecuniary interest’ in any matter to be considered at a meeting must disclose that interest unless it is already on the register – i.e., if the member has already disclosed the interest in the register, the legislation would not require them to disclose it at the meeting. A member with a disclosable pecuniary interest may not participate or vote on the matter.

2.11. Having reviewed the practicality of this legislation, it does not seem open or transparent for members to have declared a pecuniary interest in the register, and then remain in the room where the item is discussed. It could lead to members of the Council accidentally incriminating themselves by passing a view when asked a question directly – as there was no requirement to declare the interest at the start of the meeting. It would also be confusing for members of the public and other councillors that a member remains silent and doesn’t vote on a matter when sitting in the meeting.

2.12. Arising from this, in line with the County Council, we are proposing to make amendments to section A5.1 and A5.2 of this Council’s standing orders (Rules of Procedure) to provide for the exclusion of a member from a meeting with a
disclosable pecuniary interest in a matter under discussion, in line with the current rules regarding prejudicial interests.

2.13. Members should note that in addition to the duties relating to interests contained in the Code, the Act also creates specific criminal offences in relation to the disclosure of pecuniary interests. It is a criminal offence to:-

- fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of being elected.
- fail to disclose a disclosable pecuniary interest at a meeting of the Authority.
- fail to notify the Monitoring Officer of an interest disclosable at a meeting but not yet on the register.
- fail to notify the Monitoring Officer of an interest in the course of that member discharging a function of the Authority

2.14. Any such failure is a direct contravention of the Act and may be investigated by the police and referred to the Director of Public Prosecutions. Upon conviction a person convicted may be fined up to a maximum of £5,000.

Arrangements for handling complaints of failing to comply with the Code

2.15. The Authority must put in place:-

- arrangements under which allegations can be investigated and
- arrangements under which decisions on allegations can be made.

2.16. Draft arrangements are appended as Appendix 2 to this Report. The arrangements must include the appointment of at least one independent person as described in paragraph 2.19 below. These arrangements, if approved, will replace The Standards and Ethics Committee, Standards and Ethics Assessment Sub-Committee, Standards and Ethics Review Sub-Committee and Standards and Ethics Considerations Sub-Committee and their terms of reference (in section 4.1 of the Constitution).

2.17. Officers have also prepared draft criteria for the receipt and assessment of complaints, attached at Appendix 3, for approval. This criteria is in line with that used currently by the Council’s Standards and Ethics Assessment Sub-Committee when matters are referred to it.

2.18. In addition, it is proposed that the Monitoring Officer will develop more detailed guidance in order to:

- Help members understand the process that will operate should a complaint be made;
- Help complainants understand the process that will operate should they make a complaint;
- Define in more detail how Standards Committee hearings should operate

It is recommended that this guidance is reviewed and approved by the Standards Committee at their first meeting.

The Independent Person

2.19. The role of the independent person in the new Standards arrangements is twofold. Firstly, the views of the independent person must be sought and taken into account by the Authority before it makes its decision on an allegation that it has decided to investigate.

2.20. Secondly, the views of the independent person may be sought by the Authority generally or by the member who is the subject of the allegation. The role therefore differs from the previous role of independent member on a Standards Committee.

2.21. The qualifications for an independent person are that the person must not be:-
- A member, co-opted member or officer of the Authority
- A relative or close friend of another member, co-opted member or officer
- A member, co-opted member or officer of the Authority (or the Parish Council of which the Authority is the principal Authority) within five years of their prospective appointment.

2.22. Any appointment must be preceded by a public advertisement, an application and approval by the majority of the Authority’s members. Because of the above criteria the current independent members of the council’s standards committee are not eligible to be this council’s “independent person”.

2.23. The County Council proposal is that the independent person is appointed for each Council, carried out in collaboration with other Local Authorities in Norfolk so that in effect we establish a "pool" of available independent persons. The independent persons in that pool are appointed as the independent person for one authority but could be available for consultation to the other authorities when, for example, conflicts of interest have arisen. This ensures there is appropriate contingency in the event of one person being temporarily absent or has a conflict of interest in the matter themselves. The role and proposed remuneration for the independent person are set out at Appendix 4.

The Standards Committee

2.24. Although there is no obligation under the Act for Local Authorities to appoint Standards Committees, the recommendation, is to appoint a Standards Committee comprised of members of the Authority. Appendix 2 to this Report proposes terms of reference for a Standards Committee. Members should note that the Standards Committee is a non-executive function and the political balance rules of the Local Government and Housing Act 1989 will apply.
2.25. The recommendations also set out a proposed list of sanction powers available to the Standards Committee upon a finding of a breach of the Code. Members will note that the sanction powers no longer include the powers of suspension and disqualification available under the previous regime. The Act in fact prescribes no powers of sanction and the suggested sanctions are based upon use of existing express or implied powers, and are in line with Counsel advice provided to the Association of Council Solicitors and Secretaries.

2.26. It is possible to appoint the Authority’s independent person to the Standards Committee but he / she would not be a voting member. Officers do not propose to appoint them to the Committee, as having previously advised on the course of action taken, it may compromise their position at the Committee.

Dispensations

2.27. The Act provides for dispensations from the speaking and voting restrictions of members with disclosable pecuniary interests.

2.28. The dispensation application may be made to the Proper Officer (members are recommended to designate the Monitoring Officer for this purpose) and determined by the authority. It is recommended that this dispensation power be granted to the Standards Committee.

2.29. Dispensations may be granted where

After having had regard to all relevant circumstances, the authority—

(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority’s area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority’s executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority’s executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

2.30. A dispensation, if granted, must be for a specific period not exceeding four years.

2.31. In July 2008, the Standards and Ethics Committee agreed that should a dispensation be applied for where a parish council would otherwise not be quorate due to the number of members with an interest in the matter, then it could be agreed by the Monitoring Officer following consultation with the Chair and Vice-Chair of the Standards and Ethics Committee, and a parish council
representative. It is proposed that the principle of dispensations where a meeting would not be quorate that the Monitoring Officer can determine this in consultation with the Chairman of the Standards Committee continues, albeit as parish councils will no longer have a presence on the Standards Committee, a representative will not be consulted.

Implementation of the new Code and arrangements for investigating allegations in South Norfolk Council

2.32. Officers are aware that the new arrangements have very serious implications for Councillors, due to the potential penalties should members fail to comply (as highlighted in 2.14 above).

2.33. Officers have arranged training on the new arrangements for 21 June 2012, which we would encourage all members to attend. If members are unable to attend, or have queries relating to their individual circumstances, then they are encouraged to seek advice from the Monitoring Officer or Deputy Monitoring Officer ahead of meetings where matters will be discussed which they may have an interest in.

2.34. From 1 July 2012, officers will be updating the Committee agenda flowchart and question sheet which assists members in whether they should, or should not declare an interest. Training will also be provided to officers on the new arrangements.

2.35. Officers will also be requiring members to submit new declaration of interest forms; once there is confirmation on the definitions of “pecuniary interests” officers will circulate to all members with instructions for completion.

Implementation of the new Code and arrangements for investigating allegations – Parish Councils

2.36. South Norfolk Council has additional duties within the act in relation to parish councils:

- The Monitoring Officer must ensure that the register of interests for every parish council is available for inspection at South Norfolk Council, and on the South Norfolk Council website;
- The Monitoring Officer must provide information to enable the parishes to comply with this requirement;
- The Monitoring Officer must make arrangements for the investigation of allegations that a parish councillor has failed to comply with the parish’s code of conduct.

2.37. Town and Parish Councils are required to approve their own Code of Conduct – to be effective from 1 July 2012 – which must fully comply with all aspects as defined in the Localism Act. Officers are not aware that any Town or Parish Council has adopted a Code yet, and it is hoped that each will adopt the Code of Conduct of South Norfolk Council. Clearly, if Parish and Town Councils do adopt
the Code of South Norfolk Council, it will enable a greater consistency, understanding and efficiency in its use.

2.38. Following this meeting, it is intended to circulate our adopted code to Parish Councils, update them on our arrangements, and to encourage parish clerks to attend the next parish clerk meeting, scheduled for 14 June 2012.

2.39. At the parish clerk meeting, officers will circulate a briefing pack which will contain all information relevant to remind Town and Parish Councils of their obligations, South Norfolk Council’s obligations, and provide information necessary in order to comply with the Act (for example, revised register of interest forms and instructions on how to complete and the deadlines for doing so).

2.40. An obligation on South Norfolk Council with regard to Town and Parish Councils is to make arrangements to investigate a complaint of non-compliance of the Town / Parish Council Code by a Town / Parish Councillor. This does not mean that South Norfolk Council has to investigate a complaint, nor that it determines whether a breach of the Code has occurred.

2.41. In order to meet this Council’s obligations, it is recommended that the following approach be adopted:

- The Council’s Monitoring Officer receives the initial complaint, and follows the procedure set out in Appendix 2 paragraphs 3-6.
- Following this initial assessment, the Monitoring Officer will report to the Town / Parish Council Chairman or Clerk on what action the Monitoring Officer recommends to be taken.
- These actions are to either recommend:
  
  i. No action be taken
  ii. A form of mediation be undertaken
  iii. An investigation is undertaken

- South Norfolk Council will maintain and publicise a list of suitable investigators.

- The Town / Parish Council will take all subsequent steps – including funding any investigation and determining the sanctions to be imposed (if any)

2.42. This approach is dependent on each Town / Parish Council adopting the Code of Conduct recommended by SNC. If a Town / Parish Council approves a different Code of Conduct, then all parts of the process would be undertaken by the Town / Parish Council.
Transitional arrangements for handling allegations

2.43. The new regime is expected to commence from 1 July. The Council will therefore need to have arrangements in place to ensure allegations raised prior to that date are appropriately handled.

- Officers propose that any allegations that are being handled through the current system at 1 July will “slot in” to the relevant position on the new arrangements:
  - If the complaint has not reached assessment sub-committee, it will be considered by the Monitoring Officer against the criteria in Appendix 3 to this report;
  - If it has been referred by the assessment sub-committee for investigation, it will proceed as per paragraph 8 onwards of the arrangements outlined in Appendix 2 to this report;
  - If an investigation has been referred to the consideration sub-committee and they have agreed a full hearing should be undertaken, the hearing will be convened in line with paragraph 11 onwards as per Appendix 2 to this report;
  - In order to comply with the Localism Act, the Independent Person will be involved in such cases as outlined in Appendix 2 to this report.

- Any allegations that are raised after 1 July but relate to incidents before 1 July will be assessed against the new criteria (in Appendix 3) and arrangements (in Appendix 2), however they will be examined against the relevant Code of Conduct that was in force at the time of the incident.

2.44. Until 1 July, the current standards regime, involving independent and parish members, will continue.

3. Proposal and Reasons

3.1. The changes required in order to comply with the Localism Act- specifically to develop a new Code of Conduct and arrangements for reviewing allegations of breaches of the Code - can only be approved by Council. The proposals suggested for adoption have been prepared based on consultation with other monitoring officers across the County, and are very much aligned to the proposals of Norfolk County Council in order to develop a transparent, open and consistent system.

3.2. Officers are unable, as set out above, to finalise proposals for pecuniary interests until we have direction from the Secretary of State. We are proposing interim arrangements should these be required, and will keep members informed on the requirements.
4. Recommendations

4.1. To adopt as of 1 July 2012 the standards arrangements set out in this Report including:-

4.1.1. the new Members’ Code of Conduct set out in Appendix 1;

4.1.2. the arrangements for dealing with standards allegations and the establishment of a Standards Committee all as set out in Appendix 2;

4.1.3. the procedures for the Monitoring Officer and/or the Independent person to follow in considering standards complaints as set out in Appendix 3;

4.1.4. the appointment and remuneration of an Independent Person in accordance with paragraphs 2.19-2.23 of the Report and Appendix 4;

4.1.5. that, should the Secretary of State not determine the definition of “pecuniary interests” ahead of 1 July, the adoption of the Authority’s current arrangements in relation to the registration and declaration of personal and prejudicial interests until such time as the regulations in relation to ‘disclosable pecuniary interests’ are published;

4.1.6. the delegation of dispensation powers under section 32 of the Act to the Standards Committee and the designation of the monitoring officer as Proper Officer for the receipt of applications for dispensations;

4.1.7. where a dispensation is requested by a parish council that would not otherwise be quorate in considering items on their agenda, the delegation of dispensation powers under section 32 of the Act to the Monitoring Officer, in conjunction with the Chair of the Standards Committee;

4.1.8. the delegation to the Monitoring Officer of the power to take all steps and deal with all such ancillary matters as are required to implement any of the above and to render the Authority compliant with Chapter 7 of the Localism Act

4.1.9. Amendment to the Rules of Procedure, Part 4, 4.6, Standing Orders and Rights of Public at Meetings, section A5.1, to require members to leave meetings where they have a pecuniary interest except where they have obtained a dispensation in line with recommendation (vi) above

4.1.10. Amendment to the Council’s Constitution as outlined in Appendix 5
4.1.11. To delegate to the Monitoring Officer establishment of the arrangements for Parish Councils, in line with paragraphs 2.36 to 2.42 above.

4.1.12. The transitional arrangements for handling allegations outlined in paragraph 2.43 above.
Members’ Code of Conduct

1. You are a member or co-opted member of South Norfolk District Council and hence you shall have regard to the following principles:
   i. selflessness,
   ii. integrity,
   iii. objectivity,
   iv. accountability,
   v. openness,
   vi. honesty, and
   vii. leadership.

2. Accordingly, when acting in your capacity as a member or co-opted member:

2.1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

2.2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

2.3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

2.4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

2.5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

2.6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in paragraph 3 below.

2.7. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

2.8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
Registering and declaring pecuniary and non-pecuniary interests

3.1. You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

3.2. In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

3.3. If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a *sensitive interest*.

3.4. Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

3.5. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

3.6. A *sensitive interest* is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
ARRANGEMENTS FOR DEALING WITH STANDARDS’ ALLEGATIONS

1. The following arrangements constitute South Norfolk Council’s adopted procedure for dealing with complaints that a member has failed to comply with the council’s Code of Conduct.

2. The Council will appoint a Standards Committee of 5 members. The 5 members shall be taken from the pool of members on the licensing, appeals and standards committee, bearing in mind the need for political balance. The Chairman and Vice-Chairman of the Committee will be appointed by Council. The terms of reference for the Committee will be:-

   - The promotion and maintenance of high standards of conduct by the members and co-opted members of the Authority, through:
     - Assisting the Monitoring Officer in publicising and educating on application of the Code of Conduct;
     - Advising and supporting the Monitoring Officer in relation to investigations and allegations as requested
   - To deal with any ancillary matters relating to Standards and Conduct including replying to consultations, training etc.
   - To assist when called upon to do so in deciding whether a Standards complaint should be referred for investigation
   - To hear and determine standards complaints made against the authority’s members and co-opted members.
   - To impose such sanctions as they think fit in relation to matters found to be breaches of the Code.
   - To hear and determine applications for dispensations under section 33 of the Act
   - Consider and determine applications made to the Committee for exemption from political restriction, in respect of any post within the Council by the holder of that post.

3. A complaint must be made in the first instance to the Council’s Monitoring Officer at South Norfolk House, Swan Lane, Long Stratton, Norfolk, NR15 2XE. Complaints may only be submitted by individuals, and not by organisations.

4. A complaint must be made on the council’s complaint form (to be drawn up by the Monitoring Officer) or, if submitted in any other way, must contain all the information required by that form.
5. The Monitoring Officer will consider the complaint against the council’s adopted criteria set out in the Annex to Appendix 2 for deciding whether a complaint should be referred for formal investigation or some other action. The Monitoring Officer will consult the council’s “Independent Person” before making a decision. Any functions of the Monitoring Officer in this procedure may be delegated to the Deputy Monitoring Officer. The Monitoring Officer, the Deputy Monitoring Officer and the Independent Person may consult or seek the input of an Independent Person from another authority as appropriate.

6. In the first instance, the Monitoring Officer will refer the complaint to the subject, who will respond within 28 days to confirm whether they agree with the complaint (and any action they have taken to resolve the issue) or that they disagree with the complaint, setting out their reasons why.

7. If the Monitoring Officer / Deputy Monitoring Officer, after consultation with the Independent Person, then decide not to refer the complaint for investigation or for some other action (e.g. seeking mediation or an apology), they will provide a summary of the reasons for his / her decision to both parties. Should either party be dissatisfied with the decision of the Monitoring Officer, this will then be reviewed by the Chair of the Standards Committee to determine whether all relevant matters have been properly accounted for and they are satisfied with the Monitoring Officer’s course of action. If the Chair of the Standards Committee is in agreement with the Monitoring Officer’s suggestions, then there will be no further right of appeal of the complainant.

8. If the Monitoring Officer decides that the complaint warrants investigation, the Monitoring Officer may seek confirmation from the Chair of the Standards Committee to proceed. The Monitoring Officer will appoint a person to investigate and to report back to him/ her. The Monitoring Officer will then consider the conclusion of the investigator’s report.

9. If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that that is a reasonable conclusion then the Monitoring Officer, after consulting the Independent Person, will write to the complainant and the member concerned to inform them that there will be no further action. The Complainant has a right to appeal to the Chair of the Standards Committee, who will review the report and:

   a) Request the report be considered by the Standards Committee for its decision; or
   b) Confirm the Monitoring Officer decision that no further action be taken.

10. If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:

    - resolve the matter without the need for a hearing or
    - to request the Chairman of the Standards Committee to convene a meeting to hear the matter.

11. The procedure at the hearing will be in accordance with standing orders adopted by the council. At least 3 members must be present for the meeting to be quorate.
The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee. Meetings shall be convened by the Monitoring Officer, following consultation with the Chairman. Members of the press and public may attend the committee, but there shall be no public speaking.

12. The Committee shall, whenever possible, come to a consensus view. Where this is not possible, voting shall be on a simple majority by a show of hands.

13. If the hearing concludes that there has been no breach of the Code then the matter is resolved. There is no provision for appeal or review of that decision by the council or any other person.

14. If the hearing concludes that there has been a breach of the Code the committee will consider whether and what sanction it might be appropriate to impose on the member found to be in default. These are as follows:-

a) Censure or reprimand.

b) Report to full Council.

c) Recommendation to the Leader of the Council or Leader of Opposition Group(s) to remove the member from membership of Committees or Sub-Committees (with the associated loss of any special allowances)

d) Recommendation to the Leader of the Council to remove the member from any position of the Executive (with the associated loss of their special allowance)

e) In the case of the Leader, recommendation to the Council to remove the Leader from their position (with the associated loss of their special allowance)

f) Require the member to undergo training in standards.

g) Removal of the member from external nominations or appointments.

h) Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.
Appendix 3

Criteria for the receipt and assessment of complaints

1. Complaints about alleged breaches of the Code of Conduct will be received and considered by the Monitoring Officer.

2. In the event that there is a conflict of interest or other circumstances where it would not be appropriate for the Monitoring Officer to consider the complaint, for example where the Monitoring Officer has advised the Member who is the subject of the complaint about the matter complained of, then the Deputy Monitoring Officer will receive and consider the complaint.

3. In relation to any complaint the Monitoring Officer (or the Deputy Monitoring Officer) should be satisfied that

   (i) it is a complaint in relation to the conduct of one or more named Members of South Norfolk Council

   (ii) the relevant Member was in office at the time of the alleged conduct

   (iii) that, if proved, the Member, acting in his or her capacity as a Councillor, would have failed to/or behave consistently with one or more of the 7 principles set out in the Code.

4. The Monitoring Officer (or the Deputy Monitoring Officer) may take the following into account in deciding whether to investigate the complaint: [see paragraph 5 below]

   - is the matter serious enough to warrant the time and expense of further investigation

   - does the complaint appear to be politically motivated
- does the complaint appear to be malicious, vexatious or otherwise an abuse of the process

- Is the complaint in respect of a decision of a body, rather than the conduct of a member

- is it about something that happened so long ago that there would be little benefit in taking action now

- is the outcome including the availability of any likely sanction sought by the complainant one that the Authority is empowered to deliver

- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct

- had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of

- did the conduct arise from lack of experience or training

- had the Member apologised for the conduct or was he or she willing to apologise

- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process.

5. The Monitoring Officer or Deputy Monitoring Officer will consult the Independent Person (and may consult the Chair of the Standards Committee) on any or all of the above and will take their views into account in reaching a decision whether to investigate.

6. The Monitoring Officer (or the Deputy Monitoring Officer) may determine for any one or more of the above reasons (or in consultation with the Independent Person for another reason) that an investigation is not required. The Monitoring Officer (or the Deputy Monitoring Officer) may instead request that some other action,
such as the Member making an apology, be taken. Should the Member refuse to take such action the Monitoring Officer may still proceed to an investigation if he or she, in consultation with the Independent Person, thinks it is appropriate.
**Independent Persons - Proposed Appointment Process**

The Authority will prepare and place an advertisement setting out the Authority's requirement for an independent person and containing a resume of the eligibility criteria and the selection criteria. The advertisement will be placed by each Authority but interested persons will be asked to indicate whether, if they are appointed, they are available for consultation by other Norfolk Authorities.

Applicants will be interviewed and assessed against the Authority's specification for an independent person and criteria for appointment and one applicant will be recommended to the Authority's Council for appointment by the Monitoring Officer, in consultation with the Chair of the Standards Committee.

“The Authority” may be South Norfolk Council, or another Council acting on behalf of South Norfolk Council.

**Independent Persons - Proposed Remuneration**

Section 28(8)(d) provides that a person appointed as an independent person does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

In putting forward this fee proposal we have looked what authorities pay to people performing similar independent roles.

It should be noted that failure to remunerate Independent Persons for their time and expense commitment in fulfilling this role could lead to the Council not being able to attract the necessary calibre of applicant.

**A. Comparators**

The remuneration received by the independent members of Norfolk County Council's Independent Remuneration Panel is £75 per 'session', with a 'session' usually being a morning or an afternoon and lasting 2-3 hours, whilst Independent Investigators of social services' complaints against Norfolk County Council receive £25 per hour and Independent Persons, who review and validate the investigations for these cases receive £18 per hour.

**B. Fee proposal**

It is proposed that Independent Persons, whether they are instructed by the authority by whom they have been appointed or in their capacity as part of the Norfolk panel of Independent Persons, are paid £25 per hour for carrying out work requested by an authority in relation to a standards complaint. This fee will be reviewed every three years from 1 July 2012. This is the same rate proposed by Norfolk County Council.
### Appendix 5

**Other Changes required to the Constitution arising from the above**

Once the amendments as above and below have been made to the Constitution, it is likely that further changes may be required, for example, to the numbering of elements of the Constitution. It is not proposed to highlight these here.

<table>
<thead>
<tr>
<th>Section</th>
<th>Previous version</th>
<th>To be replaced by:</th>
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<tbody>
<tr>
<td>Part 1: 2.1(h)</td>
<td>“The Standards Committee”</td>
<td>Arrangements for dealing with Standards’ Allegations</td>
</tr>
<tr>
<td>Part 1: 3.1</td>
<td>“The Standards Committee will train and advise them on the code of conduct”</td>
<td>n/a – reference removed.</td>
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<tr>
<td>Part 1: 8.2(m)</td>
<td>“Complain via the Monitoring Officer to the Standards and Ethics Committee if they have evidence which they think shows that a councillor has not followed the Council’s Code of Conduct”</td>
<td>Complain via the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council’s Code of Conduct</td>
</tr>
<tr>
<td>Part 2: 3.1.5(c)</td>
<td>“The Standards and Ethics Committee (via the Monitoring Officer) about a breach of the Councillor’s Code of Conduct”</td>
<td>The Monitoring Officer about a breach of the Councillor’s Code of Conduct</td>
</tr>
<tr>
<td>Part 2: Article 9, 9.2.1</td>
<td>The Standards Committee will consist of 3 District Councillors, 3 Parish members and 3 Independent members. It and its sub-committees shall have the procedure and terms of reference as set out in Part 4.1 of the Constitution at Section 11 to 14</td>
<td>The Standards Committee will consist of 7 Councillors. It shall operate in line with the arrangements for dealing with Standards Allegations, as set out in Part 4.1 of the Constitution, Section 11.</td>
</tr>
<tr>
<td>Part 2: Article 12: 12.3.3</td>
<td>Supporting the Standards and Ethics Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Ethics Cases</td>
<td>n/a, removal</td>
</tr>
<tr>
<td>Part 2: Article 12: 12.3.4</td>
<td>Receiving Reports. The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals</td>
<td>n/a, removal</td>
</tr>
<tr>
<td>Part 2: Article 12: 12.3.5</td>
<td>Conducting investigations. The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards and Ethics Committee</td>
<td>Conducting investigations. The Monitoring Officer will receive and determine action in respect of allegations received relating to failure to comply with the member code of conduct, and, following investigation, refer them to the</td>
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| Part 2: Article 12: 12.3.10 | (New) | Standards Committee where necessary
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<td>Dispensations: The Monitoring Officer will receive representations for dispensations from members, and refer these to the Standards Committee as necessary</td>
</tr>
<tr>
<td>Part 4: 4.3, Access to information, 10.5(h)</td>
<td>The Relevant Authorities (Standards Committee)(Amendment) Regulations 2006 sets out some additional categories of additional exempt information which may apply when a Standards Committee or Sub Committee considers matters referred to it</td>
<td>n/a. The exemptions highlighted in our Constitution would all be classified as exemptions under Freedom of Information when the new structure is formed. As such, no further reference is required.</td>
</tr>
<tr>
<td>Part 5, section 5.5 members roles, 6.4</td>
<td>Support the Committee’s role in training Parish Councillors in the requirements of the Code of Conduct</td>
<td>n/a, remove</td>
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Monitoring Officer Report – Constitutional Changes and appointment to Committees

Monitoring Officer

The purpose of this report is to outline changes proposed to the Council’s Constitution.

<table>
<thead>
<tr>
<th>Cabinet member(s):</th>
<th>Ward(s) affected:</th>
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<tbody>
<tr>
<td>John Fuller</td>
<td>All</td>
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Contact Officer, telephone number, and e-mail:

Andy Radford 01508 533857
aradford@s-norfolk.gov.uk

1. **Background**

1.1. The Localism Act requires the Council to assess the operation of Committees in a number of areas. The Act clarifies the role of the executive, and sets a clear framework for the role and purpose of scrutiny, building on the distinction between scrutiny and the executive embodied within the Local Government Act (2000).

1.2. In order to comply with the Localism Act, the Council would have been required to make a number of changes to its Committee operations, in addition to those already made at Council on 22 February (to the role of Cabinet). For example, the Act makes clear that it is for Scrutiny, and not Council, to appoint its own sub-committees, and only should the Scrutiny Committee wish to do so. This would have led to the removal of the Overview Sub-Committees.

1.3. The present Council system limits the executive roles to a small number of members, which reduces the involvement that other members have in the development of Council policy. This policy development role is extremely valuable, through providing sufficient opportunity for members to input to the development of policy, improving the development opportunities for individual members, and to ensure there is sufficient resilience within existing membership.

1.4. It is apparent, in reviewing the changes required, that it would be useful for the Council to take the opportunity to review the current Committee system on a wider basis, and in particular assess whether the current system is delivering to the Council’s current needs.
2. **Current Position and Issues**

**Committee Structure**

2.1. The Council is continuing in an environment of ongoing national and legislative change. The next year will see the Council developing policies to manage the localisation of Council Tax Support, to respond to Universal Credits and the Community Infrastructure Levy. The systems of financing local government have altered radically, with income and expenditure more dependent on local needs and demands than on guaranteed revenue streams from central government. There are more opportunities, through the Localism Act and the introduction of the power of general competence, to generate income through commercial opportunities. With such changes, the Council needs a Committee system that is able to flex and respond to the challenges presented in an informed and effective manner.

2.2. At present, there are various channels within the Council’s Committee system for the development of policy. Some of this work is undertaken by overview sub-committees, and some undertaken by specific working groups (whether as a formal body, such as the Local Planning Steering Group, or working groups such as the Business Rates and Council Tax Support Working Group).

2.3. This has created overlap between the roles of scrutiny and the role of the executive, whereby scrutiny may support development of policy (through input from the relevant overview sub-committee), which is then scrutinised by the main Scrutiny Committee. Current legislation makes it clear that it is the role of the executive to set policy, not the Scrutiny Committee. Placing policy development work back within the executive function allows the Scrutiny Committee to fulfil the important role of providing effective scrutiny on a timely basis as the policy develops.

2.4. The current system of scrutiny is also unbalanced. There has been significant work undertaken in the growth areas of localism and neighbourhoods, resulting in this overview sub-committee (rather than the Scrutiny committee) considering key areas of Council activity and development. The most recent public protection and environment overview sub-committee was cancelled, whilst the past two scrutiny meetings have both had very light agendas. Refocusing the role of Scrutiny would assist in ensuring the committee has appropriate authority and primacy, whilst also ensuring its terms of reference are compliant with the Localism Act.

2.5. A further consideration is the role and purpose of the Accounts, Audit and Governance Committee. This has gradually evolved to a position whereby the Committee is partly performing the role of a scrutiny body, through looking at aspects of the Council’s governance framework, and partly the role of a decision making body, through approving items such as the Statement of Accounts. There is a disconnect between the Accounts, Audit and Governance Committee – which looks at the outcomes of financial performance – and the detailed review of that financial performance, which is undertaken by Scrutiny and Cabinet.
2.6. The semi-scrutiny role of the Accounts, Audit and Governance Committee is also leading to confusion with regards significant changes in the Council and where scrutiny of these changes should lie. This resulted, for example, in a joint meeting of the Accounts, Audit and Governance Committee and the Scrutiny Committee to review proposals to join nplaw in January 2012. This has led to queries as to whether any reports or policies with “governance” implications should be subject to review by the Accounts, Audit and Governance Committee, in addition – or instead of – the Scrutiny Committee.

2.7. In looking at other areas of Council activity namely the quasi-judicial, regulatory functions of the Council, papers elsewhere on this agenda set out a new framework for operating Standards. Work has also been undertaken to review the efficiency and effectiveness of the Council’s planning system, and in particular reduce the number of applications necessary for referral to Committee.

Management Structure

2.8. Since the departure of the Director of Communities, interim arrangements have been put in place. These arrangements have been successful, so officers propose to delete the position of Director of Communities. In order to build on the development of managers that has taken place over the past 18 months, and provide opportunities based on that development, some re-alignment of other management posts will take place. This should further serve to support the new cabinet policy panels and improve organisational resilience, and will be financed from within existing budgets.

Neighbourhood Board Ground Rules

2.9. It was agreed, following the call-in of the Council’s Community Empowerment Scheme heard at Scrutiny on 20 February 2012 that final arrangements for the scheme would be reported and agreed by Council in May.

2.10. The “ground rules”, on which the scheme has been based, have proved effective throughout the development of the pilot, as recently demonstrated by the Peer Review undertaken in April 2012. Only one issue has arisen, namely that proposals will not be considered which are already funded by another body or there is a clear intention for another body to fund.

2.11. In practical terms, funding by South Norfolk Council can help to attract funding by other bodies, and often the Council part-funds schemes in conjunction with other bodies. The intention behind the rule was to prevent the Council funding schemes which other bodies have a legal obligation to fund, or the Council’s funds not being put to effective use as it replaces funding which could have been provided by another body - or duplicates funding.

2.12. As a result, it is proposed to replace this rule with “Proposals will not be considered that are already wholly funded by another body, or there is a clear intention for another body to wholly fund (e.g. the County Council, Sport England), and proposals where another body has a statutory duty to fund”
3. **Proposal and Reasons**

3.1. Having considered the current position, proposals for a new committee structure have been developed with the aim of:

- Achieving a clear distinction between the executive, scrutiny and regulatory roles within the Council;
- Developing a Council which is “fit for the future”, through having Councillors who are charged with the necessary skills, knowledge and insight to work with officers to develop Council policy and improve Council performance;
- To enable a more pro-active approach to the development of policy, and early and effective member involvement in the process;
- Ensuring the Council is compliant with the Localism Act.

3.2. On this basis, the following Committee structure is proposed:

**The Council**

- Terms of Reference for the Council remain unaltered.

**Cabinet**

- Cabinet will continue to be constituted of 6 portfolio holders, albeit the portfolios have been slightly modified to even workload and to align relevant areas of responsibility. Portfolio holders would continue to adopt their current roles, in delivering the Council’s executive functions, and will be supported by deputy cabinet members. The deputy cabinet members will chair Cabinet Policy Committees, which serve to support and work with officers and Cabinet in developing policy and identifying areas for organisational improvement. The revised portfolio’s, and Policy Committees, are as follows:

  - **Housing and Public Health** – supported by the Housing and Public Health Policy Committee, which will consist of 7 members (this will be politically balanced). The portfolio holder will attend meetings on an ex-officio basis.
  - **Environment and Regulation** – supported by the Environment, Regulation and Growth Policy Committee, which will consist of 7 members (this will be politically balanced). The Local Planning Steering Group and Design Panel will report to this Committee, which will also oversee economic development and the Joint Core Strategy.
  - **Finance and Resources** – supported by the Finance, Resources, Audit and Governance Policy Committee, which will consist of 7 members (this will be politically balanced). The Joint Consultative Committee will report to the Committee. This Committee will undertake review of required items previously assessed by the Accounts, Audit and Governance Committee.
Communities and Localism - this is supported by two sub-committees -

- The Localism Committee, which oversees the work of the Neighbourhood Boards. The Committee would consist of the Portfolio Holder, the Chairmen of the Neighbourhood Boards, and a member of the opposition.

- Grants Panel – this would operate in a similar manner as the present Grants Panel, in reviewing applications from outside bodies to receive Council grant based funding.

Innovation and Efficiency – this is a cross-cutting portfolio, which will input to areas of significant activity and change within the authority. As such, this will not be accompanied by a separate Policy Panel, and work within this area will report direct to Cabinet meetings.

- The Localism Act makes clear that an executive must have a maximum of 10 members, and as such the above Committees cannot be delegated decision making powers. However, all such committees would be responsible for reviewing items, and making recommendations for cabinet to approve on the basis of the Committee or Panel’s assessment.

- Any additional informal task and finish groups that are required (e.g. the current Business Rates and Council Tax Working Group) will report directly to Cabinet, in order that they can benefit from a cross-representation from the Cabinet Policy Committees.

- The Local Planning Steering Group has performed a valuable role since formation to inform the local development framework. It is expected that this work will diminish from September, at which stage the group will be reviewed to assess whether the associated work can be subsumed into the Planning Policy, Regulation and Growth Committee.

- Member Champions will no longer be appointed, as all such duties will be performed by the deputy cabinet members.

- Terms of reference for the various committees and panels are included at Appendix 2, whilst the revised scheme of delegation, which also confirms the policy panel responsible for each service area, is attached at Appendix 3.

Board

- The informal board meetings between Cabinet members and the Council’s Corporate Management Team will continue, but will also include the deputy cabinet members.

Scrutiny

- Scrutiny will continue to consist of 11 members. There will only be one Scrutiny Committee, with terms of reference aligned to the requirements of the Localism Act. Scrutiny will be able to hold the Executive to account
through the pre-scrutiny and call-in processes. Revised terms of reference for scrutiny are included at Appendix 4.

Regulatory Committees

- There will be two regulatory committees:
  - Planning – there will be one planning committee. Council will be requested to approve the Chairman and two Vice-Chairmen of the Committee. The Committee will be constituted of 11 members, and meet on a 4-weekly basis. Substitutes will be permitted from a pool of 4 members. Revised terms of reference are attached at Appendix 5.
  - Licensing and Standards – this will be constituted of a pool of 15 members, and Council will also be requested to approve a Chairman and Vice-Chairman for the Licensing and Appeals Committees, and a Chairman and Vice Chairman for Standards. Licensing and Appeals will remain unchanged from present arrangements, whilst Standards will operate in line with the arrangements outlined in the report on “a new standards regime and code of conduct” elsewhere on this agenda.

3.3. Should Council approve the changes outlined above, it will then be required to appoint members to fill the seats allocated on the Committees. The Council is responsible for appointing members to fill the allocated seats on committees, but can only appoint members proposed by Group Leaders. The Leader of the Council is responsible for making appointments to the executive and assigning portfolios to the Cabinet members. He is also responsible for appointing the Deputy Leader of the Council. In that regard, it is not necessary for Council to approve the appointments to the “executive branch” of the Council, albeit they are included within Appendix 6, for reference.

3.4. Appendix 6 to this report sets out the possible number of seats on each committee and sub-committee, and the allocation of seats to groups. These allocations have paid due regard to the Local Government (Committees and Political Groups) Regulations, in that seats on committees and sub-committees have to be allocated to relative strength of each political group on the Council (except for the Executive, and, until 30 June 2012, the Standards and Ethics Committee). It should be noted that two members of the Council are not aligned to a political group. Only groups feature in the calculations under Widdicombe rules, so these members have not taken in to account when calculating the political balance of the Council. However, many authorities allow members who are not a member of a political group to serve on at least one committee. The exact number of committees on which the members are to be invited to serve on is for Council to determine.

3.5. The Council is also responsible for appointing the Chairmen and Vice-Chairman of specific Committees, outlined at Appendix 7 of the report.

3.6. Appointments will need to be made to the Standards Committee separately until 30 June 2012; on 1 July 2012, the Licensing, Appeals and Standards Committee
will take responsibility for Standards hearings. Council is requested to approve appointment to both the current, and the future committees, at this meeting.

3.7. if the Council is to approve alternative arrangements for appointments to a Committee other than those required by the law on political balance, it must be without any member voting against them. The proposed arrangements for the Scrutiny Committee fall within this category.

3.8. In addition to the above, other changes are proposed to the Constitution in line with the principles outlined in paragraph 3.2 as above:

- Article 12 of the Constitution, management structure, requires revision in order to remove reference to the Director of Communities, as per paragraph 2.8 above;

- Following the transfer of the legal service to nplaw, several changes are required to the Constitution in order to re-assign relevant responsibilities, as attached in Appendix 8;

- In order to ensure minor changes to the Constitution can be made in an efficient and effective manner, and to ensure the expedient conduct of business, it is proposed to amend Article 15 of the Constitution to allow the Monitoring Officer to make changes to the Constitution subject to agreement with the Leader of the Council, Leader of the Opposition, and the Chair of Scrutiny Committee. Should all parties be in agreement, they will be notified to all members immediately, and then subsequently confirmed to full Council in due course.

3.9. It is anticipated that the majority of Committee dates should not change (council, cabinet, scrutiny, neighbourhood boards), although should Council adopt the proposals above dates will need to be confirmed for the policy panels and the ongoing dates of the planning committee. This will be discussed with relevant committee chairmen, on appointment, and notified to members in due course.

4. Recommendations

4.1. Council is recommended to:

4.1.1. Approve the amendment to the Committee structure of the Council, as outlined in 3.2 above and at Appendix 1 to this report;

4.1.2. Approve the revised scheme of delegation, attached at Appendix 2 to this report;

4.1.3. Approve the terms of reference for the Committees and Policy Panels, included in Appendix 3, 4 and 5;

4.1.4. Appoint its committees, sub-committees and working groups in accordance with Appendix 6 of the report and the membership of Committees as advised by Group Leaders; (where the proposal is
not in line with the rules of political balance, this must be approved without members voting against, as per 3.7 above)

4.1.5. Appoint Chairman and Vice-Chairman to the Committees required as highlighted in Appendix 7 of the report.

4.1.6. Note that the appointments to the Standards Committee will only apply until 30 June 2012, at which point this will become part of the Licensing, Appeals and Standards Committee.

4.1.7. Approve the changes to the Constitution as set out in paragraph 3.6 and Appendix 8.

4.1.8. Delegate the Monitoring Officer to make any further changes to the Constitution necessary in order to comply with 4.1.1 to 4.1.5 above.

4.1.9. Note the change proposed to the Neighbourhood Board Ground Rules, outlined in paragraph 2.9 to 2.12
Shape of the Administration & Committee Structures

Council

Cabinet

Leader

Communities & Localism

Finance & Resources

Environment & Regulation

Housing & Public Health

Innovation & Efficiency

Scrutiny

Cabinet Policy Committees

Localism Committee

Grants Panel

Finance, Resources, Audit & Governance Policy Committee

Environment, Regulation & Growth Policy Committee

Housing & Public Health Policy Committee

Task & Finish Groups as needed e.g. Council Tax support & Business Rates Working Group

Scrutiny Task and Finish Groups

Quasi Judicial

Planning

Subs Pool

Licensing, Standards, Appeals Pool

Standards

Licensing

Licensing Complaints

Licensing & Gambling

Appeals
THE CABINET

2.1 Terms of Reference

The Cabinet shall:

2.1.1 Policy

(a) In consultation with other bodies, (as appropriate) develop and propose the overall policy framework for approval by the Council;
(b) submit the Council’s Local Development Framework, Strategy, Crime and Disorder Reduction Strategy for approval by Council;
(c) Draw up the Council’s corporate Business Plan.

2.1.2 Financial

(a) recommend a budget and the level of Council Tax to the Council;
(b) be responsible for risk management, audit and internal control.

2.1.3 General

(a) decide matters referred to it from other bodies, including the cabinet policy committees (or advise the Council on issues involving significant changes to budgets and policies);
(b) Receive reports on the performance and efficiency of the Council, recognising areas for improvement and directing cabinet policy committees to review these accordingly;
(c) Develop a work programme of policy development areas in order to influence and direct the work of the cabinet policy committees
(d) develop opportunities for partnership / shared / innovative working;
(e) determine issues within an agreed scheme of delegations referred to it for decision by the Chief Executive, Deputy Chief Executive and Directors;
(f) report to each scheduled meeting of the Council.

2.1.4 The Local Authorities (Functions and Responsibilities)(England) Regulations 2000, (as amended) includes four schedules which define which decisions may not be made by Cabinet and in what circumstances.
2.1.5 In order to discharge the functions highlighted above, cabinet may appoint task and finish groups, to be constituted of members of the cabinet or cabinet policy committees.

2.2 Membership

2.2.1 The Council will appoint a Leader who will appoint no less than 1 and not more than 9 other members who will have special responsibilities allocated by the Leader and which shall be published.

2.2.2 The Leader must designate one of the Cabinet Members as Deputy Leader.

2.2.3 The Leader may, from time to time, make changes to the membership of Cabinet or fill any vacancies that may arise by writing to the Monitoring Officer who will report any such changes to the next meeting of Council.

2.2.4 No substitute members will be permitted.

2.2.5 The Leader shall act as Chairman of the Cabinet and the Deputy Leader as Vice Chairman.

2.3 Quorum

2.3.1 The minimum number of members of Cabinet required to transact any of its business shall be two thirds, rounded up.

2.4 Procedures, protocol and public speaking

2.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Cabinet.

2.4.2 The Cabinet will meet up to 10 times per year. Special meetings of the Cabinet may be called by the Leader of the Council, or any 2 Cabinet members.

2.4.3 Except on grounds of urgency (which must be justified to the Scrutiny Committee), or where specifically as decided by the Council, proposals for new policies, or significant changes to an existing policy, should be first considered by the Scrutiny Committee.

2.4.4 Notification of decisions of the Cabinet (and decisions by the Chief Executive, Deputy Chief Executive, Director or other officers made in cases where there has been consultation with the whole cabinet) will be sent to all members of the Council within 2 working days.

2.4.5 Any member of the Council can attend the Cabinet and may speak on any issue once.
2.4.6 Members of the press and public may attend the Cabinet. General arrangements for public speaking as set out in Part 4.6 G “Public Speaking at Committees” apply.

2.5 Voting

2.5.1 Voting at meetings is by show of hands.

2.5.2 Voting members may request that their votes are recorded.

2.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.
ENVIRONMENT, REGULATION AND GROWTH POLICY COMMITTEE

Terms of Reference

1. To deliver appropriate work as discharged by Cabinet, in relation to the Environment, Growth and Regulation portfolio of responsibility, to include economic development and development of the Joint Core Strategy.

2. To review areas of the Council’s budget and performance highlighted by Cabinet in respect of Environment, Regulation and Growth portfolio of responsibility, utilising this review to inform future work for the Committee.

3. To oversee the work of, and receive reports from, the Local Planning Steering Group and Design Panel.

4. Undertake any other work as directed by Cabinet.

Membership

1. The committee will consist of 7 Members of the Council to be appointed by the Leader of the Council and be politically balanced. The relevant portfolio holder will attend committee meetings ex-officio.

2. No more than two members of the committee can also sit on the Scrutiny Committee.

3. Named substitutes may attend and vote at the committee, in accordance with the Council’s standing order C7.

4. The Chairman and Vice-Chairman of the committee shall be appointed by the Leader of the Council. The Chairman of the committee will serve as the deputy cabinet member for environment and regulation.

Quorum

1. A minimum of three members of the Council (either members of the committee or named substitutes) must be present to transact any business of the committee.

Procedures, protocol and public speaking

1. The committee shall meet on at least 3 occasions per year.

2. The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.
3. Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

4. At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.

5. Any member of the Council may attend and speak at meetings of the Panel.

**Voting**

1. Voting shall be by a simple majority by show of hands

2. Voting members may request that their votes are recorded

3. In the event of an equality of votes the Chairman shall have a second or casting vote.
LOCALISM COMMITTEE

Terms of Reference

1. To deliver appropriate work as discharged by Cabinet, in relation to the communities and localism portfolio of responsibility.

2. To review areas of the Council's budget and performance highlighted by Cabinet in respect of communities and localism portfolio of responsibility, utilising this review to inform future work for the Committee.

3. To oversee the work of the Neighbourhood Boards.

4. Undertake any other work as directed by Cabinet

Membership

1. The Committee will consist of 7 Members of the Council, as appointed by the Leader of the Council. This will usually be the Portfolio Holder for Communities and Localism, the Neighbourhood Board Chairmen, and a member of the opposition group.

2. No more than 2 members of the panel can also sit on the Scrutiny Committee.

3. Named substitutes may attend and vote at the Panel, in accordance with the Council’s standing order C7. Named substitutes may not be members of the Council’s Scrutiny Committee, and, where substituting for Neighbourhood Board Chairmen, must also be members appointed to the relevant Neighbourhood Board.

4. The Chairman of the Committee will be the portfolio holder for communities and localism. The vice-chairman will be appointed by the Leader of the Council.

Quorum

1. A minimum of three members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Committee.

Procedures, protocol and public speaking

1. The Committee shall meet on at least 3 occasions per year.

2. The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.
3. Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

4. At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.

5. Any member of the Council may attend and speak at meetings of the Committee.

Voting

1. Voting shall be by a simple majority by show of hands

2. Voting members may request that their votes are recorded

3. In the event of an equality of votes the Chairman shall have a second or casting vote.
HOUSING AND PUBLIC HEALTH POLICY COMMITTEE

Terms of Reference

1. To deliver appropriate work as discharged by Cabinet, in relation to the housing and public health portfolio of responsibility.

2. To review areas of the Council's budget and performance highlighted by Cabinet in respect of the housing and public health portfolio of responsibility, utilising this review to inform future work for the Committee.

3. Undertake any other work as directed by Cabinet

Membership

1. The Committee will consist of 7 Members of the Council to be appointed by the Leader of the Council, and be politically balanced. The relevant portfolio holder will attend committee meetings ex-officio.

2. No more than 2 members of the panel can also sit on the Scrutiny Committee.

3. Named substitutes may attend and vote at the Panel, in accordance with the Council’s standing order C7. Named substitutes may not be members of the Council’s Scrutiny Committee.

4. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council. The chairman of the committee will act as the deputy cabinet member for housing and public health.

Quorum

1. A minimum of three members of the Council (either members of the Panel or named substitutes) must be present to transact any business of the committee.

Procedures, protocol and public speaking

1. The committee shall meet on at least 3 occasions per year.

2. The Chairman of the committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.

3. Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.
4. At the discretion of the Chairman, any person attending the committee may speak or may put questions to any other participant.

5. Any member of the Council may attend and speak at meetings of the committee.

**Voting**

1. Voting shall be by a simple majority by show of hands

2. Voting members may request that their votes are recorded

3. In the event of an equality of votes the Chairman shall have a second or casting vote.
FINANCE, RESOURCES, AUDIT AND GOVERNANCE COMMITTEE

Terms of Reference

4. To deliver appropriate work as discharged by Cabinet, in relation to the finance and resources portfolio of responsibility.

5. To review areas of the Council's budget and performance highlighted by Cabinet in respect of the finance and resources portfolio of responsibility, utilising this review to inform future work for the Committee.

1. To specifically review, making recommendations to Cabinet where appropriate:
   a. The draft statement of accounts, considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements that need to be brought to the attention of cabinet prior to external audit;
   b. The final statement of accounts;
   c. The external auditor’s report on the statement of accounts;
   d. The Head of Internal Audit’s annual report and opinion;
   e. The effectiveness of the Council’s internal audit service;
   f. The internal and external auditor’s annual plans

2. To oversee the work of, and receive reports from, the Joint Consultative Committee

3. Undertake any other work as directed by Cabinet

Membership

1. The Committee will consist of 7 Members of the Council to be appointed by the Leader of the Council and be politically balanced. The relevant portfolio holder will attend committee meetings ex-officio.

2. No more than 2 members of the committee can also sit on the Scrutiny Committee.

3. Named substitutes may attend and vote at the Panel, in accordance with the Council’s standing order C7. Named substitutes may not be members of the Council’s Scrutiny Committee.

4. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council. The chairman of the committee will act as the deputy cabinet member for finance and resources.

Quorum
1. A minimum of three members of the Council (either members of the Panel or named substitutes) must be present to transact any business of the committee.

Procedures, protocol and public speaking

1. The committee shall meet on at least 3 occasions per year.

2. The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.

3. Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

4. At the discretion of the Chairman, any person attending the committee may speak or may put questions to any other participant.

5. Any member of the Council may attend and speak at meetings of the committee.

Voting

1. Voting shall be by a simple majority by show of hands

2. Voting members may request that their votes are recorded

3. In the event of an equality of votes the Chairman shall have a second or casting vote.
LOCAL PLANNING STEERING GROUP

Terms of Reference

1 To direct and support officers undertaking work in connection with the production and implementation of a spatial planning framework that maximises the receipts from Community Infrastructure Levy and new homes bonus, promoting good design, seeking consensus, making appropriate recommendations to Cabinet via the environment, regulation and growth committee where appropriate.

Membership

1 The Committee will consist of 8 Members of the Council. The Leader of the Council will attend meetings ex-officio. Members of the Committee will include the relevant Portfolio holder, and be politically balanced.

2 Members of the Committee must be currently accredited for planning purposes.

3 No more than 2 members of the Committee can also sit on the Scrutiny Committee. Cabinet members may be appointed to serve on the Committee.

4 The Chairman and Vice-Chairman of the Committee shall be appointed by the Leader of the Council.

Quorum

1 A minimum of three members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Committee.

Procedures, protocol and public speaking

1 The Committee shall meet on at least 3 occasions per year.

2 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

3 Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

4 At the discretion of the Chairman, any person attending the Committee may speak or may put questions to any other participant.
Any member of the Council may attend and speak at meetings of the Committee.

Voting

1. Voting shall be by a simple majority by show of hands.
2. Voting members may request that their votes are recorded.
3. In the event of an equality of votes the Chairman shall have a second or casting vote.
JOINT CONSULTATIVE COMMITTEE

Terms of Reference

1 To consider and advise the Cabinet, (through the Finance, Resources, Audit and Governance Committee where appropriate), on the local application of terms, conditions of service and employment related matters; in particular the application of legislation and equality issues.

2 To consider any relevant matters referred to it by the Council, Cabinet or a Committee/Working Group of the Council or recognised Trade Union with membership in the employment of the Council.

3 Where, in the effective conduct of business, it is more efficient to do so, the Committee may report direct to do so, the Joint Consultative Committee may report directly to Cabinet.

Membership

1 The Leader of the Council will appoint 6 members of the Council, appointed from the political parties in proportion to the number of council members in each political group. The Trade Unions shall appoint an equal number of representatives in proportion to their membership at the Council.

2 Union representation shall be made up of 5 Unison members and 1GMB member. If the GMB member is absent at a meeting, a Unison member may take that seat and vote, for the duration of the meeting.

3 Substitutes will be allowed.

4 The Chairman will be from the Council side and the Trade Union side in alternate years, the Vice-Chairman being drawn from the other side.

Quorum

1 A minimum of 3 members of the Council and 3 Trades Union Representatives must be present to transact any business.

Procedures, protocol and public speaking

1 The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the committee.

2 Members of the public may only attend and speak at meetings of the committee at the discretion of the Chairman.

Voting
1 Voting shall be by a simple majority by a show of hands.

2 In the event of an equality of votes the Chairman shall have second or casting vote.
GRANTS PANEL

Terms of Reference

1. To consider applications for discretionary grant funding from external bodies, and taking into account officer reports, determine the extent and terms of the award for Cabinet approval.

2. Where directed to do so by Cabinet, to review and advise on the development of policy for the discretionary grant funding of external organisations.

Membership

1. The Panel will consist of 5 Members of the Council to be appointed by the Leader of the Council and be politically balanced. The cabinet portfolio holders may attend meetings of the panel ex-officio.

2. No more than 2 members of the Panel can also sit on the Scrutiny Committee.

3. Named substitutes may attend and vote at the Panel, in accordance with the Council’s standing order C7. Named substitutes may not be members of the Council’s Scrutiny Committee.

4. The Chairman and Vice-Chairman of the Panel shall be appointed by the Leader of the Council.

Quorum

1. A minimum of three members of the Council (either members of the Committee or named substitutes) must be present to transact any business of the Panel.

Procedures, protocol and public speaking

1. The Panel shall meet on at least 4 occasions per year.

2. The Chairman of the Panel shall be responsible for maintaining order and the effective conduct of business at meetings of the Panel.

3. Public speaking will be allowed in accordance with Section G of Part 4.6 of the Constitution – Standing Orders and Rights of the Public at Council Meetings.

4. At the discretion of the Chairman, any person attending the Panel may speak or may put questions to any other participant.
Any member of the Council may attend and speak at meetings of the Panel.

**Voting**

1. Voting shall be by a simple majority by show of hands
2. Voting members may request that their votes are recorded
3. In the event of an equality of votes the Chairman shall have a second or casting vote.
### 3.1 Leader and External Affairs Portfolio

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<tr>
<th>Activity</th>
<th>Responsible Officer</th>
<th>Cabinet Policy Committee</th>
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<tbody>
<tr>
<td>Communications</td>
<td>Chief Executive</td>
<td>Cross-cutting CPC</td>
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<tr>
<td>Economic Development, including:</td>
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<td>Environment, Growth &amp; Regulation</td>
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<td>➢ Broadband for the Community</td>
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<td>➢ Regeneration</td>
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<td>➢ Tourism</td>
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<td>Strategic Planning Policy including</td>
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<td>Environment, Growth &amp; Regulation</td>
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<td>➢ Community Infrastructure Levy</td>
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<td>➢ Joint Core Strategy</td>
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<td>➢ New Homes Bonus</td>
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<td>➢ Town Plans and Developer Guidance</td>
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<td>Elections and Electoral Registration</td>
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### 3.2 Communities and Localism Portfolio

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<td>Localism</td>
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<td>➢ Arts Development and coordination</td>
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### 3.3 Environment and Regulation Portfolio

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<td>➢ Biodiversity/Ecology</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
<tr>
<td>➢ Dangerous, ruinous or dilapidated buildings</td>
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<tr>
<td>➢ Listed Buildings</td>
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<tr>
<td>➢ Tree Preservation</td>
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<tr>
<td>Development Control including</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
<tr>
<td>➢ Building Control – Client Functions</td>
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<td>➢ Planning Applications</td>
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<td>➢ Planning Appeals</td>
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<tr>
<td>➢ Planning Enforcement</td>
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<tr>
<td>Drainage Improvements including</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
<tr>
<td>➢ Surface Water &amp; Sewerage</td>
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<tr>
<td>Emergency Planning and Business Continuity</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
<tr>
<td>Environmental Enforcement including</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
<tr>
<td>➢ Dog Control</td>
<td></td>
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<tr>
<td>➢ Health and Safety</td>
<td></td>
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<tr>
<td>➢ Neglected Sites</td>
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<tr>
<td>Land Charges</td>
<td></td>
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</tr>
<tr>
<td>Licensing, including</td>
<td>Director of Development &amp; Environment</td>
<td>Environment, Growth &amp; Regulation</td>
</tr>
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<td>➢ Alcohol Licensing</td>
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<tr>
<td>➢ Animal Licensing</td>
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<tr>
<td>➢ Gambling Licensing</td>
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<tr>
<td>➢ Regulated Entertainment</td>
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<td></td>
</tr>
</tbody>
</table>
Licensing
➢ Taxi Licensing

Play Site Inspection and Adoption Director of Development & Environment Environment, Growth & Regulation

Protecting the Environment including
➢ Energy Advice and Assistance Director of Development & Environment Environment, Growth & Regulation
➢ Environmental Awareness/Corporate Energy Efficiency
➢ Environmental Crime
➢ Environmental Health
➢ Environmental Licensing
➢ Pest Control

Public Conveniences Director of Development & Environment Environment, Growth & Regulation

Public Health Protection including
➢ Communicable Disease Control Director of Development & Environment Environment, Growth & Regulation
➢ Food Safety
➢ Pollution

Street Scene including
➢ Clean Neighbourhoods Director of Development & Environment Environment, Growth & Regulation
➢ Countryside Management
➢ Grounds Maintenance

Waste including
➢ Domestic Recycling Director of Development & Environment Environment, Growth & Regulation
➢ Domestic Refuse Collection
➢ Mini Recycling Centres
➢ Trade Waste
### 3.4 Housing & Public Health Portfolio

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Officer</th>
<th>Cabinet Policy Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits including</td>
<td>Deputy Chief Executive</td>
<td>Housing &amp; Public Health</td>
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<tr>
<td>➢ Benefit Fraud</td>
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<td>➢ Council Tax Benefit</td>
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<tr>
<td>➢ Housing Benefits</td>
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</tr>
<tr>
<td>Burials</td>
<td>Director of Development &amp; Environment</td>
<td>Housing &amp; Public Health</td>
</tr>
<tr>
<td>Gypsies and Travellers</td>
<td>Director of Development &amp; Environment</td>
<td>Housing &amp; Public Health</td>
</tr>
<tr>
<td>Housing advice including</td>
<td>Director of Development &amp; Environment</td>
<td>Housing &amp; Public Health</td>
</tr>
<tr>
<td>➢ Homelessness and Homelessness Prevention</td>
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<td>➢ Leased Properties and Hostels</td>
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<td>➢ Housing Advances</td>
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<td>➢ Housing Advice</td>
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<tr>
<td>➢ Housing Register &amp; Home Options</td>
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<td>Housing Standards including</td>
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<td>Housing &amp; Public Health</td>
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<td>➢ Disabled Facilities Grants/Aids &amp; Adaptations</td>
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<td>➢ High Hedges</td>
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<td>➢ Housing Enforcement</td>
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<td>➢ Renovation Grants</td>
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<td>➢ Supporting People</td>
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<td>➢ Unfit Houses and HMOs</td>
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<tr>
<td>Older People’s Forum</td>
<td>Director of Development &amp; Environment</td>
<td>Housing &amp; Public Health</td>
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</table>
Public Health Promotion

Revenues including
- Council Tax Collection
- National Non Domestic Rates
- Rate Relief Schemes

Strategic Housing policy including
- Affordable Housing
- Housing Enabling
- Mortgages

Welfare Rights/Debt Advice

Environment
- Chief Executive
- Deputy Chief Executive

Housing & Public Health
- Director of Development & Environment
- Director of Development & Environment
### 3.5 Finance and Resources Portfolio

<table>
<thead>
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<th>Activity</th>
<th>Responsible Director</th>
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<td>Finance, Resources, Audit and Governance</td>
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<td>Finance including</td>
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<td>➢ Accountancy</td>
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<td>➢ Income</td>
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<td>➢ Payments</td>
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<td>➢ Procurement and Supply Contracts</td>
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<td>➢ Sundry Debtors</td>
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<td>➢ Treasury Management</td>
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<tr>
<td>Health and Safety at SNC</td>
<td>Deputy Chief Executive</td>
<td>Finance, Resources, Audit and Governance</td>
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<td>Human Resources</td>
<td>Deputy Chief Executive</td>
<td>Finance, Resources, Audit and Governance</td>
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<td>Information Rights including:</td>
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<td>➢ Data Protection</td>
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<tr>
<td>➢ Freedom of Information</td>
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<tr>
<td>Land and Property including</td>
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<td>Finance, Resources, Audit and Governance</td>
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<tr>
<td>➢ Asset Management</td>
<td></td>
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<tr>
<td>➢ Building Maintenance</td>
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<td>➢ Commons</td>
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<td>➢ Community Right To Buy</td>
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<td>➢ Facilities Management</td>
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<td>➢ Heritage Site Management</td>
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<td>➢ Industrial Estate Management</td>
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<td>➢ Parish Land Management</td>
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<tr>
<td>➢ Sewage Works Rehabilitation Programme</td>
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<tr>
<td>➢ Street Lighting and Street Nameplates</td>
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</tbody>
</table>
- Street Naming & Numbering / GIS
  - Reprographics including
    - Post
    - Printing
  - Members Services including:
    - Committee Services
    - Member Support
    - Scrutiny
- Legal Services

Deputy Chief Executive  Finance, Resources, Audit and Governance
### 3.6 Innovation and Efficiency Portfolio

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change Management</td>
<td>Chief Executive</td>
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<td>Customer Services including:</td>
<td>Cross-cutting CPC</td>
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<tr>
<td>- Web Development</td>
<td>Chief Executive Cross-cutting CPC</td>
</tr>
<tr>
<td>- ICT Strategy</td>
<td></td>
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<tr>
<td>- Equalities</td>
<td></td>
</tr>
<tr>
<td>- Customer Insight</td>
<td></td>
</tr>
<tr>
<td>Information Technology and Telephony</td>
<td>Deputy Chief Executive Cross-cutting CPC</td>
</tr>
<tr>
<td>Service Improvement &amp; Efficiency</td>
<td>Chief Executive Cross-cutting CPC</td>
</tr>
<tr>
<td>- Business Development</td>
<td></td>
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<tr>
<td>- Business Improvement</td>
<td></td>
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<tr>
<td>- Performance Improvement</td>
<td></td>
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<tr>
<td>Shared Services</td>
<td>Chief Executive Cross-cutting CPC</td>
</tr>
<tr>
<td>Leisure Centres</td>
<td>Chief Executive Cross-cutting CPC</td>
</tr>
<tr>
<td>CNC Building Control</td>
<td>Deputy Chief Executive Cross-cutting CPC</td>
</tr>
</tbody>
</table>
SCRUTINY COMMITTEE

Terms of Reference

1. The main roles of the Scrutiny Committee are:

   - To review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Leader of the Council or Cabinet (collectively “the executive”), and to make reports or recommendations on this basis.

   - To review or scrutinise any other decisions made or actions taken, which are not the responsibility of the executive, and to make reports or recommendations on this basis.

   - To make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of its area.

   - To make reports or recommendations to a relevant partner authority in so far as the responsibilities of the partner authority affect the District, or residents of the District.

   - To perform the function of the Crime and Disorder Scrutiny Committee for the District under section 19 of the Police and Justice Act 2006.

2. The Committee will specifically:

   a. Assess proposed topics and scrutiny investigations for inclusion in an agreed work programme of the Scrutiny Committee, and to regularly review the work programme, taking into account the current priorities of the Council and the need for a proportionate approach.

   b. In proposing and reviewing its work programme the Committee will determine the most appropriate means for undertaking this work, including the extent of involvement of the public and defining desired outcomes.

   c. Review and scrutinise the Council’s corporate and directorate planning process and outcomes;

   d. Review the Council’s annual budget, and in light of recommendations of the executive, report to Council;

   e. Pre-scrutinise proposals for new policies, or significant changes to policies, to subsequently be decided by Cabinet;
f. Consider any matter referred through the Community Reference Procedure to any relevant committee, following such consultation the Chairman feels appropriate. Where such matters are considered by Scrutiny, these will be incorporated into the work programme as above.

g. Adopt the “TOPICS” principle in identifying if issues under consideration should be included within the future work programme, i.e:

(a) Is this the right time to review the issue and is there sufficient officer time and resource to conduct the review? What is the timescale?
(b) What is the reason for review; do officers have a clear objective?
(c) Can performance in this area be improved by scrutiny?
(d) Is there sufficient interest (particularly from the public)? The concerns of local people should influence the issues chosen for scrutiny.
(e) Will the review assist the Council achieve its corporate priorities

3. In discharging its role in (1) above, the Committee will consider proposed or actual decisions of the executive which have been “called in” for consideration under the council’s decision making process. In respect of such items, the Committee may:

a. Endorse the executive’s decision (which will then be implemented):

b. Refer the matter back for reconsideration by the executive; in doing so, it may suggest a different option is considered, or the executive carry out additional consultation or obtain more information;

c. Authorise its Chairman, or one of its members, to negotiate with the responsible Cabinet member(s)

4. Once the Scrutiny Committee has considered an item called in, it will inform the members who called in the item, and the relevant executive body of the outcome.

5. It will ordinarily be the case that all such items will be considered by the Scrutiny Committee itself. However, the Scrutiny Committee may appoint one or more task and finish groups in order to discharge its functions as above. Any such task and finish group may not consider items which have not been conferred by the Scrutiny Committee.

Membership

1. The Council shall appoint eleven members of the council to the Scrutiny Committee. No member of the Executive may be a member of, or attend as a substitute of the Scrutiny Committee, and no more than two members of Scrutiny may sit on any one cabinet policy committee.
2. Named substitutes may attend and vote at the Committee in accordance with the Council’s Standing Order C7, and are considered to be members of the Committee during their attendance.

3. The Chairman and Vice-Chairman of the Committee shall be elected by the Council for each civic year.

**Quorum**

1. The minimum number of voting members to transact the business of the Committee shall be 4.

**Procedures, protocol and public speaking**

1. The Chairman of the Committee shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

2. Members of the public may attend the Committee, and speak in accordance with the provisions below, unless the press and public are excluded for consideration of confidential items.

3. When carrying out reviews, the Committee may call witnesses, which can include members of the public, members of the authority and the executive. The order of business will be in accordance with the agenda. The procedure will normally be:

   a. The Chairman will explain the procedure and will ask any member of the council or any person who also wishes to give evidence to identify themselves
   b. Introduction by the Scrutiny and Information Rights Officer;
   c. Evidence from witnesses, including the Cabinet member and officer(s) concerned;
   d. Evidence from any other persons who have identified themselves at the start of proceedings;
   e. Each witness will have up to 5 minutes to speak, after which the Committee may ask questions;
   f. At the discretion of the Chairman, any other person may put questions to the witnesses, except that no member of the public may put questions to another member of the public;
   g. Witnesses will then be given opportunity to add any other points not already covered.

4. When considering called-in items, the main evidence will be the relevant executive papers. The procedure outlined in 3 above will also operate in regards to called in items.

5. Any member of the Council will be entitled to attend the Committee and to speak and ask questions.
6. At any stage in proceedings, the Committee may resolve to exclude the press and public if there is likely to be the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972.

7. It is the duty of any member or officer of the Council to attend the Scrutiny Committee if required to do so, and to give evidence and answer questions to the best of their knowledge and ability. No witness shall be required to give evidence which, in the opinion of the witness, would disclose confidential information, unless the press and public have been excluded.

**Voting**

1. Voting shall be by a simple majority by show of hands

2. Voting members may request that their votes are recorded

3. In the event of equality of votes, the Chairman shall have a second or casting vote.
PLANNING COMMITTEE

7.1 Terms of reference

7.1.1 The planning committee will meet every four weeks in order to exercise, within the policies adopted by the Council, its functions under all Town and Country Planning and Building Control legislation, in particular:

(a) To determine Planning and Building Control applications other than those delegated to Officers
(b) To decide on the enforcement of planning and building control, preservation, protection and enhancement of amenity (including forestry) listed and historic buildings and highways and traffic issues.
(c) To make observations in cases where the Council is a consultee on applications made to other bodies;

7.1.2 Before reaching a determination of any matter before it, a Planning Committee may arrange for a site visit by itself.

7.1.3 A Planning Committee may refer any matter to a Sites Sub-Committee of that Planning Committee (comprising not more than 6 of its Members, appointed in rotation) for subsequent visit and reporting to its next meeting (together with any observations for the benefit of the Sites Subcommittee which it may make)

7.2 Membership

7.2.1 The 11 Members of the Planning Committee must be drawn from amongst those members as from time to time are accredited to serve.

7.2.2 The Planning Committee Chairman and Vice-Chairmen shall be appointed by Council.

7.2.3 Membership of the Cabinet does not preclude membership of the Planning Committee.

7.2.4 Named substitutes, chosen when possible from amongst the pool of substitutes, may attend and vote at the Committee in accordance with the Council’s Standing Orders. In any event substitutes shall only be drawn from the membership of Council currently accredited for planning purposes.

7.3 Quorum
7.3.1 The minimum number of members to transact any business of the Committee shall be 4.

7.4 Procedures, protocol and public speaking

7.4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

7.4.2 Public speaking will be allowed in accordance with section G1 of part 4.6 of the constitution - “Standing Orders & Rights of the Public at Council Meetings”

7.4.3 The “local member” may attend and speak at meetings of the Committee at the discretion of the Chairman, including:

(a) the local member for people affected by a proposal living in an adjacent ward to the ward in which the development is situated;
(b) where the local member is unable to attend, or has declared an interest and asked a colleague to carry out the role of the local member for that item, that colleague;
(c) where the applicant lives in a different ward to the ward in which the application site is situated and would naturally turn to the local member for the ward in which he lived, that Member.

7.4.4 Other members of the Council falling outside these categories attending meetings may only exercise speaking rights as members of the public.

7.5 Voting

7.5.1 Voting will be by a simple majority on a show of hands.

7.5.2 Any voting members may request that their votes are recorded.

7.5.3 In the event of an equality of votes, the Chairman shall have a second or casting vote.
Appendix to Committees 2012/13

Committees of the Council’s Executive – for information

<table>
<thead>
<tr>
<th>Member</th>
<th>Portfolio</th>
<th>Shadow</th>
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<tbody>
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<td></td>
<td>Leader and External Affairs</td>
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<td></td>
<td>Communities and Localism</td>
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<td>Environment and Regulation</td>
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<td></td>
<td>Housing and Public Health</td>
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<td>Finance and Resources</td>
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<td></td>
<td>Innovation and Efficiency</td>
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<tr>
<td>Localities Committee (7)</td>
<td>Eastern River Valleys Neighbourhood Board (9)</td>
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<td></td>
<td>Tas Valley Neighbourhood Board (10)</td>
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<td>Northern River Valleys Neighbourhood Board (9)</td>
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<td>Waveney Valley Neighbourhood Board (9)</td>
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<td>Grants Panel (5)</td>
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<td>Housing and Public Health Policy Committee (7)</td>
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<td>Joint Consultative Committee (6)</td>
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<td>Business Rates &amp; Council Tax Working Group (7)</td>
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Committees requiring formal Council approval

Scrutiny Committee (11)

Licensing, Appeals and Standards Committee (15)
Planning Committee (11)
Sites Sub-Committee (6)
Standards And Ethics Committee (3) (until 30 June 2012)
Emergency Committee (5)
Aldermanic Review Panel
# CHAIRMEN OF COMMITTEES

<table>
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<tr>
<th>BODY</th>
<th>CHAIRMAN</th>
<th>VICE CHAIRMAN</th>
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<td>Development Control</td>
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<td>Licensing and Appeals Committee</td>
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<td>Standards Committee (from 1/7/12)</td>
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<td>Standards Committee (to 30/6/12)</td>
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<td>Emergency Committee</td>
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<td><strong>Committees of the Executive that do not require formal Council approval:</strong></td>
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<td>Finance, Resources, Audit and Governance Committee</td>
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</table>
APPENDIX 8

Changes to the Constitution required by the transfer of legal services to nplaw

1. As of 31 March, the Council’s legal service transferred to nplaw. During that time, we have been operating interim arrangements where the role of the Solicitor to the Council has been referred to within the Constitution.

2. However, in the long term, more suitable arrangements need to be in place to ensure that key tasks are appropriately delegated, and there are suitable contingency arrangements in place in the absence of key officers.

3. The changes thus proposed are outlined in the table below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Original</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 2, Article 12: 12.1.3</td>
<td>“In the absence of the Monitoring Officer, the Solicitor to the Council shall act as Deputy Monitoring Officer”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 2, Article 12: 12.6.1</td>
<td>“…Solicitor to the Council… have a responsibility to give accurate and honest advice to the Council…”</td>
<td>Remove reference to Solicitor to the Council</td>
</tr>
<tr>
<td>Part 2, Article 14: 14.3.1</td>
<td>“The Solicitor to the Council is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council’s interests”</td>
<td>“The Practice Director, nplaw, is authorised to institute, defend or participate in any legal proceedings where instructed by the Council in any case where such action is necessary to give effect to decisions of the Council or in any case where the Practice Director considers that such action is necessary to protect the Council’s interests”</td>
</tr>
<tr>
<td>Part 2, Article 14: 14.4.1</td>
<td>“Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or any other person authorised by him/her…”</td>
<td>Replace “the Solicitor to the Council” with “either the Chief Executive, Deputy Chief Executive, Director for Development and Environment, Compliance and Risk Manager, Practice”</td>
</tr>
<tr>
<td>Part 2, Article 14: 14.5.1</td>
<td>“The Common Seal of the Council will be kept in a safe place by in the custody of the Solicitor to the Council. The affixing of the Common Seal will be attested by the Chief Executive, Deputy Chief Executive, Monitoring Officer, Solicitor to the Council or in their absence, the Principal Solicitor”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager, replace Principal Solicitor with Financial Services Manager</td>
</tr>
<tr>
<td>Part 4, Rules for financial governance, 13.2</td>
<td>“All title deeds to property owned by the Council shall be held securely in the custody of the Solicitor to the Council”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 4, Contract Standing Orders, 8.15 and 9.16</td>
<td>“Formal contracts under seal are required unless the Solicitor to the Council deems them not to be necessary”</td>
<td>Replace “the Solicitor to the Council” with “legal advice”</td>
</tr>
<tr>
<td>Part 4, contract standing orders, 8.16 and 9.17</td>
<td>“All original copies of the contract are to be held by the Solicitor to the Council”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 4, contract standing orders, 9.1, 10.2, 10.3, 10.4, 10.5, 10.6</td>
<td>Various references to consulting Legal Services Team</td>
<td>Replace Legal Services Team with nplaw</td>
</tr>
<tr>
<td>Part 4, contract standing orders, 9.15</td>
<td>“and no further progress be made until on advice of the Solicitor of the Council”</td>
<td>Replace Solicitor of the Council with nplaw</td>
</tr>
<tr>
<td>Part 4, 4.6, Standing Orders, B1</td>
<td>“Any document which the Council is authorised or required to issue must be signed by the Solicitor to the Council…”</td>
<td>Replace “the Solicitor to the Council” with “either the Chief Executive, Deputy Chief Executive, Director for Development and Environment, Compliance and Risk Manager, Practice Director nplaw”</td>
</tr>
<tr>
<td>Part 4, 4.6, Standing Orders, B2.1</td>
<td>“The Common seal will be affixed to those documents which in the opinion of the Solicitor to the Council should be sealed”</td>
<td>The Common seal will be affixed to those documents that, on the advice of nplaw, should be sealed</td>
</tr>
<tr>
<td>Part 4, 4.6</td>
<td>“The Solicitor to the Council,</td>
<td>Remove Solicitor to the</td>
</tr>
<tr>
<td>Standing Orders, B2.3</td>
<td>the Monitoring Officer, the Deputy Chief Executive, the Chief Executive or other officers … must witness and certify the sealing of the document”</td>
<td>Council, add Compliance and Risk Manager</td>
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<tr>
<td>Part 4, Standing Orders, B2.4</td>
<td>“The Solicitor to the council must keep the Council’s seal in a safe place. Details of every deed or document to which the seal is affixed must be recorded and consecutively numbered by the Solicitor to the Council…”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 4, Standing Orders, B3.2</td>
<td>“The Monitoring Officer or the Solicitor to the Council may refuse inspection of any document… would be protected by privilege”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager or nplaw</td>
</tr>
<tr>
<td>Part 5, Protocol for Member / Staff Relations, 4.9</td>
<td>“detailed advice regarding members’ rights to inspect Council documents may be obtained from the Solicitor to the Council…”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 5, Local Code for Planning and Licensing, 2.1.8</td>
<td>“Any such communication which occurs must be reported promptly to the Monitoring Officer or Solicitor to the Council”</td>
<td>Replace Solicitor to the Council with Compliance and Risk Manager</td>
</tr>
<tr>
<td>Part 6, Members Allowances and Approved Duties, 6.1.2(d)</td>
<td>The Solicitor to the Council</td>
<td>Replace with Compliance and Risk Manager. Add nplaw</td>
</tr>
<tr>
<td>Part 8, Code of Corporate Governance</td>
<td>Taking informed and transparent decisions – legal representation at planning committee</td>
<td>Remove.</td>
</tr>
</tbody>
</table>
Eighth Report of the Independent Panel to Review the Scheme of Allowances for Members of South Norfolk Council

1. **Background**

1.1. Back in 2001, the Council appointed an Independent Panel to review the Scheme of Allowances for members of South Norfolk Council. The Panel has reported to the Council on seven separate occasions.

1.2. The Panel last undertook a review of the Council’s Scheme of Allowances in January 2009 and reported to Council in February of that year. The Council chose to slightly amend the recommendations of the Panel, which resulted in a small decrease in the basic allowance of all councillors, and an increase to the level of some Special Responsibility Allowances.

1.3. The membership of the Panel changed in 2011, which resulted in three new members. The Panel currently consists of Peter Franzen (representing the media), Judith Head (representing the voluntary sector), Paul Spinks (representing business) and Chris Walker (representing Town and Parish Councils).

1.4. The new Panel has now met on four separate occasions and has reviewed the latest data on pay, hours worked and representations from councillors. It was supported with information and advice from Deputy Chief Executive Andy Radford and Democratic Services Team Leader, Claire White, though the conclusions and recommendations in this report are very much the views of the Panel.

2. **Consultation**

2.1. Group Leaders, Cllrs J Fuller and M Gray attended the meeting held 29 March to express their views. All other members were invited to attend an “open session”; Cllrs Blake, C Kemp, R Savage, Spratt and Weeks were in attendance.

2.2. A number of members chose to express their views in writing and these have been considered by the Panel.

2.3. The views expressed by members at the Accounts Audit and Governance Committee held 15 March have also been considered. In attendance for this item were Cllrs Edney, Ellis, Spratt, Thomson and Weeks.
3. **Issues Considered**

3.1. The Panel has considered the rate of basic allowance and Special Responsibility Allowances (SRAs) along with a number of other issues raised by members relating to SRAs and approved duties for payment of travelling and subsistence allowance.

3.2. Appendix A lists the main concerns and suggestions made by members, and records the Panel’s views, the evidence supporting these views, and the Panel’s recommendations.

4. **Time Recording**

4.1. As with previous reviews, the Panel requested Councillors to record the hours they worked for a period of 6 weeks, from Monday 16 January to Sunday 26 February 2012.

4.2. This was a very busy period for members with 2 Council meetings, 2 Cabinet meetings, 3 Scrutiny Committees, 3 Planning Committees, 2 Standards Committees, 1 Overview Sub-Committee, 1 Grants Panel, 1 Local Planning Steering Group meeting, 1 Joint Consultative Committee, and 1 Joint Meeting of the Scrutiny and Accounts Audit and Governance Committee.

4.3. The Panel was pleased to note that out of 46 Councillors, only 6 failed to complete time sheets. Out of these 6, 2 were in receipt of a Special Responsibility Allowance (SRA).

4.4. The average time spent on Council business for those members in receipt of an SRA is calculated to be 18 hours per week (78 hours per month). The average time for backbenchers is 12 hours per week (52 hours per month).

4.5. In 2009, the average time spent on Council business for those members in receipt of an SRA was 66 hours per month. The average time for backbenchers was 41 hours per month. It should be noted that this survey was carried out during the Christmas and New Year period and because of this the Panel made allowances for the low level of activity. The Panel decided to use 47 hours per month instead of 41 for the purposes of calculating the basic allowance.

4.6. In light of the above, the Panel estimates that the workload of members has increased by approximately 10%.

5. **Comparative Data**

5.1. The Panel also considered comparative information which showed the levels of a basic allowance and main Special Responsibility Allowances (SRAs) paid by other Norfolk District Councils. It indicated that South Norfolk Council was paying slightly under average across Norfolk. The Panel noted in particular that the Cabinet Members’ SRA was only 76% of the Norfolk average (this increased to 88% if Breckland District Council, which pays a very high rate of SRAs, was taken out of the calculation).
5.2. The Panel also noted that the average pay earned by people in South Norfolk had increased since the Panel had last met, from £11.06 per hour to £12.23 per hour.

6. The Basic Allowance

6.1. The previous Panel had adopted a formula to calculate the rate of basic allowance paid to members. This formula uses the average number of hours per year spent on council business (minus the 33.3% voluntary element) and multiplies it by the average hourly wage in South Norfolk.

6.2. The Panel still feels that this formula is an apt approach to calculating the rate of basic allowance, however are not minded to use this approach on this occasion as it would result in an increase of 17% on the current level of allowance.

6.3. The Panel note that there appears to be an increase in the time commitment of members and this is reflected in the timesheets, which indicate an approximate increase of 10%. However, the Panel does not consider an increase of 10% in remuneration appropriate.

6.4. There is a balance to be struck between the recognition of members’ contribution to Council business and the expectations of the community to restrain remuneration in these challenging times. The Panel note that currently many in the community are not seeing increases in their own remuneration, despite an increase in work commitments.

6.5. The Panel was also informed that officers’ salaries at South Norfolk Council had been subject to a pay freeze over the last 3 years. It also noted that officers were able to receive annual increases in their remuneration through the Council’s performance related pay scheme.

6.6. Acknowledging all of the above, the Panel recommend a modest increase on the members’ basic allowance of 3%. The total cost of the proposal, including the allowance for co-opted members (see paragraph 8.1 below) is £209,253, against an approved budget of £216,300 for the current year.

7. Special Responsibility Allowances (SRAs)

7.1. The comparison exercise indicated that the rate of South Norfolk Council SRAs was just under average across Norfolk. The Panel was concerned that the level of SRA paid to Cabinet members was only 76% of the Norfolk average.

7.2. Members’ timesheets indicated an average 18% increase in the time commitments of all members in receipt of an SRA, since the exercise was last carried out in 2008/9.

7.3. The Panel felt it was important to retain the relationship between the rate of the Cabinet member SRA and the other SRAs. Currently the Leader of the Council is paid 200% of the level of Cabinet SRA, Overview Sub-Committee Chairmen are currently paid 25% of the level of Cabinet SRA etc
7.4. The Panel therefore felt that it would be appropriate to increase all SRAs by the same level, in order to retain the relationship between the levels of pay.

7.5. Taking all the above into account, the Panel suggest a 5% increase in the rates of SRAs paid, to bring them in line with those paid by other Norfolk authorities.

7.6. The Panel also suggests a “tier system”, which would signify the level of responsibility and remuneration paid. Appendix B outlines the Panel’s proposals for this, along with the suggested new rates of pay.

7.7. The Panel has not recommended any changes to the structure and relationship between the SRAs, however, does suggest changes to the level of SRAs paid to the Grants Panel Chairman and Vice-Chairmen of the Planning Committees.

7.8. The Panel noted that the Grants Panel currently attracted the lowest level of SRA at £694.00 per year. The Grants Panel meets 6 times each year and the Chairman’s timesheet showed that on average he was working the same hours as the Neighbourhood Panel Chairmen. The Panel therefore suggests that this SRA is increased to tier 6.

7.9. Some members had suggested that the level of SRA paid to the Vice-Chairmen of the Planning Committees was too high. Having looked at the evidence, the Panel are inclined to concur with this view. It was noted that over a 12 month period, the Vice-Chairmen had chaired a Committee on a total of 3 occasions. The Panel understands that both Vice-Chairmen are involved in some work alongside the Chairman, in overseeing officer decisions that have been delegated, but notes that this is a temporary measure. The Panel recommend that the level of this SRA is reduced to tier 5.

7.10. The Panel did receive representations regarding the level of SRA paid to the Chairman of the Local Planning Steering Group. Whilst the Panel recognises that this is a particularly busy time for this Group, it also notes that this increase in activity is temporary and that the Group is not a public meeting or a decision making body. The Panel does not recommend an increase in the level of SRA.

7.11. Some members also suggested that the level of SRA paid to Neighbourhood Chairman should be increased, in line with the Panels’ additional responsibilities following the shift towards a localism agenda. Members’ timesheets indicate that currently Chairmen are on average working 1 hour per week above that worked by backbenchers. The Panel acknowledges that workloads are likely to increase, but cannot see any evidence of this at this time. It suggests that the SRA is retained at its current level, but that this is reviewed in April 2013.

7.12. The proposed changes to SRAs as outlined above would cost £70,897, against an approved budget of £72,100.

8. Co-opted Members

8.1. The Panel did not receive any comments or suggestions regarding the level of SRA paid to co-opted members of the Council. The Panel suggested that this be retained at its current level of £565.00 per annum, but be reviewed in April 2013, following the changes to the arrangements to the standards regime.
9. **Approved Duties, Travelling and Subsistence Rates**

9.1. Members made a range of suggestions regarding approved duties and these are detailed, along with the Panel’s responses at Appendix A of the report.

9.2. A number of members suggested that the Council should adopt Norfolk County Council’s scheme relating to approved duties and payment of travelling and subsistence allowance. Having examined both schemes thoroughly, the Panel believes that there are no major differences between the two. It does however suggest a number of “tweaks” to the South Norfolk scheme, and an increase in the rate of carers’ allowance to £6.69 per hour, in line with that paid by Norfolk County Council. These changes are also detailed at Appendix A.

9.3. The Panel did not receive any representations with regard to travelling and subsistence rates, and it considered current rates to be fair.

10. **Pensions**

10.1. It is in the remit of the Panel to consider whether any member of an authority should be entitled to claim a pension in accordance with the Local Government Pension Scheme.

10.2. The Panel felt that is was not appropriate at this time, but suggested that Council may wish to investigate the full implications of pensions for members for future consideration.

11. **Future Increases**

11.1. The Panel believe that it is appropriate for the Scheme of Members’ Allowances to be increased annually from 1st April, indexed linked to the pay increase awarded to staff by the National Joint Council for Local Government Services.

11.2. It is recommended that the above is applicable for a three year period, following which the Panel should be consulted on future increases.

12. **Conclusions**

12.1. The Panel believes that the mechanics of the current scheme are still fit for purpose but require fine tuning. It recognises that members’ commitments have increased, but is mindful that a significant increase in the levels of allowances would not be tolerated by the community during the current economic climate.

13. **Recommendations**

1. That, with effect from 1 April 2012:

   (a) the Members’ Basic Allowance be increased from £4,333 to £4,463 per annum;

   (b) the Special Responsibility Allowances be amended in accordance with Appendix B of the report;
(c) the recommendations of the Panel outlined at Appendix A be implemented;

2. That the rates paid to Co-opted members of the Council and the Special Responsibility Allowance paid to Neighbourhood Board Chairmen, be reviewed in April 2013, in consultation with the Panel.

3. That future increases in the rates of Basic Allowance and Special Responsibility Allowances be paid with effect from each April for the following three years and be linked to the National Joint Council “cost of living” award paid to staff.
<table>
<thead>
<tr>
<th>Issue / Suggestions</th>
<th>Detail</th>
<th>Panel’s Response</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Scheme should mirror that of Norfolk County Council (NCC)</td>
<td>There are no major differences between the current South Norfolk Scheme and that at Norfolk County Council. In some areas, such as subsistence rates, the South Norfolk Scheme is more favourable. With regards to the Carers’ Allowance, South Norfolk Council currently pays a maximum of £5.00 per hour, whilst the Norfolk County Council scheme pays £6.69 per hour. The NCC Scheme explicitly states that travel expenses are paid when attending training courses. The NCC Scheme lists incidences when claims are not eligible. The time limit for claims is 3 months at NCC, 6 months at SNC</td>
<td>The Panel was in favour of increasing the Carers’ Allowance to be in line with the rate paid at NCC. The Panel suggested that the scheme should state that travel expenses will be paid for “approved training courses.” The Panel recommended that for clarity, the scheme should include a list of some expenses not claimable e.g political group meetings, civic receptions. The Panel wished to see subsistence rates unchanged, to stay in line with the rate paid to officers at South Norfolk. The Panel wished the time restriction on claims to be reduced to 3 months, in line with NCC.</td>
<td>• That the rate of Carers’ Allowance is increased from £5.00 per hour to £6.69 per hour. • The scheme is amended to include “approved training courses” in its list of approved duties. • That the scheme includes a list of some incidences where members are not eligible for reimbursement of travelling, subsistence and carers’ allowance, to include political group meetings, Chairman’s Receptions, civic receptions. • That the time limit on member claims be limited to 3 months.</td>
</tr>
<tr>
<td>Issue / Suggestions</td>
<td>Detail</td>
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</tr>
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<tr>
<td>2. The Leader, not the officers, should agree “Approved Duties”</td>
<td>In exceptional circumstances, the Monitoring Officer or the relevant Director can agree that claims can be made for duties that do not fit in with the current scheme</td>
<td>The Panel does not feel that it would be appropriate for the Leader to make these judgements. The responsibility should remain with the Monitoring Officer or the relevant Director. The Panel suggested that the scheme should make explicit reference to the above.</td>
<td>• That the scheme be amended to clearly indicate that in exceptional circumstances, the Monitoring Officer or relevant Director is responsible for agreeing “approved duties” outside of the scheme.</td>
</tr>
<tr>
<td>3. Can we increase the number of visits allowed to SNH each month from 2 to 4?</td>
<td>The current scheme allows for up to 2 visits per month to carry out Council business, in addition to those visits which are categorised as approved duties.</td>
<td>The Panel felt that the current scheme of allowing 2 additional visits each month for non Cabinet members was adequate, but suggested that for clarity, the wording in the scheme be amended slightly.</td>
<td>• The Scheme be amended to clarify the number of visits allowed each month to South Norfolk House to carry out Council Business, for Cabinet members and non-Cabinet members, in addition to those visits classed as “approved duties”.</td>
</tr>
<tr>
<td>Issue / Suggestions</td>
<td>Detail</td>
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<td>Recommendations</td>
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<tr>
<td>4. There is confusion as to what members are entitled to claim from the Council, for example, paper, a Blackberry, landline, printer, paper</td>
<td>All members are entitled to ask for paper, a printer if required and printer ink cartridges. Cabinet members are entitled to a Blackberry. The Council does not reimburse members for telephone landlines</td>
<td>The scheme could be more explicit in what members are entitled to claim.</td>
<td>• That the scheme be amended to clearly state that the Council will provide all members with a laptop (not twin hatters), printer, paper and ink cartridges if required. Cabinet members are entitled to a Blackberry.</td>
</tr>
<tr>
<td>5. The £150.00 broadband allowance is insufficient</td>
<td>The £150.00 per annum contribution towards Broadband costs was introduced in May 2011.</td>
<td>The Panel feel the £150.00 contribution is sufficient</td>
<td>No Change</td>
</tr>
<tr>
<td>6. Can the level of basic allowance be reduced if members do not attend a certain level of training?</td>
<td>The regulations indicate that a basic allowance should be paid to all members. It would be illegal to withhold all /part of the basic allowance from a member unless a member has been suspended or partially suspended from his duties.</td>
<td>The Panel understands that members need to be encouraged to attend training, but feels that it is beyond the remit of the Panel to address such issues.</td>
<td>No Change</td>
</tr>
<tr>
<td>7. Can substitutes get an attendance allowance?</td>
<td>The Regulations do not allow for an attendance allowance to be paid to members.</td>
<td>The Panel does not consider that it would be appropriate to award an attendance allowance to substitute members.</td>
<td>No Change</td>
</tr>
<tr>
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<tr>
<td>8.</td>
<td>We need to attract younger people to stand for election</td>
<td>The Panel is sympathetic to the argument but feel the issue is outside the scope of the Panel. It does not believe that an increase in the allowance alone is enough to encourage younger candidates.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>9.</td>
<td>How much of a members’ role is deemed as voluntary?</td>
<td>The Panel was comfortable with the current arrangements that one third of a member’s time is deemed as voluntary.</td>
<td>No Change</td>
</tr>
<tr>
<td>10.</td>
<td>Chairman of the Neighbourhood Panels should receive an increase in their SRA.</td>
<td>Chairs currently receive £1156 per annum, in line with the Chairman of the Overview Sub-Committees. Panels currently meet 3 times per year, although this is likely to increase. Workloads are likely to increase, however there is no evidence of this yet. Currently the time sheets show the average time spent per week on council business for Neighbourhood Chairs is only 1 hour above the average for backbenchers.</td>
<td>• That the level of SRA paid to Chairman of Neighbourhood Boards be reviewed in April 2013.</td>
</tr>
<tr>
<td>11.</td>
<td>Grants Panel SRA – seems low?</td>
<td>The Panel recognise this to be an anomaly and suggest that this SRA is increased to be brought in line with that paid to the Chairman of the Local Planning Steering Group.</td>
<td>• That the Grants Panel SRA is increased to the same level the Local Planning Steering Group (tier 6)</td>
</tr>
<tr>
<td>Issue / Suggestions</td>
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<tr>
<td>12. Local Planning Steering Group SRA seems low?</td>
<td>SRA is £925.00 per year. Meets 6 times per annum. This is not a public meeting or a decision making body, but an advisory body to Cabinet. It is currently very active due to JCS and LDF, but workloads will reduce in approximately 12 months. Seems low in comparison to current level of SRA for Vice – Chairmen of the Planning Committees.</td>
<td>The Panel recognise that this is a busy time for this Group, but suggests that the Chairman of Planning Committee and the relevant Portfolio holder should assist in the workload of the Chairman. As this busy period is seen as a temporary position, the Panel do not recommend an increase in the current level of SRA.</td>
<td>No Change</td>
</tr>
<tr>
<td>13. Licensing SRA too high?</td>
<td>SRA is £2313. The number of meetings fluctuates considerably. The Chair has responsibility of representing the Council in court if appellants appeal. Met 9 times over the last year.</td>
<td>The Panel felt that the level of responsibility was high and did not feel that a change to the SRA was appropriate</td>
<td>No Change</td>
</tr>
<tr>
<td>14. The Deputy Leader of the main opposition should get an SRA</td>
<td>Both the Deputy Leader of the Council, and the Deputy Leader of the main opposition are not in receipt of a SRA (although the Deputy Leader of the Council receives an SRA by virtue of being a Cabinet member)</td>
<td>The Panel did not consider it appropriate to award an SRA to the Deputy Leader of the Opposition.</td>
<td>No Change</td>
</tr>
<tr>
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<tr>
<td>15. The SRA for Vice-Chairs of Planning should be reduced</td>
<td>The SRA for the Vice–Chairmen of the Planning Committees is £2313. Over the last year, (and out 25 meetings), the Planning Committee has been chaired by one of the Vice-Chairmen on 3 occasions. The Vice Chairmen and the Chairman of Planning currently meet once a month to oversee decisions delegated to officers, but this is a temporary measure.</td>
<td>In view of the evidence presented, the Panel felt that the level of SRA paid to the Vice-Chairmen should be reduced to the same level paid to the Overview Sub-Committees and Neighbourhood Boards.</td>
<td>• That the level of SRA be reduced to the same level paid to the Overview Sub Committee and Neighbourhood Boards’ Chairmen.</td>
</tr>
<tr>
<td>16. Members should only be allowed to claim 1 SRA</td>
<td>Only one member currently claims more than 1 SRA. The Scheme currently only allows multiple SRAs subject to highest SRP being paid plus other SRAs, subject to the total sum not exceeding 90% of basic allowance.</td>
<td>The Panel would not expect a member to be in receipt of more than one SRA, however, accepts that in some cases two is appropriate. It wished to see a limit of two for each member. The Panel suggests this should include any allowance paid to a member by an outside body (e.g. Saffron)</td>
<td>• That up to two SRAs (including any received from outside bodies) per member be permitted, subject to the total sum not exceeding 90% of the basic allowance</td>
</tr>
<tr>
<td>17. Pensions</td>
<td>It is in the remit of the Panel to consider whether any member of the authority should be entitled to claim a pension in accordance with the Council’s scheme?</td>
<td>The Panel felt that this was not appropriate at this time but felt that Council might want to investigate the full implications of this for a future debate.</td>
<td>No Change</td>
</tr>
</tbody>
</table>
### Issue / Suggestions

18. In future, should increases in allowances be linked to increases in officer’s pay?

### Detail

The rate of allowance has been linked to the cost of living increases to staff (0% over the last 3 years)

### Panel’s Response

The Panel wished to see the increase in member allowances continued to be linked to the annual “cost of living” increase to staff.

### Recommendations

- That future increases in the level of members’ allowances be linked to the cost of living increases awarded to staff.
## Proposed Members’ Allowances Scheme 2012/13

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cost £</td>
<td>£</td>
</tr>
<tr>
<td>199,318</td>
<td>Basic Allowance (payable to all members)</td>
</tr>
<tr>
<td>3,955</td>
<td>Co-opted Members</td>
</tr>
<tr>
<td>6,900</td>
<td>Contribution towards Broadband provision (assuming all members claim)</td>
</tr>
</tbody>
</table>

### Special Responsibility Allowances

<table>
<thead>
<tr>
<th>Tier</th>
<th>Allowance</th>
<th>Number of Allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Leader of the Council</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Cabinet Members</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>Chairman of the Scrutiny Committee</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Chairman of: The Licensing Committees, The Accounts, Audit and Governance Committee and Leader of the Main Opposition Group</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Chairman of: Standards Committee, Overview Sub-Committees Neighbourhood Boards and Vice - Chairmen of Planning Committees</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Chairs of Local Planning Steering Group Grants Panel and Vice-Chairman of Scrutiny Committee</td>
<td>4</td>
</tr>
</tbody>
</table>

- **69,607 Total of SRA’s 70,897**
- **279,780 Total 287,050**
Establishment of Norfolk Police and Crime Panel

Deputy Chief Executive

To recommend that the Council agrees the establishment and proposed arrangements for the Norfolk Police and Crime Panel (PCP) and appoints one member to the PCP and a named substitute.

Cabinet member(s): Keith Kiddie
Ward(s) affected: All
Contact Officer, telephone number, and e-mail: Mike Pursehouse 01508 533718 mpursehouse@s-norfolk.gov.uk

1. Background

1.1. The Police Reform and Social Responsibility Act 2011 (The Act) introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (PCCs). PCC elections are scheduled for 15 November 2012.

1.2. Accountability for the delivery and performance of the police service within each force area will rest with the PCC on behalf of their electorate. The PCC will set and shape the strategic objectives of their force area in consultation with the Chief Constable. The PCC will be accountable to their electorate; the Chief Constable will be accountable to their PCC.

1.3. The Act requires that the local authorities in each police force area must establish and maintain as a joint committee, a Police and Crime Panel (PCP) for that police area, and that all the local authorities must agree to the making of Panel Arrangements for the PCP. The Panel Arrangements must be collectively agreed by all the local authorities by 1 July 2012. If the local authorities fail to agree unanimously to the Panel Arrangements, the Secretary of State has reserve powers under the Act to establish the PCP and determine the Panel Arrangements.

1.4. The PCP will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
• the power of veto, by two-thirds majority, over the PCC’s proposed budget and precept;
• the power of veto, by two-thirds majority, over the PCC’s proposed candidate for chief constable;
• the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a chief constable;
• the power to review the PCC’s draft police and crime plan and make recommendations to the PCC who must have regard to them;
• the power to review the PCC’s annual report and make reports and recommendations at a public meeting, which the PCC must attend;
• the power to require any papers in the PCC’s possession (except those which are operationally sensitive);
• the power to require the PCC to attend the panel to answer questions;
• the power to appoint an acting PCC (from within the PCC’s staff) when the elected PCC is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
• responsibility to investigate complaints against the PCC, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

1.5. According to the Home Office, “PCPs are not a replacement for police authorities. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected PCC not through the PCP. The PCP will have an important scrutiny role in relation to the PCC, however it is the PCC who is taking on the role of the police authority and who the public will hold to account for the performance of their force.”

Developing the Panel Arrangements and Rules of Procedure

1.6. The Act requires the functions and procedural rules for the operation of the PCP to be set out in “Panel Arrangements” and “Rules of Procedure”. The Panel Arrangements must be determined by the local authorities collectively but the Rules of Procedure are for the PCP to approve once it is established.

1.7. At the direction of the Norfolk Leaders Group, an officer working group, representing all eight local authorities, has been overseeing the development of the arrangements for the Norfolk PCP, and has reported its recommendations through to the Leaders’ Group.

1.8. Early establishment of the PCP by the local authorities will enable it to meet and undertake training and development activities before the PCC takes office in November 2012.

1.9. The Act requires the eight local authorities to approve the Panel Arrangements and local authorities are required to notify the Home Office of the agreed Arrangements by 1 July 2012. By seeking agreement to the proposed Panel Arrangements at meetings of the full Councils in May/June 2012 and appointing member(s) to the PCP, this will allow time for the PCP to appoint the required two
Council 21 May 2012

co-opted independent members; agree the Rules of Procedure; be briefed on
relevant issues; and agree the PCP’s work programme for its first year; all before
the PCC is elected at the end of November.

1.10. The draft Panel Arrangements (Annex 1) have been prepared by the officer
working group, considered by the Norfolk Leaders’ Group and are now submitted
to each full Council for approval.

1.11. The officer working group has also prepared draft Rules of Procedure (Annex 2).
As indicated earlier, the Rules of Procedure can only be approved by the PCP
itself, but Council is asked to endorse the draft and recommend to the PCP that
they be adopted.

Panel membership

1.12. The Act requires that in Norfolk, the PCP consist of ten councillors from the eight
local authorities (at least one from each authority) and two independent members
(not councillors) co-opted by the PCP. All twelve members will have equal voting
rights. When appointing members, each local authority must secure that (as far
as reasonably practicable) the ‘balanced appointment objective’ is met. That is,
composition should take account of, as far as is practicable, both political and
geographical proportionality, as well as the necessary skills, knowledge and
experience needed to discharge its functions effectively.

1.13. In addition, the PCP must, from time to time ensure that in co-opting members
who are not members of local authorities, the balanced appointment objective is
met.

1.14. It is therefore proposed that Breckland District Council, Broadland District
Council, Great Yarmouth Borough Council, King’s Lynn and West Norfolk
Borough Council, North Norfolk District Council, Norwich City Council and South
Norfolk District Council, will each appoint one councillor as a member of the PCP;
and that Norfolk County Council will appoint three councillors, picking up as far
as possible the requirement to ensure political balance across the county. The
Panel Arrangements include provision for named substitutes to be appointed. In
agreeing to recommend that this provision be included, however, the Leaders’
Group considered it vital for the effective operation of the PCP that the appointed
representatives are able to build up their knowledge and expertise. The Leaders
therefore consider that the substitution facility should be used only on rare
occasions.

Support for the Panel

1.15. It is proposed that Norfolk County Council will be the lead local authority for the
PCP, and, within the overall budget allocated by the Home Office, will provide
support to the PCP and its members led by a named lead officer supplemented
as required by additional specialist officers.

1.16. The Home Office has indicated that it will provide £53,300 per annum to support
the PCP, plus up to £920 towards expenses per PCP member.
1.17. Any costs incurred over and above the Home Office funding will need to be met by the local authorities. Every effort will be made to ensure that costs are contained within the funding provided by the Home Office, but if this is not possible, these will be shared between the eight local authorities on the basis set out within the Panel Arrangements.

1.18. The Act requires that the Panel Arrangements set out how support and guidance will be given to elected members and officers of the eight local authorities in relation to the functions of the PCP. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the eight local authorities before the PCC is elected and on a regular basis thereafter; together with written briefings as appropriate.

1.19. Anticipating that each Council agrees the establishment of a Police and Crime Panel during their meetings in May and June 2012, the intention is to set up a shadow Panel in advance of October 2012, so that it can; appoint two co-opted independent members, agree the rules of procedure, consider a training programme and a work programme for the first year. Arrangements have been made for the first meeting of the shadow Panel to take place on the morning of 20 July 2012 at County Hall.

2. Other Options

2.1. A Police and Crime Panel must be set up for Norfolk before the election of the PCC. SNC (and other local authorities) could choose not to support these arrangements although, should an agreement not be reached, the Home Office will intervene and we will lose our ability to influence these arrangements.

3. Relevant Corporate Priorities

3.1. Enhancing our quality of life and the environment we live in – The proposed creation of a Police and Crime Commissioner and Police and Crime Panel is intended to make policing more accountable to residents.

4. Implications and Risks

4.1. Crime Reduction – The Police and Crime Commissioner (PCC) will be a major influence on Policing in Norfolk. The Police and Crime Panel will be key to holding the PCC to account and therefore it will be important that SNC is represented on this panel.

4.2. Risks

4.3. None

5. Conclusion

5.1. The Police Reform and Social Responsibility Act 2011 replaces Police Authorities with directly elected Police and Crime Commissioners (PCCs) and a Police and Crime Panel (PCP) and in so doing will significantly change the governance and
accountability of the Police to the community it serves. The PCP will have an important scrutiny role in relation to the PCC and will enable the Council to raise issues affecting rural districts and comment upon the Police and Crime Plan.

6. **Recommendations**

6.1. Agree the establishment of a Police and Crime Panel for Norfolk, as a joint committee of the district, borough and county councils, and agree the proposed Panel Arrangements.

6.2. Appoint one member [three members in the case of Norfolk County Council] to the PCP and appoint a named substitute. (*appointed member and named substitute must be from the same political group*).

6.3. Endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.
Norfolk Police and Crime Panel
Panel Arrangements

1. Background

1.1 The Police Reform and Social Responsibility Act 2011 (the Act) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.

1.2 The Act provides for the election of a Police and Crime Commissioner (PCC) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.

1.3 The Act requires the relevant local authorities (county council, city, district and borough councils) in each police force area to establish and maintain a Police and Crime Panel (PCP) for its police force area. It is the responsibility of the local authorities for the police force area to agree to the making of arrangements for the PCP (‘Panel Arrangements’).

1.4 Each local authority and each Member of the PCP must comply with the Panel Arrangements.

1.5 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1.6 The PCP is responsible for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

1.7 The PCP is a joint committee of the local authorities in Norfolk.

2. Functions of the Police and Crime Panel

2.1 The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk.

2.2 The PCP must:

(i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
(ii) make a report or recommendation on the draft plan or variation to the PCC

2.3 The PCP must

(i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC’s annual report

(ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate

(iii) review the annual report, and

(iv) make a report or recommendations on the annual report to the PCC

2.4 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:-

(i) the PCC’s chief executive

(ii) the PCC’s chief finance officer

(iii) a deputy PCC

The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.

2.5 The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.

2.6 The PCP must review and make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.

2.7 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.

2.8 The PCP must:-

(i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC’s functions; and

(ii) make reports or recommendations to the PCC with respect to the discharge of the PCC’s functions

2.9 The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.
2.10 The PCP must send copies of any reports or recommendations it makes to the PCC, to each county and district council in Norfolk.

2.11 The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.

2.12 The PCP must appoint an Acting PCC in the circumstances set out in the Act.

2.13 The PCP may not exercise any functions other than those conferred by the Act.

3. Operating Arrangements

3.1 The PCP is a joint committee of the county, city, borough and district councils in Norfolk.

3.2 Norfolk County Council shall be the lead authority in establishing and maintaining the PCP and shall secure the administrative, secretarial and professional support necessary to enable the PCP to fulfil its functions.

3.3 The PCP shall consist of a minimum of 10 councillors and two co-opted independent members. The membership of the PCP can be increased up to a maximum size of 20 by co-opting up to 8 additional councillors, but any proposal by the PCP to increase above the initial membership of 12 would be subject to the approval of the Secretary of State.

3.4 The local authorities will co-operate to provide the PCP with additional officer support for research, training and development, or where particular expertise would assist the PCP.

3.5 The local authorities will co-operate to ensure that the role of the PCP is promoted internally and externally and that members and officers involved in the work of the PCP are given support and guidance in relation to the PCP’s functions.

3.6 The PCP must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the PCP should exercise, or refrain from exercising functions so as to encourage, maintain or improve working relationships and limit or prevent the overlapping or conflicting exercise of functions.

4. Financial Arrangements

4.1 The funding provided by the Home Office to support the work of the PCP will be received by the County Council as lead authority. The PCP will seek to operate within the limit of the Home Office funding. Any additional expenditure by the PCP above the funding provided by the Home Office will require the prior agreement of all the constituent local authorities and, if approved, will be apportioned between the local
authorities on the basis of the number of members each has on the PCP.

4.2 The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will pay the expenses of its own representatives and seek re-imbursement from the County Council at the end of each financial year, up to a maximum of the specified sum.

4.3 The local authorities will establish a joint independent remuneration panel to consider whether a special responsibility allowance should be paid to the Chairman of the PCP and if so, what the level of that SRA should be. If the councils subsequently decide that an SRA will be paid, the cost will be apportioned between the councils on the basis of the number of members each has on the PCP. The independent remuneration panel shall be convened by the lead authority, with its membership to be drawn from the independent remuneration panels for each local authority.

5. **Membership – Appointed Members**

5.1 All county councillors and district councillors within Norfolk are eligible to be members of the PCP.

5.2 Appointment of elected members to the PCP shall be made by each local authority at its annual general meeting or as soon as possible thereafter, in accordance with its procedures. Appointments shall be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable. The balanced appointment objective is the objective that the local authority members of a PCP (when taken together):-

(i) represent all parts of the police area;

(ii) represent the political make-up of the relevant authorities (when taken together)

(iii) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively

5.3 The PCP’s membership will be one councillor appointed by each district council and three councillors appointed by the county council, with the county council as far as possible picking up the requirement to ensure the required balance across the county. Terms of office will be to the next annual general meeting of the respective councils.

5.4 The PCP membership shall, as far as possible, be politically balanced in relation to the overall political balance amongst all district and county councillors in Norfolk. The lead authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as reasonably practicable) that the appointed membership meets the balanced appointment objective.
5.5 The PCP shall review at its AGM whether or not the balanced appointment objective is being met and if it concludes that it is not, the PCP shall determine what action is needed to meet the objective.

5.6 All members of the PCP may vote in proceedings of the PCP.

5.7 Each local authority may appoint a named member to be a substitute for its representative(s) on the PCP. Notice of a substitution must be given by the relevant PCP member to the PCP Secretary, before the start of the meeting concerned. The named substitute must be a member of the same council and same political group as the PCP member being substituted. Appointed representatives should use the substitution facility only on rare occasions, in recognition of the importance of building up knowledge and expertise so that the PCP can operate effectively.

5.8 In all other respects, the appointment of substitutes shall be governed by the rules relating to substitution set out in section 4 of appendix 10 of the County Council Constitution.

6. **Membership – Independent Members**

6.1 The PCP shall co-opt two independent members onto the PCP. For the first two co-options, one shall be appointed for a term of four years and one for a term of three years. Thereafter the appointments will be for four-year terms. There shall be no restriction on the overall time period that an independent member may serve on the PCP. A member of any of the relevant local authorities may not be a co-opted member of the PCP where the number of co-opted members is two.

6.2 The following may not be co-opted Members of the PCP:

a) the PCC for the Police Area.
b) a member of staff of the Police and Crime Commissioner for the area.
c) a member of the civilian staff of the Police Force for the area.
d) a Member of Parliament.
e) a Member of the National Assembly for Wales.
f) a Member of the Scottish Parliament.
g) a Member of the European Parliament.

6.3 The recruitment process for co-opting independent members should include a reasonable period of open and public advertising for the positions. The closing date for the receipt of applications should be at least two weeks from the date the advertisement is first placed. The PCP shall also invite relevant organisations, as it considers appropriate, to nominate candidates for consideration as part of the recruitment process.

6.4 The recruitment process will be carried out in accordance with the following principles:-
(i) Appointments will be made on merit of candidates whose skills, experience and qualities are considered best to secure the effective functioning of the PCP

(ii) The selection process will be fair, objective and impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria

(iii) The selection process will be conducted transparently with information about the requirements for the appointments and the process being publicly advertised and made available

6.5 Information packs shall be prepared and sent to those requesting them. The PCP shall appoint a selection panel to consider applications and interview candidates.

6.6 Following the interviews, the selection panel will make recommendations to the PCP about the appointment of the independent members and the PCP will make a decision as to which candidates to co-opt. In order to be co-opted, each candidate shall require the support of a majority of the appointed members of the PCP present at the meeting at which the decision is made. Independent member co-options shall be subject to annual endorsement at the PCP’s AGM. If a majority of appointed members present at the AGM vote against endorsing an independent member’s co-option, the independent member’s co-option shall be terminated.

7. Casual Vacancies

7.1 A vacancy on a PCP arises when a local authority or independent member resigns from the membership of the PCP or is removed from the post by their local authority or, in the case of the independent members, is removed from their post by the PCP.

7.2 Each council will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 6 of these Rules.

8. Resignation of Appointed Members

Appointed Members of the PCP who wish to resign shall do so by notifying in writing, the PCP secretary and the appropriate officer in their local authority.

9. Resignation of Independent Members

Independent Members of the PCP who wish to do so shall resign by notifying in writing the PCP secretary.

10. Removal of Appointed Members

Each local authority shall have the right to change its appointed member at any time and shall give notice to the PCP secretary but
must ensure that the change does not affect the political balance requirement.

11. **Removal of Independent Members**

Other than at the PCP’s AGM, an independent member may only be removed from office if an appointed member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that an independent member’s co-option be terminated. At the subsequent meeting, termination will only be confirmed if at least two-thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of termination.

12. **Amendments to Panel Arrangements**

12.1 Changes to the Panel Arrangements can only be made with the collective approval of all the local authorities in Norfolk. The PCP may propose amendments to the Panel Arrangements and any such proposals will be referred to the local authorities and will only be implemented if they are approved by all the local authorities.

12.2 The only exception to the requirement for the approval of the local authorities is if the PCP wishes to increase the number of co-opted members. The PCP may resolve that the PCP is to have the number of co-opted members specified in the resolution, provided that the total membership of the PCP, including that number of co-opted members, would not exceed 20. Any such resolution must be referred to the Secretary of State and will only be implemented if the Secretary of State gives approval.

13. **Interpretation**

The conduct of the PCP and the content of these Panel Arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these Panel Arrangements, the requirements of the legislation will prevail.

14. **Promotion of the Panel**

14.1 The Panel Arrangements shall be promoted by:

   (i) The establishment and maintenance by the lead authority of a website including information about the role and work of the PCP, its membership, all non-confidential PCP and sub-committee meeting papers, press releases and other publications; and,
(ii) The issuing of regular press releases about the panel and its work; and,

(iii) The local authorities will include information about the PCP on their websites, and will also include a link to the PCP website.

14.2 Support and guidance shall be provided to executive and non-executive members and officers of the local authorities in relation to the functions of the PCP as follows:

a) by the provision of briefing sessions for members and relevant officers of the authorities before the election of the PCC, and on a regular basis thereafter; and,

b) by the provision of written briefing notes for members and relevant officers of the authorities as appropriate.
Norfolk Police and Crime Panel  
Rules of Procedure

1. General

1.1 These Rules of Procedure are made by the PCP pursuant to Schedule 6, paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').

1.2 The PCP will be conducted in accordance with these Rules. The Rules should be read having regard to the Panel Arrangements.

2. Chairman of the Police and Crime Panel

2.1 The chairman of the PCP will be appointed at the PCP’s annual general meeting and will be drawn from amongst all the members of the PCP, including independent members.

2.2 The vice-chairman will be appointed at the AGM and will be drawn from amongst all the members of the PCP, including independent members.

2.3 In the event of the Chairman and vice-chairman being absent from a PCP meeting, the PCP will appoint a member to act as chairman for that meeting.

2.4 In the event of the resignation of the chairman/vice-chairman or removal of chairman/vice-chairman, a new chairman/vice-chairman will be appointed and will be drawn from amongst all the members of the PCP. Other than at the PCP’s AGM, the chairman and vice-chairman may only be removed from office if a PCP member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that the chairman or vice-chairman be removed from office. At the subsequent meeting, removal will only be confirmed if at least two thirds of the persons who are members of the PCP at the time the decision is made vote in favour of it.

3. Meetings of the Police and Crime Panel

3.1 The PCP shall meet at least four times per year to carry out its functions.

3.2 The PCP secretary will give notice to the public of the time and place of any meeting of the PCP. At least 5 clear working days before meetings, the secretary will circulate to PCP members the agenda for the meeting setting out the date, time and place for the meeting and specifying the business to be transacted. The agenda and minutes of PCP meetings will be published on the County Council’s website.
3.3 An extraordinary meeting may be called by the PCP by resolution, by the chairman or by any four members of the PCP signing a requisition presented to the PCP secretary.

3.4 All members of the PCP may vote in proceedings of the PCP. The validity of the proceedings of the PCP is not affected by a vacancy in the membership of the PCP or a defect in appointment.

4. Quorum

4.1 A meeting of the PCP cannot take place unless at least one half of the whole number of its members is present. In any period during which there are vacancies amongst the membership, the calculation of half shall be based on the number of members in office on the day of the meeting.

5. Work Programme

5.1 The PCP will be responsible for setting its own work programme taking into account the priorities defined by the PCC and taking into account the views of other agencies and partnerships.

5.2 The work programme must include the functions described in section 2 of the Panel Arrangements.

5.3 Any member of the PCP shall be entitled to give notice to the PCP secretary that he or she wishes an item relevant to the functions of the PCP to be included on the agenda for a PCP meeting.

6. Sub-Committees and Task and Finish Groups

6.1 Sub-Committees and time limited task and finish groups may be established from time to time by the PCP to undertake specific task based work and report back to the PCP.

6.2 The special functions of the PCP may not be discharged by a sub-committee of the PCP or a task and finish group.

6.3 In this paragraph ‘special functions’ means the following functions:

   (i) review of the Police and Crime Plan
   (ii) review of the annual report
   (iii) review of senior appointments
   (iv) review and potential veto of the proposed precept
   (v) review and potential veto of the appointment of a Chief Constable.

6.4 The work undertaken by a sub-committee or task and finish group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.
6.5 A sub-committee or task and finish group may not co-opt members but they shall be able to invite others to assist it with its work.

6.6 Sub-Committees and task and finish groups need not be politically balanced if the PCP agrees to this.

7. **Reports from the Police and Crime Panel**

7.1 Where the PCP makes a report or recommendations to the PCC, it will publish the report or recommendation on the PCP website. Copies of the report or recommendations will also be sent to each local authority within the police area.

7.2 The PCP must by notice in writing require the PCC, as appropriate, within a reasonable period of the date on which he or she receives the report or recommendations, to:-

(i) Consider the report or recommendations

(ii) Respond to the PCP indicating what (if any) action the PCC proposes to take

(iii) Where the PCP has published the report or recommendations, publish the response

7.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

8. **Police and Crime Commissioner and Officers Giving Account**

8.1 The PCP may scrutinise and review decisions made or actions taken in connection with the PCC’s role. As well as reviewing documentation, in fulfilling its role it may require the PCC, and members of the Commissioner’s staff, to attend before the PCP (at reasonable notice) to answer any questions which appear to the PCP to be necessary in order to carry out its functions.

8.2 Where the PCC, or a member of the PCC’s staff, is required to attend the PCP, the chairman of the PCP will inform them in writing, giving reasonable notice of the meeting. The notice will state the nature of the item for which he or she is required to attend to give account and whether any papers are required for production for the PCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

8.3 Where, in exceptional circumstances, the PCC is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the chairman of the PCP.

8.4 If the PCP requires the PCC to attend before the PCP, the PCP may, by giving reasonable notice request the Chief Constable to attend before the PCP on the same occasion to answer any questions which
appears to the PCP to be necessary in order for it to carry out its functions.

9. **Attendance by Others**

The PCP may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the PCP and officers in other parts of the public sector and may invite such people to attend. The PCP may not however invite officers of the constabulary other than the Chief Constable to attend meetings, without the prior agreement of the Chief Constable.

10. **Special Functions**

10.1 The Special Functions of the PCP are those functions referred to in paragraphs 11-15, below, and which are conferred on the PCP in relation to:

a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
b) the review of the Annual Report as required by Section 28 (4) of the Act;
c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;
d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act;
e) the review and potential veto of appointment of the Chief Constable Part 1 the Act.

10.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.

10.3 The issuing of reports and recommendations by the PCP in relation to the Special Functions outlined above will be carried out in accordance with paragraph 7 above.

11. **Police and Crime Plan**

11.1 The PCP is a statutory consultee on the development of the PCC’s Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.

11.2 The PCP must

(i) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and;

(ii) report or make recommendations on the draft Plan, which the PCC must take into account.
12. Annual Report

12.1 The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the PCP for consideration.

12.2 The PCP must comment upon the Annual Report of the PCC, and for that purpose must:

(i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the Annual Report;

(ii) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Members of the PCP think appropriate;

(iii) make a report or recommendations on the Annual Report to the PCC.

13. Proposed Precept

13.1 The PCP will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The PCP must arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the proposed precept and make a report including recommendations.

13.2 Having considered the precept, the PCP must:

(i) support the precept without qualification or comment; or

(ii) support the precept and make recommendations; or

(iii) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made).

13.3 If the PCP vetoes the proposed precept, the report to the PCC must include a statement that the PCP has vetoed the proposed precept and give reasons for that decision. The PCP will require a response to the report and any such recommendations.

NOTE: This section is subject to Regulations which are currently awaited and it may need to be changed in view of that.
14. **Appointment of Chief Constable**

14.1 The PCP must review the proposed appointment by the PCC of the Chief Constable.

14.2 The PCP will receive notification of the proposed appointment from the PCC, which will include:

(i) the name of the candidate;
(ii) the criteria used to assess suitability of the candidate,
(iii) why the candidate satisfies the criteria; and,
(iv) the terms and conditions proposed for the appointment

14.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the ‘post election period’, being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.

14.4 Before reporting and recommending under paragraph 14.3 above, the PCP must convene a public meeting (‘confirmation hearing’) of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.

14.5 The PCP must publish the report on its website and send copies to each of the local authorities, and by any other means the PCP considers appropriate.

14.6 The PCC may accept or reject the PCP’s recommendation as to whether or not the candidate should be appointed, and must notify the PCP accordingly.

14.7 The PCP has the power to veto the appointment of a candidate, by a required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made.

14.8 A confirmation hearing as in paragraph 14.4 must be held before an appointment is vetoed.

14.9 If the PCP vetoes the appointment under paragraph 14.7, the report referred to at paragraph 14.3 above must include a statement to that effect.

14.10 If the PCP vetoes an appointment the PCC must not appoint that candidate as Chief Constable
15. **Senior Appointments**

15.1 The PCP must review the proposed appointments by the PCC of the PCC’s Chief Executive, Chief Finance Officer and Deputy PCC.

15.2 The PCP shall receive notification of the proposed appointments from the PCC including

(i) the name of the candidate;
(ii) the criteria used to assess suitability of the candidate,
(iii) why the candidate satisfies the criteria; and,
(iv) the terms and conditions proposed for the appointment

15.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period will not include the post-election period.

15.4 Before reporting and recommending under 15.3 above, the PCP must convene a public confirmation hearing of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.

15.5 The PCP must publish the report on its web site and send copies to each of the local authorities, and by any other means the PCP considers appropriate.

15.6 The PCC may accept or reject the PCP’s recommendation, and must notify the PCP accordingly.

16. **Appointment of an Acting Police and Crime Commissioner**

16.1 The PCP must appoint a person to be acting Commissioner if:

(i) no person holds the office of PCC;
(ii) the PCC is incapacitated (i.e. unable to fulfil the functions of the PCC) which is a matter for the PCP to determine; or
(iii) the PCC is suspended.

16.2 In the event that the PCP has to appoint an acting Commissioner it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.

16.3 The PCP may appoint a person as acting Commissioner only if the person is a member of the PCC’s staff at the time of the appointment.
16.4 In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the PCP must have regard to any representations made by the PCC in relation to the appointment.

16.5 The appointment of an acting Commissioner will cease to have effect upon the earliest of the following:

(i) the election of a person as PCC;
(ii) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;
(iii) in a case where the acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
(iv) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

16.6 Where the acting Commissioner is appointed because the PCC is incapacitated or suspended, the acting Commissioner’s appointment does not terminate because a vacancy occurs in the office of PCC.

17. Complaints

17.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the ‘IPCC’).

17.2 The PCP may however be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.

17.3 On receipt of a complaint which falls within its remit the PCP will meet to consider the complaints and will seek informal resolution of a complaint by encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

*Note: The handling of complaints by the PCP may be the subject of Regulations and accordingly this paragraph may need to be changed.*

18. Suspension of the Police and Crime Commissioner

18.1 The PCP may suspend the PCC if it appears to the PCP that:

(i) the commissioner is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and

(ii) the offence is one which carries a maximum term of imprisonment exceeding two years.
18.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

(i) the charge being dropped;
(ii) the PCC being acquitted of the offence;
(iii) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
(iv) the termination of the suspension by the PCP.

18.3 In this section, references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

19. Suspension and Removal of the Chief Constable

19.1 The PCP will receive notification if the PCC suspends the Chief Constable.

19.2 The PCC must also notify the PCP in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

19.3 The PCC must provide the PCP with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the PCP accordingly (the ‘further notification’).

19.5 Within six weeks from the date of receiving the further notification, the PCP must make a recommendation in writing to the PCC as to whether or not she/he should call for the retirement or resignation. Before making any recommendation, the PCP may consult the chief inspector of constabulary, and must hold a scrutiny hearing.

19.6 The scrutiny hearing which must be held by the PCP is a PCP meeting in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

19.7 The PCP must publish the recommendation it makes on its web site and by sending copies to each of the local authorities, and by any other means the PCP considers appropriate.
19.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:

(i) at the end of six weeks from the PCP having received notification if the PCP has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation; or

(ii) the PCC notifies the PCP of a decision about whether she/he accepts the PCP’s recommendations in relation to resignation or retirement.

19.9 The PCC must consider the PCP’s recommendation and may accept or reject it, notifying the PCP accordingly.

19.10 In calculating the six week period, the post election period is ignored.

20. Decision-making and Rules of Debate

20.1 Principles of Decision-making

These principles will underpin the way the PCP makes its decisions:

(i) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers

(ii) The presumption that whenever possible, all decisions made by the PCP should be made in public

(iii) Decisions will be clear about what they aim to achieve and the results that can be expected

20.2 Voting

20.2.1 All matters to be considered by the PCP shall be decided by a majority of the members of the PCP present and voting at the meeting. This will be done following the moving of a motion by any member of the PCP. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the PCC’s proposed precept or the PCC’s proposed appointment of a Chief Constable or as otherwise specified in these Rules of Procedure.

20.2.2 Voting will normally be by show of hands; but any member may demand a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.

20.2.3 In the event of a tie in voting, the Chairman shall have a second or casting vote
20.3 **Rules of Debate**

The rules of debate of the PCP shall be governed by the rules relating to meetings of County Council committees (section 7 of appendix 10 of the County Council Constitution).

21. **Minutes**

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

22. **Members’ Conduct**

22.1 **Speaking**

When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.

22.2 **Chairman Requiring Silence**

When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.

22.3 **Member not to be heard further**

22.3.1 If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.3.2 If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

22.4 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary.

23. **Disturbance by the public**

23.1 **Removal of member of the public**
If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

24 Suspension and Amendment of Procedure Rules

24.1 Suspension

These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the PCP without debate. No suspension may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.

24.2 Amendment

The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the PCP Secretary at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

25. Adjournment of Panel Meetings

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the PCP will be notified of the new date, time and place when these have been determined.
26. Interpreation

26.1 The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the PCP will be final for the purposes of the meeting at which it is given.

26.2 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined.
Appointments to Outside Bodies

Democratic Services Team Leader

This report sets out the current organisations on which the Council has been represented during 2011/12. The Council needs to consider which organisations it wishes to continue to appoint to and which Members to appoint as representatives.

<table>
<thead>
<tr>
<th>Cabinet member(s):</th>
<th>Ward(s) affected:</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Fuller</td>
<td>All</td>
</tr>
</tbody>
</table>

Contact Officer, telephone number, and e-mail: Claire White 01508 533669 cwhite@s-norfolk.gov.uk

1. Background

1.1. Council is responsible for making appointments of representatives to serve on outside organisations. Attached at Appendix 1 is a list of the current organisations on which the Council is represented, and the appointed representatives for 2011/12.

2. Current Position and Issues

2.1. Members have been asked to provide their views on the current appointments. If members have not provided feedback, it is assumed that they are satisfied that the Council continues to be represented on the body to which they are appointed.

2.2. Group Leaders have been asked to consider member appointments for 2012/13.

3. Representation

3.1. The following responses from members have been received:

3.2. Cllr C Kemp supports the continued representation on the Norfolk Records Committee and the Norfolk Museums and Archaeological Committee. He has explained that the Norfolk Archaeological Service Advisory Committee is presently suspended due to a re-organisation at Norfolk County Council, and suggests that membership of this body be placed in abeyance.
3.3. Cllr N Legg has indicated his support for the continued representation on the Norfolk Rivers Internal Drainage Board and stressed the importance of retaining membership on the Norfolk Health Overview and Scrutiny Committee due to the changes relating to the health agenda.

3.4. Cllr S Thomson commends the importance of continued representation on the Whitlingham Charitable Trust, explaining that the children’s play area maintained by the Council is much appreciated by the Trust. The Park is used by many residents and Cllr Thomson stressed that both County and District involvement was essential.

3.5. Cllr G Walden confirms his support for appointments to outside organisations and is happy to continue to represent the Council on Active Norfolk and the Upper Waveney Valley Countryside Partnership Steering Group

4. **Proposal and Reasons**

4.1. It is proposed that the Council continues to appoint to outside organisations during 2012/13, taking into account representations received from members.

4.2. Representation on outside bodies strengthens the community leadership role of elected members. It ensures that the Council is made aware of issues within partner organisations and ensures that the interests of the Council and its council tax payers are presented in the wider community.

4.3. A list of nominated representatives from Group Leaders for 2012/13 will be tabled at the meeting.

5. **Other Options**

5.1. The Council could decide not to accept invitations to be represented on outside bodies.

6. **Relevant Corporate Priorities**

6.1. Appointments on outside bodies supports all of the Council’s Corporate Priorities.

7. **Implications and Risks**

7.1. Financial – there is a direct cost to the Council in members’ travelling and subsistence costs, but this is taken in to account in the current budget.

8. **Conclusion**

8.1. It is important for the Council’s “Community Leadership” function that it continues to be represented on outside organisations.
9. **Recommendations**

9.1. To recommend that Council makes appointments to outside organisations for 2012/13
<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>NUMBER OF REPS</th>
<th>REPRESENTATION 2011/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>A47 Alliance</td>
<td>One</td>
<td>Tim East</td>
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<td>Active Norfolk</td>
<td>One</td>
<td>Glyn Walden</td>
</tr>
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<td>Aldeby Pits Liaison Committee</td>
<td>One</td>
<td>William Kemp</td>
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<td>Border Hoppa</td>
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<td>Brian Riches</td>
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<td>Colin Gould</td>
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<td>Family Intervention Project Board</td>
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<td>Greater Norwich Development Partnership</td>
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<td>One</td>
<td>Jon Herbert</td>
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<td>Hingham Education Trust</td>
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<td>Yvonne Bendle</td>
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<td>Local Government Ass. – General Assembly</td>
<td>One (plus sub)</td>
<td>John Fuller (Sub: Martin Wilby)</td>
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<td>Local Government Ass. - Rural Commission</td>
<td>One</td>
<td>Jeremy Savage</td>
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<td>Norfolk Archaeological Services Advisory Cttee</td>
<td>One (plus sub - non voting)</td>
<td>Christopher Kemp (Sub: Tim East)</td>
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<td>Norfolk Arts Forum Steering Committee</td>
<td>One (plus sub)</td>
<td>Andrew Pond (Sub: Pauline Allen)</td>
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<td>Norfolk Health Overview and Scrutiny Committee</td>
<td>One (plus sub)</td>
<td>Nigel Legg (Sub: Colin Foulger)</td>
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<tr>
<td>Norfolk Museums and Archaeological Committee</td>
<td>One (plus sub)</td>
<td>Christopher Kemp (Sub: Terry Blowfield)</td>
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<td>Norfolk Older Peoples Forum</td>
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<td>Norfolk Playing Fields Association</td>
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<td>Norwich Fringe Project - Joint Advisory Panel</td>
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<td>ORGANISATION</td>
<td>NUMBER OF REPS</td>
<td>REPRESENTATION 2011/12</td>
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<td>Public Sector Leaders’ Board</td>
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<td>Shadow Health and Well Being Board</td>
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<td>Upper Waveney Valley Countryside Partnership Steering Group</td>
<td>One (plus sub)</td>
<td>Glyn Walden (sub: Murray Gray)</td>
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<td>Whittingham Charitable Trust</td>
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<td>Sue Thomson</td>
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<tr>
<td>Yare Valley and District CAB</td>
<td>One</td>
<td>Lee Hornby</td>
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</table>
Report of the Leader of the Council

This report covers the items discussed at the 26 March and 30 April 2012 Cabinet meetings.

Cabinet member(s): Cllr John Fuller
Ward(s) affected: All
Contact Officer, telephone number, and e-mail: Sandra Dinneen 01508 533603 s_dinneen@s-norfolk.gov.uk

CABINET – 26 March 2012

1. South Norfolk Council’s Site Specific Policies and Allocations Development Plan Document: Preferred Options (Part 1)

1.1. The Site Specific Policies and Allocations Development Plan Document is an important part of the Council’s Local Plan as it sets out the areas of land being proposed for development. We considered and agreed the sites shown as the first phase of the Council’s preferred options for settlements in the “service village”, “other village” and “small rural communities” categories of the Joint Core Strategy’s settlement hierarchy for the rural area. We also noted that these sites will be included in the preferred options consultation document, which will be published in June 2012.

2. South Norfolk Place Making Guide – Draft for Consultation

2.1. We welcomed the South Norfolk Place Making Guide, the purpose of which is to promote and secure good quality design on new developments across the district by promoting locally distinctive design which enhances the character of that area. With a few minor amendments, this guide will now go out to consultation.

3. Update on Changes to Local Government Financing

3.1. This Council faces a number of significant challenges with regard to changes to Local Government Financing, including the localisation of Council Tax Benefit, New Homes Bonus, the Community Infrastructure Levy and others. We approved a plan to maximise the opportunities and minimise the risks and agreed that all the interconnecting issues must be considered in a holistic way to ensure we target our resources and services at those in greatest need.
4. **Marketing Strategy**

4.1. It is important that in all our communications the Council presents itself in a clear, accurate, consistent and recognisable way. We approved the marketing strategy, subject to minor amendments, which will ensure we utilise all available opportunities to promote our services and position ourselves as the provider of choice.

5. **South Norfolk Housing Allocations Scheme**

5.1. The South Norfolk Housing Allocations Scheme has been developed to take into account changing national priorities and local need. We agreed to adopt this scheme which will improve the service to customers and continue to offer choice and transparency to those customers in the greatest housing need.

6. **Diss Business Centre**

6.1. We approved the continuation of the lease to the end of the term in 2023 for the Diss Business Centre, which will thus continue to provide small business units at affordable rents.

7. **Recommendations from Scrutiny Committee**

7.1. We endorsed the resolution of the Scrutiny Committee regarding the call-in of “Community Empowerment” Delivering the Localism Agenda in South Norfolk.

8. **Contract for the Disposal of Green Waste**

8.1. We agreed the award of the green waste disposal contract to Greencomp Ltd, to receive at least 70% of the material collected and we noted that the remainder may be offered to other bidders, subject to confirmation of price under separate contract.

9. **Harleston – Proposed Purchase of Investment Property**

9.1. We approved the proposed purchase of investment property in Harleston under the Rules of Financial Governance.

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**CABINET – 30 April 2012**

10. **Performance and Financial Review Quarter 4**

10.1. We welcomed the new approach to assessing and improving performance, which was presented on line. There were a number of areas where performance was particularly good. We noted the actions taken by officers to address any performance issues, and also noted the preliminary financial position for Quarter 4 2011/12.
11. South Norfolk Council’s Site Specific Policies and Allocations Development Plan Document: Preferred Options (Part 2)

11.1. We considered and agreed the second phase of the sites that have the best results as the Council’s preferred options for Diss, Harleston, Hingham, Loddon/Chedgrave (outside of the Norwich Policy Area) and we noted that these sites will be included in the preferred options consultation document, to be published in June 2012.

12. The National Planning Policy Framework

12.1. The National Planning Policy Framework was published on 27 March 2012 and came into force immediately. At its heart is the presumption in favour of sustainable development, which the Council must reflect in its local plan policies. We endorsed a schedule of the saved policies together with an assessment of the degree of conformity with the national framework, which will allow the appropriate weight to be given to policies in decisions making.

13. The Procurement Strategy

13.1. We approved the Procurement Strategy, which supports the Council in achieving corporate priorities through its four identified objectives, and the associated actions to support these objectives. These objectives and activities are based on the overriding financial and legislative environment impacting upon the Council and its procurement activity.

14. Volunteering Policy

14.1. We approved the volunteering policy which sets out a new coordinated approach to voluntary activity both for and by the Council. We also endorsed the new Community Awards Scheme, which is designed to recognise and celebrate significant achievements in the community as part of the Council’s overall approach to volunteering.

15. Property Issues

15.1. We also considered a number of issues relating to property we own, including progressing the joint sale of the land at the Chestnuts, Pulham St Mary, to renew the lease of the Wymondham Town Council offices and to approve the lease of Unit 13 at Wymondham Business Park.

John Fuller
Leader
The Seventh Annual Report of the Scrutiny Committee

May 2011 ~ April 2012
Foreword by the Chairman

I am pleased to present my first Annual Report as Chairman of South Norfolk Council’s Scrutiny Committee.

We began the year with new chairmen for both Scrutiny and the two Overview Sub-committees and, although we were ‘finding our way’ and the responsibilities and titles of the committees changed, I think that all the committees that make up the scrutiny group have made relevant contributions to the delivery of the council objectives during the year.

Improving services, whilst looking at ways of reducing overall costs in this difficult economic climate, has been challenging for the whole council and all members and staff are to be commended for what has been achieved.

Apart from reviewing the work of other committees we have also considered changes to our own working processes and made our own systems more efficient by introducing report templates and guidelines for our new pre-scrutiny process. I believe that members have appreciated the opportunity to scrutinise reports and draft Directorate Plans before they are considered by Cabinet or Council and that the pre-scrutiny process will in future reduce the number of call-ins.

I would like to thank all the officers who contribute the information and research needed for our work, particularly our Scrutiny Officer, Emma Nangle and Mike Nott our Performance and Business Planning Manager, who retired recently, for providing clear and concise quarterly reports plus a wealth of supporting information. I’m sure we will miss his contribution to our work.

I commend this Report to the Council.

Cllr. Margaret Dewsbury
Chairman, Scrutiny Committee
30th March 2012
Scrutiny Structure

Scrutiny at South Norfolk Council is largely carried out by the Scrutiny Committee and its two sub-committees. The work of these committees is outlined below:

**Scrutiny Committee**
Scrutiny Committee investigates issues that are covered by the External Affairs Portfolio, Organisational Efficiency and Shared Services Portfolio and the Corporate Resources and Governance Portfolio. In addition, Scrutiny Committee considers topics that cross the boundaries of portfolio accountability. The Committee considers issues such as economic development, shared services, IT, property, accountancy and income.

**Public Protection and Environment Overview Sub-Committee**
This Sub-Committee deals with the Cabinet Portfolio of Public Protection and Environment. This Committee covers development control, design and conservation, food safety, environmental health and protection, and recycling and refuse collecting.

**Localism and Neighbourhoods Overview Sub-Committee**
The Localism and Neighbourhoods OSC covers the Cabinet Portfolio of Localism. The Sub-Committee considers topics such as leisure centres, public health promotion, community development, Council tax and benefits.

In addition, the Council’s Accounts, Audit and Governance Committee carries out a scrutiny function and considers the Head of Internal Audit’s annual report and opinion, summaries of specific internal audit reports and agreed recommendations that are not implemented in the agreed timescale. The Committee’s Terms of Reference have been expanded this year to also included Governance arrangements throughout the Council, which was previously carried out by Scrutiny Committee.

The Work of Scrutiny over the Year

There have been a number of areas of work carried out by Scrutiny throughout 2011/12. These include:

- Holding Cabinet to account
- Business Planning and Budget 2011/12
- Performance Monitoring
- Scrutiny Committee
- Scrutiny Task and Finish Groups
- Overview Sub-Committees
Holding Cabinet to account

A summary of decisions made by Cabinet is published immediately after each meeting of Cabinet. Any three members of the Council may “call-in” a decision for Scrutiny to consider, which effectively means the decision is delayed until Scrutiny can examine the decision at its next meeting. After examination, Scrutiny can decide to recommend an alternative option or endorse the decision of the Cabinet.

Members called-in three decisions made by Cabinet in the last 12 months, which related to the waste collection and recycling service, the potential for shared legal services and delivering localism in South Norfolk.

The first call-in was considered in June 2011 and arose from a report that was considered by Cabinet regarding proposed action to improve the efficiency and reduce the annual cost of the waste collection and recycling service. Discussion centred on whether the recycling target of 40% was ambitious enough. Members also discussed the level of satisfaction of the service, which was relatively high. The Committee concluded by endorsing the Cabinet decision, however recommended that Cabinet reviewed the recycling target in light of additional information of potential investment and costs required to achieve higher targets (for example, what it would cost the Council to achieve a figure of 45%). Scrutiny Committee also recommended that Cabinet take steps in order to increase the number of residents that pay for the brown bin recycling service by direct debit, which is less expensive for the Council. Cabinet considered the recommendations of Scrutiny and accepted them. The Public Protection and Environment OSC will consider this issue again at its meeting in July 2012, to consider progress towards the recycling target.

The Committee was required to consider its second call-in at its September meeting. This related to the Council’s consideration of the possibility of joining nplaw in order to share legal services. Members were particularly concerned that the Council was only pursuing nplaw and that no alternative options were being investigated. Members were keen for further options to be explored and considered that without a full analysis, the Council should not be favouring one option at an early stage. Scrutiny Committee therefore recommended to Council that it authorised the production of a business case that reflected both keeping and closing the Council’s legal service, stressing that it should review other options in the process. The Committee also recommended that at this early stage the Council simply noted a preference for becoming a member of nplaw. Scrutiny Committee was keen for the business case to be brought to a future meeting, ahead of consideration by Cabinet. The business case
was considered by a joint meeting of Scrutiny Committee and Accounts, Audit and Governance Committee in February, which is detailed later in this report.

The final call-in of the year concerned the Council’s delivery of the Government’s localism agenda. The Cabinet had agreed a new Scheme which proposed to expand the role of the Council’s Neighbourhood Boards in order to get closer to communities to enable them to influence and improve service delivery and increase social capital. The report also set out how the scheme would be funded (by the new homes bonus, second homes monies and the Community Infrastructure Levy (CIL) and how this funding would be distributed amongst the Neighbourhood Boards. The callers-in made alternative proposals regarding the funding of the pilot scheme, which would have resulted in a decrease in overall funding. Scrutiny Committee considered the alternative proposals, however, concluded to endorse the decision of Cabinet and retain the level of funding set and its distribution.

The callers-in also sought further clarity regarding the scheme, which was provided at the meeting. Members were satisfied with the clarification that was received and felt that no further action was necessary. Members were keen that officers should ensure that the new concept of the scheme be communicated clearly and officers were asked to consult volunteer members of Scrutiny Committee to approve further communication on the scheme. Cabinet endorsed the resolution of Scrutiny Committee.
Business Planning and Budget 2012/13

Once again, Scrutiny Committee and the OSCs have been involved in the business planning and budget process. Each Committee looks at the specific budgets and performance measures related to its area of the Council. Input from members was sought, after staff were consulted in order to identify key outcomes and potential savings within their own teams.

Scrutiny Committee and the OSCs considered the draft Directorate Plans throughout October and November 2011, and were asked to focus on budgets within each team. Members commented on the outcomes, which reflect the priority areas of the Council, and the savings which had been put forward. Final Plans were placed before Committees during January 2012, when members where asked to comment on the performance measures that had been set for each service that will be used throughout the year to monitor progress towards the key actions and as a mechanism to report back to Committee. Members congratulated officers on the clear and concise plans that had been prepared and made suggestions and amendments as appropriate.

The Scrutiny Committee also commented on the Council's 2012/13 budget at its meeting on 8 February 2012. Feedback obtained from Committee earlier in the year was used to assist the formulation of the 2012/13 Budget and the rationale for savings. Scrutiny recommended to Council that the budget be approved. Members praised officers for the savings that had been identified throughout the year to be incorporated into the budget process. Members noted that staff were continually identifying savings and that this would continue in the next financial year, assisted by Lean Lite reviews.

Performance Monitoring

The process of performance monitoring has changed this year, which has resulted in a greater emphasis on Scrutiny. The scheduling of the Scrutiny and Overview Sub Committees has been altered so that they coincide with the quarterly performance reporting, which means that members are considering information that is up-to-date. This in turn gives Scrutiny greater influence by allowing members to deal with any issues as they arise, which was not always possible when quarterly performance was reported near the end of the proceeding quarter.

In addition, the performance reports are now received by Scrutiny and the Overview Sub Committees before they are considered by Cabinet. The result of which is that scrutiny is able to make Cabinet aware of any issues that they may have arising in relation to performance so that these may be addressed in a timely and efficient manner.
Scrutiny Committee

Membership of the Scrutiny Committee 2011/12

Conservatives
Margaret Dewsbury (Chairman)
Terry Blowfield
Florence Ellis
Colin Foulger
Lisa Neal
Andrew Pond (replaced Keith Weeks)
Michael Windridge

Liberal Democrats
Vivienne Bell (replaced Gerry Watt)
Jan Hardinge
Trevor Lewis (Vice-Chairman)
Bob McClennig

Partnership Overview 2012/13

Scrutiny Committee considered an overview of the partnerships that the Council is involved in and how these would be reviewed in the coming years. Members were asked to consider the future scrutiny of partnership funding on a thematic basis, which would result in Committees receiving a number of partnership reviews on one topic – such as community transport; the local economy and tourism; and welfare. It is hoped that this new approach will enable the public and members to gain a greater understanding of how the Council addresses specific issues in the District. Members endorsed this new approach, which will be implemented later in 2012.

Chairman of the Council

The Committee considered a report that reviewed the role of the Chairman of the Council. Officers had drafted a handbook to be used as a guide for future Chairmen, which explained the complexities of the role, what is expected and the various events attended and organised by the Chairman. Members discussed the handbook in detail and endorsed its use in the coming municipal year. Members made particular comments worthy of noting including supporting the continuation of the Chairman’s charity; expressing a preference that the venue for the Civic Service should be left to the Chairman’s discretion; and noting that it was important that the Chairman was seen as the face of the Council as a whole and not just of his/her own particular ward/parishes.

Review of the South Norfolk Alliance

The Committee received a report which reviewed the South Norfolk Alliance; the Council’s Local Strategic Partnership. Members were advised that the Alliance would need to adapt in light of the changing strategic landscape, a position that all local authorities would have to tackle. Members noted that partnership working had
strengthened, however there were other opportunities outside of the Alliance for this to continue. Bearing this in mind, members discussed what the future role of the Alliance could entail. Members were keen on retaining the brand name of the South Norfolk Alliance and supported officers moving it towards a more informal, networking approach to future meetings.

**Joint Meeting**

A joint meeting of the Scrutiny Committee and Accounts, Audit and Governance Committee was arranged in February 2012 to pre-scrutinise the business case regarding the Council joining nplaw. Pre-scrutiny was deemed necessary in order to fully evaluate the different options regarding whether to outsource the Council’s legal service before any decision made by Cabinet or Council. The production of a Business Case was requested as a result of a call-in in late 2011.

Members discussed the merits of each of the options available; joining nplaw, keeping the status quo or outsourcing as required. Members favoured joining nplaw as it was the most cost effective solution and members considered that the arrangement would allow the Council to receive a similar level of support to that already received. Overall, members of both Committees supported the Council joining nplaw and recommended the Business Case to Cabinet.
Scrutiny Task and Finish Groups

Scrutiny Committee is constituted to set up Scrutiny Task and Finish Groups. These Groups are set up to investigate specific issues and make subsequent recommendations, with the help of Officers and interested parties outside of the Council.

Tourism Task and Finish Group

The Tourism Task and Finish Group was established in early 2011 to consider the issues affecting the tourism industry in South Norfolk, consult appropriate stakeholders from tourism and related industries, and develop a robust strategic framework to direct the tourism-related work of South Norfolk Council over coming years. The Group consulted various key stakeholders regarding tourism in the District to establish what was required from such a Strategy. A draft Strategy was brought before the Group in June for their comments, after which it received the Final Strategy and accompanying Action Plan in September 2011. The Strategy set out how the Council could assist tourist businesses in partnership. Scrutiny Committee considered the Final Strategy and Action Plan in November 2011 and recommended to Council the Strategy, which was later approved.

The Link Magazine Task and Finish Group

A Task and Finish Group was established to review the Link Magazine, our community magazine for South Norfolk residents, with a view to ensuring that it retained its effective influence among residents, but was produced more economically and at a reduced cost. The Group had its first meeting in July 2011 and set out the scope of the review in relation to the specific aspects of the Magazine that required investigation. These areas included the size and quality of paper used, delivery methods, frequency and advertisements. Officers were tasked to investigate several issues further, including investigating the potential of reducing costs by using alternative paper, reducing the number of pages, using different distributors, and producing a new rate card relating to advertisements in the magazine. Officers reported back to the Group in August 2011 and found that the magazine was already being produced cost effectively, with no real savings to be identified. Members next turned to maximising income and considered the rate card that had been drafted. This sought to charge a higher rate for adverts that were placed in a prominent position in the magazine, such as the first few pages. It was estimated that this could generate up to £12,000 of additional income. The Group’s recommendations regarding the rate card were considered by Scrutiny Committee and accepted.
Overview Sub-Committees

Public Protection and Environment Overview Sub-Committee

Membership

Conservatives
Leslie Dale
Colin Gould
Colin Foulger (Chairman)
Tony Palmer
Beverley Spratt (Vice Chairman)
Laura Webster

Liberal Democrats
Murray Gray
Gerry Watt (replaced Vivienne Bell)

Independent
Keith Weeks

Review

Members considered a review of the Council’s new Planning Committees and Scheme of Delegation. Changes had been made to the Committee structure and Scheme of Delegation in order to streamline the process and decrease the number of applications that had to be determined by Committee. Members considered comparisons with other Norfolk Authorities and noted what further changes would be required in order to further limit the number of applications that went before Committee – a reduction between 40% and 60% was expected. Members welcomed the proposed changes to the Scheme of Delegation and offered a number of additional amendments, including recommending that members should make declarations of interests clearer. Members also stressed the importance of training to Parish Councillors, as they provide comments on planning applications in their Parish – particularly if they consider that the application should be determined by Committee.

Improving Service

The Committee received a report regarding communication between the Council and CNC Building Control, which carries out this function for the Council. The report was requested by members who had become concerned by building works carried out that were not in accordance with planning conditions approved by Committee. Members discussed the options available to the Council and were assured that this did not happen regularly. The Committee
concluded that introducing more site visits would be too costly and officers agreed to monitor the situation and increase the number of officer level meetings.

**Consultation**

The Committee was consulted on the Council’s response to the National Planning Policy Framework (NPPF), which considerably reduced the length of existing documentation from over 1,000 pages to 50 – making the planning system less complex and more accessible. Members considered the draft responses to the Department of Communities and Local Government’s consultation questions. Members made a number of amendments to the responses provided by officers; particularly requesting that the commitment to public transport for rural communities be strengthened and that there be an increased focus on sites of specific scientific interest. Member involvement in Council consultations ensures that the wider electorate is represented and enables specialist knowledge of members to be utilised.

**Partnership Reviews**

Members reviewed the partnerships the Council has with regard to tourism support and Tourist Information Centres. Members considered statistical data regarding the Tourist Information Centres at Harleston, Wymondham and Loddon, that the Council provided funding for. Members were generally satisfied with the evidence and asked the Tourism Task Group to consider some of the issues in more depth. Members next reviewed the level of support that the Council gave to Norfolk Tourism. Members agreed that tourism was vitally important and considered the Council should be proactive in attracting tourists and that Norfolk Tourism was an important part of that process. Members concluded that the Council could not achieve what it did alone as it did in partnership and noted the benefits to South Norfolk of the authority’s investment in Norfolk Tourism.
Localism and Neighbourhoods Overview Sub-Committee

Membership

Conservatives
Terry Blowfield (Chairman)
Michael Edney
Nigel Legg
Lisa Neal
Brian Riches
Glyn Walden (Vice-Chairman)
Neil Ward

Liberal Democrats
Pauline Allen
Jan Hardinge

Shaping Policy

The Committee received the County Community Safety Partnership Plan, which outlined the work that would be carried out in the County over the next four years. Members noted that the document was not able to focus on the specific issues in South Norfolk and requested that a South Norfolk Plan be written to tackle the problem areas that were unique to the District. A draft plan was brought to a later meeting of the Committee, which addressed issues of antisocial behaviour, domestic abuse, the fear of crime and safety on roads. Members endorsed the proposed plan, hopeful that a more focused approach would result in real improvements in the highlighted areas.

Review

The Committee received a report regarding changes to the Council’s Local Democracy Week, during which the Council plays host to hundreds of local school children and gives them a taster of democracy in action and a flavour of what the District Council does. Members were supportive of the changes that were proposed and stressed the importance of engaging with schools well in advance to get them involved. Members were also keen to be given a steer on what was expected of them so that all Councillors who would be involved were consistent in their approach, which officers agreed to do. Members also requested a review to be conducted after the event to evaluate any improvement achieved. This review was due to be considered by Committee at the end of April 2012.

Improving Council Performance

The Committee received a report that reviewed the Council’s provision of services face-to-face. Members were advised that a review of the Council Information Centre
usage had revealed that services could be delivered at a reduced cost. Members were supportive of utilising existing Council resources (eg, leisure centres) and also those of the County Council and partner agencies (eg, libraries and Citizens Advice Bureaux) to offer face-to-face services. The Committee was also keen to offer more face-to-face services through assisted self service and improve availability of services through the Council’s website. Members were supportive of this innovative approach, which they hoped would both provide a better service to the public and offer cost savings.

**Partnership Reviews**

This OSC has also reviewed a number of Council partnerships throughout the year, including INTRAN, community transport, cultural events, and physical activity referral.

Members considered the Council’s partnership with INTRAN, which provides a translation service to many public bodies throughout the region. Members discussed the cost to the Council and appreciated that it could not achieve the value of service if the Council was not in the Partnership. Members were satisfied from the evidence provided that the service was competitive and good value for money.

The Committee also considered the level of funding that the Council gave to community transport schemes. Members were advised that there were several types of community transport scheme that received discretionary funding from the Council. Members discussed the level given to the schemes and were particularly concerned by the proposed reduction in funding to Borderhoppa. Members were keen for the funding provided to Borderhoppa by the Council to be retained at the current level as it was an important service that brought people into the District, despite being recommended to introduce a reduction. Members concluded that funding of £9,000 should remain.
Continual Improvement

This year has seen the introduction of dedicated Scrutiny Report Templates and a new mechanism by which items are added to the Scrutiny Work Programmes in order to improve the efficiency and effectiveness of the scrutiny process. The new ways of working have increased the level of input from members with regard to the content of reports and have enabled members to make informed recommendations that are credible and influential.

In addition, we have developed pre-scrutiny guidelines. Pre-scrutiny is the process by which a committee of scrutiny receives a report that is to be considered by Council or Cabinet, before a decision has been made. The appropriate Committee will make relevant recommendations to Cabinet or Council, who will take these into account when making a final decision. The Guidelines have been introduced to assist officers to determine which Cabinet reports should be pre-scrutinised, in the hope that it will increase member involvement in the matters that really affect the Council and reduce the need for call-ins.

Public Involvement

South Norfolk Council is always keen to involve the public in its Scrutiny process. If you are a member of the public and wish to raise an issue to be investigated by Scrutiny, please let us know. You can do this by contacting the Scrutiny Officer:

The Scrutiny Officer
South Norfolk Council
South Norfolk House
Swan Lane
Long Stratton, Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Telephone: 01508 533747
Accounts, Audit and Governance Committee Annual Report

Chairman’s Introduction

*Accounts* a register of facts relating to money; *Audit* a final account; *Governance* rule or management as that of a guardian.

*Samuel Johnson, A Dictionary of the English Language (8th edition, 1799)*

1. This is the first Annual report of the Accounts, Audit and Governance Committee since governance was expressly added to its remit by constitutional changes made by the Council in May 2011. It is also the first such report for which it has been my pleasure and duty to write a brief introduction.

2. I will not attempt to summarise the diverse workload which the Committee has discharged in the last year. Please refer to the report that follows for that fuller information. Rather, I shall draw attention to one or two recurrent themes evident in our work.

3. The work of the Committee has been far more fully integrated with the other committees in the Council’s Overview and Scrutiny family in 2011-12. For example, pre-scrutiny guidelines have been promulgated. These specifically provide that matters raising issues of financial probity or governance ought usually to be referred for investigation by this Committee.

4. This Committee has led by example in the drive for better qualified councillors. It should be noted that all members of the Committee are graduates and that most of us also hold professional qualifications. In the course of the year an annual training accreditation requirement for membership of the Committee (or attendance as a substitute) has been successfully introduced.

5. Turning to matters of personnel, there are three points that I ought to record:

   a. at the beginning of the civic year Mrs Sandra King, our Head of Internal Audit, was unwell. We were fortunate that her Deputy, Mrs Leah Mickleborough, was able to provide the necessary leadership to the Internal Audit function throughout Mrs King’s prolonged ill-health. We were very pleased to welcome Mrs King back following full recovery to our first meeting in 2012.

   b. in February 2012 Mrs Mickleborough transferred to the new post of Compliance and Risk Manager of the Council. In that role she will continue to have a major input to the work of the Committee.

   c. the Committee were distressed to learn of the ill-health of Mrs Claire Willemstyn, one of the Democratic Services Officers who regularly serviced this Committee. We have wished her a full recovery. To this responsibility we were pleased to welcome Mrs Sue Elliott whose
background before joining the Council as a Democratic Services Officer was in the financial services industry.

6. I commend this report to the Council.

C J Kemp (Cllr),
Chairman,
Accounts, Audit and Governance Committee,
15th March 2012

Background to the Annual Report

The Council’s Audit Committee first convened on 20 July 2006, and subsequently evolved to incorporate both review and approval of the Accounts (from June 2007) and oversight of the Council’s governance matters from the start of the current municipal year. Accordingly, the Terms of Reference for the Committee have been expanded to reflect the ongoing changing nature of the Committee, and were last reviewed and approved in May 2011 by Council.

This report therefore serves as the fifth annual report of the Committee, to review the operation and activity of the Committee in year, and serve to demonstrate how it has complied with good practice in delivering its role.

Membership and Attendance of the Committee

This has been a year of change for the Committee – not just in terms of title, but also in membership following the election in May 2012. Councillor Christopher Kemp stepped into the role of Chairman, having transferred from the role of Scrutiny Committee Chairman; independent member Mr Alan Squirrell continues to serve as Vice-Chairman, whilst Councillor Trevor Lewis provides cross-representation from the Scrutiny Committee. Further continuity is provided by Councillor David Goldson, who also serves as Chairman of the Council’s Grants Panel. Meanwhile, the Committee welcomed new members in Councillors Kay Billig, Robert Savage and Derek Blake.

Attendance at the 4 meetings held during the year has remained strong; 22 out of 28 possible attendances (79%) have been recorded, with substitute members present in all cases where members were unable to attend. The substitutions process has been supplemented by the training process (see below), which helps to ensure that all substitute members are familiar with the requisite skills and experience ahead of attending their first meeting of the Committee.

In addition to the membership highlighted above, the Portfolio Holder for Corporate Resources, Councillor Garry Wheatley attends each meeting of the Committee and regularly contributes to items being discussed. As highlighted in the Chairman’s introduction, the Committee is well supported by relevant Council Officers, including attendance by the Deputy Chief Executive, Financial Services Manager and
the Head of Internal Audit or Deputy Audit Manager at each meeting. Mrs Sue Elliott has served as Committee Officer throughout the year.

At its meeting in November, the Committee welcomed, for the second year, a group of students from the University of East Anglia to attend the meeting and learn more about the workings of the Council. This again proved extremely successful, with 20 students attending the Committee alongside their Lecturer, Mr Lawrence Hardy.

**Committee Training and Development**

In July 2011, Council agreed that in future all members attending the Accounts, Audit and Governance Committee, including substitutes, would require formal accreditation through having attended an appropriate training programme. It is not known that any other Council in the Country operates such a scheme, which ensures that effective scrutiny and appraisal is provided to the often complex matters presented before the Committee.

Arising from this, a formal record of the training provided has been maintained, which identifies that 18 members are now sufficiently accredited to attend Committee meetings. In addition, all members of Cabinet have attended at least one of the various events to familiarise themselves with the work of the Committee.

Training provided in year has covered:
- An introduction session, covering the core roles and responsibilities of the Committee, and a brief outline of the role of internal and external audit, corporate governance and risk management;
- Treasury Management
- Risk Management – a session hosted by Zurich, the Council’s insurers, to examine the most significant risks to Council activity;
- Internal Audit Planning – to examine the process used to develop the Annual Internal Audit Plans, to then support members in providing effective review of the plans produced.

In addition to the formal training sessions organised, the Committee receives quarterly updates from the Council’s Internal Audit team identifying key arising national issues – for example, through providing regular updates on the future of the Audit Commission. These updates incorporate information provided by bodies such as CIPFA, Central Government Departments and reports provided by Deloitte, the Council’s Internal Audit Services Contract Provider.

As a result of the ongoing work to ensure development of the Committee, when undertaking its annual self-assessment exercise in January 2012, members were pleased to confirm that the Committee assessed itself as fully compliant with the CIPFA self-assessment checklist for Audit Committees.

**The role of the Accounts, Audit and Governance Committee**

As highlighted in the Chairman’s introduction, this is the first annual report written since the Committee has incorporated governance into its title. Previous annual
reports have highlighted that it is the role of the Committee to challenge, develop and approve work in a range of areas; it is also the role of the Committee to obtain assurances for the Council that governance arrangements and systems of internal control are operating in a satisfactory manner.

When adding “governance” to the work of the Committee, the opportunity was taken to add greater clarity to the Terms of Reference in the areas of Accounts and Audit, and in particular to ensure these Terms were aligned to the Accounts and Audit Regulations 2011. In particular, the Committee is charged with reviewing both the draft and final statement of accounts; reviewing the Head of Internal Audit’s Annual Report and Opinion and the effectiveness of the Internal Audit service, and reviewing the work of the External Auditors, the Audit Commission. The Committee also operates to oversee audit matters in relation to CNC Building Control.

In respect of governance, the Committee has been formally charged with overseeing the Council’s arrangements for corporate governance and keeping those governance arrangements under ongoing review. In particular, it is the role of the Committee to oversee contract procedure rules and financial regulations, and monitor risk management. The Committee may also review any matters that have been referred to it by Council, Cabinet, Scrutiny or the Chief Executive.

A further development in year has resulted in the Chair of the Accounts, Audit and Governance Committee presenting a report to subsequent Council meetings of the nature of matters considered at each meeting, and in particular identifying significant issues raised. This has allowed a direct reporting channel for the Committee to Council, and served to highlight and promote the valuable role served by the Committee.

The Work of the Committee during 2011-12

Internal Audit

In June 2011, the Committee received the Annual Report and Opinion of the Head of Internal Audit, which confirmed that the systems of internal control were considered to be “adequate” at the Council during 2010-11. Members were pleased to hear of the ongoing reduction in the number of outstanding audit recommendations at the end of the year, which demonstrated the level of improvement in the Council’s internal control environment.

In July 2011, Cabinet endorsed the recommendation of the Accounts, Audit and Governance Committee to extend the Internal Audit Services Contract with Deloitte to September 2014. This decision created financial savings to the Council, in that the extension had been undertaken on the provision that a clause within the contract, to increase the day rate payable to Deloitte each year by the rate of inflation, would be removed. However, the Committee remained concerned at the ongoing challenges faced by Deloitte in meeting the performance targets specified within the contract to deliver audit briefs and reports. They were able to confirm in November 2011 that performance across the Audit Consortium had improved during the first 6 months of the year.
The Committee will look forward to receiving the Annual Report and Opinion in respect of the 2011-12 year at its meeting in June.

External Audit and the Accounts

The Committee received the Council’s first statement of accounts produced under International Financial Reporting Standards. An unqualified opinion on the statement of accounts was issued, and the Council was awarded its first unqualified conclusion on its value for money arrangements. With such positive outcomes the Committee were keen to congratulate the work of the Financial Services Manager and her team to prepare the statement of accounts.

The Committee are now aware that the 2011-12 Financial Statements will be the last audited by the Audit Commission in its current form, and await notification of the new appointed auditor in April. Frequent updates on the position have been provided by the Audit Commission representatives attending meetings.

In reviewing the Commission’s work to assess the Council’s grant claims, the Committee was concerned to find that a minor discrepancy in the Housing and Council Tax Benefits Subsidy Claim had resulted in a 44% increase in the fee charged by the Audit Commission, due to the additional testing required. The Committee has requested that this matter be brought to the attention of the Members of Parliament for the District to raise with the DWP.

CNC Building Control

As noted above, the Committee serves as the Audit Committee for CNC Building Control. In June 2011, the Committee heard that the Joint Committee had rejected the Audit Plan as agreed by the Accounts, Audit and Governance Committee as excessive. The situation was subsequently amicably resolved by the Deputy Chief Executive and Deputy Audit Manager following attendance at the subsequent Joint Committee meeting.

In fulfilling its role in reviewing governance arrangements where the Council operates in partnership with other bodies, the Committee has also been keen to examine the robustness of the governance arrangements operating for CNC Building Control. In this regard, the Committee has received regular oral updates from the Deputy Chief Executive, and in September were provided a further update from Councillor David Bills.

nplaw

In January 2012, the Committee held its first joint meeting with the Council’s Scrutiny Committee to review the business case for South Norfolk Council joining nplaw. This joint meeting allowed the scrutiny process to benefit from the wide range of skills and expertise offered by both committees, and allowed for scrutiny on a timely basis ahead of Cabinet and Council meetings to approve the business case.
Counter Fraud Action Plan

The Committee is tasked with overseeing arrangements within the Council to counter fraud and corruption. Following the approval of the revised Counter-Fraud and Corruption Policy in December 2010, the Committee received its first annual report on Counter-Fraud arrangements within the Council in November 2011. The Committee were keen to recognise that the Council had taken action in respect of the Bribery Act, which came into force in July 2011, and in particular the Counter-Fraud and Corruption Policy had been revised to “Counter-Fraud, Corruption and Bribery Policy”.

Governance matters

The expanded role of the Committee has allowed for a range of matters to be brought to the fore through the specialised scrutiny afforded by the Committee’s review. Matters considered during the Committee’s first year in this role have included the planning committee scheme of delegation, the local member protocol, and guidance on exempt information.

Of particular note, at the January meeting, the Committee reviewed a paper identifying how the Council was responding to the governance implications of the Localism Act. Members were keen to ensure that officer time invested in implementing the act was maintained at a proportionate level, and agreed that any constitutional changes arising from the Act were to be developed in conjunction with Councillors Kemp and Lewis.

Risk Management

Oversight of risk management arrangements is a particularly key role in local government at a time of significant change. The Committee has received quarterly updates on the Council’s risk management arrangements, including health and safety, asset management, and the Local Government Pension Scheme. Challenge was provided to the Council’s arrangements in respect of Gypsy and Travellers and the potential for unauthorised developments, and the Council’s emergency planning service. In respect of the latter, the Deputy Chief Executive has provided subsequent updates to the Committee to monitor the situation.

The Forthcoming Year

The Annual Report for 2010/11 reflected on the fact that 2011/12 could be a year of change; the Audit Commission future was uncertain, whilst the Localism Bill had started to pass through Parliament.

These developments will still remain key considerations for the Accounts, Audit and Governance Committee moving forward. The Committee will welcome the first attendance of the Council’s new External Auditor to present their Annual Plan for the 2012/13 Audit at the meeting in September, whilst a keen eye will be maintained on the Constitutional changes arising as a result of the Localism Act.
Meanwhile, the Department for Communities and Local Government has recently issued a response to the Consultation undertaken on the Future of Local Public Audit. This indicated that Independent Audit Panels are likely to be introduced, with the potential for joint working with other Authorities. This Panel would have a majority of independent members, and focused on reviewing the work of the External Auditor. The exact remit of the Panel is yet to be confirmed, and it is not clear the extent to which there would be an expectation on Local Councils to maintain a separate Audit Committee. However, it is clear that during the ongoing time of change in the national environment, having a strong and experienced Accounts, Audit and Governance Committee to provide effective scrutiny, oversight and assurance to the Council is ever-more vital.
Report to Council, Monday, 21st May 2012, of the Chairman of the Licensing Appeals and Complaints Committee

Since last Council, the Licensing Appeals and Complaints Committee has met once. The Committee was required to consider an application for a Combined Hackney Carriage/Private Hire Driver’s License from a person who had previously been convicted of driving whilst over the permitted blood/alcohol limit. After due consideration, the Committee’s decision was to grant a licence.

A training day, held on 26th March 2012, was well attended. The training focus was on significant changes to the legislation which come into effect this year, such as the Licensing Authority, (SNC), becoming a Responsible Authority and forthcoming consultations on changes to alcohol licensing regulations, such as a Late Night Levy and Early Morning Restriction Orders.

Robert Savage
Chairman of Licensing Committee
The Report of the Chairman of the Planning Committee

Planning Committee meetings
The committee has continued to meet in its usual pattern of twice monthly meetings with the exception of the first Wednesday in April which was postponed in order to allow the full impact of the NPPF to be considered.

Appeals
The Council continues to prepare its defence to the ongoing appeals at Norwich Common in Wymondham and Townhouse Road in Costessey. Both applications have been appealed and new applications made to the Council simultaneously.

Scheme of Delegation
The revised Scheme of Delegation has been in operation since 1st January 2012 and the new arrangements by which those items that might previously have been sent to committee are reviewed by the Chairman and Vice Chairmen of the Planning Committee prior to being delegated are continuing and are ensuring that between half a dozen to a dozen applications a month are not going to committee.

Place Making Guide and Development Management Policies
The consultations on the above continue and it is hoped that Members will soon have the benefit of final versions in their deliberations. The current draft out for consultation of the place making guide was well received by members at the recent presentation of it to Members.

William Kemp  14th May 2012