

# Communities Committee

Date: **Wednesday 17 September 2014**

Time: **10.00am**

Venue: **Edwards Room, County Hall, Norwich**

**Persons attending the meeting are requested to turn off mobile phones.**

## Membership

Mr P Smyth - Chairman

Mrs M Wilkinson – Vice Chair

Mr C Aldred

Mr J Childs

Ms E Corlett

Mrs H Cox

Mr A Dearnley

Mrs M Dewsbury

Mr N Dixon

Mr H Humphrey

Mr J Law

Mr W Northam

Mr D Roper

Mr M Sands

Mr N Shaw

Mr D Thomas

Mr J Ward

**For further details and general enquiries about this Agenda  
please contact the Committee Officer:**

Nicola Tuck on 01603 223053

or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

**Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of Members or any members of the public not to be recorded or filmed must be respected.**

## **A g e n d a**

**1. To receive apologies and details of any substitute members attending**

**2. Minutes**

**(Page 4)**

To agree the minutes from the meeting held on 9<sup>th</sup> July 2014.

**3. Members to Declare any Interests**

If you have a Disclosable Pecuniary Interest in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a Disclosable Pecuniary Interest in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter.

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an Other Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare an interest but can speak and vote on the matter.

**4. To receive any items of business which the Chairman decides should be considered as a matter of urgency**

**5. Local Member Issues/Member Questions**

Fifteen minutes for local members to raise issues of concern of which due notice has been given.

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk or 01603 223053) by **5pm on Friday 12 September 2014.**

**6. Norfolk Library and Information Service Annual Report 2013-2014**

**(Page 9)**

Report by Director of Community Services

**7. Environment, Transport and Development Enforcement Policy**

**(Page 19)**

Report by Interim Director of Environment, Transport and Development

- 8. Finance Monitoring Report at Period 04, 2014-15** (Page 58)  
Report by Interim Head of Finance
- 9. Performance Monitoring Report** (Page 73)  
Report by Head of Business Intelligence and Performance Service and  
Corporate Planning & Partnerships Service
- 10. Budget Discussion Arising from Policy and Resources Committee on 5 September 2014**  
**Recommendations:**
1. To ask relevant officers in co-operation with Service Heads and Service Committees, in the context of the forecast additional funding shortfall of £17.5m overall to consider and bring forward proposals under the following headings:
    - Better procurement and commissioning
    - Better ways of working – emphasis on opportunities for improved productivity
    - Income generation.
  2. To invite each Committee to consider and comment upon the ambition and priorities as set out in section 5 of the report.
- 11. Review of the Forward Plan** (Page 89)

**Group Meetings**

Conservative	9:00am	Mezz 1, County Hall
UK Independence Party	9:00am	Room 504
Labour	9:00am	Room 513
Liberal Democrats	9:00am	Room 530

**Chris Walton**  
**Head of Democratic Services**  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: 9 September 2014



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## **Communities Committee**

**Minutes of the Meeting Held on Wednesday 9 July 2014  
10:00am Edwards Room, County Hall, Norwich**

### **Present:**

Mr P Smyth (Chair)

Mrs M Wilkinson (Vice-Chair)  
Mr C Aldred  
Mr J Childs  
Mr D Collis  
Ms E Corlett  
Mrs H Cox  
Mr A Dearnley  
Mrs M Dewsbury

Mr N Dixon  
Mr H Humphrey  
Mr J Law  
Mr W Northam  
Mr D Roper  
Mr N Shaw  
Mr J Ward

### **1. Apologies and substitutions**

- 1.1 Apologies were received from David Thomas and Mike Sands (substituted by David Collis).

### **2. To Agree the Minutes of the Meeting Held on 18 June 2014.**

- 2.1 The minutes were agreed as a correct record and signed by the Chair.

### **3. Declarations of Interest**

- 3.1 Ms Cox declared an interest as her husband worked for the Fire Service.

### **4. To receive any items of business which the Chairman decides should be considered as a matter of urgency**

- 4.1 The Chairman agreed to accept an item of urgent business regarding the planned eight day industrial action by the Fire Brigade Union. Ms Corlett proposed a motion that the Committee should write to the Fire Minister to stress the importance to Norfolk of an early resumption of discussions to end the fire dispute. The motion was seconded by Mr Collis and a recorded vote took place with a result of 9-6 for with one abstention. The motion was carried. The Chairman said he would draft a letter on the Committee's behalf and circulate prior to dispatch.

- 4.2 The Committee **RESOLVED**

- To send a letter to the Fire Minister encouraging talks to resume with the Fire Unions to avoid the 8 day strike by the Fire Service.

## **5. Local Member Issues / Member Questions**

5.1 No member questions had been received prior to the meeting.

## **6. Performance Monitoring Plan**

6.1 The Committee received the report by the Head of Business Intelligence and Performance Service, and Corporate Planning and Partnerships Service (annexe 6) which reviewed the end-of year performance results and some more recent for those services that are covered by the Communities Committee. It also proposed an approach for regular performance monitoring at the Communities Committee in future.

6.2 The Committee **RESOLVED:-**

- To note the performance information
- To agree the specific priorities or areas of performance that could be included in the revised Committee Dashboard, to be presented at the next Committee meeting and thereafter.
- To agree the principles for performance management and monitoring arrangements
- To agree a quarterly schedule for receiving performance reports.
- To agree to receive any updated data at the beginning of each regular Performance discussion.
- To agree that the Business Intelligence and Performance team would devise a process for Members to suggest what issues performance should be checked against.

## **7. Communities Committee Finance Monitoring Report Outturn 2013/14 and Period 2 2014/14**

7.1 The Committee received the report by the Head of Budgeting and Financial Management (annexe 7) which informed the Committee on the outturn financial position of the service for 2013-14 and provided the first financial information for the new financial year. It set out variances from the original budget, emerging issues and the position on the expected use of reserves for Communities purposes.

7.2 The Committee **NOTED:-**

- The 2013-14 revenue outturn position of an £0.599m underspend
- The forecast revenue outturn position for 2014-15 as at period 2 of a balanced budget.
- The forecast capital outturn position for the 2014-15 capital programme.
- The current forecast for use of reserves.

## **8. Budget 2015-2018 – developing our approach**

8.1 The Committee received the report by the Interim Head of Finance (annexe 8) which set out the proposed framework and timetable for the work between now and February to deliver the County Council's Revenue and Capital budget, and the forward plan for 2016-18 which would constitute the Medium Term Financial Strategy for 2015-18.

8.2 The Committee **RESOLVED**;

- To agree the approaches to assembling the budget for 2015/16.
- To agree the timetable for budget production
- To agree the scope of consultation required with residents in respect of 15/16 proposals
- To consider what further work they wished to undertake to inform their thinking for the 2016/18 Forward Plan.

## **9. Customer Service Progress Report**

9.1 The Committee received the report by the Head of Communications and Customer Service (annexe 9). This highlighted progress of the current Customer Service Strategy and informed the Committee of the progress and plans for developing the next stage strategy (2015-2020). A presentation was given to the Committee by the Customer Access and Development Manager.

9.2 The Committee **RESOLVED**

- To note the progress reported. It agreed that the mechanisms for member involvement in the development of the 2014-2020 Customer Service strategy would be through party Spokespersons meetings.

## **10. Report on the Storm Surge of December 2013 and Flood and Water Management arrangements**

10.1 The Committee received the report from the Interim Director of Environment, Development and Transport (annexe 10) which reported on the storm surge of December 2013 and the flood and water arrangements that had been put in place.

10.2 The Committee **RESOLVED**

- To endorse the report of the December 2013 Tidal Surge
- To note the approach to integrated risk management of flood and water management.
- To note the proposed principles, rules and timescales for administering the Coastal Fund.
- To ask the Interim Director of Environment, Development and Transport to clarify Committee leadership on the Coastal Erosion Fund because though the EDT Committee would administer the fund, its intended purpose was to support flooding resilience which was the responsibility of the Communities

Committee.

**11. Review of the Forward Plan**

11.1 The Chairman gave a presentation on the strategic aim of the forward plan, the objectives of what the Committee may wish to achieve and how they could do this.

11.2 The Committee **AGREED**

- That further areas as outlined in the presentation should be added to the Forward Plan but the detail and scheduling of doing so had yet to be decided.

The meeting closed at 13:40pm.

**CHAIRMAN**



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**Appendix A****Norfolk County Council: Communities Committee****9 July 2014****Recorded Vote – Item No 4****Letter to the Fire Minister**

<b>NAME</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Paul Smyth – Chairman	X		
Margaret Wilkinson	X		
Colin Aldred	X		
Jonathon Childs	X		
David Collis (Substitute for Mike Sands)	X		
Emma Corlett	X		
Hilary Cox			X
Adrian Dearnley	X		
Margaret Dewsbury		X	
Nigel Dixon		X	
Harry Humphrey		X	
Jason Law		X	
Wyndham Northam		X	
Daniel Roper	X		
Nigel Shaw	X		
David Thomas			
John Ward		X	

**For 9, Against 6, Abstention 1 - CARRIED**



# COMMUNITIES COMMITTEE

Item No. 6

<b>Report title:</b>	<b>Norfolk Library and Information Service Annual Report 2013-2014</b>
<b>Date of meeting:</b>	<b>17 September 2014</b>
<b>Responsible Chief Officer:</b>	<b>Harold Bodmer</b>
<b>Strategic impact</b> This report outlines the achievements of the Library and Information Service in 2013/14 and asks Members to discuss the outcomes and to consider elements of service delivery and development that could be built in to service planning for 2015-16	

## Executive summary

This report outlines the performance of Norfolk Library and Information Service for 2013/14.

The Public Libraries and Museums Act 1964 is the law that makes public libraries a statutory service. It requires relevant local authorities - in this case Norfolk County Council - to provide a comprehensive and efficient public library service.

The Service continues to support reading, learning and information across the County. Total visits were 9 million, with 4.3million physical visits and 4.7million virtual visits. 6 million items were borrowed.

The service was delivered through 47 buildings, 12 mobiles, a School Library Service and provides services to the three prisons, residential settings and housebound people.

Targets set in the service plan were delivered and the service worked independently and in partnership with a wide range of public sector and community organisations to enhance provision and to reach people who can most benefit from access to reading, learning and information.

The budget in 2013/14 was £11.4m. The budget in the current year is £10.2m. Plans for future years will need to take into account reducing budgets. The service will need to be clear on priorities as capacity to deliver against all objectives continues to reduce. Engaging with customers to help identify future demand will be important.

**Recommendations:** Committee Members are asked to:

1. Consider the performance of the Library Service in the 2013/14 financial year
2. Consider elements of service delivery and development that could be built in to service planning for 2015/16.

## 1. Introduction

- 1.1 This report outlines the performance of the Norfolk Library and Information Service (NLIS) for 2013/14.
- 1.2 The Public Libraries and Museums Act 1964 is the law that makes public libraries a statutory service. It requires relevant local authorities - in this case Norfolk County Council - to provide a comprehensive and efficient public library service.

## 2. Evidence

2.1 The Service has 4 main purposes:

- Promoting literacy and an enjoyment of reading;
- Providing information for life;
- Encouraging lifelong learning; and
- Supporting local communities.

2.2 The NLIS is designed for everyone in the community. It works both independently and in partnership with a wide range of public sector and community organisations to enhance service provision and to bring it to those who can most benefit from access to reading, learning and information.

2.3 The key target groups are:

<b>Children &amp; Young People</b>	<b>Families</b>	<b>Vulnerable People</b>	<b>Unemployed people</b>	<b>Older People</b>
Babies, Toddlers and young Children	Early help offer for families (pre-birth to five)	With mental and physical health considerations	Young people out-of-work and NEETs (not in employment, education and training)	Retired people
School age children for educational support and a safe space	Families with challenging lifestyles who are less likely to read	Experiencing poverty, deprivation and low literacy	Unemployed People in need of new skills	Older people with minimal support networks
Teenagers – school support, entertainment and a safe place	Families looking for events, experiences and entertainment who are less likely to read	Migrant individuals and families		Older people to better equip themselves with skills
Young people in further and higher education		Displaced and transient communities		
Looked after children				

2.4 Partnership work focuses primarily on the following areas:

- **Education and skills** – to build skills, including literacy, numeracy and ICT literacy, provide courses and to contribute to children's achievements;
- **Health and wellbeing** – to provide information, signpost to services, deliver activities that support wellbeing;
- **Employment** – to provide access to ICT and ICT skills, Information, Advice and Guidance about work, routes to information to help people in to work;
- **Business** – to support new business start-ups;
- **Voluntary and statutory** - to join up services, to enhance the offer and to avoid duplication; and
- **Cultural** – to bring new and continuing experiences of arts and culture to communities

2.5 **Delivering to the Council's Ambitions** - The service delivered outcomes addressing all of the Ambitions:

#### 2.5.1 Excellence in Education

- Working to increase life opportunities for children and young people, families, vulnerable people, unemployed people, older people
- Supporting people of all ages and stages of their life to learn and develop
- Delivering literacy and digital literacy skills
- Providing free access to books, reading, information and learning through 47 libraries, mobile libraries, school library service, hospitals, residential homes, housebound service, prison service, local history collection

#### 2.5.2 Real Jobs

Supporting:

- literacy for employment
- job seekers eg job clubs and on-line applications
- business start-ups

Providing:

- business information
- information, advice and guidance
- Internet access
- work experience and volunteering opportunities

#### 2.5.3 Good infrastructure

Providing excellent library services that encourage a sense of place and community

- Supporting literacy and reading
- Providing ICT access – high use by people 'dependent on the state'
- Providing information that helps improve life chances and helps people learn about their history and their community
- Acting as a safety net – libraries in locations across Norfolk including mobiles, home library service hospitals and prisons
- Supporting wellbeing – including books on prescription, dementia friendly information and reading and activities for well being
- Libraries acting as the hub of local communities
- Delivering Council@your library services

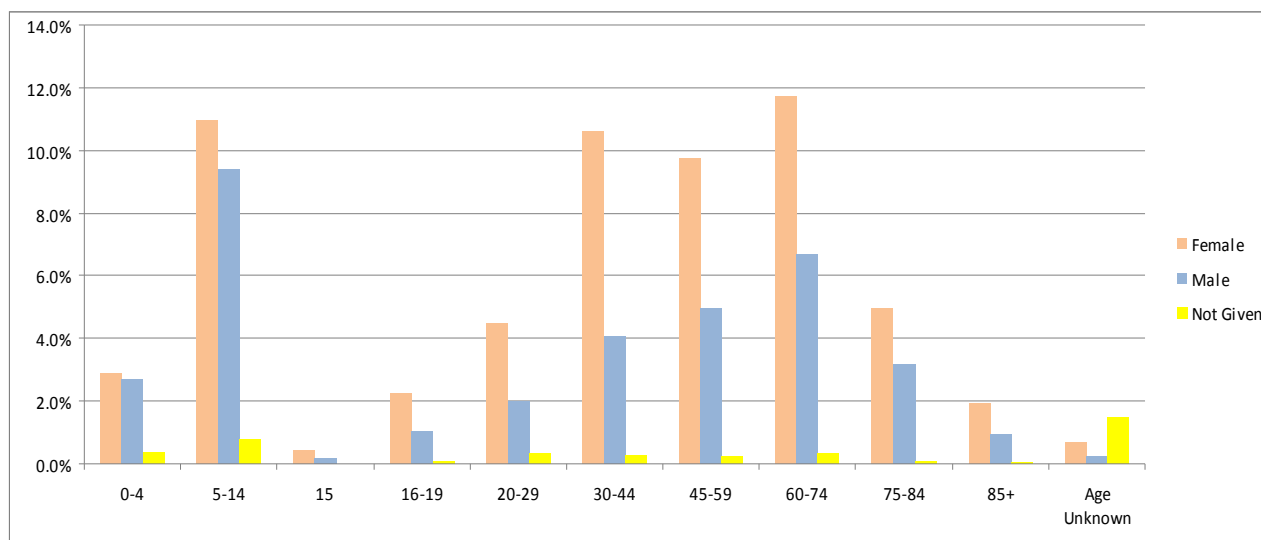
### 3. The year in numbers

- 3.1 Libraries are operated out of key areas of population based around district boundaries, supplemented by a mobile library service for more remote areas.
- 3.2 The service was delivered through 47 library buildings, 12 mobile libraries, a self-funded School Library Service, and services to the 3 prisons as well as housebound people, residential settings and hospitals.
- 3.3 A summary of data for the year is included in annex 1 for the service as a whole, and annex 2 lists some comments about the service. The highlights are:-

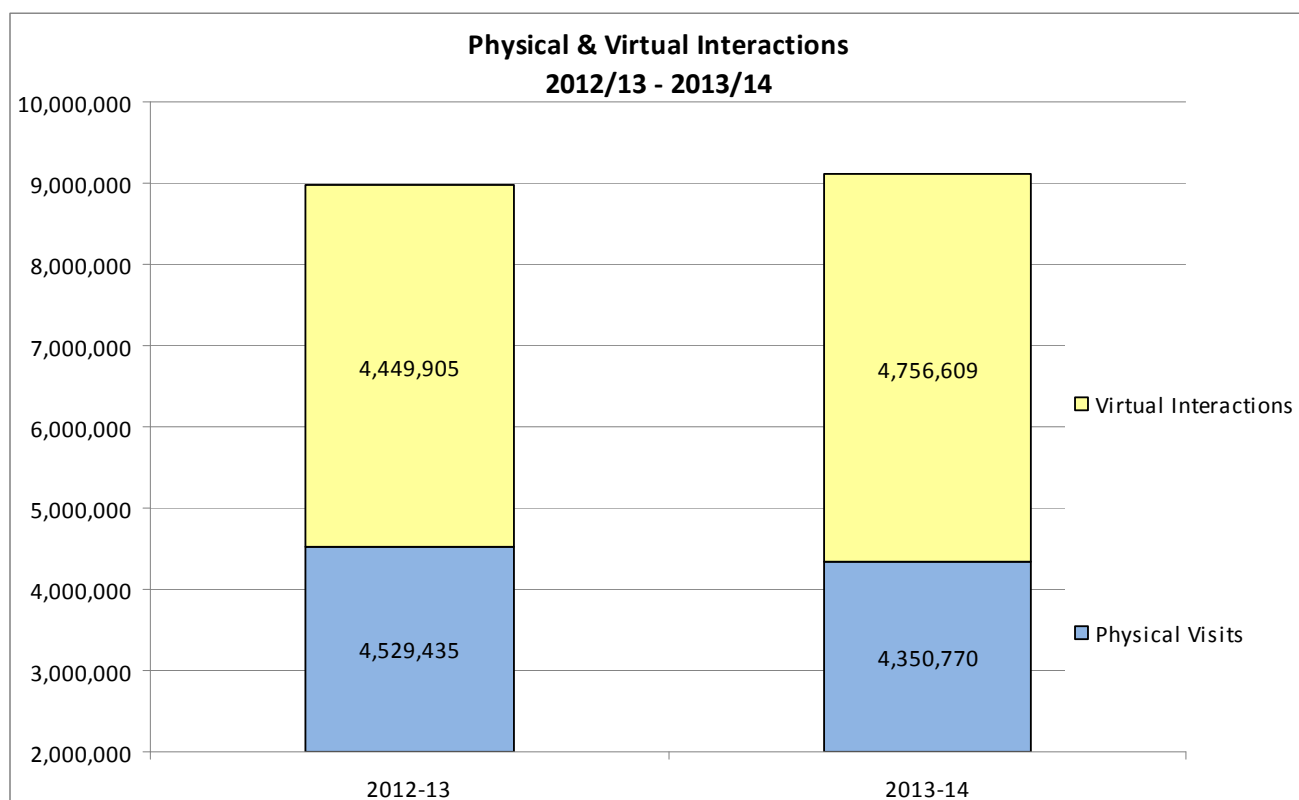
Physical visits	4.3million
Virtual visits	4.7million
Items borrowed	6.0million
Log-ins to public library computers	900,000
Volunteers	837 individuals 23,884 volunteer hours
Norfolk population that has borrowed an item in the last year	22%

- 3.4 Most customers are aged 5-14 or 30-74 and as can be seen from the table below, there are more women who borrow items than men.

#### 3.5 Active Borrowers 2013/14



- 3.6 There has been a change in the use of library services, particularly around virtual interactions with the service.
- 3.7 Downloading, social media or online enquiry increased again in 2013/14 and now account for more visits than actual footfall. For example there were 575,000 accesses to web pages – all searches and enquiries that in the past would have required a physical visit to the library and a discussion with a member of staff (see table below); while 92,000 e books were downloaded from home.



### 3.8 Actions in the service plan were delivered including:

- Promotions that supported reading and learning including the Great Big Read goes to the movies and 50 + events for Black History Month. NLIS also took a lead in the Norfolk Celebrates Age programme with the Older People's partnership.
- Launched the new Books on Prescription scheme in which people with mild mental health issues are prescribed a book rather than medication.
- Developed WW1 commemoration plans, including a successful bid for funding to participate in a national libraries project. NLIS also developed local plans with Norfolk Museums Service and the Norfolk Records Office, and advised scores of community organisations on how to access funding for community schemes.
- Supported 24 young people to achieve their Bronze Arts Award. One young person achieved their silver award.
- Helped over 14,000 young people to maintain and develop their reading skills through the summer with the Summer Reading Challenge – for less than £2.40 per child.
- Continued to develop our volunteer scheme with 837 individuals, and 23,884 volunteer hours last year.
- Delivered at least two ICT learning courses for older people in each library –

242 people supported to learn computer skills from April – December 2013.

- Installed WiFi in all libraries.
- Procured a new library management system to enable the service, over time, to deliver improved service to customers, and increased efficiency.
- Won several awards:
  - Marketing Excellence Award for the Great Big Read promotion;
  - Best mobile library award; and
  - Adult Learner's Week, East of England project award winner for Surf's Up ICT learning for older people.

## 4. Financial Implications

4.1 There are no financial implications as a direct result of this report

4.2 The budget for 2013/14 was:

Expenditure	£13.3m
Income	£1.9m
Net	<b>£11.4m</b>

4.3 Cost per visitor was £2.53 compared to the CIPFA family average of £3.31. (CIPFA statistics 2013-14 Estimates)

4.4 The net budget in this current year, 2014/15, is **£10.2m**.

## 5. Issues, Risks and innovation

### 5.1 Section 17 – Crime and Disorder Act –

The Library Service provides services that are accessible to local people; that encourage participation in cultural activities by people who are at risk of offending; engage offenders through a range of cultural projects; assist schools in improving pupil attainment and deliver opportunities to increase the number of people who are in education, employment or training. Through these and many other projects the service is using its resources to contribute towards reducing crime and disorder in Norfolk.

5.2 Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

5.3 Plans for future years will need to take into account reducing budgets. The service will need to be clear on priorities as capacity to deliver against all objectives continues to reduce. Engaging with customers to help identify future demand will be important.

## 6. Background

CIPFA Public Libraries 2012-13 Actuals and 2013-14 Estimates. 25.2.14

<http://www.cipfa.org/-/media/Files/Services/Research%20and%20Statistics/CIPFAstats%20library%20profiles%202013/Norfolk.pdf>

## 7. Officer Contact

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

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Assistant Director of Community  
Services (Cultural Services)

and Head of Libraries and Information



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## **What library users said**

The Service received excellent feedback from customers, not just about the great customer service, but about how the service has made a difference to individuals and communities.

Some examples are noted below.

### **1. Summer Reading Challenge**

*'My child has improved by two reading levels through the summer thanks to the reading challenge. School is very pleased and so are we.'*

*'My daughter aged 13 still loves doing the reading challenge. Yesterday she read a whole (thick book) in a day. No gadgets, just a relaxed child and a book – wonderful.'*

*'The reading challenge has been an excellent way of getting my daughter to read by herself (aged 7). It has given her a lot of confidence.'*

*'Oliver absolutely enjoyed the reading challenge. His reading was noticeably improved during the summer. He loved putting his reviews on line!'*

*'My own reading has improved as a result of coming to the library regularly to do the challenge with my daughter.'*

*'I loved dressing up for the medal party and receiving my certificate from an important man'*

*'...he has kept going, and Roald Dahl has inspired him to want to be a writer – from a boy who would never normally enjoy reading'*

### **2. Black History Month**

*'Brilliant, brilliant, brilliant! The Band are fantastic - more of this in libraries please- this is what we want in a modern library.'*

### **3. Mobile library**

*'In our small village we are in our 2nd year of our reading group. We are very enthusiastic and feel that, although we are few in numbers, it has improved our quality of life in the community. This would not be possible without our wonderful mobile library. Keep up the good work!'*

*'The mobile library is a godsend for me. My husband is not well and I don't have a lot of spare time to travel to the nearest library..... I would be lost without it.'*

*'The mobile library is the single service that comes to the village. There's no shop, no pub and a bus once a day, 3 days a week, out of the village, but there's no bus back again, so the library is a very precious service.'*

### **4. Health**

*'Having recently been diagnosed with breast cancer I asked at the library (Nth Walsham) if there were any books suitable for children so I could help my 8 year old understand...not only did they source books for me, they put together lots of leaflets and books for me to read and also looked up and wrote down a website she thought might be helpful.'*

*'Libraries are wonderful places – they have got me through some bad times in my life....'*

## **5. Surf's Up (ICT learning for older people)**

*'My Grandson said, did you actually send an attachment? I'm impressed Grandma!'*

*'It's given me more choice. It's an added choice to life.'*

*'I feel we're more in touch with the world.'*

*'It helps me be in the same era as the children and the grandchildren. Not a granny who sits up the corner, but can actually converse at their level.'*

## **6. Shared reading – aimed at improving well being**

*'Thank you, these sessions have really helped me and my health. They've made such a difference. I don't live in a village but they've taken away my bus, my church, my post office (it's very isolating)...'*

*'These sessions have been fantastic for getting to know people in the local community. I have also met people who I would not normally get to meet. Discussions have led to the group sharing stories about their own lives, which has been as enriching as the stories and poems read. I would love to see this happening in every library every week. I always have a spring in my step and a smile when I leave.'*

## **7. Baby Bounce and Rhyme times**

*'The singing and speech has really improved and her confidence.'*

*'We sing together and he sings along and is beginning to know the actions. He's getting more confident too.'*

## **8. WW1 project**

*'I enjoyed working with people differently, working better, not arguing.'*

*'I definitely improved my teamwork skills. Overall I have enjoyed everything that I have taken part in.'*

## **9. Home Library Service**

*'I live alone and am partially sighted, so am not able to go out alone the service is essential and very welcome'.*

*'I enjoy reading very much but I am not mobile. I could find it very difficult to borrow library books. I think it is a wonderful service and am grateful to the lady from the WRVS who gives up her time to collect books for me and deliver to my home.'*

*'since I am very old, very disabled I cannot get out, the library brings the world, in books, music, to me. Invaluable!'*

# Communities Committee

Item No. 7

<b>Report title:</b>	<b>Environment, Transport and Development Enforcement Policy</b>
<b>Date of meeting:</b>	<b>17 September 2014</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe</b>
<b>Strategic impact</b> The Enforcement Policy provides a framework to describe our approach to ensure that we work in an equitable, practical and consistent manner in the way we deliver essential regulatory activities and law enforcement. Norfolk County Council is committed to the principles of better regulation, reducing burdens on business with proportionate responses and ensuring we act to protect and support residents, businesses and the environment.	

## Executive summary

The Environment Transport and Development (ETD) Directorate is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance.

The current ETD Enforcement Policy (the Policy) was adopted by members in March last year. Since then there have been some further changes from government which mean we now need to make some minor amendments to the Policy. These relate to some requirements emerging from a new Regulators' Code (the Code).

A revised ETD Enforcement Policy (version 2) has been produced to implement these new requirements. The majority of changes are subtle or technical, as the current Policy is already in a similar format to that required by the Code.

We have also taken the opportunity to update Appendix 2, the Flood and Water Management Enforcement Protocol. This follows improvements to enforcement processes dealing with enquiry and complaint management.

### **Recommendations:**

**To approve the revised ETD Enforcement Policy and its appendices, and to agree to the ongoing review of the ETD Enforcement Policy on an annual basis.**

## 1. Proposal

- 1.1. A revised version of the current ETD Enforcement Policy has been produced following some requirements within the new Regulators' Code (the Code). The majority of changes are subtle or technical, as the current Policy is already in a similar format to that required by the Code. However, we have included some new information, for example on routes to complain or appeal against enforcement decisions, and updated those sections relating to principles of inspection and enforcement and the enforcement actions available to us, to better align these with the requirements of the Code. The intention is to continue to provide a clear, consistent approach that covers all areas of ETD.

This policy does not try to capture all of the detailed, complex and often changing background, but instead seeks to summarise the overall approach to

the use of enforcement powers generally; whether that is criminal prosecution at one end of the spectrum or informal warnings and advice at the other. The policy is supported by detailed procedures for officers and, where necessary, additional protocols can be appended to the main policy (currently there are two areas of work proposed for this; for minerals and waste planning and for flood and water management – see appendices 1 and 2 to the Policy).

### **Engagement Process**

This policy has been reviewed jointly by ETD regulatory services in the context of current government and other guidance and seeks to ensure that the application of any enforcement is:

- proportionate to the offence and risks, and mindful of any previous transgressions
- transparent - in that any person affected understands what is expected of them, what they should expect from the local authority and the reasons for the action
- consistent with the Council's Equalities Policy
- consistent in approach, and
- appropriate

The revised policy has also been subject to a consultation process with key stakeholders, including other NCC departments, representatives from residents and business, associated enforcement agencies, and partner organisations. There was strong agreement that the Policy is clear and transparent in setting out the Principles of Inspection and Enforcement. There was also strong support for the updated information on complaints, comments and appeals.

Suggested minor changes to the Policy (on clarity) have been incorporated.

The Policy, once adopted, will be published via the NCC web pages.

## **2. Evidence**

- 2.1. The Council has a legal obligation to have regard to the Regulators' Code. An ETD wide Enforcement Policy is considered to be the most effective way for the directorate to demonstrate how we intend to fulfil its regulatory/legal responsibilities. An alternative option would be for each service area within ETD to produce its own enforcement policy as required. However as above there is need for consistency in overall approach; this draft policy also provides for additional (detailed) protocols where necessary or appropriate to do so.

## **3. Financial Implications**

- 3.1. There are no immediate resource implications as a result of this proposal although there is the recognition in the policy that enforcement resources are not limitless and need to be targeted at areas where risk is highest. Higher performing, more compliant businesses will bear less of a burden, with regulators focusing their efforts on rogue and higher-risk businesses.

## **4. Issues, risks and innovation**

### **4.1. Legal Implications**

There is a legal context to the deployment of enforcement powers. In 1998 the Cabinet Office published the "Enforcement Concordat" to help promote consistency in the UK regulatory enforcement regime. The Enforcement Concordat set out principles of good enforcement policy and, although a

voluntary code of practice, it was adopted by 96% of all central and local government bodies, including Norfolk County Council.

The Enforcement Concordat has since been supplemented by a statutory code of practice, the [Regulators' Code](#) (the Code). This code of practice came into force by virtue of the Legislative and Regulatory Reform Act 2006, which requires the Council to have regard to the associated Code in developing service standards and its Enforcement Policy.

In certain instances officers may conclude that a provision in the Code is either not relevant or is outweighed by another provision. Officers will ensure that any decision to depart from the Code is properly reasoned, based on material evidence and documented.

The Code requires the Council to publish its Enforcement Policy, and the Food Safety Act 1990 requires Trading Standards to obtain approval as part of the Trading Standards Service Plan. It is therefore a key decision, forming part of the Council's Policy framework.

The Council must also have regard to The Code for Crown Prosecutors (CPS) guidance which requires extensive consideration of the evidence (for example is it admissible, substantial and reliable) before a decision is made to institute legal proceedings; with any decision also considering whether it is in the public interest to prosecute. This ETD Enforcement Policy provides a clear framework and mitigates any risk of legal challenge regarding the delivery of the regulatory enforcement function within the directorate.

## **Human Rights**

In carrying out its enforcement role, the directorate has regard to the Freedom of Information Act 2000, the Data Protection Act 1998, Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998 (e.g. in the latter context the right to a fair trial, right to respect for private and family life, prohibition of discrimination and protection of property).

## **Equality Impact Assessment (EqIA)**

The existing Equality Impact Assessment (EqIA) for this Policy has been reviewed and signed off by the ETD Equality Lead Officer. The review concluded that there are no significant changes to the Policy which would require a new EqIA at this stage. Actions arising from the original EqIA were also reviewed and agreed as now completed.

A minor change to the Policy content was suggested as part of the EqIA review, which was to improve reference within the Policy to the translation services available for formal interviews. This suggested change has since been incorporated.

Although this is now an ETD Enforcement Policy, Trading Standards continues to undertake the vast majority of formal enforcement action within the directorate. As a result, some new actions were agreed to test the implementation of the revised policy within the Trading Standards Service. These actions are to be undertaken over the next 12 months.

## **Risks**

This policy provides a clear framework and mitigates any risk of legal challenge regarding the delivery of the regulatory enforcement function within the directorate.

## **Health and Safety Implications**

There are no Health and Safety implications to take into account as part of this

report.

### **Environmental Implications**

There are no direct environmental implications to take into account as part of this report. However the Policy does provide for consideration of formal enforcement action where there is a significant risk to infrastructure or the environment. The Policy also includes a specific enforcement protocol for Flood and Water Management.

### **Section 17 – Crime and Disorder Act**

ETD through its public protection and regulatory functions has an important role to play dealing with crime and disorder. This Policy will support the directorate in protecting the public and the environment in a consistent, fair and transparent way, in line with both local and national priorities and legal requirements.

## **5. Background**

- 5.1. The Environment Transport and Development (ETD) Directorate is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance.
- 5.2. ETD regulatory activities are aimed at protecting the economic, health and wellbeing of Norfolk's residents and business and protecting the environment. How we carry out regulatory activities is key to supporting putting people first and the role in which NCC supports and protects our communities.
- 5.3. Experience in the enforcement of the regulatory laws that protect our immediate environment and the health of residents shows that, in most cases, businesses and individuals comply with the law. Failure to do so generally stems from ignorance or carelessness, but sometimes from wilfulness or malice. A range of enforcement options is available to the Council but there is a need to discharge these in a consistent, fair and transparent way, as well as ensuring that the public or environment is adequately protected.
- 5.4. This Policy is a key decision and being part of the Trading Standards Service Plan, forms part of the Council's Policy framework.

### **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer name :** David Collinson

**Tel No. :** 01603 222253

**Email address :** [david.collinson@norfolk.gov.uk](mailto:david.collinson@norfolk.gov.uk)



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

# Enforcement Policy

Environment, Transport and Development



If you need this letter in large print, audio, Braille, alternative format or in a different language please contact Trading Standards on 0344 800 8020 or email [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk) and we will do our best to help

August 2014 V2

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# 1 Introduction

- 1.1 This document applies to the enforcement activities carried out by the Environment, Transport and Development (ETD) Directorate of Norfolk County Council; including Trading Standards, Highways and Planning Services. The policy does not cover activities undertaken within the Norfolk Fire and Rescue Service, or other regulatory functions outside ETD.
- 1.2 Where appropriate additional enforcement protocols may be developed to support this policy, for example where there are specific provisions or national requirements regarding a particular enforcement process. Such protocols will be appended to this policy as required.
- 1.3 This Policy has been developed in conjunction with a range of stakeholders, including business representatives, and approved by Council members as part of the Council's policy framework. Further details of how we engage with stakeholders to develop our services are available via published service standards.
- 1.4 The purpose of our enforcement policy is to provide a framework to make sure that we work in an equitable, practical and consistent manner. Norfolk County Council is committed to the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, and we have had regard to the associated [Regulators' Code](#) (the Code) in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.
- 1.5 Compliance with this policy will ensure that we will strive to be fair, impartial, independent and objective. The Council is committed to ensuring that the decisions we take and the services we deliver take proper account of equality issues and where necessary, put actions in place to address any barriers faced by protected groups. More details of equality and strong communities are available [here](#).
- 1.6 Within the context of this Policy, 'enforcement' includes action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action, such as prosecution or issue of notices, and so includes inspection to check compliance with legal or other requirements and the provision of advice to aid compliance.
- 1.7 For the purposes of this document 'formal action' means: Prosecution, Simple Caution, Enforcement Order, Issue of Notices, Seizure, Suspension, Forfeiture, Revocation/Suspension of a licence, registration or approval, Works in Default or any other criminal or civil/injunctive proceedings, applied either separately or in any other combination.

## **2 Principles of Inspection & Enforcement**

### **2.1 Proportionality**

- 2.1.1 We are committed to avoiding the imposition of unnecessary regulatory burdens and will endeavour to minimise the cost of compliance for business by ensuring that any action taken, or advice offered, is proportionate to the seriousness of the breach, as well as the risk to people, property, the community or the environment. In doing so we will choose approaches that are based on relevant factors including, for example, business size and capacity.
- 2.1.2 Inspection visits will usually be carried out on an unannounced basis, particularly where previous visits or intelligence suggest that serious non-compliances have occurred. However, visits will occasionally be arranged in advance for certain situations, for example where inspection controls take the form of a focused audit, or where a particular business operator/representative needs to be present. In such cases prior notification will be provided, but kept to a minimum. All establishments may also be subject to ad hoc visits, which will usually be unannounced.
- 2.1.3 As far as the law allows, we will take account of the circumstances of the case and attitude of the people involved when considering action. We will take particular care to work with businesses and individuals so that, where practicable, they can meet their legal obligations without unnecessary expense to support and enable economic growth.
- 2.1.4 The most serious formal action, including prosecution, will be reserved for serious breaches of the law.

### **2.2 Accountability**

- 2.2.1 We will actively work with businesses and individuals to advise and to assist with compliance and requests for help. Contact points and telephone numbers will be provided for business and public use.
- 2.2.2 We will aim to carry out visits and inspections at a reasonable time and where appropriate to do so. Our staff will show their identification (and authority if requested) at the outset of every visit and explain the reason for the visit, unless the nature of any investigation requires otherwise.
- 2.2.3 Out of hours contact for services will be provided where there is a need for an immediate response/risk to public health, safety or damage to property, infrastructure or the environment.
- 2.2.4 The whole range of enforcement activities will be dealt with as promptly and efficiently as possible in order to minimise time delays.
- 2.2.5 Where appropriate feedback questionnaires will be used to gather and act upon information about the services we provide.
- 2.2.6 We will include information to highlight new legal requirements on our website, with letters sent after an inspection or visit; and in direct mailings to help keep businesses up to date.

## **2.3 Consistency**

- 2.3.1 All officers are required to act in accordance with this enforcement policy and our published service standards.
- 2.3.2 We will carry out our enforcement and advisory functions in an equitable, practical and consistent manner. We will adopt and adhere to relevant policy and guidance and will ensure that our officers are suitably trained, qualified and authorised to undertake their enforcement duties, and understand the principles of good regulation.
- 2.3.3 Where appropriate we will publish clear service standards providing information on:
- a) How we communicate with those we regulate and how we can be contacted
  - b) Our approach to providing information, guidance and advice
  - c) Our risk assessment methodology used to determine inspection activity, clearly setting out what can be expected from us at the time of visit
  - d) Our fees and charges; and
  - e) How to comment or complain about the service provided and the routes to appeal
- 2.3.4 We will also publish, on a regular basis, details of our performance against our published service standards, including feedback received from customer satisfaction surveys, and data relating to complaints about us and appeals against our decisions.

## **2.4 Transparency**

- 2.4.1 In most circumstances we will seek to ensure that people affected by formal action are informed of what is planned, and allow for discussion and time to respond before the action is taken. We will also give them a named officer's contact details. These arrangements must have regard to legal constraints and requirements.
- 2.4.2 When a notice is served it will say what needs to be done, why, and by when, and that in the officer's opinion a breach of the law has been committed and why the notice is necessary. We will also make a clear distinction between legal requirements and recommended works.
- 2.4.3 As part of our commitment to equality we:
- Use INTRAN, the Interpretation and Translation Agency for the Public Services of Norfolk covering telephone interpreting, face to face interpreting, sign language and lip speaking service.
  - Will communicate in a clear, accessible, concise, format using media appropriate to the target audience, in plain language. Where businesses or the public do not have English as a first language we offer translations of correspondence on request via INTRAN.
- 2.4.4 Where businesses or individuals have acted against the law we may use publicity in order to raise awareness, to increase compliance and to improve monitoring of trade practices.
- 2.4.5 We may also publish the results of court proceedings and certain undertakings. The publicity generated by prosecutions and other

enforcement action acts as a deterrent to others. It also reassures the general public that we take a serious view of such behaviour.

2.4.6 In reaching a decision as to whether to publish such information, we will consider the following factors:

- The specific details of the offence committed or detrimental activity.
- The public interest in disclosing personal information e.g. the deterrent effect of the publication.
- Whether the publication would be proportionate.
- The personal circumstances of the offender.
- Community Cohesion

2.4.7 An example of the current published enforcement action is via the [Trading Standards web pages](#).

## **2.5 Targeted (Intelligence and Risk Led Enforcement)**

2.5.1 Enforcement will be primarily targeted towards those situations that give rise to the most serious risks, and against deliberate/organised crime. Other factors will also determine our enforcement priorities, including Government targets and priorities, new legislation, national campaigns and public concerns.

2.5.2 By having a coherent and robust intelligence system, effective strategies can be formed to enable and co-ordinate solutions to particular problems. This enables the identification of new, current and emerging issues, allowing provision of strategic and tactical direction on how the issues can best be tackled.

## **2.6 Supporting the local economy**

2.6.1 We recognise that a key element of our activity will be to facilitate and encourage economic progress against a background of protection.

2.6.2 Wherever possible, we will work in partnership with businesses and individuals, and with parish councils, voluntary and community organisations, to assist them with meeting their legal obligations without unnecessary expense.

## **2.7 Reducing enforcement burdens**

2.7.1 If there is a shared enforcement role with other agencies, e.g. the Police, we will consider co-ordinating with these agencies to minimise unnecessary overlaps or time delays and to maximise our overall effectiveness. We will also liaise with the other regulators to ensure that any proceedings instituted are for the most appropriate offence.

2.7.2 We will follow the principle of “collect once, use many times” and share information that we collect with other local authority regulatory services to minimise business impact.

2.7.3 Partner enforcement agencies routinely exchange information and in doing so we will ensure we follow the requirements of the Data Protection Act 1998 and other relevant legislation.

### **3 Compliance with Home Authority and Primary Authority Principles**

- 3.1** The Home Authority Principle means that Norfolk based businesses, where they trade or provide services that impact beyond Norfolk, are able to get advice and support from us on matters such as legal requirements and changes to the law. This usually takes the form of a semi-formal relationship. In Norfolk, we support the Home Authority Principle, which has been developed to promote good enforcement practice and reduce burdens on business. The primary objective is to create a partnership, which will provide positive benefits to both parties.
- 3.2** We will therefore:
- provide businesses for whom we are the 'home authority' with appropriate guidance and advice
  - maintain records of our contacts with 'home authority' businesses to reduce the amount of information they have to provide to us
  - support efficient liaison between local authorities
  - provide a system for the resolution of problems and disputes
- 3.3** In April 2009, the Regulatory and Enforcement Sanctions Act 2008 introduced the Primary Authority Principle – in contrast to the Home Authority Principle, this is a formal relationship.
- 3.4** A Primary Authority is a local authority registered by the Better Regulation Delivery Office (BRDO) as having responsibility for giving advice and guidance to a particular business or organisation that is subject to regulation by more than one local authority. We will give due consideration to any business, based in Norfolk, who wishes to enter into such an arrangement.
- 3.5** If a business has a Primary Authority (also, if appropriate, a Lead or Home Authority or informal Lead or Home Authority), we will contact the Primary/Home Authority before enforcement action is taken where required to do so, unless immediate action is required because of imminent danger to health, safety or the environment.

### **4 Enforcement Actions**

- 4.1** In deciding what enforcement action to take, we will have regard to the following aims:
- to change the behaviour of the offender
  - to eliminate financial gain or benefit from non-compliance
  - to be responsive and consider what is the most appropriate sanction for the particular offender and the regulatory issue concerned
  - to be proportionate to the nature of the offence and the harm/potential harm caused
  - to repair the harm caused by the regulatory non-compliance where appropriate
  - to deter future non-compliance
- 4.2** Nothing in this policy shall be taken to compel the Council to take enforcement action. In certain instances Norfolk County Council may

conclude that an enforcement response is not appropriate given the circumstances. Any decision to deploy enforcement powers will be taken in the context of operational priorities and this policy.

- 4.3** Any decision to undertake formal enforcement action will be taken in the context of operational priorities, this policy and the [Council Constitution and scheme of delegations](#). Such decisions will include the use of risk based approaches and intelligence in determining the nature of any response, as well as being subject to ongoing monitoring and review.
- 4.4** Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 4.5** Where more formal enforcement action, such as a simple caution or prosecution, is taken, Norfolk County Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

#### **4.6 Immediate Formal Action**

**4.6.1** Whilst recognising that most people want to comply with legal requirements, we also recognise that some will operate outside the law (both intentionally and unintentionally). A staged approach to enforcement will therefore be adopted, with advice and informal action fully explored to resolve the matter in the first instance. However the Council will consider taking immediate formal action for the most serious breaches, which may include any of the following circumstances:

- Where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure or the environment.
- Fraud or deceptive/misleading practices that affect the collective interests of Norfolk based businesses or consumers.
- For matters where there has been recklessness or negligence.
- A deliberate or persistent failure to comply with advice, warnings or legal requirements.
- Any act likely to affect animal health or welfare, disease prevention measures, or the integrity of the food chain.
- Obstruction or assault (including verbal assault) of an officer in the execution of their duties.

#### **4.7 Advice, Guidance and Support**

- 4.7.1** Norfolk County Council is committed to using advice, guidance and support as a first response to the majority of breaches of legislation that are identified.
- 4.7.2** Any initial requests for advice from individuals or businesses on non-compliance will not in themselves directly trigger enforcement action. We will seek to assist in rectifying such breaches as quickly and efficiently as possible, where there is a clear willingness to resolve the matter, thus avoiding the need for further enforcement action.

4.7.3 Any correspondence will clearly differentiate between legal requirements and good practice, and indicate the regulations contravened and the measures which will enable compliance.

4.7.4 Follow up checks will be carried out on a risk and intelligence-led basis and where a similar breach is identified in the future, previous advice will be taken into account in considering the most appropriate enforcement action to take on that occasion.

#### **4.8 Verbal or written warning**

4.8.1 Compliance advice is sometimes provided in the form of a verbal or written warning. In doing so we will clearly explain what should be done to rectify the problem and to prevent re-occurrence.

4.8.2 Warnings cannot be cited in court as a previous conviction, but may be presented in evidence.

#### **4.9 Statutory (Legal) Notices**

4.9.1 Statutory Notices are used as appropriate in accordance with relevant legislation. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

4.9.2 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process for such notices will be provided to the recipient.

#### **4.10 Fixed Penalty Notices (FPNs)**

4.10.1 Fixed Penalty Notices may be issued where there is a specific power or delegated authority to do so and under the following circumstances:

- To provide an effective and visible way to respond to less serious crimes without going to court
- As a response to genuine problems or as part of a wider enforcement strategy
- Where there is enough evidence to progress with a prosecution or alternative action if nonpayment of a fixed penalty notice follows

4.10.2 Any FPN issued that results in the offender not discharging their liability will automatically be considered for alternative enforcement action under this policy (including prosecution of the initial offence). Where prosecution is brought; an assessment will be made for other offences that may also have been committed in order that those charges may be considered at the same time.

#### **4.11 Licences, registrations and approvals**

4.11.1 Norfolk County Council has a role to play in ensuring that appropriate standards are met in relation to licences, registrations and approvals.

We may seek to review, temporarily remove or revoke any licence, registration or approval if we are made aware that actions have been carried out which undermine scheme objectives and/or would be unlawful. This includes those issued by other agencies.

#### **4.12 Seizure**

4.12.1 Some legislation permits our Officers to seize goods and documents that may be required as evidence.

4.12.2 When we seize goods, we will give an appropriate receipt to the person from whom they are taken. On some occasions we may also ask a person to voluntarily surrender and transfer ownership of illegal goods to Norfolk County Council.

#### **4.13 Forfeiture**

4.13.1 Where an accused has not agreed to voluntarily surrender any infringing goods then, on successful conclusion of legal proceedings, forfeiture may be applied for. This does not preclude the Council from taking forfeiture proceedings in their own right in appropriate circumstances.

#### **4.14 Injunctive Actions, Enforcement Orders etc**

4.14.1 We will consider formal civil enforcement action in pursuance of breaches of law which have a detrimental impact on the collective interests of consumers or businesses.

4.14.2 When considering formal civil enforcement action, an officer will, where appropriate, first discuss the circumstances with those suspected of a breach and, through consultation, attempt to resolve any issues. Alternatively we will look to redress detrimental practices via a range of enforcement actions. These include the following:

- informal undertakings
- formal undertakings
- interim orders
- court orders
- contempt proceedings

4.14.3 We may ask the Court to consider other remedies as part of any proceedings, including compensation for victims.

#### **4.15 Alternative Sanctions**

4.15.1 The Council will consider alternative sanctions where these are legally available and it is appropriate to do so. This includes anti-social behaviour or equivalent crime prevention orders to disrupt and/or prevent activities that may contribute to crime or disorder.

#### **4.16 Taking animals into possession/banning orders**

4.16.1 Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we will consider taking them into possession and applying for Orders for re-imbursement of expenses



incurred and subsequent disposal. In some circumstances we will also consider applying to the Court to ban a person(s) from keeping animals.

#### **4.17 Simple Cautions**

4.17.1 In certain cases a simple caution may be offered as an alternative to a prosecution. The purpose of a simple caution is to deal quickly with less serious offences, to divert less serious offences away from the Courts, and to reduce the chances of repeat offences.

4.17.2 Officers will comply with the provisions of relevant Home Office Circulars. The following conditions must be fulfilled before a caution is administered:

- The offender has made a clear and reliable admission
- There is a realistic prospect of conviction
- It is in the public interest to offer a simple caution; and
- The offender is 18 years or more at the time that the caution is to be administered

4.17.3 A simple caution will appear on the offender's criminal record. It is likely to influence how Norfolk County Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

4.17.4 Simple cautions will be issued with regard to Home Office Circular 016/2008 and other relevant guidance.

#### **4.18 Prosecution**

4.18.1 Norfolk County Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as statutory notices have failed to secure compliance. When deciding whether to prosecute Norfolk County Council has regard to the provisions of [The Code for Crown Prosecutors](#) (CCP).

4.18.2 The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender. Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction.

4.18.3 Officers will also consider whether or not a prosecution is appropriate by consideration of the factors contained in paragraph 4.6.1 of this policy.

4.18.4 A successful prosecution will result in a criminal record. The court may impose a fine and, for particularly serious breaches, a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of assets. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

4.18.5 Where it is necessary to carry out a full investigation, the case will be progressed without undue delay. All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers, time

limits and all other relevant legislation (and relevant Codes of Practice), including the requirements of:

- Police and Criminal Evidence Act (PACE)
- Criminal Procedure and Investigations Act (CPIA)
- Regulation of Investigatory Powers Act (RIPA)
- the Criminal Justice and Police Act
- Human Rights Act (HRA)

4.18.6 As part of any criminal investigation process, persons suspected of breaching legal requirements will, wherever possible,

- be formally interviewed in accordance with PACE
- be given the opportunity to demonstrate a statutory defence
- have the opportunity to give an explanation or make any additional comments about the alleged breach
- be offered translation services where English is not the first language

4.18.7 Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, a report compiled by the Investigating Officer and the file independently reviewed by a Senior Manager. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, including potential harm and loss, and its significance in making the decision.

4.18.8 Some of our Officers have a wide variety of powers which include the power to enter premises and inspect goods, to require the production of books, documents or records and, when necessary, the power to seize and detain such goods, books and documents that they believe may be required as evidence.

4.18.9 Officers may also take with them such other persons and equipment as may be necessary as part of their investigations, or when exercising their powers. This may include Police Officers where there is the possibility of an arrest. In certain cases, officers may exercise an entry warrant issued by a Magistrate in order to gain access to premises.

#### **4.19 Proceeds of Crime Actions**

4.19.1 Where appropriate, we will seek to recover the benefit that the offender has obtained from their criminal conduct through financial investigation.

4.19.2 Financial investigations will be undertaken in accordance with the Proceeds of Crime Act. Such investigations may include applications to the Court requiring financial information to be provided (production orders) or in serious cases applications to freeze and/or confiscate criminal assets (restraint and confiscation orders). Proceedings are conducted according to the civil standard of proof; applications to the Court for confiscation will be made after a conviction has been secured.

#### **4.20 Directors**

4.20.1 On the conviction of a Director connected with the management of a company the prosecutor will, in appropriate cases, draw to the Court's attention their powers to make a Disqualification Order under the Company Directors Disqualification Act 1986.

## **5 Complaints, Compliments and Comments**

- 5.1** If you are unhappy with the service you have received, or we have failed to live up to our promises, managers are always willing to discuss with you the cause of your dissatisfaction, and will try to find a solution.
- 5.2** If you wish to make a complaint or send us a compliment or comment about our service please use our online procedure by going to:  
[www.norfolk.gov.uk/complaints](http://www.norfolk.gov.uk/complaints)
- 5.3** If you are still not satisfied, and feel you have been caused injustice, our complaints process explains how the matter will be escalated, including how to complain to the Local Government Ombudsman.
- 5.4** If you wish to appeal against any enforcement action taken or have any other comments about this policy, you should write to the Assistant Director - Environment & Public Protection, at the address shown at the bottom of this page.

## **6 Conflict of Interest in Enforcement Matters**

- 6.1** Where a breach is detected in which the enforcing authority is itself the responsible operator, for example operating as a food business, the following protocol will be followed:
- (a) Where a breach of law is sufficiently serious to warrant more than the provision of advice, information, assistance or a written warning, or where the response to remedy the breach is considered insufficient, an authorised officer from another authority within Norfolk will be requested to assist in the decision making process as to the action required. The Managing Director of Norfolk County Council and the Head of Law will be informed of serious breaches without delay.
  - (b) The additional officer's role is to assist and challenge the decision making process to ensure that appropriate, proportionate and consistent action is taken to remedy the breach, prevent re-occurrence and to minimise the risk of 'conflict of interest' for the enforcing authority. An auditable record of the additional officer's involvement will also be kept.

## **7 Where to get further information**

- 7.1** Copies of this document and other advisory leaflets are available from:

Norfolk County Council  
Environment & Public Protection Group  
Environment, Transport and Development  
County Hall  
Martineau Lane  
Norwich  
NR1 2UD

- 7.2** We will make this policy available on tape, in Braille, large type, or in another language on request.



# **LOCAL MONITORING AND ENFORCEMENT PROTOCOL**

**For the Extraction and Processing of  
Minerals, Waste Management Facilities and  
for County Council Development under  
Regulation 3 of the Town and Country  
Planning General Regulations 1992**

**in**

**Norfolk**

**Reviewed: July 2014**

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## **1.0 BACKGROUND**

- 1.1 This document provides supplemental guidance to the County Council's Environment, Transport and Development policy on enforcement and is provided in the context of specific requirements arising from planning legislation and the National Planning Policy Framework (NPPF).
- 1.2 The new National Planning Policy Framework, March 2012 (NPPF) replaces previous Planning Guidance from Central Government, including PPG18 on Planning Enforcement. Paragraph 207 of the NPPF states, 'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local Planning Authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'
- 1.3 Schedule 1 to The Town and Country Planning Act 1990 as amended sets down the responsibilities for Town Planning within a two tier Planning Authority in England and Wales. Regulation 3 of The Town and Country Planning General Regulation 1992 authorises an authority to determine (subject to regulation 4), an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.

- 1.4 The Development Plan for the County comprises the Norfolk Structure Plan (Saved Policies) (Adopted October 1999), Norfolk Core Strategy and Minerals and Waste Development Management Policies 2010 -2016 (Adopted September 2011) and the adopted Borough and District wide local plans or Development Frameworks where approved. The County Council maintains an up-to-date list of local council policy documents.

## **2.0 GENERAL STATEMENT**

- 2.1 Section 19 of The Waste (England and Wales) Regulations 2011 makes it a duty that where a Planning Authority has planning functions in relation to establishments or undertakings carrying on disposal or recovery of waste, the Planning Authority must ensure that appropriate periodic inspections of those establishments or undertakings are made.
- 2.2 There are two elements within this plan. The first being periodic inspections (Section 3.0), the second being the investigation and enforcement of planning breaches (Sections 4-8).
- 2.3 Planning breaches are normally not criminal offences and no punishment can usually be imposed. However, failure to comply with a formal notice is a criminal offence and making the person committing the breach liable to prosecution.
- 2.4 Where a planning breach occurs a Local Planning Authority (LPA - 'the Authority') is required to consider the expediency of formal enforcement action. Formal enforcement notices may be issued, including a Breach of Condition Notice, Enforcement Notice, Temporary Stop Notice, Stop Notice, Injunction, or Direct Action (following failure to comply with an Enforcement Notice). Enforcement action may result from any of the above or a combination of the above.
- 2.5 The Service of a Planning Contravention Notice constitutes formal action but does not in itself constitute enforcement. Rather it is a request for information relating to interests in the land and the nature of the alleged planning breach, although failure to comply with notice may lead to enforcement action as may the

information contained in the response.

- 2.6 Similarly the serving of a notice requesting information on land ownership and occupation under Section 16 of Local Government (Miscellaneous Provisions) Act 1976 is not considered to be enforcement.
- 2.7 The taking of formal enforcement action is discretionary. The Authority may choose to take no action, but will need to justify any decision not to enforce, and equally, any decision to take proportionate enforcement action. Any decision will be taken in line with the County Council's Environment, Transport and Development policy on enforcement.

### **3.0 MONITORING INSPECTIONS**

- 3.1 To ensure confidence in the planning control system it is essential that the public and operators are conscious of a fair and effective system of monitoring all authorised and unauthorised development.
- 3.2 Monitoring of permitted sites is an essential tool of controlling development and preventing problems from developing. It is this 'pro-active' approach that often enables officers to anticipate likely breaches of planning control arising before they occur. It enables them to take immediate action to ensure that deterioration in the situation does not arise. A 'pro-active' approach can only be pursued with a structured monitoring regime, with sufficient staff and the technical equipment to carry out these duties.
- 3.3 There are currently 220 operational and active mineral and waste sites in Norfolk. As there are no reserves of hard rock in Norfolk recycling of concrete and other rubble is a significant source of sub-base and fill material. The scale of an operation being undertaken at a site is not an accurate yardstick for allocating resources; experience will often show that small recycling and waste transfer sites will give rise to more complaints and the need for more officer time, in comparison with large sites.



- 3.4 Following an inspection of the site and relevant planning permissions, a report shall be prepared and copied to the operator/owner usually within two weeks of such inspection taking place. The report shall amongst other matters detail any breaches identified and specify timescales for compliance with conditions that have been breached.
- 3.5 The Monitoring and Control Team will be consulted on all proposals to permit development by the Development Control Team in particular they will be consulted on the planning conditions intended to be attached to the planning permission.

### MONITORING FEES

- 3.6 On 6 April 2006 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 came into force. This amendment enables Mineral and Waste Planning Authorities (MWPAs) to charge operators, where sites have planning permissions for mineral extraction and/or waste landfill, for the re-imbursement of the average costs calculated over all MWPAs providing a monitoring service.
- 3.7 The Authority has agreed a guidance note with minerals and waste operators on the charging regime for minerals and waste site inspections. The guidance note sets out the categories of sites and associated fees, the methodology for agreeing the number of site visits and the monitoring regime.

## **4.0 INVESTIGATION AND ENFORCEMENT**

- 4.1 In seeking to secure the highest possible level of compliance with relevant legislation whilst conforming with The Human Rights Act 1998, The Police and Criminal Evidence Act 1984 (P.A.C.E.) the Enforcement Concordat, the Code for Crown Prosecutors and the Regulation of Investigatory Powers Act 2000 (R.I.P.A.), the principal enforcement activities of the Authority are directed towards avoidance of infringements. It is nevertheless inevitable that breaches and offences will occur and the purpose of this protocol is to ensure that they are resolved in a consistent, transparent, balanced and fair manner.
- 4.2 Similarly, where an operator carries out development without complying with the

conditions attached to a planning permission and this gives rise to problems leading to an unacceptable injury to amenity, the County Council's approach will be to seek to remedy the injury in the first instance by negotiation and persuasion.

- 4.3 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, or prosecution, is primarily based upon assessment of risk to public health, public safety, harm to amenity, economic well being or the environment.
- 4.4 Where appropriate, this Authority will endeavour to recover money under the Proceeds of Crime Act 2002.
- 4.5 This Authority will ensure that all clients subject to any enforcement action are informed of what is expected and the procedures that will be followed. This is to aim to avoid any misunderstandings and ensure transparency of all enforcement action.
- 4.6 This Authority, in exercising its function of ensuring compliance with planning control will:
- where there is serious harm caused to the amenity, take immediate action against a breach of planning control to stop further damage;
  - in all other instances, seek to resolve any problems within a reasonable timescale by discussion and negotiation without the need to resort to legal action;
  - only take enforcement action where it is necessary to do so to protect the public interest or to protect the environment, people and transport systems and the amenity of the area in accordance with the provisions of the local development framework;
  - ensure that action is always commensurate with the breach of planning control;
  - Give due regard to current legislation, policy framework, instructions, appeal decisions and relevant judicial authority;
  - where appropriate take into account comments made by the general public and consultees;

- enable acceptable development to take place, even though it may initially have been unauthorised;
- maintain the integrity of sites having interests of acknowledged importance;
- where appropriate maintain liaison and contact with the general public, and mineral and waste operators.

## **5.0 THE RELEVANT ENFORCING AUTHORITY**

- 5.1 There is often an overlap of enforcement of activities involving waste disposal and recycling between the Authority, the District and Borough Councils' Environmental Health Departments (EHO) and the Environment Agency (EA). Where the unauthorised activity results in, or has the potential to result in, pollution, the EA will normally be the lead Authority. Where the activities involve a statutory nuisance the District Council EHO may be better placed to take action. In all cases that potentially involve the above bodies, consultations and discussions will take place to see which Authority is in the better position to lead the investigation and if necessary, take action.
- 5.2 The Authority will have regard to the fact that unauthorised development and some breaches of planning conditions involving wastes may be a criminal offence under legislation enforced by the EA and the Authority will liaise with the EA accordingly. The EA may be in a stronger position to ultimately remedy harm to amenity by way of prosecution and enforcing cessation of the harmful activities. In cases where unauthorised development causes or has the potential for serious harm to human health the Authority will have regard to the fact that it may be more appropriate for the HSE to be the lead Authority and will liaise with them accordingly.
- 5.3 Norfolk County Council is a two-tier Authority with seven District, Borough and City Councils; King's Lynn and West Norfolk Borough Council, Breckland District Council; North Norfolk District Council; South Norfolk District Council; Broadland District Council; Norwich City Council and Great Yarmouth Borough Council.
- 5.4 It is the intention of the County Council to work closely with other regulatory bodies when investigating and remedying an alleged breach of planning control. The County Council in dealing with all complaints concerning an alleged breach of

planning control will identify the authority responsible for taking action and redirect complaints to other regulating bodies where necessary.

## **6.0 GENERAL GUIDANCE**

6.1 The County Council will have regard to the provisions of the development framework and core strategies for Norfolk and any other material considerations in the enforcement of planning control.

6.2 This Authority remains committed to fostering business enterprise and prosperity, provided that the necessary development can take place without unacceptable harm to local amenity. Whilst the Authority does not condone wilful breaches of planning law, it has a general discretion to take enforcement action, when they regard it as expedient. Nevertheless, in some cases effective enforcement action is likely to be the only appropriate remedy where a breach is causing unacceptable harm. The Authority will be guided by the following considerations:-

- (i) The Commissioner for Local Administration (the local ombudsman) has held, in a number of investigated cases, that there is "maladministration" if an Authority fails to take effective enforcement action which was plainly necessary or where an Authority fails to consider whether to take formal enforcement action or not and be able to show their reasoning for not initiating formal action, often resulting in an award of compensation payable to the complainant for the consequent injustice;
- (ii) The planning regulatory provisions are to ensure proper land use and to resolve breaches of planning control by removing unacceptable impacts on the environment and the amenity of the area. This ensures a 'level playing field' for legitimate businesses to develop and prosper.
- (iii) Enforcement action should always be commensurate with the breach of planning control to which it relates (for example, the Authority would usually consider it inappropriate to take formal enforcement action

against a trivial or technical breach of control which causes no harm to amenity in the locality of the site); and

- (iv) Where the Authority's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.

- 6.3 It is not an offence to carry out development without first obtaining planning permission for it. If the Authority's initial assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, the person responsible will be asked to submit a retrospective planning application. However this initial assessment is not binding on the Authority's subsequent decision to grant or not grant planning permission.
- 6.4 While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice will not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. This would only apply to development which would be granted without any planning conditions being attached to control the development.
- 6.5 The Authority will not normally invite an owner or operator to submit a planning application if the unauthorised development is contrary to development plan policies or if it appears that any actual or potential harm cannot be made acceptable by the imposition of planning conditions; however we cannot prevent a landowner who is determined to apply for permission retrospectively.
- 6.6 If an operator or owner submits a planning application that the Authority has requested, the Authority will not normally consider formal enforcement action whilst the application is being considered. If agreement can be reached between the operator and the Authority about the operation being reduced to an acceptable level (e.g. hours of operation, use of plant and equipment, routing of

vehicles etc) during any period between a planning application being submitted and its determination, and the person concerned honours the agreement, formal enforcement action may be avoided

- 6.7 Where the Authority considers that development has been carried out without the requisite planning permission, but the development could be made acceptable by the imposition of planning conditions the owner or occupier of the land will be invited to submit an application, and pay the appropriate application fee, voluntarily. However, if, after a formal invitation to do so, the owner or occupier of the land refuses or fails to submit a planning application in these circumstances within a reasonable timescale, the Authority will consider whether to take formal enforcement action.
- 6.8 Accordingly, where an owner or occupier of land refuses or fails to submit a planning application which would enable the LPA to grant conditional planning permission, the Authority will be justified in issuing an enforcement notice if, in their view, the unauthorised development has resulted in any harm, or has the potential to cause harm, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development.
- 6.9 If the location of the unauthorised development is unacceptable, but relocation is feasible, it is not the Authority's responsibility to seek out and suggest an alternative site to which the activity might be satisfactorily relocated. However, if an alternative site has been suggested, the Authority will make it clear to the owner or occupier of the site where unauthorised development has taken place that he is expected to relocate to the alternative site within a reasonable timescale. In such circumstances the Authority will usually agree a reasonable time-limit within which relocation should be completed.
- 6.10 What is reasonable will depend on the particular circumstances, including the nature and extent of the unauthorised development; the time needed to negotiate for, and secure an interest in, the alternative site; submit a planning application (if required) for the alternative site; consultation timescales; and the need to avoid unacceptable disruption during the relocation process. If the

owner or operator fails to provide justification for a suggested timescale, the Authority will set a timescale it considers reasonable. If a timetable for relocation is ignored, or it is evident that appropriate steps are not being taken to progress the relocation, the Authority will consider formal enforcement action. In that event, the compliance period in the notice will specify what the Authority regard as a reasonable period to complete the relocation.

- 6.11 Nevertheless if the unauthorised development is causing unacceptable harm to the environment or amenity, the Authority will consider issuing an Enforcement Notice and/or Stop Notice even if an alternative site has been identified and steps have been made towards relocation. The Authority considers that any difficulty or delay with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.
- 6.12 Where the Authority considers that unacceptable unauthorised development has been carried out, and there is no realistic prospect of its being relocated to a more suitable site, the owner or occupier of the land will be informed that the Authority is not prepared to allow the operation or activity to continue at its present level of activity, or (if this is the case) at all. If the development nevertheless provides valued local employment, the owner or occupier will be advised how long the Authority is prepared to allow before the operation or activity must stop, or be reduced to an acceptable level of intensity. If agreement can be reached between the operator and the Authority about the period to be allowed for the operation or activity to cease, or be reduced to an acceptable level, and the person concerned honours the agreement, formal enforcement action may be avoided. However the Authority will have regard to the possibility of intensification of the development after expiry of the statutory period for enforcement action. If no agreement can be reached, the issue of an enforcement notice will usually be justified, allowing a realistic compliance period for the unauthorised operation or activity to cease, or its scale to be acceptably reduced.

## 7.0 INVESTIGATION PRIORITIES

- 7.1 It is recognised within the industry that the business of investigating and remedying alleged breaches of control is labour intensive and the quality of the service is directly proportional to the number of officers directly responsible for regulating planning control. The resources allocated both in terms of staff and equipment (including noise monitoring equipment, topographical survey systems, IT and GIS based recording systems) for this purpose will, therefore, need to be reviewed on a regular basis as local circumstances change to take account of a fluctuating workload, advances in technology etc.

### COMPLAINTS

- 7.2 A complaint/incident is an event or matter that is either brought to the Authority's attention or that monitoring and control officers may become aware of as part of their duty, and which may have a planning related impact. The type of complaints/incidents received by the Authority are split into 3 priorities:
- 7.3 Priority 1  
Immediate or irreparable harm to the environment or immediate and substantial harm to amenity. Harm would be assessed in relation to impact on the environment. e.g. the impact of mineral, waste and Regulation 3 development would often be greater in an area close to residential amenities than it would be in the open countryside. The Authority will respond to the complainant within 24 hours and investigate the complaint within 3 working days.
- 7.4 Priority 2  
On-going low-level harm to amenity or moderate and reparable impact on the environment. e.g. HGV's occasionally going in the wrong direction, and causing the road verge to break up. The Authority will respond to the complainant within 3 working days and investigate the complaint within 1 working week.
- 7.5 Priority 3  
Occasional harm to amenity or the raising of long-standing issues leading to low level impact on the environment e.g. concerns about the permitted type of material (sand or waste) stored on a site with permission, but in the wrong place



or slightly higher than the agreed height. The Authority will respond to the complainant within 3 working days and investigate the complaint when the relevant officer is next in the area, but no later than one month of the receipt of complaint.

#### INVESTIGATION OF COMPLAINTS/INCIDENTS

- 7.6 A response to the complaint or incident will also require a record of the outcome of investigation. Where there is continued non-compliance and this results in further visits and investigation then these should additionally be recorded. (i.e. record as if they were new complaints/incidents). However, where the operator is taking known action to resolve the problem then this is classified as an ongoing event. It is not necessary to record this as a new complaint/incident.
- 7.7 Where separate members of the public report complaints/incidents about different issues relating to a site then these should be additionally recorded. Where multiple residents complain about the same incident then this is recorded as one complaint.
- 7.8 As part of our regular monitoring of planning permissions there are matters identified by officers that if reported to us separately would have been dealt with and recorded as a complaint/incident. These should now be recorded and information captured. The same applies as above in that, where there is continued non-compliance then this will be reported as a complaint/incident. However, where there is known action to resolve this then this would be considered an ongoing event and not separately recorded as a complaint/incident.
- 7.9 The Monitoring and Control Team will liaise with the Legal Services; Environment Agency; District Council or any other relevant Authority as necessary throughout the investigation.
- 7.10 When complaints about alleged breaches of planning control are received, they will be properly recorded and investigated. If the Authority decides to exercise its discretion not to take formal enforcement action it should be prepared to explain

its reasons to the complainant, including where complaints are attributable to repeated allegations from vexatious complainants and they have been previously proved unsubstantiated.

- 7.11 The Authority will ensure that anyone who does complain about a breach of planning control is dealt with in a polite, efficient and responsive way. All complaints that are received although confidential will be recorded and stored on a complaints register, which is an electronic and paper based system. The complaints register will enable the receiving officer to detail both the nature of the complaint and the action the Authority has taken to resolve it. Keeping a record of complaints will enable the Authority to assess and improve its overall service.
- 7.12 It may not always be necessary to visit sites to satisfactorily resolve a complaint. However, in most cases it may be necessary to establish whether there has been a breach of planning control by visiting the site. Where, following the investigation of a complaint, the Authority decides not to take formal enforcement action to resolve a substantive issue, the matter being satisfactorily resolved by other methods, the reason for this decision will be explained to the complainant. If, however, the Authority elects to instigate enforcement proceedings against the offender the complainant will be notified of the progress of that action.
- 7.13 The County Council in dealing with all complaints concerning an alleged breach of planning control within their responsibility will:
- treat them confidentially as far as practical;
  - ensure that they are acknowledged and actioned within the timescales prescribed in the priority rating;
  - deal with them expeditiously in a professional and efficient manner;
  - visit the site where necessary, and establish whether there has been a breach of planning control;
  - notify the complainant upon request of the progress of any action taken to resolve substantive matters forming the basis of the complaint;  
notify the complainant if the authority elects to commence enforcement action against the alleged breach of planning control and be prepared to explain the

reason in the event formal enforcement action has not been taken.

## **8.0 PROSECUTIONS**

8.1 Persons who fail to comply with a formal notice will normally be prosecuted if the non-compliance meets both of the following criteria:

(i) Evidential test i.e. where the evidence is sufficient for a realistic prospect of successful prosecution; and

(ii) Public Interest test i.e. where the prosecution is in the public interest.

## **9.0 MONITORING OF REGULATION 3 DEVELOPMENT**

9.1 A procedure has been agreed between Norfolk County Council's Children's Services Department and the Monitoring and Control Team where by Schools development which falls within Regulation 3 of The Town and Country Planning General Regulation 1992 can be monitored and a fee levied.

9.2 The developments to be pro-actively monitored will fall into one or more of the following categories:

- Developments where planning permission was granted after 1 January 2009 and includes permanent external substantial building works.
- Major developments where planning permission was granted prior to 1 January 2009 and construction is still in progress.
- Developments where planning permission was granted prior to 1 January 2009, include permanent external substantial building works, and remain unlawful due to the failure to discharge pre-development conditions.

9.3 Prior to the inspection taking place, notification will be passed to the applicant informing them that an inspection will be scheduled for a given school. An initial list of developments has been agreed with Children's Services and notification of future inspections will be sent out to individual applicants.

9.4 Where a development has been permitted on an open school an appointment

will be made prior to inspection. This generally ensures that the school will allow the officer onto the site without issue and, if required, allocate a member of staff to accompany the officer. This will also allow the inspecting officer to check that work has begun prior to going on site.

- 9.5 Where a planning permission is found not to have been implemented it will be removed from the list and an invoice will not be raised. It is generally agreed that a single chargeable inspection will be required for smaller developments such as extensions, although a second non-chargeable visit may be required after completion of the development.
- 9.6 For major developments, such as new schools, two chargeable visits per year for the life of the construction phase will be required. A final chargeable visit to check completion and landscape implementation will also be required.
- 9.7 Failure to comply with all planning conditions could result in further chargeable visits being undertaken until full compliance is achieved. There will be a maximum of two chargeable visits per school in any one financial year.
- 9.8 Once the report has been completed, it will be sent to the applicant along with a copy of the planning permission and an invoice for payment.

## **10. MEMBER PROTOCOL**

- 10.1 The local member will be informed when an Enforcement Notice is served in their constituency.
- 10.2 Members of the Council will be presented on a regular basis of not less than once per year with a report detailing the decisions made under delegated authority, performance statistics and enforcement update for the work of the Monitoring and Control Team.

## **Norfolk County Council Flood and Water Management Enforcement Protocol**

### **1.0 Introduction**

This document provides supplemental guidance to Norfolk County Council's (NCC) Environment, Transport and Development policy on [enforcement](#) and is provided in the context of specific requirements arising from the [Flood and Water Management Act 2010](#) and the [Land Drainage Act 1991](#).

The Flood and Water Management Act 2010 has introduced a new role of Lead Local Flood Authority (LLFA) and this duty has been conferred on Norfolk County Council. This role is fulfilled by the Flood and Water Management team.

This Protocol and guidance note has been adapted from best practice identified within local authorities in England. It is intended for use as guidance by [Risk Management Authorities](#), developers and landowners.

### **2.0 Justification for Enforcement Protocol**

The Lead Local Flood Authority has powers under the Land Drainage Act 1991 to take enforcement action in relation to watercourses outside of Internal Drainage Board areas and where they are not Environment Agency designated main rivers.

The Lead Local Flood Authority will take a risk-based and proportionate approach to enforcement action under the Land Drainage Act 1991, taking into account the location and nature of any nuisance caused by;

- the failure to repair or maintain watercourses, bridges or drainage works
- un-consented works
- impediments to the proper flow of water

This approach will take into account whether the contraventions have or are likely to increase flood risk and what the consequences of any increase in risk may be. Where works are un-consented the Lead Local Flood Authority would require the landowner, person and/or Risk Management Authority responsible for the works to prove that the un-consented works would not cause a nuisance or increase flood risk.

With regards to the causes of the nuisances described above, the Lead Local Flood Authority has powers under Sections 21, 24 and 25 of the Land Drainage Act 1991 to serve notice on individuals who have caused contraventions.

In issuing a notice the Lead Local Flood Authority may set out the works required to resolve the contravention to an acceptable standard and the date by which the works should be completed.

If the works are not completed by the date set out in the notice, the Lead Local Flood Authority may take action to remedy the effect of the contravention or failure and seek to recover the costs incurred, as well as pursue any necessary prosecution.

### **3.0 Guiding Principles**

Enforcement under the Land Drainage Act, 1991 will be carried out using the guiding principles as set out in the ETD Enforcement Policy which is available from [www.norfolk.gov.uk](http://www.norfolk.gov.uk)

### **4.0 Enforcement Process**

#### ***a) Initial response***

Where the Lead Local Flood Authority receives a complaint, officers will log the complaint on the County Council's contact database and will aim to carry out an initial assessment within 21 days. The complainant will be informed of the case officer who will follow up the enquiry.

#### ***b) Initial assessment***

An initial assessment will be based on the Lead Local Flood Authority's [impact criteria](#).

In cases where there is a need for evidence of flooding the submission of one or more of the following types of evidence is required:

- I. An insurance claim
- II. Records of emergency services and utility companies i.e. fire brigade attending to pump out a property
- III. Dated photos of the event
- IV. Written report from a Risk Management Authority

Where assessing the need for enforcement activity to mitigate flood risk reported the LLFA would require in all cases the written consent of those directly affected to evidence the existence of risk.

The Lead Local Flood Authority may close an enforcement case file, where there is a lack of physical evidence to corroborate the impact of a flood event. If further relevant evidence was to come forward then the Lead Local Flood Authority may re-open the case file and undertake a further investigation.

The initial assessment will also consider the on-site conditions, any available historical data and high level indicators of potential risk, such as Environment Agency (EA) Flood Zone maps and the EA updated Flood Map for Surface Water (uFMfSW). It will also consider any other status of land e.g. conservation designations, common land etc.

As part of this process the Lead Local Flood Authority may consult with a number of organisations including other local authorities, Highway Authorities, Environment Agency, Natural England as appropriate.

Where it is in the public interest to evidence risk to inform and enable enforcement activity the Lead Local Flood Authority may require or commission appropriate site surveys and inspections.

Where the Lead Local Flood Authority is made aware of breaches of other legislation it will advise the appropriate authorities.

### ***C) Outcome of initial assessment***

Once an initial assessment has been carried out the applicant will be informed in writing as to the next course of action and this may include;

- I. Informing relevant party of works that are required to be undertaken within the set timescale OR
- II. No enforcement action and:
  - referral to the [First Tier Tribunal \(Property Chamber\)](#), [Agricultural Land and Drainage \(AL&D\)](#) where appropriate
  - Informing those of their [riparian responsibilities](#)

Where it is considered that further action needs to be taken by the relevant landowner, person and/or Risk Management Authority responsible this will be explained within the letter explaining the outcome of the initial assessment. This will include the following:

- An explanation of the problem and the remedy required in accordance with the Land Drainage Act 1991.
- Depending on the nature of the problem we aim to ensure that remedial work is carried out within the timeframe specified in the letter (between 7 and 21 days of the date of the letter). However, there will be occasions when it is necessary to extend the period of compliance for more complex matters and/or to accommodate exceptional circumstances e.g. weather, flood conditions, etc. The time allowed will be reasonable in the circumstances. The extent of the work required will be proportionate to the scale of the problem.
- In certain circumstances practicalities may not allow for works to be done within the timeframe specified in the letter. The Lead Local Flood Authority will assess the circumstances with regards to enforcement and whether any works need to be deferred or amended to take into account the impacts of any works on wildlife. Examples where this may occur include:
  - Seasonal farming practices and Environmental Schemes can restrict access or time schedules to carry out works;
  - The nesting season for some birds occurs between the 1 March and 31 August and works might cause disruption if nests are present;

- Presence of protected species will influence when it is most appropriate to carry out work.

### ***Seeking resolution prior to serving notices***

The Lead Local Flood Authority will seek to resolve the situation by means of negotiation with the person responsible and obtain compliance with a request to satisfactorily undertake the work required.

### ***Serving notices under the Land Drainage Act 1991***

If a positive response to the Lead Local Flood Authority's letter has not been received within the timescale specified and on inspection no work has been satisfactorily undertaken as required, a notice under the relevant section of the Land Drainage Act 1991 will be served. The notice will include the nature of the work to be carried out, the period within which it is to be carried out and any relevant right of appeal to a magistrates' court within 21 days of service of the notice. Notice under the Land Drainage Act 1991 is a legal document formally requesting specific work to be carried out within a set timescale.

A letter will accompany the notice and inform the responsible person that in the event of their failure to satisfactorily undertake the work, the Lead Local Flood Authority may carry out the work itself and recover from the person responsible the expenses reasonably incurred in doing so which will include recovering the costs of pursuing the case.

### ***Enforcement of notices***

Following service of the notice, one of four things will happen:-

- The responsible person will carry out the work to the satisfaction of the council.
- The responsible person may appeal the notice.
- The responsible person will fail to carry out the work to the satisfaction of the Lead Local Flood Authority and the Lead Local Flood Authority will seek to recover their expenses
- The Lead Local Flood Authority will, where appropriate, decide whether to take a prosecution against the responsible person, in addition to carrying out the work and seeking to recover the costs of that work.

### ***Completion of proceedings***

If the responsible person complies with the notice and completes the work to the satisfaction of the Lead Local Flood Authority, the Lead Local Flood Authority will write to the responsible person confirming the closure of the case and the end of the action.



## **No enforcement action**

The Lead Local Flood Authority may take no action where:

- there is no actual or potential risk to properties or infrastructure; and/or
- that the matter complained of is not the cause of the drainage problem; and/or
- the matter is trivial in nature

If this is the case, the complainant will be advised accordingly and a written communication will be sent to the complainant explaining the reason why no action is to be taken. The complainant will also be referred, where appropriate, to the [First Tier Tribunal \(Property Chamber\), Agricultural Land and Drainage \(AL&D\)](#) who may be able to undertake action. The riparian owner will also be informed, as appropriate.

Examples of matters not requiring action may include minimal silting of the watercourse, slight vegetation overgrowth, the accumulation of a small quantity of debris etc

## **Advice**

The Lead Local Flood Authority will provide basic information and advice to individuals of their riparian ownership responsibilities and of the route for appeal against other riparian owners where appropriate. The Lead Local Flood Authority may suggest that independent legal and/or technical advice is sought, where appropriate.

## **Further Information**

Please click on the attached [link](#) to access the Glossary of terms used within this document

# Norfolk County Council Communities Committee

Item No. 8

<b>Report title:</b>	Communities Committee Finance Monitoring Report at Period 04 2014-15
<b>Date of meeting:</b>	17 September 2014
<b>Responsible Chief Officer:</b>	Various

## **Strategic impact**

This report provides the Committee with information on the financial position of the Service for 2014-15 and is the second financial monitoring information for the new financial year. It provides information on variances from the original budget, emerging issues and the position on the expected use of reserves for Communities purposes.

## **Executive summary**

The 2013-14 outturn position for Communities was an underspend of £-0.599m. The outturn position included the use of reserves and one-off funding. As the Council has now reorganised the reporting structure from Panels to Committees from May 2014, this has meant that a number of budgets and services have been disaggregated and realigned to meet the new Committee reporting structures.

As at the end of July 2014 (period 04), the forecast revenue outturn position for Communities for 2014-15 is £49.822m, being an overspend of £0.023m. There continue to be financial pressures in Communities, especially as demand led increases in some Services could impact on uncontrollable spend. Actions are in place to deliver all savings targets to budget, but pressures such as increased insurance costs mean the Committee is forecasting an overspend of £0.023m at this point of the financial year.

The 2014-15 Capital budget of £3.554m reflects the agreed programme for 2014-15 and slippage at 2013-14 outturn. As at period 04, there are no forecast significant variations to the programme, but any changes that help further to achieving savings and/or contributing to more effective service delivery will be reported as soon as they are identified and agreed.

Communities' reserves at 1<sup>st</sup> April 2014 stood at £11.865m. The service is forecasting a net use of reserves in 2014-15 of £4.698m to meet commitments and deliver a balanced budget as set out in this report. The 2014-15 forecast outturn position for reserves and provision is £7.167m which includes unspent grants and contributions.

## **Recommendation**

**Members are invited to discuss the contents of this report and in particular to note:**

- a) The forecast revenue outturn position for 2014-15 as at Period 04 of a £0.023m overspend
- b) The forecast capital outturn position for the 2014-15 capital programme.
- c) The current forecast for use of reserves.

## 1. Proposal

- 1.1. Members have a key role in overseeing the financial position of Communities services, including reviewing the revenue and capital position and reserves held by the service. Although budgets are set and monitored on an annual basis it is important that the ongoing position is understood and the previous year's position, current and future plans and performance are considered.
- 1.2. This is the second monitoring report for 2014-15 and reflects the forecast position at the end of July 2014 (period 04).

## 2. Evidence

### 2014/15 Monitoring

- 2.1 This is the second monitoring report for 2014-15 and the table below summarises the forecast outturn position at the end of July 2014 (Period 04).

Table 2: Communities 2014-15 Forecast Position as at Period 04				
Revenue Monitoring 2014/15	Approved Budget	Forecast Outturn	Forecast +Over/(Under spend)	
	£m	£m	£m	%
Norfolk Fire & Rescue Service	27.804	27.884	0.080	0.3
Libraries, Museums, Record Office & Arts	15.159	15.147	(0.012)	(0.1)
Trading Standards	2.036	2.009	(0.027)	(1.3)
Adult Education	0.135	0.135	0.000	0.0
Public Health	-1.201	-1.201	0.000	0.0
Emergency Planning & Community Resilience	0.305	0.287	(0.018)	(0.1)
Active Norfolk	0.000	0.000	0.000	0.0
Customer Services	5.073	5.073	0.000	0.0
Registration Services	0.087	0.087	0.000	0.0
Consultation & Community Relations	0.295	0.295	0.000	0.0
Community Safety	0.106	0.106	0.000	0.0
<b>Committee Total</b>	<b>49.799</b>	<b>49.822</b>	<b>0.023</b>	<b>0.05</b>

- 2.2 As at the end of July 2014 (Period 04) the forecast revenue outturn position for 2014-15 is an overspend of £0.023m against a budget of £49.799m.
- 2.3 The current forecast is based on the first four months of the financial year, taking into consideration the approved budget, which provides a reasonable basis on which to estimate the future forecast outturn. There are no known cost pressures identified at this time that cannot be managed by the services with corrective action to achieve a balanced budget for 2014/15.
- 2.4 The detailed position for each service area is shown at **Appendix A**.

- 2.5 As part of the challenge across the organisation to support NCC 'ways of working' a new budget management system is being implemented across the organisation to help Responsible Budget Officers have better and more flexible access to their budgets, actual spend and income data.
- 2.6 The 'Budget Manager' system is being rolled out during 2014/15 and will bring a standard way of monitoring and forecasting across the organisation. This is a significant change in process for some areas and will be closely monitored by the Budgeting & Accounting teams throughout the year, to ensure that effective challenges are made and ensuring robust monitoring forecasts are reported. Further information is shown at **Appendix B**.

### Capital Programme 2014-15

- 2.7 The overall revised capital budget for the services reported to this Panel is £3.554m as at the end of July 2014 and is shown at table 3 below. Committed expenditure and national procurement frameworks, means that some project slippage has been brought forward from 2013/14 and elements of the original capital programme has been re-profiled to future years where required.
- 2.8 The programme is forecast to be in line with the current budget for 2014/15. Further details on individual schemes are shown at **Appendix C**.

Table 3: Communities Capital Programme				
Scheme or programme of work	2014/15 Capital Budget £m	2014/15 Forecast Capital Outturn £m	Total Forecast (under)/ over spend £m	Total Slippage £m
Norfolk Fire & Rescue Service	2.841	2.841	0.000	0.000
Libraries, Museums, Record Office & Arts	0.713	0.713	0.000	0.000
Trading Standards	0.000	0.000	0.000	0.000
Adult Education	0.000	0.000	0.000	0.000
Public Health	0.000	0.000	0.000	0.000
Emergency Planning & Community Resilience	0.000	0.000	0.000	0.000
Active Norfolk	0.000	0.000	0.000	0.000
Customer Services	0.000	0.000	0.000	0.000
Registration Services	0.000	0.000	0.000	0.000
Consultation & Community Relations	0.000	0.000	0.000	0.000
<b>CommitteeTotal</b>	<b>3.554</b>	<b>3.554</b>	<b>0.000</b>	<b>0.000</b>

### Communities Reserves and Provisions

- 2.11 Communities reserves and provisions as at 31st March 2014 stood at £11.865m. The service is forecasting a net use of reserves in 2014-15 of £4.698m to meet project commitments and help to deliver a balance budget where required.
- 2.12 The 2014-15 forecast outturn position for reserves and provision is £7.167m. Further details on reserves and provisions for each service are shown at **Appendix D**.

Table 4: Communities Reserves & Provisions			
Reserves & Provisions 2014/15	Balance at 31 July 2014	Forecast Balance at 31 March 2015	Forecast use of reserves
	£m	£m	£m
Norfolk Fire & Rescue Service	3.813	3.733	-0.080
Libraries, Museums, Record Office & Arts	3.133	1.703	-1.430
Trading Standards	0.140	0.063	-0.077
Adult Education	0.167	0.159	-0.008
Public Health	3.353	1.000	-2.353
Emergency Planning & Community Resilience	0.000	0.000	0.000
Active Norfolk	0.572	0.234	-0.338
Customer Services	0.162	0.162	0.000
Registration Services	0.412	0.000	-0.412
Consultation & Community Relations	0.113	0.113	0.000
<b>Committee Total</b>	<b>11.865</b>	<b>7.167</b>	<b>-4.698</b>

### 3. Financial Implications

- 3.1. There are no decisions arising from this report. The financial position for Communities services is set out within the paper and appendices.

### 4. Issues, risks and innovation

- 4.1 This report provides financial performance information on a wide range of services monitored by the Communities Committee. Many of these services could have a potential impact on residents or staff from one or more protected groups. The Council pays due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and foster good relations.
- 4.2 There are no issues or risks directly arising from this report.

### 5. Background

- 5.1 This is the second monitoring report to the newly formed Communities Committee and no proposals are being requested, other than to consider and note the contents of this report.

- 5.2 As some budgets have been disaggregated from previous reporting structures in order to report to this committee, there may be some convergence of information with other committee meetings reporting on the previous year's position.
- 5.3 There are no background papers accompanying this report.

### **Officer Contact**

If you have any questions about matters contained or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer Name:** Harvey Bullen  
**Tel No:** 01603 222026  
**Email address:** harvey.bullen@norfolk.gov.uk



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

## Appendix A

Revenue Monitoring 2014/15	Approved Budget	Forecast Outturn	Forecast +Over/(Under spend)
	£ 000	£ 000	£ 000
<b>Norfolk Fire &amp; Rescue Service</b>			
HQ Salaries	562	562	0
Resources	4,381	4,381	0
IRMP	321	321	0
Resilience & Operations	497	497	0
HR & Business Support	3,844	3,844	0
Community Safety	258	258	0
Training	1,348	1,348	0
Operations	13,428	13,428	0
Commercial Training	0	0	0
Fire Prevention	393	393	0
Central Finance HQ	2,773	2,853	80
Youth Development	0	0	0
Grants	0	0	0
<b>Norfolk Fire &amp; Rescue Service Total</b>	<b>27,804</b>	<b>27,884</b>	<b>80</b>
<b>Libraries, Museums, Record Office &amp; Arts</b>			
Norfolk Libraries & Information Service	10,217	10,217	0
Arts & Recreation Grants	456	449	(7)
Norfolk Museums Service	3,265	3,265	0
Norfolk Records Office	1,221	1,216	(5)
<b>Libraries, Museums, Record Office &amp; Arts Total</b>	<b>15,159</b>	<b>15,147</b>	<b>(12)</b>
<b>Trading Standards</b>	<b>2,036</b>	<b>2,009</b>	<b>(27)</b>
<b>Norfolk Adult Education Service</b>	<b>135</b>	<b>135</b>	<b>0</b>
<b>Public Health</b>			
Business & Staffing	(27,341)	(27,341)	0
Children and Young People Programme	2,749	2,749	0
Communities	230	230	0
DAAT	8,785	8,785	0
Health Protection	43	43	0
Minimising Risk & Harm	9,975	9,975	0
PH Intelligence and Information Management	125	125	0
Reducing Early Mortality	4,233	4,233	0
<b>Public Health Total</b>	<b>(1,201)</b>	<b>(1,201)</b>	<b>0</b>

<b>Emergency Planning &amp; Community Resilience</b>	<b>305</b>	<b>287</b>	<b>(18)</b>
<b>Active Norfolk</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Customer Services</b>			
Customer Access Development	163	163	0
Compliments & Complaints	379	379	0
Post Service	606	606	0
Web Content Management	256	256	0
Customer Service Centre	1,324	1,324	0
County Hall Reception	48	48	0
Social Care Centre Of Expertise	2,297	2,297	0
<b>Customer Services Total</b>	<b>5,073</b>	<b>5,073</b>	<b>0</b>
<b>Registration Services</b>			
Registrars General	382	382	0
Diss (Depwade)	(1)	(1)	0
Downham Market	(47)	(47)	0
Dereham	(17)	(17)	0
Fakenham	(5)	(5)	0
Great Yarmouth	(111)	(111)	0
Kings Lynn	27	27	0
Ceremonies	105	105	0
North Walsham (also Cromer)	(117)	(117)	0
Norwich	(116)	(116)	0
Thetford (Wayland)	(25)	(25)	0
Watton / Swaffham	12	12	0
<b>Registration Services Total</b>	<b>87</b>	<b>87</b>	<b>0</b>
<b>Consultation &amp; Community Relations</b>	<b>295</b>	<b>295</b>	<b>0</b>
<b>Community Safety</b>	<b>106</b>	<b>106</b>	<b>0</b>
<b>Committee Total</b>	<b>49,799</b>	<b>49,822</b>	<b>23</b>

#### Notes:

The overspend within the **Norfolk Fire & Rescue Service** is through increased insurance costs.

The underspend within **Libraries, Museums, Record Office & Arts** is through control of running costs and scrutiny of grant applications.

The underspend within **Trading Standards** is through management of vacancies and control of non-essential costs.

The underspend within **Emergency Planning & Community Resilience** is through management of vacancies. The reported budget and forecast for this area has reduced since the last report as that included the budget for non-emergency planning as well.



## Budget Manager

### Roles and Responsibilities

The new budget manager system will support the Council's financial regulations and procedures in relation to budget planning and monitoring. Responsible Budget Officers at all levels of the organisation will be expected to actively manage their budgets through the Budget Manager system. At more senior levels the reporting and workflow management functionalities will assist senior managers with reviewing the position and identifying actions within delegated budgets.

The table below defines the high level responsibilities and expectations for budget management at all levels of the organisations

If you are a:	Budget responsibilities
Chief Officer	<ul style="list-style-type: none"> <li>To control income and expenditure within the service in accordance with the approved budget and to monitor service performance. Chief Officers are responsible for alerting the Head of Finance and the relevant Committee, to any overspendings or shortfalls in income and for identifying strategies and options for containing spend within the budget approved by the Council. If the overspending or shortfall in income cannot be accommodated within the service's budget this shall be reported to the Cabinet.</li> <li>To ensure the management team reviews the whole service budget position against expected key outcomes – addressing actions to manage both budget and key service delivery requirements.</li> </ul>
Assistant Director/Management Team	<ul style="list-style-type: none"> <li>Review the whole service budget position against expected key outcomes – addressing actions with the service management team to manage both budget and key service delivery requirements</li> <li>Agree budget virements between different parts of the service, within delegated limits. Expected that this will be actioned at AD level after Management Team discussion and in exceptional circumstances only – requests made to Finance by AD and budget virement undertaken on Oracle.</li> <li>Include budget management as part of regular meetings with senior managers, using Budget Manager to inform discussion and provide appropriate challenge.</li> <li>Take action where RBO responsibilities are not being fulfilled and monthly monitoring is not being completed on Budget Manager – using workflow reports available from the system.</li> </ul>
Senior Manager with budget responsibilities for multi budgets that have been delegated to others	<ul style="list-style-type: none"> <li>To carry out a monthly review, on Budget Manager, of each budget, ensuring that each RBO has reviewed and actioned monthly forecasts.</li> <li>Follow up reasons for budget variances and comments entered with the RBO and agree management action plans</li> </ul>

	<p>where appropriate – escalate any significant or developing issues with Assistant Director to support Management Team discussions.</p> <ul style="list-style-type: none"> <li>• Work with RBOs to ensure new year budgets are as accurate as possible and any changing requirements are fed into the budget planning process</li> <li>• Take action where RBO responsibilities are not being fulfilled and monthly monitoring is not being completed on Budget Manager – using workflow reports available from the system.</li> </ul>
Manager with direct RBO responsibility (no one lower in the management structure is a designated RBO)	<ul style="list-style-type: none"> <li>• To understand all elements of the budget and expected service delivery requirements/plan – key targets to be met from within available resources.</li> <li>• To understand and monitor the key drivers of cost and income in order to relate budget to performance and provide early warning of likely changes to forecasts.</li> <li>• Monitor spend against budget and ensure that commitments are known and understood before authorising spend.</li> <li>• Implement arrangements so that orders are raised through iProc or another approved electronic ordering system at the time when a contractual obligation arises so that the financial commitment is correctly accrued. Ensure compliance with contract standing orders.</li> <li>• Review budget on at least a monthly basis and directly assess and approve the budget forecast on Budget Manager and provide commentary for any significant variance to the budget or any significant change to the forecast.</li> <li>• Take management actions where necessary and escalate and discuss emerging issues and trends</li> </ul>
Officer involved in day to day operational work (i.e. business support/team manager/project manager)	<ul style="list-style-type: none"> <li>• Provide RBOs with information about cost drivers including demand, contract related data and commitments to inform budget review and budget forecast.</li> <li>• To support RBOs in preventing errors at source and ensuring that any errors that do occur are rectified at source (e.g. payroll or iproc)</li> <li>• To ensure that purchase orders are raised at the time a contractual commitment is entered into, and that goods/services received are promptly receipted in iProc.</li> <li>• (Optional) Enter information to support RBO budget review. <b>It will not be possible for a BSO to approve a budget forecast.</b></li> </ul>
Finance Shared Services	<ul style="list-style-type: none"> <li>• To maintain budget overview and review and challenge monthly forecasts for service and NCC, including reporting to Members.</li> <li>• To manage the budget hierarchy and coding structure and deal with requests for change – increase added value</li> <li>• To assist budget managers with budget management issues and questions including monthly monitoring and budget preparation – although this will be managed and completed by services.</li> <li>• To support provision of information to improve quality of data and manage change e.g. providing costings and development of business cases</li> <li>• To action budget virements on Oracle – when instructed by</li> </ul>

	Departments – AD level
Finance Business Partner	<ul style="list-style-type: none"> <li>• To maintain budget overview and review and challenge monthly forecasts for service and NCC, including reporting to Members</li> <li>• To support management team discussion and advise on budget strategy and actions</li> </ul>

## Appendix C

Scheme or programme of work	2014/15 Capital Budget	2014/15 Forecast Capital Outturn	Total Forecast (under)/ over spend	Current Total Slippage to 2015/16
	£ 000	£ 000	£ 000	£ 000

## Norfolk Fire & Rescue Service

Boat Facilities	5	5	-	-
Carrow Training Structure	41	41	-	-
CLG unallocated	87	87	-	-
CMW	9	9	-	-
East Coast Project	5	5	-	-
Generators	318	318	-	-
Solar panels	76	76	-	-
Training	126	126	-	-
USAR	0	0	-	-
Vehicle replacement	513	513	-	-
Water rescue	0	0	-	-
Station Improvements	83	83	-	-
Miscellaneous	5	5	-	-
Kings Lynn new build	1,573	1,573	-	-
<b>Service Total</b>	<b>2,841</b>	<b>2,841</b>	-	-

## Libraries, Museums, Record Office & Arts

## Museums

Bridewell				
Redevelopment	23	23	-	-
Gressenhall Farm & Workhouse - Eco- buildings	47	47	-	-
Seahenge	7	7	-	-
Biomass Boiler CERF	11	11	-	-
GFWH Wind & Solar	17	17	-	-
Museum Stock System	40	40	-	-
Castle Keep Improvements	9	9	-	-
Strangers Repl Ligh	2	2	-	-
Gressenhall Sewerage Treatment Plant Upgrade	253	253	-	-

<i>Libraries</i>		-	-	-
Library Refurbishment Programme 14 / 15	200	200	-	-
S106 Schemes	7	7	-	-
CERF Watton library	24	24	-	-
CERF Blofield library	35	35	-	-
CERF Gt Yarmouth library	36	36	-	-
CMW Wymondham library	2	2	-	-
<b>Service Total</b>	<b>713</b>	<b>713</b>	-	-
<b>Committee Total</b>	<b>3,554</b>	<b>3,554</b>	-	-

Trading Standards	No Capital Programme
Adult Education	No Capital Programme
Public Health	No Capital Programme
Emergency Planning & Community Resilience	No Capital Programme
Active Norfolk	No Capital Programme
Customer Services	No Capital Programme
Registration Services	No Capital Programme
Consultation & Community Relations	No Capital Programme

## Appendix D

**Communities Reserves & Provisions 2014/15**

	Type	Balance at 31 July 2014	Forecast Balance at 31 March 2015	Forecast usage of reserves
		£ 000	£ 000	£ 000
<b>Norfolk Fire &amp; Rescue Service</b>				
EU Part Time Workers				
Provision (Pensions)	Provision	850	850	0
Fire Pensions	Reserve	348	348	0
Equipment/Leasing	Reserve	918	918	0
Operational / PPE / Clothing	Reserve	967	967	0
Retained FireFighters	Reserve	542	542	0
Unspent Grants & Contributions Reserve	Grant	189	109	-80
<b>Norfolk Fire &amp; Rescue Service Total</b>		<b>3,813</b>	<b>3,733</b>	<b>-80</b>

**Libraries, Museums, Record Office & Arts***Norfolk Libraries & Information Service*

	Reserve			
R & R Fund		1,133	590	-543
	Reserve			
Information Technology		491	39	-452
Unspent Grants And Contributions Reserve	Grant	217	127	-90
<b>Subtotal</b>		<b>1,841</b>	<b>756</b>	<b>-1,085</b>
<i>Arts &amp; Recreation Grants</i>				
R & R Fund	Reserve	22	22	0
<b>Subtotal</b>		<b>22</b>	<b>22</b>	<b>0</b>
<i>Norfolk Museums Service</i>				
R & R Fund	Reserve	224	169	-55
Income Reserve	Reserve	40	24	-16
Unspent Grants And Contributions Reserve	Grant	571	310	-261

<b>Subtotal</b>		<b>835</b>	<b>503</b>	<b>-332</b>
<i>Norfolk Records Office</i>				
Resid Insurance & Lottery	Reserve	423	410	-13
Unspent Grants And Contributions Reserve	Grant	12	12	0
<b>Subtotal</b>		<b>435</b>	<b>422</b>	<b>-13</b>
<b>Libraries, Museums, Record Office &amp; Arts Total</b>		<b>3,133</b>	<b>1,703</b>	<b>-1,430</b>

### Trading Standards

Personal Protective Equipment	Reserve	<b>140</b>	<b>63</b>	<b>-77</b>
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### Adult Education

Income Reserve	Reserve	159	159	0
Unspent Grants And Contributions Reserve	Grant	8	0	-8
<b>Adult Education Total</b>		<b>167</b>	<b>159</b>	<b>-8</b>

### Public Health

Unspent Grants & Contributions - Warm & Well	Grant	24	0	-24
Unspent Grants & Contributions - PH Ring fenced grant	Grant	3,329	1,000	-2,329
<b>Public Health Total</b>		<b>3,353</b>	<b>1,000</b>	<b>-2,353</b>

### Emergency Planning & Community Resilience

<b>0</b>	<b>0</b>	<b>0</b>
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### Active Norfolk

Unspent Grants And Contributions Reserve	Grant	<b>572</b>	<b>234</b>	<b>-338</b>
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### Customer Services

Customer Access ICT Reserve	Reserve	85	85	0
Complaints Organisational Change Reserve	Reserve	45	45	0
Customer Service Centre Repairs & Renewals Reserve	Reserve	25	25	0
Customer Service Centre ICT Reserve	Reserve	7	7	0
<b>Customer Services Total</b>		<b>162</b>	<b>162</b>	<b>0</b>

### Registration Services

Accommodation and ICT Reserve	Reserve	<b>412</b>	<b>0</b>	<b>-412</b>
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### Consultation & Community Relations

Consultation Organisational			
Change Reserve	110	110	0
Youth Parliament ICT Reserve	3	3	0
<b>Consultation &amp; Community Relations Total</b>	<b>113</b>	<b>113</b>	<b>0</b>
<b>Committee Total</b>	<b>11,865</b>	<b>7,167</b>	<b>-4,698</b>



# Communities Committee

Item No. 9

<b>Report title:</b>	<b>Performance monitoring report</b>
<b>Date of meeting:</b>	<b>17 September 2014</b>
<b>Responsible Chief Officer:</b>	Head of Business Intelligence and Performance Service and Corporate Planning & Partnerships Service
<b>Strategic impact</b> Performance monitoring and management information helps committees undertake some of their key responsibilities – informing Committee Plans, budget setting and providing contextual information to many decisions.	

## Executive summary

This paper reviews quarter one (April to June 2014) performance results for the 12 different service areas that are covered by the Communities Committee. Overall performance is good, when judged against the indicators that make up the performance dashboard. Areas of strong performance include the:

- number of Home Fire Risk Checks completed for older and/or vulnerable people
- number of dementia friendly programme sessions delivered
- percentage of rogue and most detrimental businesses brought into compliance with Trading Standards
- registration of births within nationally agreed timescales
- participation in sport.

There are some areas in which performance is more challenging. In summary, these are the:

- availability of retained firefighters to respond to an emergency
- registration of deaths within nationally agreed timescales
- time taken to answer calls in the Customer Service Centre
- number of false fire alarms that the Norfolk Fire and Rescue Service responds to
- number of injuries from accidental fires in the home
- uptake of NHS Healthchecks

A more detailed analysis of performance is provided in the main body of the report.

## Recommendation

Committee Members are asked to:

1. Review and comment on the performance information
2. Consider any areas of performance that require a more in-depth analysis
3. Determine whether the performance indicators that form the basis of this report enable a robust assessment of performance across the 12 service area covered by this Committee.

## 1 Background

- 1.1 Performance monitoring and management information helps committees undertake some of their key responsibilities – informing Committee Plans, budget setting and providing contextual information to many of the decisions that are taken. This paper asks the Committee to review and comment on 2014/15 quarter one performance results.

## 2 Performance 2014/15 quarter one

- 2.1 The Communities Committee 2014/15 quarter one dashboard is presented in Appendix A. This contains key information about service performance in quarter one, or the most recent available data depending on the measures.

- 2.2 The Communities Committee covers 12 different service areas, including: Norfolk Fire and Rescue Service; Emergency Planning and Resilience; Community Safety; Trading Standards; Public Health; Registration Service; Active Norfolk; Libraries, Museums and Record Office; Customer Services; and Community Relations and Engagement. The indicators on the dashboard have been selected from a much larger data-set because they represent key areas of performance relevant to the NCC services the Communities Committee oversees. The dashboard is a live document that can be adapted to capture and track performance issues as they arise.
- 2.3 The performance monitoring report shows that overall performance is good, when judged against the indicators that make up the performance dashboard.
- 2.4 At the July meeting of the Communities Committee, Members queried the rationale for not setting targets for some performance indicators and opting instead to keep them under surveillance (SURV notation on the performance dashboard in Appendix A). In response, all of the performance indicators have been reviewed and targets set against them, unless there was a strong case for not doing so. Typically, this was where the service has no control or direct influence over the indicator, such as the number of incidents attended by the Fire and Rescue Service, or where it is inappropriate to set a target. For example, the number of deaths because of accidental fires in the home.

### **Change Programme**

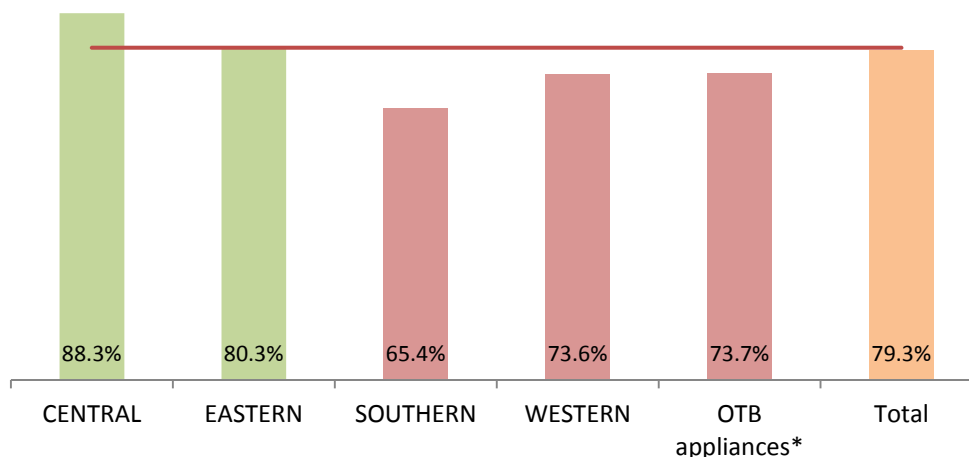
- 2.5 The Council has a significant change programme, managed and overseen by the Corporate Programme Office (CPO). The current programme is made up of a range of service specific programmes and projects that are key to delivering efficiencies, savings and change. Progress with some of the larger or more significant programmes and projects is described in section 2.6.
- 2.6 Most of the change programmes reporting to Communities Committee are on target. One exception is the Fire and Rescue Service's Asset Management project. This project is seeking increased efficiency and a reduction in the number of systems used to track assets within the service. It includes the migration of the Fleet, the personal protective equipment (PPE) and the critical equipment assessment management systems into one new software package called Trace. The Service was ambitious with its timescales and has found it difficult to resource the project, which has incurred delays. The Service has set a deadline of the end of September for the migration work to be completed for the Fleet and PPE systems. The critical equipment migration has been rescheduled for later in the year.
- 2.7 The Library and Information Service efficiencies programme is currently rated as amber. The service has delivered the majority of planned projects to achieve savings targets but the initiative to share library buildings with other services has not progressed as we had hoped. However, the service will achieve its full savings targets in other ways by delivering additional efficiencies.

### **Norfolk Fire and Rescue Service (NFRS)**

- 2.8 The Fire and Rescue Service continues to work with partner agencies to identify and protect vulnerable older and disabled people from house fires. In the past three years, a total of 10,519 Home Fire Risk Checks have been carried out, with 1,000 carried out in April to June 2014 alone. Most checks were carried out by specially trained and supported volunteers, who will continue to play an important role in the delivery of this fire prevention and safety advice.
- 2.9 Emergency Response Standards (ERS) show how often the Fire and Rescue

Service reaches incidents within targets set for attendance times. The target is to attend 80% or more of “life risk” calls within set times. In June 2014 the Fire and Rescue Service had not quite achieved its target, attending 79.3% of life risk calls within ERS (target is 80%). This compares to 79.7% in June 2013. These figures are cumulative (showing performance from April to June) and are an average for the county as a whole and so good performance in one area can mask less good performance in another. For example, the attendance in Central district was 88.3 %, compared to 65.4% in Southern district (see Chart 1 below)

**Chart 1 - % of incidents where a fire engine arrived within  
Emergency Response Standards target - cumulative April-  
June 2014**

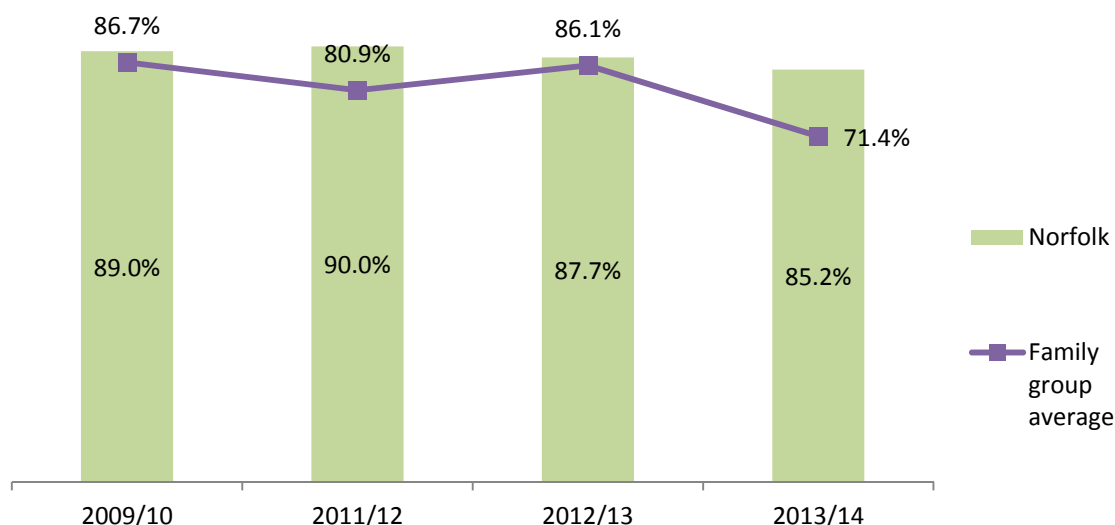


\* OTB refers to when ‘over the border’ fire engines from other counties attend incidents in Norfolk

- 2.10 The ERS performance above excludes figures for the period of the firefighters’ strikes. At the July meeting of the committee, Members asked that this be included. To date it has not been possible to obtain these figures. We anticipate bringing an update on this to the November meeting of the committee, when quarter two performance will be discussed.
- 2.11 Retained firefighters play a key role in the delivery of fire and rescue services in the county, particularly in market towns and rural areas. Retained firefighters are paid, part-time personnel who crew 39 out of 41 fire stations in the county. In total there are 492 retained fire fighters and 188 full-time firefighters in Norfolk. There is currently a shortfall of 27 retained personnel with shortages in staff at 16 fire stations. As a result of minimum crew requirements, when there is a shortfall in personnel it can mean that a fire engine cannot be sent out in an emergency. Recruiting more retained fire fighters is a challenge. They must live and work within five minutes of the fire station which makes recruiting retained crews in rural areas especially difficult. Having people on call during the day is the biggest challenge as changes in working patterns mean many people work some distance away from their home.
- 2.12 The Fire and Rescue Service aims to have fire engines crewed by retained fire fighters available at least 90% of the time. Whilst there has been a slight increase in availability over the past quarter, this indicator continues to be red as performance for April to June 2014 is 81.6%. This can impact upon ERS performance as the fire engine that attends an incident may not come from the nearest fire station. For quarter one figures the period of the firefighters’ strikes is excluded from the calculations.

- 2.13 When compared to other fire and rescue services in our family group, however, NFRS has performed consistently well on the availability of retained firefighters, being better than the family group average over the last five years (see Chart 2 below).

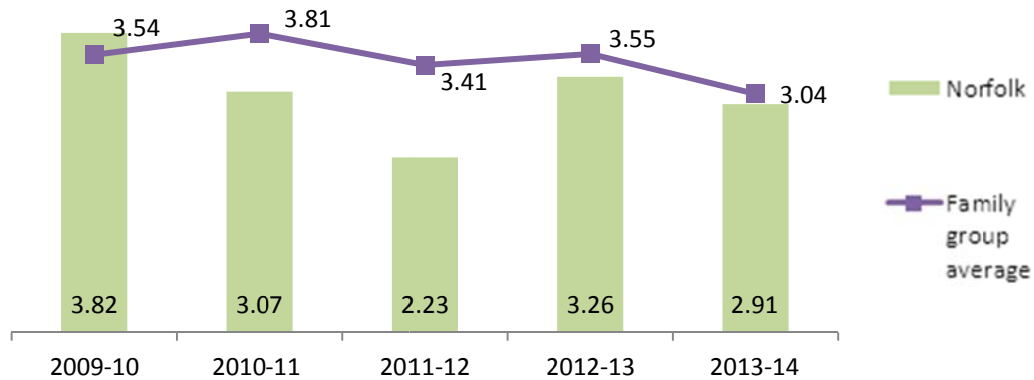
**Chart 2 - Norfolk's retained engine availability compared to family group average (5 year trend) 2009/10 - 2013/14**



Note: benchmarking data is not available for 2010/11 so is not included above.

- 2.14 The number of injuries in accidental fires at home is low, with a total of nine injuries between April and June 2014. A testing target has been set, however, of 25 for the whole year, which means that performance for Q1 is rated as red.
- 2.15 The nine injuries recorded between April and June 2014 occurred in seven separate incidents (in one of the incidents three people were injured). Two injuries were serious and seven were slight. Four injuries were caused by cookers/ovens and one injury each from the following sources: grill/toaster, hairdryer, heater, microwave, and smoking materials. The age of the people involved ranged from 23 to 89 years of age.
- 2.16 For the last three years NFRS has not met the target for reducing the number of people injured in accidental fires at home. Comparison to the family group average, however, shows that the rate of injuries in accidental dwelling fires in Norfolk has been better than the family group average for the last four years (see Chart 3 below).

**Chart 3 - Five year comparison of the rate of injuries per 100,000 population in accidental fires in the home**



2.17 Norfolk Fire and Rescue Service play an important role in community support and prevention work, particularly with young people. One aspect of this work is NFRS's work with young people through the Princes Trust Team Programme, Duke of Edinburgh Gold Awards, Fire Cadets, and the Xler8 programme. A number of prevention schemes are run across the county involving young people in structured and progressive projects to help with self-development, promoting the Fire and Rescue Service, and reducing crime. This work contributes to the aim of making Norfolk safer through prevention, education and community development.

2.18 At the time of writing, NFRS has not been notified of any deaths as a result of an accidental fire in a home. There have been three deaths as a result of fires that were judged to have been started deliberately. These have been referred to the Coroner for verdict.

### **Cultural Services**

2.19 Members will be familiar with the more established aspects of the Library and Information Service which include branch libraries, mobile library vans and the home library service. In recent years, the Library Service has changed the way that it works, embracing modern technologies and opening up its libraries to wider use. Library buildings have become important community resources used by other organisations to give them a focal point in the community. Norfolk's libraries host a range of events and groups including: reading groups, social services advice, IT skills training for job seekers, Surf's Up internet training for older people, Age UK drop in sessions, carer support groups and 'knit and natter groups'.

2.20 In July, we reported to this committee that the number of people visiting Norfolk's libraries appeared to be falling whilst virtual visits were rising. It is not yet possible to see if this is a trend, as the data for visitor numbers for quarter one is not available because of a change in the system which counts library visitors.

2.21 Since 2009/10 the cost of providing library services in Norfolk, per head of population, has fallen from £13.72 to £11.51 in 2013/14. This reflects the savings that have been made by the change programme and the increasing emphasis upon self-service.

2.22 The number of people visiting Norfolk's museums remains high. In quarter one there were 135,533 visitors, around 4,000 more than our target for that period. This is mostly due to a 30% increase in visitors to Norwich Castle during this period.

2.23 The number of people accessing services from the Norfolk Record Office remains

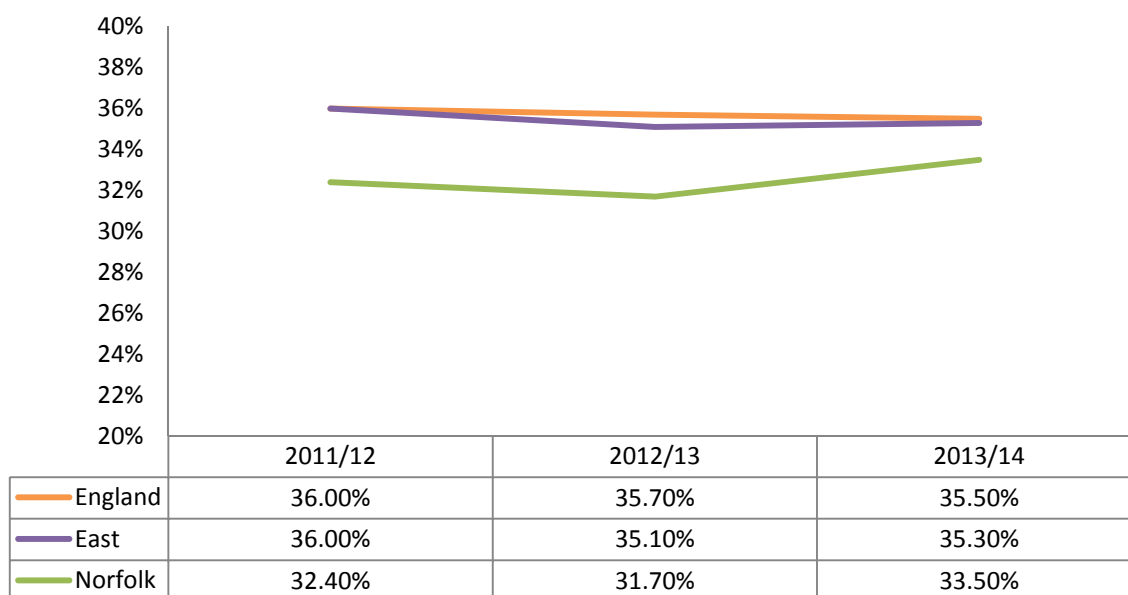
high. In quarter one there were 25,020 visitors to the Norfolk Record Office, compared to 99,514 for 2013/14 as a whole. The visits in Q1 can be broken down as follows: Archive Centre (5,992); education and outreach events outside of the Archive Centre (2,368); remote enquiries (1851); and website visitors (14,809).

- 2.24 Historically, targets were not set for the cultural services indicators for Libraries and the Norfolk Record Office as it was felt by Members that it was more important to understand long term trends than achievement of short term targets.

### Active Norfolk

- 2.25 Active Norfolk is a county wide partnership that supports the development of sport and physical activity in Norfolk. Active Norfolk brings together local authorities, public health and community sports providers to keep Norfolk physically active.
- 2.26 More people in Norfolk are participating in sport and physical activity. In 2013/14 35.5% of people participated in sport at least once a week for at least 30 minutes. This is lower than both the England and Eastern averages but is an improvement on previous years. The data is taken from a national, randomised telephone survey of adults aged over 16. Calls are made throughout the year and at different times across each day. The survey is completed by about 3,500 people in Norfolk per year.
- 2.27 As the Chart 4 below shows, over the last three years the percentage of people in Norfolk keeping active has increased from 32% in 2011/12 to 33.5% in 2013/14. Over the same period nationally figures have fallen from 36% to 35.5%.

- 2.28 **Chart 4 - % of population that have participated in sport at least once a week for at least 30 minutes**



### Customer Services & Consultation and Community Relations

- 2.29 The number of complaints that the Council is receiving and so the number being dealt with by the Customer Service Centre is increasing. Comparing quarter one 2014/15 to quarter one 2013/14, there was an increase of approximately 10%. The actual figure may be higher, due to the way complaints were previously logged by some departments.
- 2.30 The Customer Service Centre (CSC) handles over 300,000 calls a year and in July 2014 received 30,755 calls. The volume of calls received has led the CSC to prioritise call handling. Performance against the target to answer 100% of 'priority social care calls' within the agreed time currently stands at 98.8%, an improvement

on the same quarter last year.

2.31 In quarter one it took us longer on average to answer calls than we would like. The average time taken to answer calls was 69 seconds, which is longer than our target of 60 seconds. This is worse than in the same quarter last year. Performance has been affected by an increase in call volumes and the management of vacancies for customer service assistants as a cost saving measure. Vacant posts have now been recruited to and so an improvement in performance over Q2 is anticipated.

2.32 NCC runs the 'Your Voice' consultation and involvement scheme, which our partners and others pay us to use. Your Voice gives residents in Norfolk over the age of 16 an opportunity to take part in consultations and receive information about opportunities to develop and improve services. The Consultation and Community Relations Team (CCR) engage with Your Voice members through surveys, workshops and other activities. Your Voice members' satisfaction is tested via an annual survey – this includes the following measures:

- 'Do you agree or disagree you can influence decision affecting your local area?'
- 'Would you recommend Your Voice to other people?'
- An overall satisfaction measure with the scheme.

The 2014 survey will go out to Your Voice members in September with results due in October so we will be able to report on this measure later in the year.

2.33 At the next meeting of this Committee, the CCR team will be reporting on the following:

- IPSOS Mori Customer Satisfaction Tracker Survey 2014 '% of residents who feel they can influence decision affecting their local area' – results due in October
- IPSOS Mori Customer Satisfaction Tracker Survey 2014 '% of residents from protected characteristic groups who feel they can influence decisions affecting their local area' – results due in October
- % of young people voting in the annual Make Your Mark ballot – results due in October.

In addition, the CCR team is developing further performance indicators that can be reported quarterly. We will continue to update you on this work as it progresses.

### **Public Health**

2.34 The Director of Public Health (DPH) is in the process of developing a new Strategic Plan for NCC Public Health, which will have a strong focus upon outcomes and how their work is improving the health and wellbeing of the people of Norfolk. We will continue to update you on this work as it progresses. The performance indicators that have been included in this report cover those services that are commissioned by public health and not indicators for health and wellbeing in general.

2.35 Public Health has used the Joint Strategic Needs Assessment and other data sources to identify a number of communities in Norfolk that need targeted health interventions. The interventions build on existing assets and strengths in the community with the aim of improving people's health and wellbeing. From October 2013 to June 2014 1,567 people were engaged in healthy communities activities (workshops, training sessions and health fairs) across Norfolk. The target for the end of quarter three (December 2014) is 2,000 people and based upon current performance, it is anticipated that this target will be exceeded.

2.36 In Norfolk there are increasing numbers of older people who have dementia, formally diagnosed or otherwise. In response to this we have developed 'dementia friendly'

environments in the county. This means raising awareness of the condition and making businesses, services, schools and community organisations more accessible to people with dementia, reducing social isolation and improving quality of life. Between January and June 2014, Public Health delivered 15 dementia friendly programme sessions in Norfolk, against a quarter three target of 30 sessions.

- 2.37 The NHS Health Check programme is intended to prevent onset of and/or early diagnosis of serious diseases like heart disease, stroke, diabetes, kidney disease and dementia. The health checks are available to everyone between the ages of 40 and 74 and delivered in partnership between the Department of Health and Public Health. Between April 2013 and June 2014, 59,285 NHS health checks were offered, of which 29,497 were taken up and delivered across Norfolk. This represents a 50% uptake, which is below our target of 66%, but places Norfolk in line with the England average of 49% (2013/14 Q4) on NHS Health Checks delivered against target. The service is being reviewed to improve quality and increase uptake.
- 2.38 The Health Trainer Service we commission works with people to provide the motivation, encouragement and support needed to enable people to make lasting healthy lifestyle changes. Across Norfolk and Waveney in quarter one, a total of 549 people attended health trainer sessions. Follow up evaluation suggests that 71% of people reported improved health and wellbeing.
- 2.39 Quarter one figures for smoking cessation were not available at the time of writing but should be available in mid-September and so will be included in the performance monitoring report for quarter two.
- 2.40 As reported to the July meeting, the Chlamydia diagnosis rate in Norfolk is below target and worse than the England average. Due to the lag in data, January - March 2014 data was not available at the time of writing and so will be included in the performance monitoring report for quarter two.

### **Trading Standards**

- 2.41 Norfolk Trading Standards protects the public from fraudulent trading and rogues and safeguards business by providing an infrastructure to underpin business success including fair competition and compliance support. There are 5 performance indicators for Trading Standards, all of which are on target and so Green.
- 2.42 Of the 210 businesses visited by Trading Standards Officers in April and May (95%) have been brought to broad compliance with trading standards. Trading Standards Officers are currently working with the 10 non-compliant businesses identified, mainly in the food and farming sectors, to bring them to broad compliance too. Compliance is achieved through the provision of advice and support or through taking more formal enforcement action to ensure these businesses are trading fairly and safety.
- 2.43 Trading Standards uses intelligence-led targeting to bring into compliance those businesses and traders that either consistently breach standards or make the most serious breaches. These most detrimental or 'rogue' traders are tackled using various interventions to bring them into compliance, including: enterprise actions; criminal investigation; or other targeted advisory interventions. Since April 2014, 100% of the most detrimental (posing the greatest risk to the public or other businesses) traders have been brought into compliance. This means that support and advice, criminal prosecutions undertaken by Trading Standards have been successful and ongoing civil cases are on track to secure compliance.



- 2.44 The priorities for Trading Standards based on a strategic assessment are:
- Criminal activity by rogues;
  - Alcohol and tobacco control (including underage sales), affecting public health and antisocial behaviour
  - Doorstep crime and mass marketing scams
  - Unsafe goods
  - Food safety and standards
  - Animal disease control measures
  - e-Crime
- 2.45 Trading Standards undertakes regular customer satisfaction surveys to better understand the quality and effectiveness of its work and the outcomes that are achieved. 255 customers (consumers and businesses) have responded to satisfaction surveys since April 2014, and the satisfaction rating is currently 94%, against a target of 85%. This rating includes businesses that are regulated, so relates to the professionalism of the officers concerned.
- 2.46 The Service is currently surveying the coordinators of our 132 No Cold Calling Zones. We have received 13 responses to the first 29 surveys sent out in August, all of whom say the level of cold calling has fallen since their NCCZ was set up and all of whom think the scheme is worthwhile. 92% of respondents feel they are better prepared/more confident to deal with cold callers, 62% that they feel safer in their own home and 54% that it has made their street a friendlier place to live.

### **Emergency Planning and Resilience**

- 2.47 A performance indicator is currently under development that will help demonstrate the level of preparedness of people in Norfolk for major incidents and events. We will continue to update you on this work as it progresses. What follows is a summary of key aspects of the work of the Emergency Planning and Resilience Team:
- The resilience team led on coordinating NCC's response to last December's tidal surge, including the development of an action plan to improve responses in the future.
  - Business continuity (preparedness to ensure NCC can continue to operate during incidents, or avoid disruption) activities included supporting recovery from a major e-mail outage.
  - The team has reviewed our emergency response guidance used by all Norfolk category 1 responders and a number of off-site emergency plans.

### **Community Safety**

- 2.48 The County Council works jointly with a range of health, social care and Criminal Justice agencies and organisations to make vulnerable people safe and reduce the incidence of domestic violence. In quarter one 2014/15 the percentage of repeat incidents of domestic violence was 15%, well below the Norfolk target of 24% and the national rate of 24%. A recent inspection undertaken by a national charity called Co-ordinated Action Against Domestic Abuse (CAADA) has indicated that these relatively low levels of repeat incidents of domestic violence may be linked to incorrect recording or under reporting. This possibility has been raised with the MARAC steering group who are investigating the issue.

### **Registration Service**

- 2.49 The Registration Service is responsible for registering births, deaths, stillbirths, civil marriages, and civil partnerships in Norfolk. The service operates five days a week from nine offices around the county and on a part time basis in a number of other locations. People can register events at any of our nine offices or four outstations (including two hospitals) and book appointments online or through the Customer

- 2.50 People in Norfolk are able to register births within nationally agreed timescales. In July 2014, 97% were registered within 42 days, just short of the 98% target. Compared to last year, performance was down slightly as we registered 99% of all births within timescale in July 2013. This slight deterioration in performance may be due to an increase in the number of births of about 5% when compared to last year. Despite this increase, appointments were available in offices across the county and so the slight dip in performance may be due to customers choosing to wait for an appointment at their nearest office to become available which will take longer if a local office is only open on a part time basis.
- 2.51 There remain some challenges around the registration of deaths. In both measures we are performing well below national targets and worse than we did last year. Of particular concern is the registration of Part B deaths (where a Coroner orders that a post-mortem be carried out) which for July 2014 was 27% registered within seven days, far short of the national target (80%) and our performance in the same month last year (67%). When compared to last year there was an increase in the number of Part B deaths of 25%. There is evidence, using data from the appointment booking system, that the most significant element of the delay occurs between the date of death and the date of booking to register; and it is this, rather than consistent problems obtaining an appointment, which has caused the figures to plummet. This would indicate that the Coroner's service has a part to play in improving the figures. We are working with the Coroner to determine what might cause this initial delay and to put processes in place that reduce it.

#### **Sickness absence**

- 2.52 Sickness absence data reported in the performance dashboard for Norfolk Fire and Rescue Service, Cultural Services, Public Health, and Communications and the Customer Service Centre. Data for each of the 12 service areas will be provided for the next, quarter 2, performance monitoring report.
- 2.53 Each service area has a different sickness absence target, reflecting the differences in their workforce and the type of work that they do. When compared to the same period for 2013/14, Q1 data for 2014/15 suggests that sickness absence is falling. Whilst this is positive it is too early to predict whether we will meet our target. Human Resources continue to work closely with managers to make reductions in sickness absence a priority, particularly the management of long term sickness absence.

#### **Risk**

- 2.54 At the time of writing, there are no corporate level risks for any of the twelve service areas that are covered by this committee. There are a number of departmental level risks that are regularly reviewed by departmental senior management teams. Further details of these departmental risks are available from the relevant Chief Officer or Assistant Director.
- 2.55 Within each department, risks are identified and regularly reviewed. Risks are escalated to the corporate risk register where it is considered the Chief Officer Group (COG) needs to take responsibility for the risk and that occurrence of the event will have a significant impact on the County Council. Similarly risks can be removed from the corporate risk register when the mitigation progress has sufficiently reduced the risk and it can be managed by the department. The full corporate risk register is reported to Audit Committee at least four times a year following review by COG.

2.56

## **Recommendations**

Committee Members are asked to:

1. Review and comment on the performance information
2. Consider any areas of performance that require a more in-depth analysis
3. Determine whether the performance indicators that form the basis of this report enable a robust assessment of performance across the 12 service area covered by this Committee.

## **3 Financial Implications**

- 3.1 There are no significant financial implications arising from performance dashboards.

## **4 Issues, risks and innovation**

- 4.1 Performance reporting brings together complex information to assist members with decision making and understanding the issues which NCC faces. Over time this will develop alongside Committee plans to drive a number of complex issues. Performance reporting will help members to monitor and manage issues and risks to the services we deliver.

## **5 Officer Contact**

- 5.1 If you have any questions about matters contained please get in touch with:

**Officer Name:** Daniel Harry      **Tel No:** 01603 222568

**Email address:** [daniel.harry@norfolk.gov.uk](mailto:daniel.harry@norfolk.gov.uk)



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## Communities Committee – Performance Dashboard

(A key to the symbols used are detailed at the end of the dashboard)

Managing change					
	Value	Date	Rating	Target	Direction of Travel
<b>NORFOLK FIRE AND RESCUE SERVICE – change programme</b>					
Priority Based Budgeting (PBB3)	Blue (complete)				
Trauma Care	Green	Q1	★	Green	↔
Asset Management	Red	Q1	▲	Green	↓
Operational Improvement Programme	Green	Q1	★	Green	↔
<b>CULTURAL SERVICES - change programme</b>					
Museums efficiencies	Green	Q1	★	Green	↔
Library and Information Services efficiencies	Amber	Q1	●	Green	↓
Norfolk Record Office efficiencies	Green	Q1	★	Green	↔
<b>Managing our resources</b>					
<b>Number of sickness absence days per FTE</b>					
Communications and the Customer Service Centre	2.48	Q1	●	7.47*	↑
Norfolk Fire and Rescue Service (excluding retained firefighters)	1.95	Jun-14	▲	1.78	↑
Public Health	0.92	Q1	★	5.5*	↑
Cultural Services	1.4	Q1	●	5.38*	↑
*Targets are for year end - rating is taken against proportional quarterly target from this					
<b>Identified corporate level risks</b>					
Currently no corporate level risks for this committee.					
<b>Service performance</b>					
<b>FIRE AND RESCUE</b>					
Number of Home Fire Risk Checks completed for vulnerable older and/or disabled people	1000	Jun-14	★	876	↓
Performance against NFRS Emergency Response Standards (how often we get to you within the response times we have set)	79.30%	Jun-14	●	80%	↓

	Value	Date	Rating	Target	Direction of Travel
% of time retained fire engines (crewed by part-time fire fighters) are available to respond to an emergency	81.60%	Jun-14	▲	90%	↓
% of 999 calls made to NFRS answered within 5 seconds	96.60%	Jun-14	★	95%	↓
TRADING STANDARDS					
% of businesses brought to broad compliance with trading standards	95.24%	Aug-14	★	94%	↓
% of rogues and most detrimental businesses brought to compliance	100.00%	Aug-14	★	85%	↔
% of disputes resolved through advice and intervention	100.00%	Aug-14	★	85%	↔
Customer satisfaction with Trading Standards services	95.70%	Aug-14	★	85%	↑
Increase in awareness by businesses of Trading Standards responsibilities	86.10%	Aug-14	★	78%	↑
EMERGENCY PLANNING AND RESILIENCE					
Number of resilience training events held	Under development				
REGISTRATION SERVICE					
Registration of all births in Norfolk	97%	Jul-14	●	98% within 42 days	↓
Registration of still births in Norfolk	100%	Jul-14	★	98% within 42 days	↔
Registration of deaths excluding Part B and Inquests	71%	Jul-14	▲	90% within 5 days	↓
Registration of Part B deaths	27%	Jul-14	▲	80% within 7 days	↓
CULTURAL SERVICES					
Library and Information Services – actual and virtual visitors	Data not available due to change of system				
Norfolk Record Office - actual and virtual visitors combined	25,020	Q1	SURV	SURV	SURV
Museums - actual visitors	135,533	Q1	★	131,276	↑
% of population that have participated in sport at least once a week for at least 30 minutes [A]	33.50%	May-14	★	Year on year increase	↑

	Value	Date	Rating	Target	Direction of Travel
<b>CUSTOMER SERVICES &amp; CONSULTATION AND COMMUNITY RELATIONS</b>					
% of Your Voice members that agree they can influence their local area	Annual measure. Survey results due in Oct 2014				
% of young people voting in the annual Make Your Mark ballot	Annual measure. Ballot count is in Oct 2014				
% of priority Social Care Calls answered within service level agreement time	98.80%	Q1	●	ALL	↑
% of all other calls answered within service level agreement time	90.00%	Q1	★	90%	↑
Average time taken to answer calls (seconds)	69	Q1	▲	60	↓
<b>PUBLIC HEALTH</b>					
Number of people engaged in Healthy Communities programme activities	1567	2014/15 Q1	★	2,000 by Q3 2014/15	↑
Number of dementia friendly programme sessions delivered	15	2014/15 Q1	★	30 by Q3 2014/15	↑
Number of people in contact with Public Health commissioned smoking cessation services who quit smoking	Data not available until mid-September				
Chlamydia infection diagnose rate per 100,000 population aged 15-24	1,387 per 100,000 pop	Jan- Dec 13	▲	2,300 per 100,00 pop	-

Outcomes for Norfolk					
	Value	Date	Rating	Target	Direction of Travel
Number of incidents NFRS attends (anything where a fire engine is needed)	1816	Jun-14	SURV	SURV	SURV
Number of false alarm calls that NFRS goes to	425	Jun-14	▲	390	↓
Number of people rescued by NFRS at incidents	163	Jun-14	SURV	SURV	SURV
Number of accidental fires in the home	106	Jun-14	★	481	↑
Number of injuries (from slight to serious) in accidental fires in the home	9	Jun-14	▲	25	↓
Number of deaths in accidental fires in the home	0	Jun-14	SURV	SURV	SURV
Cost of the service per head of population per year	£28.61	2012/13	★	Less than £35.99	↑
COMMUNITY SAFETY					
Repeat incidents of domestic violence kept below national rate (24%)	15%	Quarter 1 2014/15	★	24%	↑
Proportion of non-police referrals to Multi Agency Risk Assessment Conference	26%	Quarter 1 2014/16	★	25%	↑
CUSTOMER SERVICES & CONSULTATION AND COMMUNITY RELATIONS					
Customer satisfaction measure	The current available information from IPSOS Mori is for 2012. More recent data will be available later in the year. Additional measures for customer satisfaction are being developed.				
% residents who feel they can influence decision affecting their local area – Tracker survey [A]	Annual measure. Results reported in Oct 2014.				
PUBLIC HEALTH					
NHS Healthchecks uptake in Norfolk.	50%	2014/15 Q1	●	66%	↑
% of people completing Health Trainer sessions who reported improved health and wellbeing	71%	2014/15 Q1	★	70%	↑
% of people creating a Personal Health Plan who complete the programme.	88%	2014/15 Q1	★	80%	↑

## Key

★	Performance is on target, no action required
●	Performance is slightly off-track
▲	Performance is worse than the target, action required
↑	Performance is better than the same period last year
↓	Performance is worse than the same period last year
↔	Performance is the same as the same period last year

## Notes

- Direction of Travel – relates to whether performance has improved (arrow up) or deteriorated (arrow down) over time. As standard we measure this by comparing to the same period the previous year e.g. Q1 2013/14
- All performance indicators are reported monthly, unless otherwise noted by 'Q' (denotes quarterly reporting) or 'A' (denotes annual reporting).
- SURV – denotes an indicator where no target is set but trends in performance are reported.



## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

### Communities Committee

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
<b>Meeting 17 September 2014</b>				
ETD Enforcement Policy	Link to EDT (as falls within EDT remit)	Approve changes in Policy (amended to reflect the new Regulators' Code)	17/09/14	Director of ETD (David Collinson)
Performance Monitoring Report (Quarter 1 results)	No	To note progress and consider whether any aspects should be identified for further scrutiny.	17/09/14	Head of Planning, Performance and Partnerships (Debbie Bartlett)
Finance Monitoring report		To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	17/09/14	Head of Finance (Peter Timmins)
Library and Information Service – Annual Report		To receive and consider	17/09/14	Assistant Director of Community Services (Jennifer Holland)

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
Development of the County Council Plan	Yes	To receive and consider	17/09/14	Head of Planning, Performance and Partnerships (Debbie Bartlett)
<b>Meeting 21 October 2014</b>				
Review of appointments to external and internal bodies	No	To review and make appointments	21/10/14	Head of Democratic Services (Chris Walton)
Budget planning 2015/16	No	To consider 2015/16 budget savings.	21/10/14	Interim Head of Finance (Peter Timmins)
<b>Meeting 19 November 2014</b>				
Service and Financial Planning 2015-18		To consider the service and financial planning context and proposals for the service.	19/11/14	Head of Service and Head of Finance
Performance Monitoring Report (Quarter 2 results)	No	To note progress and consider whether any aspects should be identified for	19/11/14	Head of Planning, Performance and Partnerships (Debbie Bartlett)

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
		further scrutiny.		
Finance Monitoring report		To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	19/11/14	Head of Finance (Peter Timmins)
Update on the status of the December 2013 Tidal Surge Action Plan	Links to EDT (as falls under ETD Director remit)	To note	19/11/14	Director of ETD (David Collinson)
End of year 2013/14 report on Public Health Mandatory Functions	Yes	For discussion and noting	19/11/14	Interim Director of Public Health (Lucy MacLeod)
Trading Standards Business Services Policy and Consumer Support Policy	Link to EDT (as falls under ETD Director remit)	Review service provision , including chargeable business advice	19/11/14	Director of ETD (David Collinson)
Customer Services Strategy		To approve for recommendation to Full Council	19/11/14	Head of Customer Services and Communications (Joanna Hannam)
Consultation and		To approve	19/11/14	Head of Customer

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
Community Engagement Strategy				Services and Communications (Joanna Hannam)
Compliments and Complaints Annual Report		To approve	19/11/14	Head of Customer Services and Communications (Joanna Hannam)
<b>Meeting 14 January 2015</b>				
Service and Financial Planning 2015-18		To note the provisional finance settlement for 2015-16 and the latest planning position for Norfolk County Council and review and comment on updated budget proposals and responses to consultation where relevant.	14/01/15	Head of Service and Head of Finance
Fire and Rescue Provision of Free Smoke Alarms	Possible link if withdrawal of service impacts on vulnerable	To approve	14/01/15	Chief Fire Officer (Nigel Williams)

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
	households			
UK Youth Parliament Annual Report			14/01/15	Head of Communications and Customer Service (Joanna Hannam)
NCC cycling strategy	Cycle infrastructure delivered via EDT and Active Norfolk/Health in Communities		14/01/15	Assistant Director of Community Services (Jennifer Holland)
Finance Monitoring report		To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	14/01/15	Head of Finance (Peter Timmins)
<b>Meeting 11 March 2015</b>				
Fire and Rescue Annual Statement of Assurance	No	To note	11/03/15	Chief Fire Officer (Nigel Williams)
Adult Education Annual Report	No	Budget is over £1m but no	11/03/15	Assistant Director of Community

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
		decision required about budget		Services (Jennifer Holland)
Performance Monitoring Report (Quarter 3 results)	No	To note progress and consider whether any aspects should be identified for further scrutiny.	11/03/15	Head of Planning, performance and Partnerships (Debbie Bartlett)
Finance Monitoring report		To review the service's financial position in relation to the revenue budget, capital programme and level of reserves.	11/03/15	Head of Finance (Peter Timmins)
Public Protection Service Plan (including Food & Feed Law Enforcement Plan (FFLEP) and Enforcement of Age Restricted Sales Plan (EARSP))	Part of Public Protection is under remit of EDT and part is under remit of Communities, so assume reporting to both.	Recommend the adoption of the Plan to Council – including the Food and Feed Law Enforcement Plan and Enforcement of Age Restricted	11/03/15	Director of ETD (David Collinson)

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
		Sales Plan		
<b>Potential items for Communities Committee</b>				
An 'Adding Value' Study (How Now, How Better?)				
A Coherence Review (Within & Between)				
An Information Management Study ('3 Knows', Smarter Delivery)				
A Promoting Public Health Study (Within & Beyond Committee)				
A Funding Review (Potential Savings, Future Costs, Spending Priorities)				
Fire and Rescue Authority's Integrated Risk	Possibly	Agree recommendations	Every three years or where any	Chief Fire Officer (Nigel Williams)

## Forward Plan for Communities Committee

These are the items that service committees may need to consider or make a decision on during 2014/15

Issue/decision	Implications for other service committees?	Requested committee action (if known)	Anticipated date for decision	Lead officer
Management Plan		and forward them to Council	significant changes are required.	
Norfolk Fire and Rescue's response to recommendations arising from national incidents	Possibly	To note	Ad hoc	Chief Fire Officer (Nigel Williams)
Norfolk Fire and Rescue's review of major incidents within Norfolk e.g. tidal surge/flooding	Possibly	To note	Ad hoc	Chief Fire Officer (Nigel Williams)
Significant changes to the role of the Fire and Rescue Service (e.g. Co-responding)	Possibly	To agree	Ad hoc	Chief Fire Officer (Nigel Williams)