

Communities Committee

Date: **Wednesday, 19 October 2016**

Time: **10:00**

Venue: **Edwards Room, County Hall,
Martineau Lane, Norwich, Norfolk, NR1 2DH**

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

Membership

Mrs M Dewsbury - Chairman

Mr C Aldred Mr H Humphrey - vice-Chairman

Mr R Bearman Mr J Law

Mrs A Bradnock Mr W Northam

Mrs J Brociek-Coulton Ms C Rumsby

Mr J Childs Mr M Sands

Mrs H Cox Mr N Shaw

Mr N Dixon Mr P Smyth

Mr D Harrison Mr J Ward

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

Nicola LeDain on 01603 223053 or email committees@norfolk.gov.uk

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A g e n d a

1. To receive apologies and details of any substitute members attending
2. To agree the minutes from the meeting held on 7 September 2016
3. **Declarations of Interest**

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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 such an interest but can speak and vote on the matter.

4. **Any items of business the Chairman decides should be considered as a matter of urgency**
5. **Local Member Issues/ Member Questions**
Fifteen minutes for local member 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) by **5pm on Friday 14th October 2016**.
6. **Public QuestionTime**
Fifteen minutes for questions from members of the public of which due notice has been given.

Please note that all questions must be received by the Committee

Team (committees@norfolk.gov.uk) by **5pm Friday 14th October 2016**. For guidance on submitting public question, please view the Consitution at www.norfolk.gov.uk.

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|---|-----------------|
| 7. Finance Monitoring
Report by the Executive Director of Communities and Environmental Services | Page 11 |
| 8. 2017-18 Budget and Medium Term Financial Planning 2017-18 to 2019-20
Report by the Executive Director of Communities and Environmental Services | Page 15 |
| 9. Update on key service issues and activities (including decisions taken under delegated authority)
Report by the Executive Director of Communities and Environmental Services | Page 23 |
| 10. Review of the Enforcement Policy and the Consumer Services Policy
Report by the Executive Director of Communities and Environmental Services | Page 51 |
| 11. Trading Standards Service – future delivery model
Report by the Executive Director of Communities and Environmental Services | Page 115 |

Chris Walton
Head of Democratic Services
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Date Agenda Published: 11 October 2016



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Communities Committee

**Minutes of the Meeting Held on Wednesday 7 September 2016
10:00am Edwards Room, County Hall, Norwich**

Present:

Mrs M Dewsbury - Chairman

Mr S Agnew
Mr R Bearman
Ms C Bowes
Mrs A Bradnock
Mr J Childs
Mrs H Cox
Mr N Dixon
Mr D Harrison

Mr H Humphrey – Vice-Chairman
Mr J Law
Mr N Wyndham
Ms C Rumsby
Mr M Sands
Mr N Shaw
Mr P Smyth
Mr J Ward

1. Apologies and substitutions

- 1.1 Apologies were received from Mr C Aldred (substituted by Mr S Agnew), Mrs H Cox (substituted by Ms C Bowes), Mrs J Brociek-Coulton and Mrs A Bradnock as she would be late.

2. To agree the minutes of the meeting held on 29 June 2016.

- 2.1 The minutes of the meeting held on 29 June 2016 were agreed as an accurate record by the Committee and signed by the Chair, subject to adding, as an appendix, the list of appointees to internal and external bodies.

3. Declarations of Interest

- 3.1 There were no declarations of interest.

4. Urgent business

- 4.1 There were no items of urgent business raised.

5. Public Question Time

5.1 There were no public questions raised.

6. Local Member Issues / Members Questions

6.1 There were no local member's issues or questions.

7. Update on Key Service Issues and Activities (including decisions taken under delegated authority)

7.1 The Committee received the annexed report (7) from the Executive Director of Community and Environmental Services which provided the Committee with fortnightly updates on key issues and activities. The report is also used to update the Committee on relevant decisions taken under delegated powers by the Executive Director within the terms of reference of this Committee. There were two relevant delegated decisions taken to this meeting.

7.2 Members made considerable note of the level of activity of the Norfolk Fire and Rescue Service on the 23rd and 24th June 2016 which they felt emphasised the need for the service and reinforced the decision the Committee had made during the last budget savings round to reduce the impact of savings on the Fire and Rescue Service.

7.3 Although there had been 631 calls in 3 hours, these were predominantly related to the same bad weather incident. The only rescues that needed to take place were for those who had chosen to ignore warning signs and driven through deep waters. There had been an initial request in the early morning from the Department of Community and Local Government which had triggered an early warning at national level.

7.4 Members acknowledged the good work that volunteers did in Norfolk libraries and the success that they had contributed to.

7.5 Members expressed concern at the results of the suicide audit. There had been peaks around 2009 and 2012 and there seemed to be a background pattern of the rate increasing. It was hoped that the informal suicide prevention group would be made an established group and would work alongside Norfolk and Suffolk Foundation Trust. A report would be brought to a future committee meeting.

7.6 The Committee **RESOLVED** to:

- Review the latest service update at Appendices A to E and identify any areas where the Committee would like to see further information or update.
- Note the two decisions taken under delegated authority as set out in para 1.2 of the report.

8. Appointments to Outside Bodies – Hunstanton Convalescent Trust and St George's Theatre Trust, Great Yarmouth

8.1 The Committee received information from the Executive Director of Community

and Environmental Services which outlined the need for members consideration on two outside body appointments.

8.2 The Committee **AGREED**;

- That Cllr Richard Bird be appointed to replace Cllr John Dobson on the Hunstanton Convalescent Trust.
- That Cllr Barry Stone be appointed to replace Cllr Michael Cartiss on the St. George's Theatre Trust, Great Yarmouth.

9. Public Health – Tobacco Control Strategy

9.1 The Committee received the annexed report (9) from the Director of Public Health which outlined the strategy and associated action plan which in turn proposed a number of changes in focus to target key groups.

9.2 A campaign is being launched in conjunction with Trading Standards to raise awareness in market towns regarding sales of illicit tobacco which is sold cheaply on the black market and is reported to contribute to the uptake of smoking by young people.

9.3 In response to members' questions regarding e-cigarettes, although it was confirmed that e-cigarettes were safer than tobacco cigarettes due to the tar and nicotine having been removed and therefore the dangerous chemicals, they do bring different problems such as the chargers contributing to an increase of house fires.

9.4 It was suggested that a workshop could be held in conjunction with the Norfolk Tobacco Control Alliance for members to have an opportunity to express their ideas on smoking cessation. The representative for the Tobacco Alliance agreed to suggest that to the Alliance Committee.

9.5 It was suggested that the report should be taken to Children's Services Committee in order for them to endorse the recommendations of the alliance.

9.6 The Committee **RESOLVED** to;

- Note the harm that smoking does and support the vision of a smoke free county.
- Endorse the Norfolk Tobacco Control Alliance Strategy and action plan, focused on its strategic priorities to;
 - Prevent young people from becoming smokers
 - Assist every smoker to quit smoking
 - Protect people, especially children, from tobacco related harm
- Agree the proposed targets for 2020 to have reduced overall smoking prevalence to 13%, smoking in pregnancy to 8.3% and amongst routine and manual workers to 16%.
- Agree that the report should be taken to Children's Services Committee in order to endorse the recommendations of the alliance.

10. Library and Information Service Update

- 10.1 The Committee received the annexed report (10) from the Executive Director of Community and Environmental Services which outlined the performance of Norfolk Library and Information service for 2015/16.
- 10.2 It was reported that the most recent count showed that the summer reading challenge had nearly 12,500 pupils taking part which was an increase on last year's figures.
- 10.3 Although there were not any figures or feedback available for the newly launched app, early reports had been that there were some phones that had been unable to access the app. It was noted that by releasing more information digitally, it allowed staff to concentrate on helping the users who needed it.
- 10.4 Members suggested that it was necessary to see the impact of the self-service in order for it to be considered alongside the budget savings in October. The capital funding, for introducing self-service access to a large number of Norfolk libraries, would be given to the service in 2017/18 on an 'invest to save' basis meaning that there would need be a staff reduction from April 2018, otherwise this funding would not be available. The committee said they felt they would be better placed to make a decision about the budget proposal if it had further information about the impact of self-service opening and the role of library staff and the impact they have in communities.
- 10.5 The Committee **RESOLVED** to;
- Note the performance of the Library service in the 2015/16 financial year.
 - Note the elements of the service delivery and development that could be built in to service planning for 2017/18.
 - Agree that the service should continue to focus on supporting the development of digital literacy skills.

11. Administration of the Single Use Carrier Bags Charges (England) order 2015

- 11.1 The Committee received the annexed report (11) from the Executive Director of Community and Environmental Services which enabled the Committee to determine how the County Council would discharge its new functions under the Single Use Carrier Bags Charges (England) Order 2015.
- 11.2 The Head of Trading Standards informed the committee that it would be rare for enforcement action to be taken under this legislation and therefore very low costs were anticipated.
- 11.3 The Committee **RESOLVED** to;
- Delegate the functions of the administrator for the purposes of the Single Use Carrier Bags Charges (England) Order 2015 to the Head of Trading Standards.

12. Risk Management

- 12.1 The Committee received the annexed report (12) from the Executive Director of Community and Environmental Services which provided the Committee with the latest Communities Risk Register, following the latest review conducted at the beginning of August 2016. The reporting of risk was aligned with, and compliments, the Performance and Financial reporting to the Committee.
- 12.2 It was strongly felt by some Members that there were risks in the department that needed to be identified on the corporate risk register. There would be no funding for responses to flooding in the County from 2017 which fulfilled the criteria to be a corporate risk. The flood response risk was suggested as a current risk as the national funding would probably cease from 2017 and therefore it should be made a high priority. The County was towards the top of the list for threat of coastal flooding.
- 12.3 It was clarified by the Executive Director that risks could be escalated if it was something that could not be resolved by the Head of Service and as such there was a process for risks to be considered.
- 12.4 It was proposed that the escalation of the risk could be reviewed at the meeting to discuss the budget however MP's should be written to in order to raise the concerns of the lack of specific government funding for responses to flooding.
- 12.5 It was suggested the Policy and Resources Committee should be informed that the funding for responses to flooding risk could meet the corporate risk criteria, as the corporate risk register fell under their remit.
- 12.6 The Committee **RESOLVED** to;
- Note the progress with Risk Management since the last Communities Committee meeting, shown in the reconciliation report in Appendix B of the report.
 - Note the risk data, information and analysis presented in the risk register report in Appendix A.
 - Review the funding for responses to flooding risk at the October meeting and in the meantime to write to MP's to raise concerns about the potential lack of specific government funding for the County's flooding risk.

13. Performance Management

- 13.1 The Committee received the annexed report (13) from the Executive Director of Communities and Environmental Services which was based upon the revised Performance Management System having been implemented as of 1 April 2016, and the committee's 27 vital signs indicators.
- 13.2 The data which related to looked after children health assessments was questioned by the Committee. More efficient process had been put in place which would see an improvement. It was also confirmed that the target was achievable.
- 13.3 Whilst benchmarking from other LA's initially fed into the process of target setting, the performance management framework model adopted was the result of assessing various different frameworks from other LA's before agreeing on a

preferred one for Norfolk. Therefore effectively some indicators can and some cannot be benchmarked against other LA's.

- 13.4 The Committee **RESOLVED** to;
- Agree the vital signs identified at the workshop on 19 July 2016 as reported in section 4.1 could be removed from the list reported to the Committee.
 - Note the performance data, information and analysis presented in the vital sign report cards and **AGREE** that the recommended actions identified were appropriate.

14. Finance Monitoring

- 14.1 The Committee received the annexed report (14) from the Executive Director of Community and Environmental Services which provided the Committee with information on any forecast over and underspends and the forecast use of reserves.

- 14.2 The Committee **RESOLVED** to;
- Note the revenue budget for 2016-17, and the detail of the public health budgets, as set out in section 2 of the report.
 - Note the current risks being managed by Services.
 - Note the capital budget for the 2016-17 capital programme.
 - Note the balance and current forecast of reserves as shown in section 4 of this report.

The meeting closed at 12.40pm

Chairman



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Communities Committee

Item No.....

Report title:	Finance monitoring
Date of meeting:	19 October 2016
Responsible Chief Officer:	Tom McCabe - Executive Director of Community and Environmental Services
Strategic impact This report provides the Committee with information on the budget position for the Committee for 2016-17. It provides information on any forecast over and underspends and the use of forecast use of reserves.	

Executive summary

The approved 2016-17 net revenue budget for this Committee is £47.800m. At the end of August, period 5, we are forecasting a balanced budget.

The 2016-17 Capital budget for this committee is £6.467m. We are currently anticipating full delivery of the programme.

The balance of Communities' unspent grants, contributions and reserves at 1st April 2016 is £12.840m. The current planned use of reserves are £5.548m and the details are reflected in the report.

Recommendations:

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

- a) The revenue budget for 2016-17.
- b) The current risks being managed by Services.
- c) The capital budget for the 2016-17 capital programme.
- d) The balance and current forecast of reserves as shown in section 4 of this report.

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 monitoring report reflects the budgets and forecast position as at the end August 2016, period 5.

2. Evidence

2016/17 Revenue Monitoring

2.1. The table below summarises the budgets relevant to this committee as at August 2016

Table 1: Communities 2016-17 as at August, Period 04 2016

	2016/17 budget £'000	Forecast £'000	Variance £'000	Variance %
Community and Consultation	233	233		
Cultural Services	13,465	13,465		
Active Norfolk*				
Cultural Services Management	44	44		
Norfolk Art Service	279	279		
Norfolk Community Learning Services	210	210		
Norfolk Libraries and Information Service	9,701	9,701		
Norfolk Museums Service	2,422	2,422		
Norfolk Records Office	809	809		
Customer Services	5,616	5,616		
Public Health	(1,330)	(1,330)		
FIRE: Service Delivery	27,857	27,857		
Resilience	274	274		
Trading Standards	1,872	1,872		
Registrars	(187)	(187)		
Total for Committee	47,800	47,800		

*Active Norfolk is wholly funded from grants and contributions including public health funding.

2.2. There are currently no forecast variances to the net budgets for the services however there are a number service risks that are being monitored and managed that could have an impact on the forecasts.

2.3. Public Safety - The major budget risks relate to the £0.100m grant reduction for USAR which is still forecasting a full year operational spend, water rescue including dive team £0.080m and Youth Development trading unit at £0.040m.

2.4. At the September meeting members discussed the potential ongoing cost pressure of £0.150m in relation to the Fire Service response to flooding. The table below shows the current anticipated cost of these activities.

Area	Anticipated Cost £'000	Anticipated Income £'000	net Cost £'000
Flood and Water Rescue	80		80
Dive Team	108	(41)	67
	188	(41)	147

- 2.5. The costs of Flood and Water rescue includes staff training and maintenance/replacement of specialist equipment, for 4 swiftwater rescue boat teams. Training costs for 12 flood first responder teams is separately funded via a pre-existing £34,000 revenue budget uplift assigned by Council in 2008/9.
- 2.6. The cost of the Dive team includes the cost of staff turnout (retained staff), training and purchase and maintenance of equipment. Income is generated when acting on behalf of police forces, with a daily charge in excess of £3,500 levied. Police search activity continues to increase, and the net cost tabled above assumes ongoing income growth and reduced running costs.
- 2.7. Flood, water rescue and diving were all established via the DEFRA Flood Rescue National Enhancement Programme, which provided grant funding for all three activities for a 5 year period, in return for providing all three activities on a national basis via a formal mutual aid scheme. Within 2016/17 it is anticipated that the service will be cost neutral through charges for services and the use of this DEFRA grant funding, which will be fully utilised by the end of the financial year. The future cost pressure identified above is triggered by the imminent expiry of all remaining grant funding.
- 2.8. Library Services – The Library service is closely monitoring the levels of sound and vision income, which are lower than historic trends. The service will continue to review the position and if required will report to committee any management action required.
- 2.9. Public health – Public Health activities are currently funded via a ring fenced public health grant and is used to deliver a range of activities, some of which span financial years and will be managed through the use of reserves. Public Health continue to work with other parts of the organisation to support common objectives and public health outcomes. As reported to P&R, Public Health are planning to release a one-off contribution to public health related work across services of £2.750m.

3. Capital Programme 2016-17

3.1. The overall capital budget for the services reported to this Committee is £6.467m

3.2. The capital programme is shown in the tables below:

Table 2: Communities Capital Programme				
Scheme or programme of work	2016/17 capital Budget £m	2016/17 Forecast capital Outturn £m	Total Forecast (under)/ over spend £m	
Norfolk Fire & Rescue Service	3.731	3.731	0.000	
Museums	1.393	1.393	0.000	
Libraries	0.373	0.373	0.000	
Customer Services Strategy	0.970	0.970	0.000	
Committee Total	6.467	6.467	0.000	

4. Communities Reserves, Provisions and Unspent Grants/ Contributions

4.1. The committees' unspent grants, reserves and provisions as at 1st April 2016 stood at £12.840m.

4.2. The current forecast use of reserves are shown in the table below.

4.3. The use of Public Health reserves is to facilitate the agreed health projects programme and manage the delivery of large programmes over multiple financial years. As reported in paragraph 2.3 above Public Health are planning to release a one-off contribution to public health related work across services of £2.750m.

Table 3: Communities Reserves & Provisions

Reserves & Provisions 2016/17	Balance at 1 April 2016	Forecast Balance at 31 March 2017	Planned movement reserves as at August Period 5
	£m	£m	£m
Norfolk Fire & Rescue Service	2.970	2.487	(0.483)
Libraries, Museums, Record Office & Arts	2.142	2.029	(0.113)
Trading Standards	0.113	0.113	0
Norfolk Community Learning services	0.163	0.163	0
Public Health	5.378	0.982	(4.395)
Active Norfolk	0.638	0.654	0.015
Customer Services	0.658	0.493	(0.165)
Registration Services	0.509	0.293	(0.216)
Consultation & Community Relations	0.269	0.078	(0.191)
Committee Total	12.840	7.292	(5.548)

5. Financial Implications

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

Officer Contact

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

Officer Name: Andrew Skiggs
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Email address: Andrew.skiggs@norfolk.gov.uk



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Communities Committee

Item No.....

Report title:	2017-18 Budget and Medium Term Financial Planning 2017-18 to 2019-20
Date of meeting:	19 October 2016
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact <p>This report provides an update on the Service Committee's detailed planning to feed into the Council's budget process for 2017-18. The Council's budget setting activity is informed by a range of documents including the Medium Term Financial Strategy, the County Council Plan, and the Efficiency Plan. Together these help to set the context for the Council's medium term service and financial planning, which will support the development of a robust, balanced budget for 2017-18.</p>	

Executive summary

This report forms part of the strategic and financial planning framework for Service Committees. It provides an update on the Council's budget setting process, and sets out details of the actions required by Service Committees to enable the Council to set a balanced budget for 2017-18.

Recommendations:

1. **Note that the Council's budget planning includes:**
 - a) **an assumed increase in council tax of 2% for the Adult Social Care precept, and an inflationary increase of 1.8% in 2017-18; and**
2. **Recommend to Policy and Resources the use of the £4.6m 2016/17 transitional grant monies to help ameliorate the level of savings required in 2017/18**
3. **In order to help close the 2017-18 budget gap as set out in section 2 of this report:**
 - a) **agree the proposed new savings for 2017-18 for consultation where necessary**
 - b) **consider what scope there is for bringing forward the 2017-18 savings (b) above) for implementation in 2016-17.**

1. Background

- 1.1. The Council's approach to medium term service and financial planning includes a rolling medium term financial strategy, with an annual budget agreed each year. In February, Full Council agreed spending and savings proposals which provided an overall surplus for the period to 2019-20, although with a gap identified for 2017-18 of £8.827m.
- 1.2. In July, Policy and Resources Committee received a paper setting out details of the progress of the Council's budget setting work and the wider financial context in which it is operating. The Committee noted the Council's progress in developing further savings proposals for 2017-18 and recommended to County Council to accept the Government's offer of a four year funding allocation, which would provide a degree of greater certainty about future budgets.

- 1.3. This paper builds on the position reported to Policy and Resources Committee in July and represents the next stage of the Council's budget planning process. In particular, the paper sets out details of saving proposals identified for 2017-18 for the Committee's consideration.

2. Context for financial planning

- 2.1. County Council approved the 2016-17 Budget and the Medium Term Financial Strategy for the period 2016-17 to 2019-20 on 22 February 2016. The Medium Term Financial Strategy to 2019-20 set out a balanced budget for 2016-17, but a deficit remained of £8.827m in 2017-18, a surplus of £22.360m in 2018-19 and a deficit of £11.715m in 2019-20 (a small cumulative surplus of £1.818m). The Medium Term Financial Strategy's aim is to ensure a balanced budget to aid forward planning and help mitigate financial risk. The Medium Term Financial Strategy position is shown in the table below.

Table 1: Budget surplus / deficit as reported to Full Council on 22 February 2016

	2016-17 £m	2017-18 £m	2018-19 £m	2019-20 £m
Additional cost pressures and forecast reduction in Government grant funding	77.475	51.353	49.354	42.454
Council Tax base increase	-20.532	-10.300	-15.265	-16.266
Identified saving proposals and funding increases	-56.943	-32.226	-56.449	-14.473
Budget gap (Surplus) / Deficit	0.000	8.827	-22.360	11.715

The £51.353m assumed cost pressures and forecast reduction in Government grant funding in 2017-18 consists of:

- Inflationary cost pressures for pay and non-pay budgets of £9.993m
- Legislative changes of £5.428m including pension revaluation costs
- Demographic cost pressures in Adult social Care of £6.134m
- NCC policy changes of £0.186m
- Forecast funding reductions of £29.613m

- 2.2. It should be noted that the budget gap of £8.827m in 2017-18 **assumes a CPI increase in council tax** above the 2% Adult Social Care precept, based on the assumptions used by the Government at the time of the 2016-17 local government settlement. Any reduction in this increase will require additional savings to be found. The assumed increases in Council Tax for the Adult Social Care Precept and inflation (the OBR forecast of CPI) are set out in the table below. These are of course subject to Full Council's decisions on the levels of Council Tax, which will be made before the start of each financial year. In addition to an annual increase in the level of Council Tax, the budget assumes modest annual tax base increases of 0.5%.

Table 2: Council Tax increase assumptions in Medium Term Financial Strategy

	2017-18 £m	2018-19 £m	2019-20 £m
Adult Social Care precept (2%)	6.655	6.943	7.249
Inflation (OBR CPI forecast of 1.8%, 1.9% & 1.99%)	5.990	6.596	7.213
Total assumed Council Tax increase (from ASC precept and CPI)	12.645	13.538	14.463

- 2.3. Since the preparation of the Medium Term Financial Strategy, further pressures on the budget have been identified, resulting in changes to the Council's budget planning position. Alongside the assumptions about Council Tax, other key assumptions within the Council's current budget model include:
- Reversal of 2016-17 saving CHI001-4 £3.000m Looked After Children saving
 - £3.000m pressure from delay of transport saving ASC003 and cost pressures in Adult Social Care
 - Reversal of 2016-17 saving CHI012 £0.500m reducing the cost of transport for children with Special Education Needs
 - All previously agreed savings for 2017-18 are deliverable apart from reversal of EDT036 £1.600m saving introducing locality based structure for Community and Environmental Services directorate
 - No further pressures arising from the Better Care Fund
 - No change in Education Services Grant.
 - No new cost pressures (e.g. from waste).
 - Transitional funding of £4.561m in the 2016-17 Budget is retained to support delivery of the 2017-18 Budget allowing the Council to "ease the pace of reductions during the most difficult first 2 years of the settlement."
- 2.4. The above factors in the model mean that the actual level of savings that will be required of service committees will be in the range of £15-£20m. Officers have been working to an overall target of £20m, which has been allocated to committees for planning purposes pro-rata to net budgets.

Table 3: Allocation of £20m savings to Services (by Committee and Department)

Department	Savings Target Based on 2016-17 Net Budget	Committee	Savings Target Based on 2016-17 Net Budget
	£m		£m
Adult Social Care	7.1	Adults	7.1
Children's Services	4.1	Children's	4.1
CES	5.7	Communities	1.4
Resources	0.6	EDT	4.3
Finance and Property	0.5	Policy and Resources	3.1
Finance General	2.0		
	20.0		20.0

- 2.5. Details of the 2016-17 overall budget overspend position have been reported to Policy and Resources Committee on 26 September. As reported to the September Committee, CES is currently forecasting a balanced position and are expecting to manage expenditure within our overall funding envelope.

3. **2017-18 budget proposals**

- 3.1. Saving proposals for 2017/18 are set out in Appendix A. There are no additional proposals for Communities Committee that involve reductions in front-line staffing or closure of buildings (including fire stations, libraries etc).
- 3.2. There are a number of proposals relating to the services reporting to Communities Committee. There is also a proposal for the CES Department as a whole, the services of which report to Communities and EDT Committees and Economic Development Sub-Committee.
- 3.3. As part of the budget setting process for 2016/17, Members have already

previously agreed a number of specific savings proposals for both 2017/18 and 2018/19.

3.4. Some of the proposals are based on changes to organisational structures and therefore are subject to staff consultation. Arrangements are underway for a staff consultation, starting 24 October 2016, to ensure that we will be able to implement changes ready to deliver savings in 2017/18.

3.5. To develop new savings proposals for 2017/18, officers have carried out three main strands of activity, as below. In order to understand the full picture Appendix B shows the savings previously approved by Committee.

3.5.1. **Identifying opportunities for additional incremental savings from existing budgets**

The focus for this strand was on what savings would be possible without needing to make significant changes to our service standards. This includes opportunities to renegotiate contractual arrangements, reviewing staffing arrangements and 'cashing in' on potential savings we have been testing and planning, including deletion of some vacant posts arising through vacancy management.

In addition, the move of Public Health into the CES Department in June 2016 provided further opportunity to take advantage of a new larger department and identify ways to do things differently for common areas of spend e.g. printing, stationery etc.

3.5.2. **Priority based budgeting**

The second area of focus was on a light touch priority based budgeting process. Essentially, this considered the range of CES services and assessed the priority of these services by considering factors such as statutory responsibilities, impact on vulnerable residents, delivery of corporate priority and risk. This produced a ranked list of priorities for existing services which could then be used to model potential savings e.g. with less saving from high priority services and more from low priority. The model assumes there is no significant change to the overall CES structure of ways of working.

This exercise has not driven any of the specific proposals, but has been a useful tool to help identify, sense check and discuss potential areas of saving. As we continue to develop budget proposals for future years it may be helpful for Members to receive further information on this type of approach, and consider how it could help inform future budget development.

3.5.3. **Developing a new locality working model for CES**

As part of the 2016/17 budget setting round, Members received information about the intention to introduce a revised service delivery model for the CES Directorate. As reported to Members at the time, the new model will be based around:-

- Lower costs;
- A greater focus on locality based working – using the seven district council areas as the basic building blocks for these localities;
- Maximising resource at locality level to deliver services, and minimising HQ/central costs;
- Increased/more effective working with the rest of NCC, district Councils and other public and community services, e.g. the health sector, police and community/volunteer groups.

This in practice would mean:-

- Developing and implementing a new organisational structure for the whole Department;
- A reduction in the overall number of staff;
- Fewer staff based at HQ and more staff based at local offices;
- Reductions in some service standards and activities to reflect our reduced capacity;
- Reduced capacity/funding/ability to deliver projects and schemes;
- A more generic approach to work rather than staff working in narrowly defined specialisms;
- A 'district manager' for each locality who would co-ordinate activity across a number of themes who would also seek opportunities to collaborate across NCC and with local stakeholders;
- Significant changes to systems and processes, including introducing more automated processes.

The principle of a locality model was considered as part of the public consultation exercise, the results of which was reported to Members in January 2016. Overall, there was broad support but some surprise that this was not already being done by the Council and that it may help reduce duplication in the wider public service.

CES is a large and diverse department and therefore it will take some time to fully develop a new model; we expect to be ready to consult staff in June 2017. In the meantime, some changes are starting to be made:-

- We have allocated a named Locality Co-ordinator in CES for each of the district council areas, and Members may have already been in contact with the Locality Co-ordinator for their Division. These Co-ordinators are helping to bring together to full range of CES services to enable us to be work in a more co-ordinated and joined-up way, making better use of the resource available across the whole of CES.
- The proposals in Appendix A include some changes to existing staffing structures. We have developed these changes in the light of a new model so that they can be complementary, and essentially are incremental steps towards the locality working vision.

Officers will continue to develop the new model and will bring further information to the Committee to consider in due course

- 3.5.4. Committee discussions about proposed additional savings will be used to inform development of the Council's overall 2017-18 Budget.

4. Financial Implications

- 4.1. In the March 2016 Budget, the Chancellor confirmed that the Government still has to find savings of £3.5bn in the course of this parliament. Unprotected areas, which include local government, therefore anticipated further cuts in their funding during this period. However, the new Chancellor has signaled his intention to move away from the 2020 surplus target. The Autumn statement on November 23rd will give more clarity on how the Government may seek to 'reset' economic policy, but it remains unclear at this time what the implications for local government will be.
- 4.2. The Committee proposals set out in this report, for both 2016-17 remedial actions, and new 2017-18 proposals, will be reported to Policy and Resources Committee in October and November to enable an overall assessment of the Council's 2017-18 budget position to be made.

5. **Issues, risks and innovation**

- 5.1. There are no significant risks or implications beyond those set out in the financial implications section of the report.

6. **Background papers**

County Council Budget 2016-17 to 2019-20: Medium Term Financial Strategy 2016-20, County Council, 22 February 2016, Item 4, Annexe 9:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/438/Committee/2/SelectedTab/Documents/Default.aspx>

Budget 2017-18 Planning and Efficiency Plan, Policy and Resources Committee, 18 July 2016, Item 10:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/499/Committee/21/SelectedTab/Documents/Default.aspx>

Finance Monitoring Report P4 July 2016, Policy and Resources Committee, 26 September 2016, Item 7:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/501/Committee/21/SelectedTab/Documents/Default.aspx>

Officer Contact

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

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Email address : tom.mccabe@norfolk.gov.uk

Officer name : Andrew Skiggs **Tel No. :** 01603 223144

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2017/18 budget proposals

Communities Committee

Reference	Proposal	Saving 2017-18 £m	Full Year Saving £m	Risk Assessment (officer view on deliverability)	Impact of earlier decision / potential to bring forward savings
	Cross-cutting savings - using some Public Health grant to off-set cost of CES services	0.250	0.250	Green	Early decisions on some of these proposals will be useful to help officers to plan out the associated activities. However, early decisions will not enable delivery of additional savings in 2016/17.
	Vacancy management and deletion of vacant posts	0.021	0.021	Green	
	Further reductions in back office spend	0.015	0.015	Amber	
	Bring forward part of CMM018 from 2018/19 to 2017/18 - Customer Service delivery re-design	0.075	0.075	Amber	
	Additional income generation (Museums, Records Office, Trading Standards)	0.054	0.054	Amber	
	Bring forward part of CMM023 from 2018/19 to 2017/18 - Fire service – reductions in back office support and running costs	0.110	0.110	Green	One off-saving
	One-off saving through re-setting budgets for leased equipment	0.090	0.000	Green	
Total		0.615	0.525		

Budget change forecasts for 2017-19 Communities				
Consultation Ref	Reference		2017-18 £m	2018-19 £m
		SAVINGS		
16171a	CMM018	Customer Service delivery re-design - further re-shaping and re-design of some customer service teams	-0.100	-0.100
16171b	CMM013	Healthwatch - reduce the Healthwatch grant	-0.150	
16171c	CMM031	Transport costs - 15% saving on transport costs, including fire service fleet costs, through procurement, reducing use and better journey planning		-0.187
16171c	CMM032	Supplies and services - further 20% saving on supplies and services spend across all teams in Community and Environmental Services directorate		-1.170
16171d	CMM036	Registration service income generation - develop business opportunities within the service to generate additional income		-0.080
161712	CMM016	Norfolk and Norwich Millennium Library opening times - Reduce the opening times for Norfolk and Norwich Millennium Library but install Open Plus technology to enable the ground floor to be open longer via self service	-0.138	
161712	CMM022	Libraries self-service - introduce technology (Open Plus) to enable libraries to open with self-service machines	-0.044	-0.622
161713	CMM026	Special service mobile library service - change the mobile library service for people in residential care, by encouraging care homes to pay for the service or using volunteers to provide books for individual people		
161713	CMM027	Public mobile libraries - reduce the public mobile library mobile fleet from 9 to 8 vehicles, reduce the frequency of some visits and stop Saturday routes	-0.044	
161707	CMM023	Fire service operational support reductions and redeployment of WDS staff - re-design the operational support structures to rationalise and remove some teams, and reduce the operational training budget. Re-design of some operational activities and redeployment of associated resource to other community focussed activities		-0.600
			-0.476	-2.759

Communities Committee

Item No.

Report title:	Update on key service issues and activities (including decisions taken under delegated authority)
Date of meeting:	19 October 2016
Responsible Chief Officer:	Tom McCabe – Executive Director Community and Environmental Services
Strategic impact Providing regular information about key service issues and activities supports the Council's transparency agenda and enables Members to keep updated on services within their remit. It is important that there is transparency in decision making processes to enable Members and the public to hold the Council to account.	

Executive summary

Officers provide Committee Members with fortnightly updates on key issues and activities. These updates are also be reported to this Committee to enable Members to discuss the latest position and identify any areas where the Committee would like to receive further information or update. The latest updates (dated 2, 16 and 30 September) are included at Appendices A -C.

This report is also used to update the Committee on relevant decisions taken under delegated powers by the Executive Director within the Terms of Reference of this Committee. There are no relevant delegated decisions to report to this meeting.

Recommendations:

- 1. To review the latest service updates at Appendices A-C and identify any areas where the Committee would like to receive further information or update.**

1. Proposal

1.1. Service updates

- 1.1.1. Officers provide Members with a regular news update. These updates are also reported to this Committee, as a standard agenda item for each meeting, to enable Members to discuss the latest position and identify any areas where the Committee would like to receive further information or update. The latest updates are included at Appendices A-C (dated 2, 16 and 30 September 2016). Note that some of these updates may have included attachments with further information when they were originally shared with Members but these have not been included with this report.

1.2. Delegated decisions

- 1.2.1. The report is also used to update on any delegated decisions within the Terms of Reference of this Committee that are reported by the Executive Director as being of public interest, financially material or contentious. There are no relevant delegated decisions to report for this meeting.

2. Evidence

- 2.1. See update attached at Appendices A-C.

3. Financial Implications

- 3.1. There are no financial implications arising from this report.

4. Issues, risks and innovation

- 4.1. There are no other relevant implications to be considered by Members.

5. Background

- 5.1. N/A

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:

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Community Committee Fortnightly News Update

This news update gives committee members a swift update on known plans/activities within their remit and highlights any new issues they may wish or need to take account of.

If a service has nothing significant to report, the relevant column will state '**NSTR**' (Nothing significant to report)

Committee Spokespeople continue to have the opportunity of receiving more detailed briefings, including those that may be of a more confidential or complex nature at the scheduled spokes meetings through which they are able to keep their own members further updated as necessary.

News Update for the period ending: 02/09/2016		
Service	Service Update key bullet points	Contact
Customer Services	<p>Further to customer feedback we have carried out some improvements to the Customer Relationship Management system which went live on the 25th August, new benefits include:</p> <ul style="list-style-type: none"> • Sending a link to customers when they report a Highways defect, which allows the customer to view on a map where they have reported a defect • Improvements to the legend within the mapping to support Customer Service Assistants in pin pointing the location of a defect. <p>This week we also held a session for Members to demonstrate the CRM system showcasing the improvements that have been made to the customer journey in terms of reporting Highways defects, the end to end digital customer journey. We also demonstrated the customer account to including how to set up an account, and report a Highways defect.</p> <p>Members provided valuable feedback on what information they would find useful to support them in their role, as well as improvements to what information is displayed in the customer account. We will provide a further session later in the year to show how the project is progressing.</p>	C Sumner
Cultural Services	<p>Library and Information Service</p> <p>New name for the School Library Service - The name is changing to better reflect the range of services it delivers to the education sector in Norfolk. The service is now the</p>	J Holland

	<p>Education Library Service (ELS) - www.norfolk.gov.uk/els The change was made a result of feedback from the customers that the service supports including schools, academies, early years settings, sixth form colleges, Universities and the Norfolk to Good and Great (N2GG) initiative.</p> <p>The ELS offers its customers a cost efficient service that gives access to books, a mobile library, practical support, advice and training, INSET and help to inspire reluctant readers</p> <p>In the last few years new services have been introduced, most recently a specialist eBook platform for schools (with a free trial term). The ELS has received excellent feedback from customers, with 100% of customers saying that training, professional support, the mobile library visit and project loans are valuable or very valuable and have met or exceeded expectations.</p> <p>Police information service in libraries - Norfolk Library and Information Service is piloting a new approach with Norfolk Constabulary at Thetford and Gorleston libraries as part of working together more efficiently.</p> <p>For a trial period, the library will be the place to go in the town to find out information about services offered by the Police. This will mainly involve library staff helping customers to find their way around the Police website so that they have a more informed level of support. The website http://www.norfolk.police.uk/ contains information about crime reporting, safety advice, safer neighbourhood teams, hate crime, current news and a lot more. Library staff will also help customers with lost and found items.</p> <p>The service will be a natural extension of the information libraries already provide about County council and other public services. It is also a part of the library being seen as a trusted source of information in the town and is a good opportunity for us to raise our profile and increase visitor numbers and use.</p> <p>Training will be provided and paid for by the Police in early September. Briefing meetings are being held with staff to answer their questions. This will be a 6 month pilot from the end of September to March 2017 and, depending on the outcome, could potentially lead to a wider partnership with the police at more libraries.</p> <p>Norfolk Spydus app available now - A smartphone</p>	
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	<p>application has been launched by the NLIS so residents can keep up to date with the county's library service.</p> <p>The Norfolk Spydus app will enable residents to search for books and place holds on items they are interested in, download e-books, e-audio books and magazines, use their device's camera to scan the barcode on a book, CD, DVD or other item and search for available copies at their local library and also to keep track of their library account and manage their loans and account information.</p> <p>It gives library customers the opportunity to access reading, knowledge and information for free on a smartphone or tablet while at home or on the go. The app is just one of the ways the library service is using digital technology to improve the services available for Norfolk's residents. The Spydus App can be download for Apple and Android device from the App Store and Google Play.</p> <p>Norfolk Arts Service</p> <p>Creative Arts East Spirit of 2012 Funding</p> <p>Creative Arts East, one of Norfolk County Council's regularly funded arts organisations has been awarded £231,110 from the Spirit of 2012: Spirit of Achievement Arts and Culture Challenge Fund to deliver <i>Our Day Out</i>, a unique three-year dementia friendly programme for rurally isolated older people across Breckland and North Norfolk.</p> <p><i>Our Day Out</i> will encourage a reduction in the social exclusion of rurally isolated, older disabled people through regular, high quality and integrated fortnightly music and dance sessions delivered by some of the UK's most highly regarded professional dance artists and companies. The programme will promote greater understanding, and meet the needs of people with disabilities through tailored programming, shared learning, social opportunities, and celebratory events, which in turn will build confidence in all the beneficiaries. For further information on <i>Our Day Out</i>, please contact arts@norfolk.gov.uk.</p> <p>Museums Service</p> <p>The Castle Keep as a performance space - Two recent events have highlighted the potential of Norwich Castle Keep as a performance space.</p> <p>As part of British Art Show 8, on Friday 12 August, the Keep hosted a new contemporary ballet performed by members of the Northern Ballet. Entitled 'Children of the Mantic Stain' the</p>	<p>S Miller</p> <p>S Miller</p>
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	<p>performance was inspired by – and incorporated – a tapestry created by the artist Linder for the British Art Show 8. This unique evening performance attracted around 70 people. Linder’s work remains on show in the Norwich Castle art gallery as part of British Art Show 8 until 4 September.</p> <p>Over the August bank holiday weekend as part of the Castle’s ‘Medieval Madness’ themed summer programme, the Keep was the magnificent venue for a new interpretation of the Norwich Medieval Mystery Plays. Adapted and directed by Peter Beck with original music by Chris Ellis, the show offered an immersive piece of theatre with live music, period costume and special scenic effects. The new versions were aimed at a family audience and we worked hard to ensure foster families and Looked After Children could enjoy this original piece of amazing theatre. Each performance was sold out and played to enthusiastic audiences.</p> <p>These events are part of a conscious effort to ensure the Keep remains highly visible as we develop plans for the HLF-funded ‘Gateway to Medieval England’ project.</p> <p>NRO - NSTR</p> <p>Norfolk Community Learning Services</p> <p>GCSE results - Overall NCLS has posted a strong a set of results, showing year on year improvement, reflecting the exceptional effort put in by the learners and staff in the last challenging year, especially against a national picture where the rate of learners gaining and A*-C grade dropped by 2.1% points against last year. The full set of validated results will be published in the next sit rep.</p> <p>Active Norfolk - NSTR</p>	<p>G Tuson</p> <p>I Yusuf</p> <p>B Jones</p>
<p>Public Safety Norfolk Fire and Rescue Service Trading Standards</p>	<p>NSTR</p> <ul style="list-style-type: none"> We have identified a risk to the Trading Standards Service of limited service capacity, with the possibility of the loss of key individuals resulting in an inability to deliver the appropriate service and increased pressure on remaining staff. This risk is recorded on the Communities Committee Risk Register and is a Service performance measure. <p>The statutory duties of Trading Standards are extremely varied. We enforce legislation, which is constantly changing. In order to carry out our work with businesses, and given that interactions with businesses have the</p>	<p>Roy Harold</p> <p>Sophie Leney</p>

potential to develop into formal enforcement, our officers and managers must be authorised to use statutory powers.

In order to be authorised officers and managers must have specific professional qualifications; the Diploma in Consumer Affairs and Trading Standards (DCATS) or its antecedents, and must demonstrate their competency and maintenance of their competency through their continuous professional development (CPD). We must manage our qualifications and ongoing training so as to ensure we have sufficient qualified/competent officers/managers to undertake the necessary enforcement in each functional area.

An assessment (to statutory and Service standards) of qualification, competency and ongoing competency is to be made of all operational staff across 14 functional areas of the Trading Standards Service 3 times a year.

The first assessment has been made and the percentage of Trading Standards Officers/Managers who hold necessary qualifications and current competencies to be authorised to deliver the TS Service currently stands at 90% against a target of 100%. Across the 14 functional areas assessed we are currently showing a shortfall against the following areas (% figure included):

Metrology	64%	Intelligence	89%
Fair Trading Criminal	78%	Investigations skills	92%
Agriculture	86%	Food standards	94%
Civil Enforcement	89%	Business and consumer support	94%
On-line Investigations	89%		

In order to address these shortfalls we are carrying out the following actions:

- Recruitment into a current vacancy will target qualifications and competencies identified as a shortfall.
- Learning and development will be prioritised for those functional areas where a shortfall is identified.
- Managers/Service Leads will review those officers in their sections to assess how best to bring qualified officers whose competency has lapsed back into full competency.
- Officers currently studying for the Trading Standards Qualifications Framework (TSQF) will fill

Emergency & Resilience	<p>the shortfalls in qualified/competent officers in Agriculture and Food Standards within the next 1-2 years.</p> <ul style="list-style-type: none"> Recently the Trading Standards Service Lead Officer for Licensing, Age Restricted and Illicit Products attended a meeting of the Great Yarmouth Community Alcohol Partnership (CAP) to move forward plans to improve the work of the partnership in the town. The CAP was set up with the support of the Trading Standards Service and the Police approximately 5 years ago and is credited with having had a major impact on reducing alcohol related crime and anti-social behaviour in the town centre. <p>The partners discussed some recent anti-social behaviour problems which appear to be caused by off-licence premises selling excessive amounts of alcohol, particularly to people revelling in the parks or streets of the town. A plan was agreed between the members on how this will be addressed, with Trading Standards Officers, playing their part.</p> <p>CAPs are locally based and established schemes which link into national support. They bring together the off and on licence retail industry, enforcement agencies, the community and the support agencies who help people with alcohol related problems. Their success in tackling anti-social behaviour fuelled by alcohol lies in the embedded buy-in that comes from an inclusive partnership approach involving the community, the retail industry as supplier and all the agencies who regulate the sale of alcohol. An outline of the CAP ethos can be found at: http://www.communityalcoholpartnerships.co.uk/what-we-do</p> <p>Resilience</p> <p>The Resilience Team supported a Community Resilience Family Fun Day on 24th August at “Community Roots” in Great Yarmouth. The event brought together providers of services, such as the Met Office, voluntary organisations and community resilience volunteers to promote how to be better prepared to respond and recover from emergencies, such as severe weather events. This is one of a series of multi-agency events to enhance community resilience across the county.</p> <p>On the morning of 3rd September there will be a Rest Centre Exercise at Ormiston Venture Academy, Gorleston, to test procedures in place to accommodate evacuees in the event of a major emergency. This will be complemented by voluntary agencies testing how they can support a major</p>	Jan Davis
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	<p>evacuation and rest centres established in response to an emergency. Volunteer residents have been recruited to act as evacuees. Exercises of this kind involve the local community in how they can be better prepared and contribute in response to future emergencies.</p> <p>Vyvyan Evans, a UEA postgraduate student, has completed a very productive Summer work placement with the Resilience Team. Vyvyan was able to experience how a county council works in collaboration with our various partners in the Norfolk Resilience Forum and has contributed to the development of our links with the voluntary sector. The placement was judged very worthwhile by all parties and we hope to build on this success in future years</p>	
Public Health	<p>Healthy Libraries</p> <p>A joint project between Public Health and Norfolk Library and Information Service has been shortlisted to the final 3 for a prestigious 'Libraries Change Lives' national award from the Chartered institute of libraries and information professionals. This is a great acknowledgement of the hard work, effort and creativity of library and Public Health staff in Norfolk. Judges are visiting Norfolk early September before making their final decision. The Healthy Libraries project aims to use libraries as health hubs that local residents can access for health information – this includes all staff being trained in basic health improvement, concepts of behaviour change, promoting local campaigns lead by Public Health and have been awarded small grants to run health related activities in their localities.</p> <p>Dementia Friends</p> <p>Public Health is delivering a series of sessions at County Hall from September to December. Dementia Friends is a national programme led by the Alzheimer's Society but facilitated locally by Public Health and other community groups. The sessions are about learning more about dementia and then turning that understanding into action. Each interactive information session lasts for one hour and all members are welcome to sign up and attend. Details can be found on Learning Pool - you will need to log in search for 'dementia' and book your place. http://inet.norfolk.gov.uk/news/INET176363</p> <p>Mind Out for Each Other – Cycle Safety Road Campaign.</p> <p>Road users are being urged to raise awareness of the safety of cyclists, as part of a joint drive by Norfolk County Council (lead by Public Health) and Norfolk Constabulary to reduce the number of cyclist casualties on the road. The Mind Out for</p>	Louise Smith

	<p>Each Other campaign will focus on the responsibility of all road users to 'look out for one another' and 'share the road' – the campaign is in response to the increasing number of adults taking up cycling, and the rising number of cyclists killed or seriously injured on Norfolk's roads in recent years, with more pedal cyclists killed or seriously injured on Norfolk's roads in 2015 (48) than in any other year during the last 10 years. The targeted campaign will include press, radio and bus advertising as well as engaging with cyclist and drivers through a range of mediums. The campaign will launch on the 5th September and run for 6 weeks.</p> <p>Childhood Obesity strategy</p> <p>Public Health partly welcomed the launch of the Government's Obesity Strategy on 18th September. The strategy includes a commitment to reduce sugar by 20% in foods preferred by children as well as the previously announced tax on sugary drinks. There are no measures to address advertising to children proposals for food reformulation are largely voluntary. Overall the proposals and measures it contains are all good steps in the right direction but there are missed opportunities.</p> <p>Obesity is an important public health issue in the UK and a priority in the Norfolk Health and Wellbeing Strategy 2014-2017. Overweight and obese children are more likely to become obese adults with increased risk of poor health in years to come. Childhood obesity is increasing and concerning as carrying excess bodyweight can affect an individual's quality of life. By supporting children and families to stay healthier will help reduce the risk of heart disease, diabetes and strokes later in life.</p> <p>Every year as part of the National Child Measurement Programme (NCMP), children in Reception (4-5 years old) and Year 6 (10-11 years old) have their height and weight measured. The information is used to increase families and children's understanding about healthy lifestyles and weight issues. In Norfolk, the data showed that 22.4% of children aged 4-5 years were considered overweight and 9.6% obese. Child obesity is linked with socioeconomic status – 26% of Reception Year children in more deprived areas of Norfolk have excess weight compared to only 19% in the least deprived areas.</p> <p>Norfolk County Council's initiatives to address obesity locally include Fit4It, a locally developed healthy weight management programme for overweight children. Active Norfolk promotes daily physical activity, while Fun & Fit is a family based physical activity programme. The County Council also launches Get into Summer every year, a campaign which encourages families to take part in physical</p>	
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	<p>activity through its magazine, signposting readers to group activity, competitions to win outdoor based holidays and cycling equipment and vouchers for swimming at local leisure centres. Other features include advice on diet and healthy recipes with more ideas online at www.norfolk.gov.uk/getinto</p> <p>Article from : http://www.edp24.co.uk/news/politics/gratuitous_tax_or_down_to_the_individual_opinions_divide_over_obesity_strategy_1_4663989</p>	
Registration Services	NSTR	Caroline Clarke

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News Update for the period ending: 16/09/2016		
Service	Service Update key bullet points	Contact
Customer Services	NSTR	C Sumner
Cultural Services	<p>Library and Information Service</p> <p>Festival of Storytelling - the Library Service will be holding a Festival of Stories between Saturday 24 September and Sunday 9 October. Performances will take place in all 47 of Norfolk's Libraries, as well as on mobile libraries. There will be events for toddlers, school children, families and adults, and will involve 16 story tellers including Hugh Lupton, Daniel Morden, Liam Carrol and Dave Tonge. Stories will range from Norfolk and British folklore to pirate adventures, environmental multicultural stories from around the world to Tudor Storytelling and riddles. Brochures are now in all Norfolk Libraries, and can be accessed here.</p> <p>Heritage Open Day at King's Lynn Library – The library was part of the Heritage Open Days festival which took place between Thursday 8 – Sunday 11 September.</p> <p>On the Sunday all of the staff, as well as one of their volunteers, volunteered to open the library between 10am – 4pm. The St Margaret's and Stanley Library collections were on view, together with displays on Royalty and the engravings on the turret.</p> <p>There were 393 visitors, with 12 new members signing up, books borrowed, and tickets sold for an event involving the Norfolk based author Rachel Hore, as well as lots of interest in the Library's local history resources.</p>	J Holland

	<p>purchase hundreds of documents. These documents come from all parts of the country and range in date from the 15th to 20th centuries. Some of the highlights include:</p> <ul style="list-style-type: none"> • A 17th century Patent Book from the Dean and Chapter of Norwich Cathedral; • The diaries of Horatio Walpole, Later 4th Earl of Orford and MP for West Norfolk in the 1830s; • Political squibs and broadsheets from Great Yarmouth; • Possibly the earliest log of a leisure trip on the Broads from the 1860s; • 19th century playbills for the Bijou Theatre in Wells <p>This appeal has provided a fantastic opportunity to make new friends and engage with people throughout the county. Many of the documents purchased will help with projects planned at the Record Office. For example, the political squibs will be of great use in educational projects associated with the Record Office's partnership with the History of Parliament Trust. This centres on an application to the Heritage Lottery Fund (HLF) for a project to commemorate the centenary of the 1918 Representation of the People Act.</p> <p>Norfolk Community Learning Services - NSTR</p> <p>Active Norfolk - NSTR</p>	
<p>Public Safety</p> <p>Norfolk Fire and Rescue Service</p> <p>Trading Standards</p>	<p>NSTR</p> <p>During the week commencing 26 September, the Trading Standards Service will be raising the general public's awareness of the trade in illicit tobacco in the County, through a series of roadshows conducted by Trading Standards Officers, Stop Smoking Service staff and a tobacco detection dog handler along with his dogs. The idea is to pique the interest of members of the public with the dogs and engage with them so they find out more about the trade in illicit tobacco and the problems associated with it and provide intelligence about where it is being sold. The roadshow is being funded by Public Health England.</p> <p>Selling illicit tobacco is a crime. Many of those who sell are also alleged to sell tobacco or alcohol to children. The availability of cheap, illegal cigarettes makes it easier for children to take up smoking at an early age and harder for people to quit. As no duty is paid on illicit tobacco, the trade undermines the taxation system, reducing the money that could be spent on public services such as schools and</p>	<p>Roy Harold</p> <p>Sophie Leney</p>

	<p>hospitals.</p> <p>The roadshow will be visiting various locations around Norfolk. Further details can be provided on request.</p> <p>The illegal importation of puppies continues to be an issue in the County, with Trading Standards Officers responding to two reports on the same day of puppies being imported into the country in contravention of the legislation that seeks to control the spread of rabies. A local vet spotted that two imported puppies, presented by different owners, had not been micro chipped and were probably too young for the rabies vaccine (that should have been administered before their importation) to have any effect. Officers visited two addresses simultaneously and ensured that the animals were transported to an official quarantine kennel. The dogs have now been micro chipped, have received the vaccine and will remain in quarantine, at their owners' expense, for the prescribed period to enable the vaccine to take effect. Ensuring that import requirements are met is an essential part of the controls in place that seek to keep Britain rabies free.</p> <p>In early September, Trading Standards Officers and Norfolk police attended a business premises where it was alleged cats were being slaughtered and skinned for their fur. The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 make it an offence to place on the market, import or export, cat and dog fur and any products containing such fur. The duty to enforce the 2008 Regulations lies with the Trading Standards Service as the local Weights and Measures Authority. Anyone breaching the 2008 Regulations can face a fine up to a maximum of £75,000. Happily, on visiting the business, it was established that the intelligence received was unfounded.</p>	
Emergency & Resilience	<p>"Norfolk Prepared" has been promoted this week, 11 - 18 September, through a variety of messages on social media and the Norfolk Prepared website. There are events that have been run and are planned to run with communities in the coming weeks.</p>	Jan Davis
Public Health	<p>Opening of sexual health clinic in Great Yarmouth</p> <p>We are pleased to report that the official opening of the refurbished integrated contraception and sexual health (iCaSH) clinic at Breydon, Great Yarmouth took place on Wednesday 31 August 2016. His Worship The Mayor Councillor Malcolm Bird and the Mayoress kindly hosted the event which was well attended by various partners and members of staff from Cambridgeshire Community Services NHS Trust. The clinic provides a locally accessible 'one stop</p>	Louise Smith

shop' in the heart of the community replicating those already in place across Norfolk.



Illicit tobacco campaign

An illicit tobacco campaign is to be rolled out across Norfolk, Suffolk, Cambridgeshire and Peterborough beginning on the 19 September by the Trading Standards departments. The purpose of the campaign is to promote the facts of illicit tobacco, improve public awareness of illicit tobacco and promote where to report intelligence of illicit tobacco. As part of the illicit tobacco campaign a roadshow will take place, starting in Norfolk on the 27 September in Kings Lynn Market Place, going across Norfolk and ending up in Norwich on the 1 October. Trading standards will be present to provide advice and information about illicit tobacco and the local stop smoking service will be present, to support the public to plan their quit journey before Stoptober in October.

Health Select Committee Report on Public Health in local Government

The Health Select Committee published their report into the public health system post 2013. Their inquiry looked at whether the reforms have achieved their aims and whether, in their view, further improvements are necessary. There is much to consider here for Government, local government, the NHS and PHE.

The select committee are clear that responsibility for the local public health system is in the right place with local government, and much good progress has been made. Equally, they raise concerns about how unwarranted variation is addressed and the inequalities in outcomes that persist and on reducing levels of funding. The committee's analysis on funding changes shows cuts in real terms to the public health budget – see below graph.

	<p style="text-align: center;">Local authority public health allocations</p> <p>£ billions</p> <p>2013-14 2014-15 2015-16 2016-17 2017-18 2018-19 2019-20 2020-21</p> <p>2015-16 prices, like-for-like</p> <p>Nominal, unadjusted</p> <p><i>The transfer of funding and responsibility for 0-5 children from NHSE to local authorities masks the £200m in-year cut in 2015-16, and the Spending Review cut in 2016-17</i></p> <p><i>Flat in nominal terms implies a reduction in real terms (inflation)</i></p>	
	<p>There are also recommendations on improving data sharing, and in making sure that local health protection readiness is consistent across the country. The summary particularly is well worth a read:</p> <p>http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhealth/140/14005.htm#_idTextAnchor012</p>	
Registration Services	<p>Following hot on the heels of the Norwich move to the Archive Centre (which has been much praised by customers) the Registrars accommodation plan reached another milestone last week when North Walsham Town Council moved into the larger part of the register office in King's Arms Street, North Walsham. The new agreement between NCC and North Norfolk District Council has generated real external income for NCC. Eighty-five percent of the building is leased to NNDC who will pay rent and contribute significantly to the operating costs. A similar plan is being implemented in Fakenham with Children's Services.</p>	Caroline Clarke



Community Committee Fortnightly News Update

This news update gives committee members a swift update on known plans/activities within their remit and highlights any new issues they may wish or need to take account of.

If a service has nothing significant to report, the relevant column will state '**NSTR**' (Nothing significant to report)

Committee Spokespeople continue to have the opportunity of receiving more detailed briefings, including those that may be of a more confidential or complex nature at the scheduled spokes meetings through which they are able to keep their own members further updated as necessary.

News Update for the period ending: 30/09/2016		
Service	Service Update key bullet points	Contact
Customer Services	NSTR	C Sumner
Cultural Services	<p>Library and Information Service</p> <p>Norfolk Library and Information Service has won the national Libraries Change Lives Award from CILIP for its 'Healthy Libraries' initiative; a county-wide initiative to promote healthier living and target the county's most serious health priorities. The £4000 award will enable the service to continue the project.</p> <p>Working in partnership with Norfolk Public Health, the Healthy Libraries initiative is delivered across Norfolk's forty seven libraries.</p> <p>Norfolk library staff have been trained to understand health improvement and mental health first aid and to offer information, advice and guidance on local health services including signposting relevant local health projects. As well as actively promoting health and nutrition, the service is helping to target the county's key health challenges including obesity, early years' health and falls among the elderly. Between May 2015 and April 2016, over two thousand Norfolk residents participated in a dedicated health-based activity under the programme.</p> <p>Libraries Change Lives is the annual award for best practice in UK library services. A short film about the project can be found here: http://www.cilip.org.uk/advocacy-campaigns-awards/libraries-change-lives-award/watch-2016-libraries-change-lives-award-shortlist</p>	J Holden

	<p>Norfolk Community Learning Services - NSTR</p> <p>Norfolk Arts Service</p> <div data-bbox="464 309 1211 383">  <div data-bbox="587 309 794 383"> <p>European Union European Regional Development Fund</p> </div> <div data-bbox="885 309 997 383">  </div> <div data-bbox="1013 309 1211 383"> <p>Supported using public funding by ARTS COUNCIL ENGLAND</p> </div> </div> <p>StartEast: Building the Cultural Economy</p> <p>The Department for Communities and Local Government has confirmed that Norfolk County Council has been awarded £609,773 from the European Regional Development Fund (ERDF) on behalf of the New Anglia Local Enterprise Partnership Cultural Board, and in partnership with Suffolk County Council, to deliver a major new regional economic development initiative <i>StartEast: Building the Cultural Economy</i>.</p> <p>The funding releases an additional £500k, already awarded to Norfolk County Council from Arts Council England's Creative Local Growth Fund, to support the initiative. One of nine national projects supported through the first round, it was one of only 3 to be awarded the full amount available through the fund.</p> <p>The new business development programme, which will be launched in January 2017, will focus on growing the number and range of cultural and creative enterprises in Norfolk and Suffolk. This will include creative sole traders, established SMEs and start-ups working in various art-forms areas, such as performing arts, outdoor arts, music and literature. It will also support technical roles in the sector such as, for example, stage management.</p> <p>The project will be led by the New Wolsey Theatre in Ipswich with support from a regional partnership Steering Group. It will work to develop cross-sector partnerships, SME competitiveness, business support, workforce diversity, innovation and enterprise across the cultural sector.</p> <p>Business support services will include, for example:</p> <ul style="list-style-type: none"> • Provision of specialist advice, consultancy, mentoring, coaching, collaborative and peer-to-peer support; • Targeted investment including small grants; • Access to creation space, equipment and specialist skills to develop and shape new work and products; • Support to participate in events, festivals and showcases to enable enterprises to enter, establish and expand in new domestic and international markets and across sectors; 	<p>I Yusuf</p> <p>S Miller</p>
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	<ul style="list-style-type: none"> • Support investment in product and service development that will lead to social innovation, public service application, new solutions through public service procurement and new cross-sector markets. <p>The initiative will enable a step-change in the capacity, ambition, impact and economic contribution of our regional cultural sector which is one of the New Anglia LEP's ten priority growth sectors. The programme will leverage the strong partnerships already established between Norfolk and Suffolk's cultural sectors – including 12 Arts Council England National portfolio organisations; the New Anglia LEP; and other key growth sectors.</p> <p>For further information on StartEast please contact arts@norfolk.gov.uk.</p> <hr/> <p><i>The European Regional Development Fund (ERDF) is responsible for management of the EU fund. The main objective of ERDF is to support projects and activities which reduce economic disparity within the member states of the EU. It financially aids projects that stimulate economic development and increase employment in the poorest regions of the EU, help preserve the nature and environment in order to improve the quality of life as well as make the regions more attractive to tourists and investors, improve transport and basic infrastructure, increase the quality of education and a number of other projects which promote regional development and reduce the gap between the wealthiest and the poorest regions in the EU.</i></p> <p><i>The Arts Council England Creative Local Growth fund seeks to put arts and culture at the heart of growth plans by:</i></p> <ul style="list-style-type: none"> • <i>securing long term partnership between LEPs, the Arts Council and other local partners to support the cultural sector;</i> • <i>helping to leverage European Structural and Investment Funds (ESIFs) - particularly European Regional Development Fund (ERDF) - investment within the LEP area into the cultural sector;</i> • <i>investing in new approaches to achieve these objectives, while at the same time developing learning that can inform policy and practice.</i> <p>Active Norfolk - NSTR</p> <p>Museums Service</p>	<p>B Jones</p> <p>S Miller</p>
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	<p>Festival of Learning Award for Norfolk Teaching Museum</p> <p>Norfolk Teaching Museum has won the Festival of Learning Central England Employer award for its outstanding achievement in adult learning and contribution to its local community.</p> <p>Formerly Adult Learners Week, the Festival of Learning celebrates lifelong learning and the benefits it has on people, society and the economy. The Festival of Learning Awards complement this by showcasing the wonderful things that learning can achieve for individuals, families, communities and employers.</p> <p>Norfolk Teaching Museum has been recognised for its flagship Traineeship Programme. Funded by Arts Council England and developed and managed by NMS, it is aimed at broadening entry routes to working in the heritage sector and developing the flexible, public facing workforce needed for the future.</p> <p>The scheme is a true partnership between the trainees and the permanent members of staff of Norfolk Museums Service who act as their mentors and supervisors. Colleagues in the HR and Learning and Development departments at Norfolk County Council also play a crucial role, working particularly closely with the Teaching Museum manager on recruitment.</p> <p>The Award comes in the Traineeship Programme's fourth year, and on the back of a nomination in the Education Initiative category of the Museums + Heritage Awards earlier this year.</p> <p>Norfolk Teaching Museum was one of 28 inspirational regional and national winners selected for a range of awards across the four categories - including awards for individual learners, employers, innovative projects and inspirational tutors.</p> <p>NRO – NSTR</p>	G Tuson
<p>Public Safety</p> <p>Norfolk Fire and Rescue Service</p> <p>Trading Standards</p>	<p>NSTR</p> <p>As part of the Trading Standards Service's ongoing intelligence-led market surveillance programme to ensure the safety of the food chain in Norfolk, Officers are checking foodstuffs for the presence of Polycyclic Aromatic Hydrocarbons (PAHs). Certain PAHs are carcinogenic and the levels of PAHs in food is strictly controlled. On analysis,</p>	<p>Roy Harold</p> <p>Sophie Leney</p>

	<p>one sample of a foodstuff, imported and supplied by a local food business, has been found to contain PAHs at levels above the legal limit. The Service has liaised with the food business and the Food Standards Agency (FSA), ensuring that the product has been withdrawn from sale.</p> <p>The Trading Standards Service recently received notification that a bat had landed on a North Sea oil rig; located over 80 nautical miles off the coast of Teesside. Oil rig workers had attempted to release the bat on a number of occasions without success. As bats are a protected species, it is a criminal offence to harm a bat. The Bat Conservation Trust (BCT) arranged for the bat to be contained and flown to the mainland on a helicopter scheduled to land at Norwich airport. Rabies legislation imposes strict controls on the importation of animals that can carry the disease and Officers of the Service liaised with members of the BCT to ensure the bat was effectively quarantined upon arrival. The bat is currently resident at a quarantine premises in Norfolk where its condition will be reviewed. The Trading Standards Service has the lead role for the enforcement of rabies control legislation and such work is essential in maintaining the country's rabies-free status.</p>	
Emergency & Resilience	<p>On 21 September a major exercise was carried out to test the plans for responding to an incident at Bacton Gas Terminal. The multi-agency exercise involved over 70 participants and the setting up of a co-ordination group at North Norfolk District Council offices to co-ordinate the response to "the incident". This exercise was part of a regular programme of exercises at different sites across the county to ensure we are well prepared to respond collectively and effectively when required.</p> <p>On 20 September multi-agency strategic level training was delivered by the College of Policing to the corporate leadership team and senior managers from the health sector in Norfolk with support from the Fire Service, the Joint Regional Military Liaison Officer, the DCLG Regional Resilience Advisor and subject matter specialists from the College of Policing. The aim was to explain and practice procedures and requirements of responding to an emergency at a strategic level so that senior managers are prepared to respond to a major emergency in the county.</p> <p>On 29 September the Resilience Team through the income generation arm, Normit, delivered a multi-location exercise for the Centre for Environment, Fisheries and Aquaculture Science (Cefas). This government research centre has offices in Lowestoft and Weymouth. Team members on site in Weymouth initiated an evacuation of the offices which activated emergency response and business continuity plans</p>	Jan Davis

	<p>linked to the Lowestoft office. Despite poor weather for an evacuation the exercise went well and helped Cefas to test their procedures, learn lessons and strengthen plans for the future. Normit is available to provide training, exercising and consultancy advice on a commercial basis to businesses inside and outside Norfolk.</p>	
Public Health	<p>Illicit Tobacco Roadshow 27 September – 1st October</p> <p>The roadshow is funded by Public Health England and supported by the Norfolk Public Health team. At the roadshow the Trading Standards Service, the stop smoking service and a tobacco detection dog handler along with his four dogs will be raising the general public's awareness of the trade in illicit tobacco in the county. The idea is to pique the interest of members of the public with the dogs, and engage with them so they find out more about the trade in illicit tobacco and the problems associated with it, and provide intelligence about where it is being sold.</p> <p>Our campaign aims to raise awareness that illegal tobacco is not a victimless crime, but is a serious threat to our youngest citizens and their future health and wellbeing, that it harms neighbourhoods and brings crime into local communities.</p> <p>It also lets people know that if they don't want their local children to get into smoking and know where illegal tobacco is being sold, they can do something about it and that we are ready to respond to any intelligence we receive.</p> <p>Help Stop HIV in Norfolk Campaign</p> <p>We have started a Facebook advertising campaign which will run initially for six weeks. The Facebook adverts link to our new HIV information landing page. www.norfolk.gov.uk/tested</p>	Louise Smith


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There are over 500 people living with HIV in Norfolk, with approximately 30-60 new HIV diagnoses per year.



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Review of drug related deaths submitted to Home Office review

We have recently submitted data to the Home Office on drug related deaths across the county. Data from Office National Statistics (ONS) shows a significant difference in the number of deaths related to drug poisoning in Norfolk and in particular Norwich between 2006-08 and 2012-14

	2006-08	2009-11	2012-14
Breckland	7	11	7 ↓
Broadland	8	8	14 ↑
Great Yarmouth	14	20	22 ↑
King's Lynn and West Norfolk	18	12	15 ↑
North Norfolk	5	5	13 ↑
Norwich	52	33	21 ↓
South Norfolk	5	5	18 ↑
Norfolk	109	94	110

Number by district in three-year rolling period, deaths related to drug poisoning in Norfolk 2006-2014 (ONS)

There was a significant drop in Norwich numbers from the beginning of the period, which equates to a rise in the other localities. There is an overall county wide rise despite the decrease in Norwich. We are currently investigating the causes of this. Is it a matter of Service Users moving around

	<p>the county, and if so why, or is there a combination of factors?</p> <p><u><i>What are we doing with our service?</i></u></p> <p>Norfolk commissioned a new integrated drug and alcohol service which commenced in 2013, but it is difficult to assess whether this would have had an impact on the 2012-14 data. There are various parts of the service specification that are aimed at reducing service user deaths, such as safer injecting advice, blood borne virus screening, interventions and referrals to treatment for Hepatitis C. As of late 2015, the service has also provided take home Naloxone to service users, their friends and families, and has more recently rolled out this provision to local agencies and hostels who have contact with those who may potentially overdose: this will not have impacted on the 2012/14 data.</p> <p>Healthy Child Programme</p> <p>The HCP contract transferred to Cambridgeshire Community Services NHS Trust (CCS) in October and November 2015. Implementation of the new HCP service specification has involved a significant programme of service redesign focussed on improving outcomes for children and young people. In the first ten months this has included:</p> <ul style="list-style-type: none"> • A delivery and leadership structure based on localities • Improved review health assessments for Looked After Children (LAC) aged Under 5 • Improved screening services: integration of hearing and vision screening with National Childhood Measurement Programme offered to all schools • Piloting a new 2.5 year review integrated with early years and children's centres • Development of Single Point of Access (SPA) for service users and professionals (to be implemented early 2017) • Specialist Practitioner posts (Clinical Psychologist, Parent and Infant Mental Health, Traveller and Migrant, Healthy Lifestyle, Additional and Complex Needs, Supporting Teenage Parents) <p>Performance Summary</p> <p>Overall performance is good. Performance on mandatory checks² by Health Visitors has remained above target and improved over the year, so that in the most recent month of reporting 94% of women were seen in the antenatal period, 94% received a new baby visit within 14 days, and 96% received their 6-8 week check.</p> <p>The greatest improvement we have seen to short-term outcomes for children is the percentage of babies being</p>	
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	<p>breastfed, which rose from 49% in November 2015 to 59% in June 2016.</p> <p>Some performance issues do continue to exist, particularly in terms of improving the percentage of children registered with a Children's Centre within two months of birth, which remains below the 85% target at 74% in June 2016.</p> <p>Safeguarding</p> <p>Preventing and protecting children from harm is a priority for the service. CCS have recruited an experienced Named Nurse and seven Lead Nurses for Safeguarding. Lead Nurses are integrated within the locality leadership structure but also take countywide leadership roles for areas relating to vulnerability for example neglect, Child Sexual Exploitation, FGM, domestic abuse, drugs and alcohol and care leavers.</p> <p>Co-production</p> <p>Children and young people bring new ideas and approaches and CCS have actively sought their input to service design, development and delivery. To continue to support and embed this approach within all our work we are recruiting a Co-Production Lead to work with county wide stakeholders to agree local health priorities and support the identification and co-ordination of community projects to address these needs.</p> <p>Work programme for 2016/17</p> <p>Service improvements will continue over the coming year, including developing services for 16-19 year olds; whole system approach to improving health outcomes in partnership with early years, schools and colleges, Early Help and Children's Centres.</p>	
Registration Services	NSTR	Caroline Clarke

Communities Committee

Item No.

Report title:	Review of the Enforcement Policy and the Consumer Services Policy
Date of meeting:	19 October 2016
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact The Enforcement and Consumer Services Policies provide a framework to ensure that we work in an equitable, practical and consistent manner in the way we deliver 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

Enforcement Policy

The Community and Environmental Services (CES) Directorate is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage), Highways (networks, maintenance and blue badge enforcement) and Norfolk Fire and Rescue (fire safety). Each area of work operates under different legislation and each has its own framework of regulations, codes of practice and guidance.

The current Enforcement Policy was originally developed in 2013 in conjunction with a range of stakeholders, including business representatives, and is subject to annual review by members. CES services have reviewed the current policy and have proposed changes in some areas. A revised CES Enforcement Policy (appendix 1) has been produced to reflect these changes.

The main change this year is the proposed inclusion of the Norfolk Fire and Rescue Service (NFRS) Enforcement Policy Statement. Although still reflecting national requirements, the proposal is for this to be appended to the main Policy, recognising that fire safety enforcement is now a function of the CES Directorate. The other changes proposed this year are highlighted in appendix 1, and summarised later in this report.

- 1. Recommendation: To approve the attached Enforcement Policy (appendix 1) and its annex documents, and to agree to the ongoing review of the Policy on an annual basis.**

Consumer Services Policy

The Consumer Services Policy was last reviewed in March 2015 to better reflect the Trading Standards Service provision, in light of the reorganisation implemented in January 2015. Since then some minor developments in service provision mean that there is a need to update and clarify the Policy. A revised Consumer Services Policy (appendix 2) has been produced to implement these changes - the changes are highlighted in appendix 2, and summarised in more detail later in this report.

- 2. Recommendation: To approve the attached Consumer Services Policy (appendix 2).**

1. Proposal

The current **Enforcement Policy** (the Policy) was first developed as a cross-departmental policy in 2013. The Policy covers a range of regulatory functions, including Trading Standards, Planning enforcement, Flood and Water and Highways. It does not try to capture all of the detailed, complex and often changing background to enforcement, but instead seeks to summarise the overall approach to the use of enforcement powers; 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 within each service area and, where necessary, additional protocols can be appended to the main policy. Currently there are two areas of work which appear as annex documents to the main policy; these relate to minerals and waste planning and flood and water management – see annex 1 and annex 2 to the Policy.

The main change this year is the proposed inclusion of the Norfolk Fire and Rescue Service (NFRS) Enforcement Policy Statement. Although still reflecting national requirements, the proposal is for this to be appended to the main Policy, recognising that fire safety enforcement is now a function of CES.

A revised CES Enforcement Policy (appendix 1) has been produced to reflect the proposed changes arising from this year's review. The main changes proposed this year are highlighted in appendix 1, and are summarised here as follows:

- Inclusion of the NFRS policy, as an appendix to the main policy (para 1.1 & annex 3)
- Clarification of the need to give notice for routine inspection visits unless unannounced visits are legally required/necessary (para 2.1.2)
- Confirmation of the support available for businesses via the Home and Primary Authority Principles as part of the Enforcement Policy, including the possibility of charging for interpretive or bespoke advice on a cost recovery basis (para 3)
- The inclusion of body worn video as part of investigations (para 4.6.4)
- Clarification that monetary penalties may be issued where there is a specific legal power or delegated authority to do so, with specific guidance produced for this as appropriate, with Single Use Carrier Bags a recent example (para 4.11)

The **Consumer Services Policy** was last reviewed in March 2015 to better reflect the Trading Standards Service provision, in light of the reorganisation implemented in January 2015. Since then some minor developments in service provision mean that there is a need to update and clarify the Policy. The changes are highlighted in appendix 2, and are summarised here as follows:

- Introduction of the Community Champions Scheme, working with other agencies and professionals in the community to help safeguard vulnerable people and provide intelligence about rogue trading
- Clarification of the range of professional services available from Citizens Advice, including advice for businesses
- Clarification on the way that Trading Standards receives and utilises the information it receives from Citizens Advice
- Introduction of a new dispute resolution service for Norfolk Trusted Trader, via the national Ombudsman Services Scheme.

2. Evidence

A CES wide Enforcement Policy is considered to be the most effective way to demonstrate how CES intends to fulfil its regulatory/legal responsibilities. An alternative option would be for each service area within CES to produce its own

enforcement policy. However as above there is a need for consistency in overall approach; and, where necessary or appropriate to do so, the draft policy also provides for additional (detailed) protocols.

No policy changes are proposed to the Consumer Services Policy, the amendments are minor and are simply to update service provision developments such as the Community Champions Scheme, and to clarify the way that Trading Standards works with Citizens Advice.

3. Financial Implications

There are no immediate resource implications as a result of this proposal although there is the recognition in the Enforcement 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

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). The Council has a legal obligation to have regard to the Code, including ensuring a consistent approach to enforcement policy and in setting out service standards.

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.

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 CES 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)

An Equality Impact Assessment (EqIA) for the Enforcement Policy was carried out in late 2013, in conjunction with the Departmental Equality Lead Officer. Actions arising from the original EqIA were reviewed in 2014 and agreed as completed. This year’s review proposes no significant changes to the Policy which would require a new EqIA at this stage.

Although there is now a Directorate-wide Enforcement Policy, Trading Standards continues to undertake the vast majority of formal enforcement action

within the directorate. An Internal Audit of Trading Standards enforcement activity carried out in March 2016 found that the intelligence system in place is effective, that sound controls are in place and operating consistently, and the Service can demonstrate that decisions taken during investigations are equitable, unbiased and based on objective intelligence.

Equality impact assessments were also undertaken on the impact of the Putting People First budget consultation in 2014. The mitigating actions were:

- To ensure that all NCC communications (literature, website etc.) signpost effectively to the Citizens Advice consumer hotline and to associated self-help information provided via Citizens Advice and other agencies
- Work with Citizens Advice and others to ensure that self-help resources are continually improved and that tailored advice is targeted at disadvantaged groups, including older and disabled residents
- Monitor the impact of proposed service changes by increased analysis of intelligence through the new intelligence analyst post, so that further mitigating actions can be considered and resources can be targeted where there is most need

These actions have all been addressed, following on from the 2014 Service reorganisation, and in the continuation of this (revised) Consumer Services Policy.

Officer Contact

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

Officer name : Sophie Leney

Tel No. : 01603 224275

Email address : sophie.leney@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

Community and Environmental Services



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1 Introduction

- 1.1 This document applies to the enforcement activities carried out by the Community and Environmental Services (CES) Directorate of Norfolk County Council (NCC); including Trading Standards, Highways, Planning and **Norfolk Fire and Rescue Service (Fire Safety)**.
- 1.2 Where appropriate, additional enforcement protocols or policy may be developed to support this policy, for example where there are national requirements regarding a particular enforcement process. These will be appended to this policy as required.
- 1.3 The consolidated Enforcement Policy was originally developed in conjunction with a range of stakeholders, including business representatives in 2013. The policy forms part of the Council's policy framework and is subject to annual review and approval.
- 1.4 The purpose of this Enforcement Policy is to provide a framework to ensure that we work in an equitable, practical and consistent manner. NCC 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.
- 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, Monetary Penalties, Seizure, Suspension, Forfeiture, Revocation/Suspension of a licence, registration or approval, Works in Default or any other criminal or civil/injunctive proceedings or statutory sanctions, applied either separately or in any other combination.
- 1.8 Where appropriate the Council will seek to recover its enforcement costs, including making formal applications for costs through the Courts.

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 We will usually give notice of our intention to carry out routine inspection visits, unless we are required by law to visit unannounced, or we have a specific reason for not giving prior notice, such as where the identity of the person or premises is unknown, or where it would defeat the objectives of the inspection visit to give such notice.

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 by providing or signposting advice and information 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.

2.4 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 This Enforcement Policy is published via the Norfolk County Council website, and we may publish further guidance about specific areas, such as the use of civil sanctions. We also publish the results of court proceedings and undertakings. The publicity generated by prosecutions and other action acts as a deterrent to others, and also reassures the general public that we take a serious view of criminal 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 determining factors will include local priorities, 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 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 partnership relationship.

3.2 We will support Home Authority businesses by:

- Providing them with appropriate guidance and advice. This may be signpost advice in the first instance. Interpretive or bespoke chargeable advice may be provided on a cost recovery basis
- maintaining records of our contacts with 'home authority' businesses to reduce the amount of information they have to provide to us
- supporting efficient liaison between local authorities
- providing 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 Government's Regulatory Delivery Directorate 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 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 Nothing in this policy shall be taken to compel the Council to take enforcement action. In certain instances the 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.

4.2 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 to victims, where appropriate to do so
- to deter future non-compliance

- 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 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 1984 (PACE)
 - Criminal Procedure and Investigations Act 1996 (CPIA)
 - Regulation of Investigatory Powers Act 2000 (RIPA)
 - the Criminal Justice and Police Act 2001 (CJPA)
 - Human Rights Act 1998 (HRA).
- 4.6.1 As part of any criminal investigation process, persons suspected of r having committed a criminal offence 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 their first language.
- 4.6.2 Some of our Officers have a wide variety of powers, including the power to enter premises and inspect goods, to require the production of documents or records and, when necessary, the power to seize and detain such material where they believe it may be required as evidence.
- 4.6.3 Officers may also take with them such other persons 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.
- 4.6.4 Officers may also use investigation equipment as part of their duties, including hand held and Body-Worn Video (BWV) cameras. BWV devices are capable of recording both visual and audio information and can provide a number of benefits to enforcement agencies, including a deterrent to aggressive, verbal and physical abuse towards officers, and in providing additional evidence to support investigations. BWV will usually be deployed on an overt basis for a specific purpose, and where it is necessary and proportionate to do so. Any decision to deploy BWV

on a covert basis will be made in accordance with the Regulation of Investigatory Powers Act (RIPA), related legislation, Codes of Practice and associated Council Policy.

4.7 Immediate Formal Action

4.7.1 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, if appropriate. 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, including those seeking an unfair 'competitive advantage'.
- For matters where there has been recklessness or negligence, causing or likely to cause significant loss or prejudice to others.
- Illegal practices targeted at the young, the elderly or other vulnerable people.
- 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.

4.8 Advice, Guidance and Support

4.8.1 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.

4.8.2 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.

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

4.8.4 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.

4.9 Verbal or written warning

- 4.9.1 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.
- 4.9.2 Warnings cannot be cited in court as a previous conviction, but may be presented in evidence.

4.10 Statutory (Legal) Notices

- 4.10.1 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.
- 4.10.2 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.

4.11 Monetary penalties

- 4.11.1 Fixed or variable monetary penalties 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

- 4.11.2 Specific guidance for legislation which includes the power to issue monetary penalties may be produced to support this Policy. An example of this is guidance for the enforcement of the Single Use Carrier Bags Charges (England) Order 2015, which is available [here](#).

- 4.11.3 Where the offender fails to discharge their liability resulting from any monetary penalty issued, alternative enforcement action will automatically be considered under this policy (including prosecution of the initial offence). Where prosecution is brought; an assessment will be made of other offences that may also have been committed in order that those charges may be considered at the same time.

- 4.11.4 Consideration will be given to the adoption of alternative remedies to the issue of a monetary penalty, such as those involving dedicated advice and training sessions, which aim to change the behaviour of the offender, whilst remaining proportionate to the nature of the offence and the harm/potential harm caused.

4.12 Licences, registrations and approvals

4.12.1 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.

4.13 Seizure

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

4.13.2 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.

4.14 Forfeiture

4.14.1 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.

4.15 Injunctive Actions, Enforcement Orders etc

4.15.1 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.

4.15.2 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 and formal undertakings
- interim and other court orders
- contempt proceedings.

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

4.16 Other Sanctions

4.16.1 The Council will consider other sanctions where these are legally available and it is appropriate to do so, including criminal behaviour orders under the Anti-Social Behaviour, Crime and Policing Act 2014, injunctions under the Local Government Act 1972 or equivalent orders

to disrupt and/or prevent activities that may contribute to crime or disorder.

4.17 Taking animals into possession/banning orders

4.17.1 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 our 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.

4.18 Simple Cautions

4.18.1 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.

4.18.2 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 old or older at the time that the caution is to be administered.

4.18.3 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.

4.18.4 Simple cautions will be issued with regard to Home Office and other relevant guidance.

4.19 Prosecution

4.19.1 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. The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

4.19.2 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. A prosecution will only be considered if the sufficiency of the evidence and the public interest requirement fall within the guidelines as laid down by the

4.19.3 Before making a decision whether or not to prosecute, consideration will also be given to:

- How well the prosecution supports NCC aims and priorities
- The factors contained in paragraphs 4.2 and 4.7 of this policy
- Action taken by other enforcement agencies for the same facts
- The nature and extent of any harm or loss, including potential harm and loss, and any offer of redress made by the offender to victims
- The willingness of the alleged offender to prevent a recurrence of the infringement
- The likelihood of the alleged offender being able to establish a statutory defence
- The calibre and reliability of witnesses
- The probable public benefit of a prosecution and the importance of the case, e.g. the possibility of establishing legal precedent
- Cost effectiveness of a prosecution
- The scope for alternative routes for redress for 'victims' and their likelihood of success
- The impact of the intervention on small businesses in particular, to ensure action is proportionate.

4.19.4 A conviction will result in a criminal record and 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 (see 4.21 below).

4.20 Proceeds of Crime Actions

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

4.20.2 Financial investigations will be undertaken in accordance with the Proceeds of Crime Act 2002. 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). Where appropriate, consideration will also be given to seek compensation for victim losses as part of financial investigations.

4.21 Directors

4.21.1 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
- 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 Executive Director - Community and Environmental Services, 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
Trading Standards Service
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

October 2016

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1.0 BACKGROUND

- 1.1 This document provides supplemental guidance to the County Council's Enforcement Policy (Community and Environmental Services) 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 Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010 -2016 (Adopted 2011), Norfolk Waste Site Specific Allocations DPD, Norfolk Minerals Site Specific Allocations DPD (both adopted in 2011) and the adopted Borough and District wide Local Plans, including

Development Plan Documents and Area Action Plans. Adopted Neighbourhood Plans which have been developed by local communities, also form part of the Development Plan. The County Council maintains an up-to-date list of local planning authority policy documents and Neighbourhood Plans.

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 sanction 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, together with subsequent updates, 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. The new regional 'Better Business for all' working group actively seeks to promote this aim. Whilst the Authority has a general discretion to take enforcement action when they regard it expedient, it does not condone wilful breaches of planning law. Moreover, 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 Local Norfolk County Council members will be informed when an Enforcement Notice is served in their division.
- 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 Community and Environmental Services (CES) Enforcement Policy, and is provided in the context of specific requirements arising from the Flood and Water Management Act 2010 and the Land Drainage Act 1991.

Norfolk County Council (NCC) is the Lead Local Flood Authority (LLFA) for the county. 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 Regulation of Ordinary Watercourses

The Lead Local Flood Authority has powers under the Land Drainage Act 1991 to exercise its regulatory powers 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 exercising its regulatory powers 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 CES Enforcement Policy.

4.0 Process

a) Initial response

Where the Lead Local Flood Authority receives a complaint in relation to an ordinary watercourse, we will carry out an initial assessment to establish whether the actual or potential flood risk meets our threshold for intervention. We aim to complete this assessment within 21 days. However, there will be occasions when it is necessary to extend the period of assessment for more complex matters and/or to accommodate exceptional circumstances e.g. weather, flood conditions, etc.. At the outset the complainant will be informed of the case officer who will follow up the enquiry and of the outcome of the assessment.

b) Initial assessment

The threshold for intervention will be based on the Lead Local Flood Authority's [impact criteria](#).

To assess the potential impact the initial assessment will consider the on-site conditions, any available historical data and high level indicators of potential risk, such as Environment Agency (EA) Flood risk maps for surface water flooding and flooding from rivers. It will also consider any other status of land e.g. conservation designations, common land etc.

To substantiate incidents of actual flooding as part of the initial assessment we will need to be provided with one or more of the following types of evidence:

- 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

The evidence supplied will be determined in line with the guiding principles as set out in the CES Enforcement Policy.

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.

C) Further Investigation

Where the initial assessment has identified an actual or potential risk of flooding that exceeds the adopted impact criteria, but where a site inspection has failed to identify the primary cause of the problem the authority may;

- consult with other organisations including other local authorities, Highway Authorities, Environment Agency, Natural England as appropriate.
- require or commission appropriate site surveys and inspections.

In deciding whether or not to carry out the above steps the LLFA will consider whether it is in the public interest to do so. Having regard to the actual and potential impacts of the flooding, the costs of carrying out the works and the likelihood of obtaining sufficient evidence to enable enforcement activity. Where the Lead Local Flood Authority is made aware of breaches of other legislation it will advise the appropriate authorities.

D) Outcome of initial assessment/Further Investigation

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

- I. Informing relevant party(s) of works that are required to be undertaken within the set timescale OR
- II. No further action by the LLFA and:
 - Providing advice to those affected on referral to the [First Tier Tribunal \(Property Chamber\), Agricultural Land and Drainage \(AL&D\)](#) or other relevant organisation, where appropriate
 - Informing relevant parties 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 that sets out the outcome of the initial assessment/further investigation. 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 (where applicable). A Notice under the Land Drainage Act 1991 is a legal document formally requiring 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; and /or

- 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 further 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 \(AL&D\)](#) or other relevant organisation. 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 consult the Glossary of terms document which supports this protocol.

Norfolk Fire and Rescue Authority

Fire Safety Policy Directive

ENFORCEMENT POLICY STATEMENT (England and Wales)

Introduction

We are approachable and want to engage with and hear from you.

The following pages explain our enforcement policy. This document is supported by other documents required by the Regulators Code, namely our Service Standards and our Challenges, Appeals and Complaints procedure. This guidance has been produced in consultation with the Better Regulation Delivery Office (now Regulatory Delivery). This policy aims to explain our approach to our regulatory functions in relation to fire safety and public safety in our communities. It also explains the behaviours that business can expect receive from us and legal constraints and frameworks under which we operate.

Quick-guide

1. Introduction

The Norfolk Fire and Rescue Authority (the Service) (and its officers) will exercise its regulatory functions in accordance with the principles of better regulation and will comply with all relevant laws. Business should have a mainly positive experience of being regulated by the Service. To learn more, [click here](#).

2. Principles

The Service is tasked with seeing that people are safe in case of fire and believes that deaths and injuries caused by fire in regulated premises are preventable, if the right measures are taken. The Service and its officers will engage and work with business, in preference to enforcing fire safety standards. To learn more, [click here](#).

3. Regulation

The purpose of enforcement action is to bring about improvements in safety and in attitudes to providing safety. While the Service has laid down procedures for its officers, we will take each case on its merits. To learn more, [click here](#).

4. Helping Those We Regulate (Transparency)

The Service aspires to help regulated businesses and to work with them to resolve fire safety problems but will robustly enforce where the risk to people is highest and when those responsible refuse to help them. To learn more, [click here](#).

5. Targeting

The regulatory policy of the Service focuses on risk in case of fire and in places where we will be most effective in saving life. To learn more, [click here](#).

6. Accountability To Those We Regulate

The Service is accountable for its actions and is open to analysis and questioning of our regulatory work. To learn more, [click here](#).

7. Principles of Enforcement Action

A range of relevant factors will be considered before any enforcement action is taken by the Service. When action must be taken to improve safety, the Service will be clear about what is required. To learn more, [click here](#).

8. Our Enforcement Action

The Service would rather work with business to make places safe than enforce against them. When enforcement is needed; we will be clear about what must be done. Letters or notices may be sent to confirm what business needs to do to. All enforcement will be proportional to the risk. To learn more, [click here](#).

9. After Enforcement Action

The Service encourages dialogue and open communication during and after the enforcement process. Requirements for safety and how to challenge what we are asking for will be made clear. To learn more, [click here](#).

10. Failure to Comply With Requirements

When the Service makes an enforcement decision, there might be a route to appeal or challenge what we have said. How to do this (and how to complain about our behaviour) will be made clear. Business can talk to us. To learn more, [click here](#).

11. Simple Cautions and Prosecution

If an offence has been committed, it means the law has been broken and the Service can take the matter to court. In addition to going to court, there are other actions that the Service can take. To learn more, [click here](#).

12. Public Register

The Service must enter details of certain notices (called “relevant notices”) into a register to which the public have access. (In accordance with the Environment and Safety Information Act 1988). Further details are available on request or from the [CFOA public register web pages](#)

13. Other Duties of the Service

As well as ensuring that people are kept safe in case fire, the Service is also responsible for some other laws relating to public safety. To learn more, [click here](#).

14. Data Protection

The Service will comply with data protection laws. To learn more, [click here](#).

15. Freedom of Information

The Service is subject to the Freedom of Information Act, which provides a right of access to regulatory information held by the Service. To learn more, [click here](#).

-End-

More on the Introduction

1.1 This statement sets out the service that business and others being regulated by the Norfolk Fire and Rescue Authority (the Service) can expect from its regulatory and enforcement function and its appointed inspectors. It goes some way to satisfying the Regulators' Code by committing the Service and appointed inspectors to the principles of good enforcement with the assistance of effective procedures and clear guidance, which can be viewed by businesses and members of the public. [Procedures and Guidance](#)

1.2 This Enforcement Policy Statement has been prepared with regard to the following legislation and statutory guidance:

The Regulators Code - [\[more\]](#)

The Regulatory Enforcement and Sanctions Act 2008 - [\[more\]](#)

The Legislative and Regulatory Reform Act 2006 - [\[more\]](#)

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 - [\[more\]](#)

The Environment and Safety Information Act 1988 - [\[more\]](#)

The Regulatory Reform (Fire Safety) Order 2005 - [\[more\]](#)

The Licensing Act 2003 - [\[more\]](#)

The Explosive Regulations 2014 - [\[more\]](#)

The Petroleum (Consolidation) Regulations 2014 - [\[more\]](#)

1.3 The primary function of the regulatory part of the Service is to achieve safety in case of fire (in premise to which fire safety law applies).

[Click here to return to table of contents](#)

More on Our Principles

2.1 Fire safety regulation is founded on the principle that people should be kept safe in case of fire. We regulate to help secure this safety and through our regulation, we aim to provide a consistently high quality service to those we regulate. Our regulatory activity generally extends to premises in which there is a trade, business or other undertaking.

2.2 Non-compliance with fire safety law will mean that, in our view, people are at risk in case of fire. Where we identify people at risk in case of fire, we will respond

proportionately to that risk; taking account of the likelihood and severity of the risk, in line with our service standards.

2.3 The Service believes in firm but fair enforcement of fire safety standards. We aim to achieve this by:

- proportionally applying the law to secure safety;
- being consistent in our approach to regulation;
- targeting our resources and enforcement action on the highest risk;
- being transparent about how we operate and regulate; and
- being accountable for our actions.

2.4 We will have regard to the Regulators Code when developing the policies and procedures that guide our regulatory activities. We will encourage and promote fire safety while minimising the associated costs of providing safety from fire.

2.5 We believe that by fostering good relationships with our business community and by working with them, we can improve public safety, business resilience, and can remove any unnecessary burdens of complying with fire safety law.

2.6 The Service will endeavour to engage with the business community, to seek their views about our policies and practices. (Details of engaging with us are available on request and on our website)

2.7 In the most serious cases of danger in case of fire, we will take immediate and decisive action to secure safety, for example by serving a prohibition notice that can stop people from using the premises.

For more information see [\[CFOA fire safety law web pages\]](#).

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More on the way we approach regulation

3.1 In accordance with the Regulators Code, the Service takes enforcement action (and imposes sanctions and penalties) to:

- (a) change the behaviour of the offender;
- (b) change societal attitudes to the risks from fire;
- (c) eliminate financial gain or benefit from putting people at risk in case of fire;
- (d) exercise a proportionate response to the nature of the offence and the harm caused;
- (e) restore safety to premises where fire safety risks were found; and
- (f) encourage fire safety to be secured in future.
- (g) impose an appropriate sanction for the particular offender, which can include punishment through the courts (and the public stigma that should be associated with a criminal conviction);

[Click here for more information on the Regulators Code](#)

3.2 Avoiding fires is better than protecting people when fire occurs. Where fire is likely and / or the consequences of fire pose a hazard to people, it becomes necessary for us to take action (against the responsible person / duty holder) to reduce the risk. We have a wide range of enforcement action available to us. The actions we may take include:

- (a) no action;
- (b) providing advice;
- (c) informal action;
- (d) formal action (including enforcement, alterations and prohibition notices);
- (e) taking samples of dangerous materials or extracts of recorded information; and
- (f) securing information to prepare for prosecutions.

3.4 The enforcement actions listed above are not written in an absolute order of escalation. Enforcement action taken by the Service is scalable and appropriate to the risk to people in case of fire.

3.5 When formal enforcement action is necessary, each case will be considered on its merits. All enforcement decisions will be fair, independent and objective. They will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

- 3.6 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the statutory powers of the officer and all other relevant legislation, including but not limited to the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000, and in accordance with any formal procedures and codes of practice made under this legislation so far as they relate to the regulatory activity of the Service.

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More on helping those we regulate

- 4.1 We will help those responsible for delivering safety in case of fire (responsible persons and duty holders) to understand what is expected of them and what they should expect from the Service. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice. We will publish guidance in a clear, accessible, concise, format using media appropriate to the target audience, in plain language.

- 4.2 (Details are available on request and on our website).

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More on Targeting

- 5.1 Our policy on inspections will be to focus primarily on those whose premises and activities give rise to the most serious risk to life in case of fire. In making an assessment of risk, we will take into account the fire safety record of those we regulate and the current risks to people in case of fire.
- 5.2 We will maintain a strategy that will identify and evaluate risks in premises as well as to the wider community and allocate resources to carry out inspections accordingly. We want to see fire safety provided in buildings and may take action against those regarded as putting people at risk in case of fire.
- 5.3 Earned recognition may be awarded to businesses for assurance of safety, including for example external verification of safety systems / practices.

5.4 Our Service Standards and plans including details of our risk-based approach to risk and are available on request.

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More on our Accountability

6.1 The Service is accountable to its community for its actions. This means we must have policies and standards against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and for handling complaints.

6.2 (Details are available on request and on our website [\[Complaints\]](#))

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More on the Principles of Enforcement Action

7.1 In assessing necessary and proportionate enforcement action, consideration will be given to (amongst other things):

- the safety history at the premises,
- the history of operational attendances and false alarms at the premises,
- safety referrals to the premises from other authorities / interested parties,
- any Primary Authority relationship that might be in place with the business,
- the adequacy of fire safety arrangements at the premises,
- the attitude of the responsible person / duty holder to providing safety,
- statutory guidance,
- codes of practice, and
- legal advice.

7.2 Certain enforcement action, such as the decision to use a Simple Caution and / or the decision to investigate for prosecution, is further and specifically informed by those matters set out below at section 11

7.3 In every case, when we require action to remedy unsafe conditions, we will explain the nature of the unsafe conditions to those responsible and will confirm the same in writing.

7.4 Because, subject to any letter or notice we give, work must be done to improve or secure the safety of people in case of fire; we will agree reasonable timescales within which the work must be completed that are agreed with those responsible.

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More on Our Enforcement Action

8.1 The Service will offer duty holders information and advice both verbally and / or in writing. This will include an explanation of why any specified work is necessary and a time period within which the specified work should be completed. Educating, informing and advising responsible persons and duty holders about their duties under fire safety legislation will form a fundamental element of our enforcement regime. The Service will fulfil its obligation under section 6(2) of the Fire and Rescue Services Act 2004 to give on request, advice on fire safety free of charge.

8.2 Where we find risks to safety, we may deal with them by informal means or (where appropriate) we may take formal action by serving alterations, enforcement and / or prohibition notices. We may also issue Simple Cautions, and (in the most serious cases) may prosecute. Before formal enforcement action is taken, inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference without recourse to formal enforcement action (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed).

8.3 In certain circumstances, after evaluating the safety at premises, no action may be required. This will be the case when the safety of people in case of fire has been adequately secured.

8.4 If the likelihood of fire is high and the consequences in case of fire are low, advice may be given on how the likelihood can be reduced. Advice may also be given where the consequences of fire might cause harm to people but can be simply avoided. Advice can also be given to point out good practice or to

signpost business continuity advice or other business protections, for example protection from flooding.

- 8.5 Where the likelihood of fire is low / medium or the consequences of a fire are slight, informal action will be taken. Informal action will take the form of a letter, pointing out that people are at risk in case of fire, where in the building they are located and what has led to them being put at risk as well as what should be done to provide safety and how to prevent the same danger from recurring. Informal action may also be taken, if those responsible have displayed clear intentions to undertake corrective action. Failure to respond to informal action can result in escalation to formal enforcement action.
- 8.6 Formal action will take the form of serving a Notice (alterations, enforcement, and / or prohibition notices). Formal action will be taken when the consequences of fire are such that people are likely to be harmed, suffer serious injury or death. It can require specific action to be taken or certain activities to cease.
- 8.6.1 Where a reasonable known change to premises or to the use of premises could result in a significant increase in the risks to people on the premises, we may serve an Alterations Notice, which requires the responsible person / duty holder to notify us, before making that known change.
- 8.6.2 Enforcement Notices require improvements in safety and will point out: that people are at risk in case of fire; where in the building they are located; and what has led to them being put at risk, as well as what should be done to provide safety and how to prevent the same danger from recurring. Enforcement Notices include a reasonable period of time for safety to be put in place. Failure to respond to a formal Notice can result in escalation to an investigation for prosecution.
- 8.6.3 Where immediate action is considered necessary to keep people safe from fire, a Prohibition Notice, which can prohibit or restrict the use of premises, can be served. An explanation of why such action is required will be given at the time and confirmed in writing. Whereas a Prohibition Notice requires action to remove imminent and immediate risks in case of fire, an Enforcement Notice might also be served to deal with less imminent risks in case of fire.

- 8.7 Fire Safety law gives power to warranted inspectors to take samples of dangerous materials or extracts of recorded safety information and documents. When we take materials or documents we will provide an appropriate receipt.
- 8.8 In the most serious of cases we will gather information and conduct an investigation to prepare for a prosecution. The decision to prosecute a case will be taken by those with authority to do so in accordance with our Scheme of Delegations.
- 8.9 All our members of staff that make enforcement decisions will be required to follow the Regulators Code.

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More about After Enforcement Action

- 9.1 When the Service takes enforcement action we will discuss what is required to achieve safety for relevant persons with the responsible person / duty holder (taking into account the circumstances of the case, if they have been explained to us).
- 9.2 The Service will clearly explain any advice, required actions or decisions taken at the time of our visit and will be willing to discuss such matters on any future occasion to ensure those responsible have clarity of what must be done.
- 9.3 Our letters and notices will provide details in writing of what must be done and how to appeal against any of our regulatory decisions. Our letters and notices will also explain what will happen next, especially if you do not undertake the work. Our web-site has details of how to complain about our conduct, if you should feel it necessary. [\[Complaints\]](#)
- 9.4 We encourage those responsible for providing safety in case of fire to contact us, especially if there are any questions or comments about our regulatory activity. We will also maintain regular communication (where required) until safety has been provided.

More on a Failure to Comply With Requirements

10.1 Rights of and routes to appeal will be clearly set out in writing and issued with our letters.

10.2 The failure to comply with an alterations, enforcement or prohibition notice constitutes an offence and may result in prosecution.

10.3 We can withdraw alterations, enforcement and prohibition notices at any time but they will generally be deemed to be in force until such time as the notice is complied with, withdrawn or cancelled by the court.

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More on Simple Cautions and Prosecution

11.1 There are a number of offences that can be committed under Fire Safety law.

Among the foremost of these are failure to comply with a formal notice and failing to provide safety in case of fire to such extent that one or more people are put at risk of death or serious injury in case of fire.

11.2 The Service can deal with offenders through prosecution and Simple Cautions.

These legal actions are important ways to bring to account those responsible for alleged legal offences. Where appropriate, we will use one of these measures in addition to issuing a formal notice.

11.3 A prosecution may be taken following full consideration of the many factors arising for the alleged breaches of the law. Penalties for offences are awarded by the courts and can include fines, imprisonment or both.

11.4 A Simple Caution will only be used where a prosecution could be properly brought and there is a realistic prospect of conviction. A Simple Caution includes a written submission from the person responsible that an offence has been committed.

11.5 A record of a Simple Caution will be kept on file for three years and if a conviction for a further offence is brought within that period, the written submission of the previous offence will be introduced to the court for consideration.

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More about the Other Duties of the Service

13.1 In addition to Fire Safety law the Service is also responsible for the following regulations.

- Licensing authority for the Petroleum Consolidation Regulations 2014
- The Explosive Regulations 2014.

13.2 The Service can request a review of a premises license under Section 51 of the Licensing Act 2003. The options available to the Licensing Committee are:

- i. Modification of the conditions of the Licence
- ii. Exclusion of Licensable activity from the scope of the Licence
- iii. Removal of the Designated Premises Supervisor
- iv. Suspension of the Licence for a period not exceeding three months
- v. Revocation of the Licence
- vi. Issue of a Warning Letter
- vii. No Action

13.3 The Service enforces the requirements of Explosive Regulations 2014 through application of the Health and Safety at Work (etc) Act 1974 and the serving of improvement notices and prohibitions orders. [Regulating and Enforcing Health and Safety](#)

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More on Data Protection

14.1 The Service will comply with the principles of the Data Protection Act 1998 governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details. The following document Information Management Strategy lays out our strategic

approach to meeting these legal requirements. (Details are available on request and on our website [\[Information Management Strategy\]](#))

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More on Freedom of Information

15.1 Under the Freedom of Information Act 2000, individuals are given 'a general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions'. Under Section 19 of that Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment.

15.2 Details of The Service's publication scheme are available on request and on our website [Publication Scheme](#).

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The Regulators Code

The Regulators Code is a statutory code of practice for regulators and makes six broad requirements:

- i. To carry out their activities in a way that supports those they regulate to comply and grow;
- ii. To provide simple and straightforward ways to engage with those they regulate and to hear their views;
- iii. To base their regulatory activity on risk;
- iv. To share information about compliance and risk;
- v. To ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- vi. To ensure their approach to regulatory activity is transparent.

The service has taken regard of the Regulators Code in producing this policy statement.

For the full version click here: [‘The Regulators Code’](#)

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The Regulatory Enforcement and Sanctions Act

The Regulatory Enforcement and Sanctions Act (The RES) established The Local Better Regulation Office (later renamed as the Better Regulation Delivery Office (BRDO)). It also imposed a duty on Regulators to: (a) have regard to any guidance issued by BRDO, (b) a duty to comply with guidance where the Regulator is directed to do so by BRDO, and (c) a duty to have regard to any list of enforcement priorities published by BRDO. As a listed Regulator, the Service is committed to these duties.

For the full version click here: [‘The Regulatory Enforcement and Sanctions Act’](#)

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Legislative and Regulatory Reform Act

Part 2 of the Legislative and Regulatory Reform Act, requires the Service to have regard to the Principles of Good Regulation. We recognise that our regulatory activities should be carried out in a way which is: (i) proportionate; (ii) accountable; (iii) consistent; (iv) transparent; and (v) targeted to situations which need action.

When we exercise a regulatory function, which for the Service includes: the Regulatory Reform (Fire Safety) Order, [\[The Petroleum \(Consolidation\) Regulations 2014\]](#), [Explosives Regulations 2014](#) and the [Health and Safety at Work \(etc\) Act\]](#) we have regard to the Regulators Code.

For the full version click here: [‘Legislative and Regulatory Reform Act’](#)

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The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

The Legislative and Regulatory Reform (Regulatory Functions) Order imposes a duty on the Service to have regard to the Regulators' Code when determining general policies or principles. It requires that the regulatory activities of the Service are carried out in a way which is transparent, accountable, proportionate and consistent, as well as being targeted only at cases in which action is needed.

For the full version click here: '[Legislative and Regulatory Reform \(Regulatory Functions\) Order](#)'

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The Environment and Safety Information Act

The Environment and Safety Information Act requires the Service to make a publicly accessible record of formal enforcement action that we have taken.

For the full version click here: '[The Environment and Safety Information Act 1988](#)'

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The Regulatory Reform (Fire Safety) Order

The Regulatory Reform (Fire Safety) Order 2005 principally imposes a general duty on responsible persons and duty holders to take general fire precautions to keep people safe in case of fire and establishes enforcing authorities to enforce the provisions of the Order. The Service is an enforcing authority under the Order and is empowered to inspect premises and serve notices to improve safety standards (among others).

For the full version click here: '[The Regulatory Reform \(Fire Safety\) Order](#)'

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The Licensing Act 2003

The Licensing Act establishes the Service as a 'responsible authority' with whom the Licensing Authority must consult in connection with Licensable activities, including the sale or supply of alcohol or the provision of regulated entertainment or late night refreshment. The licensing objectives are to promote: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

For the full version click here: '[The Licensing Act](#)'

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The Explosive Regulations 2014

The Service is the local authority for the purposes of dealing with applications for registration or for a licence to store explosives (under certain prescribed conditions).

For the full version click here: [The Explosive Regulations 2014](#)

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The Petroleum (Consolidation) Regulations

The Service is the 'petroleum enforcement authority' and can grant 'storage certificates' for premises at which petrol is dispensed, and enforces The Petroleum (Consolidation) Regulations in premises to which those regulations apply.

For the full version click here: '[The Petroleum Consolidation Regulations](#)'

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Approval

**Prepared and
Approved By:** **Brian Walshe**

Signature:

Date: **12 September 2016**

Reviewed By: **Gary Collins**

Signature:

Date **28th September 2016**

DRAFT

Consumer Services Policy

In providing consumer services we aim to safeguard communities. We achieve this by concentrating on the following key areas of activity:

- (1) Working with the Citizens Advice consumer service which provides consumers with information and advice
- (2) Safeguarding vulnerable people and communities by addressing rogue doorstep trading and scams; tackling the supply of age restricted products to young people and the supply of illicit tobacco and alcohol; and ensuring the safety of goods and food standards
- (3) Protecting consumers by targeting the most serious fraudulent, illegal and unfair trading
- (4) Safeguarding vulnerable people and communities by operating a number of initiatives, including No Cold Calling Zones, **Community and** Consumer Champions, Scam Alerts and Home Shield Norfolk
- (5) Providing a Trusted Trader scheme.

(1) Working with the Citizens Advice Consumer Service which provides consumers with information and advice

We work in partnership with the Citizens Advice Consumer Service which provides information and advice to consumers to enable them to:

- avoid problems with traders,
- make informed choices in future transactions, and
- deal with problems should they arise.

The Citizens Advice Consumer Service provides consumer information via their Adviceguide website:

<http://www.adviceguide.org.uk/england.htm>

They also provide a dedicated, **professional** telephone advice service. The Citizens Advice consumer helpline provides free, confidential, impartial **and informed** advice on issues around buying goods or services. This includes being treated unfairly by a trader, receiving a poor service, wanting to cancel a contract or switch energy suppliers.

This service is freely available to both consumers and businesses. The Citizens Advice consumer helpline can be contacted on 03454 04 05 06 (minicom users should dial 18001 first) or by using the online form. The helpline is open Monday to Friday 9am to 5pm, excluding bank and public holidays.

The Citizens Advice Consumer Service, including the helpline, shares all its consumer enquiry data with Trading Standards; as it is generated. We monitor and act on this information as set out below.

(2) Safeguarding vulnerable people and communities by addressing rogue doorstep trading and scams; tackling the supply of age restricted products to young people and the supply of illicit tobacco and alcohol; and ensuring the safety of goods and food standards

The Citizens Advice consumer helpline will immediately transfer to us those matters considered to be urgent. For example:

- Doorstep rogue traders – uninvited traders in the middle of work or returning later
- Safety complaints – where an unsafe product has caused injury or damage to property or there is an immediate risk of injury
- Short measure deliveries of heating fuel, coal or sand & ballast

We receive a wide range of information, intelligence and data from our partner agencies; including industry bodies and enforcement agencies. We monitor this data, together with that supplied by the Citizens Advice Consumer Service and from this identify trading malpractice by individual traders or market sectors. We target our resources towards those businesses or sectors which are causing the greatest detriment to consumers. We do this by providing information, advice and support or, sometimes, by taking formal enforcement action to ensure they comply with the law.

(3) Protecting consumers by targeting the most serious fraudulent, illegal and unfair trading

Enforcement action is undertaken in accordance with our Enforcement Policy. Whilst recognising that most traders 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, if appropriate. However we will consider taking immediate formal action for the most serious breaches, which may include:

- Where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure or the environment, or
- Fraud or deceptive/misleading practices that affect the collective interests of Norfolk based businesses or consumers.

Where we take enforcement action as a result of information we receive the focus is on bringing the business(es) into compliance with trading standards. We do not resolve individual disputes with a trader; although our enforcement action will provide support to victims. This may include seeking compensation during court proceedings.

(4) Safeguarding vulnerable people and communities by operating a number of initiatives, including No Cold Calling Zones, Community and Consumer Champions, Scam Alerts and Home Shield Norfolk

No Cold Calling Zones are designated areas where the resident community declares they no longer wish to accept traders calling at their homes without an appointment. The main aim of the zones is to reduce cold calling by unwanted traders.

Our Community and Consumer Champions network aims to make it easier for everyone to access information about consumer matters.

- **Community Champions:**
 - are professionals in the community who help us safeguard vulnerable people
 - provide information and intelligence to our service about rogue trading
 - support our service to deliver information and assistance.
- **Consumer Champions:**
 - act as a local point of contact to signpost people to the most appropriate source of advice, support and information
 - pass on relevant information or news to the local community. This could be about the latest scam or rogue traders operating in the area
 - alert Trading Standards to any trading related problems arising in the community.

Consumer **Scam Alerts** are available via our website, our Twitter account @NorfolkCCTS and our Facebook page. To sign up to our business scam alerts by email go to our Trading Standards Scam awareness and advice page.

Home Shield Norfolk is a cross-agency referral service for professionals who work with vulnerable people and their carers. The scheme aims to find ways to support people and help them to stay safe, healthy and happy in their own homes. If, in the course of a normal working day, a professional finds an individual with needs which their organisation cannot address, they can be referred to Home Shield. With the individual's consent, the issues or concerns are recorded on a referral form by the professional which is then sent to Home Shield, who then endeavours to refer the individual onto another organisation that may be able to help meet their needs.

(5) Providing a Trusted Trader Scheme

Our Trusted Trader scheme provides information to help consumers find reputable traders. Traders on the scheme agree to comply with consumer protection law and to follow good business practice. Consumers can check out customer feedback via our website prior to engaging with a trader and, should a problem arise which cannot be resolved with the trader, Trading Standards offers a dispute resolution procedure via **Ombudsman Services, a national scheme which operates independently to resolve complaints between consumers and businesses that are signed up to the scheme.**

September 2016

Communities Committee

Item No.

Report title:	Trading Standards Service – future delivery model
Date of meeting:	19 October 2016
Responsible Chief Officer:	Tom McCabe Executive Director of Community and Environmental Services
Strategic impact <p>At the meeting on 16 March 2016, Communities Committee agreed the establishment of a joint Norfolk and Suffolk project board and project team to develop a full business case for a joint service between Norfolk and Suffolk Trading Standards, to be presented to the Committee at this October meeting.</p> <p>This report provides an update on the outcomes of the project for the Committee to consider.</p>	

Executive summary

The outcome of the detailed work of the project team was that there was not a compelling case for establishing a combined Trading Standards Service that would deliver financial efficiencies or operational benefits; however it is proposed that Norfolk and Suffolk Trading Standards Services commit to working more collaboratively to realise enhanced service benefits.

During the project, the team identified a number of areas where joint working would provide enhanced service benefits, without the need to combine the teams. These areas will be explored in more detail and implemented, where appropriate.

Recommendations:

The Committee is asked to agree that:

The Norfolk Trading Standards Service should work more collaboratively with the Suffolk Trading Standards Service, and

A collaborative working action plan is developed to ensure that proposed service developments are further explored and implemented, if appropriate.

1. Proposal

- 1.1. As proposed at the March Communities Committee, a project team, overseen by the Head of Norfolk Trading Standards and the joint interim Heads of Suffolk Trading Standards was convened in April 2016 and worked on the development of a business case for a joint/combined Norfolk and Suffolk Trading Standards Service.
- 1.2. The Heads of Service met in September to review the project team findings and conduct an options appraisal on:
 - a Suffolk hosted joint service
 - a Norfolk hosted joint service, or
 - closer collaboration between the existing services, without a formal joint service combination.

It was determined that there was no clear front runner for a hosting option, with no compelling argument for a formal combination of the two services, without the

potential dilution of control of operations/activities. Paragraphs 2.8 to 2.10 below highlight a number of the issues identified by the project team. In addition there would be upfront implementation costs of delivering a joint service as shown in section 3. The recommended option is to remain as two separately managed and independent services, reaping the benefits of closer collaborative working, which were identified during the project.

1.3. The potential areas that have been identified for collaboration and for the services to pursue are:

- A combined intelligence function, with common processes and shared working, producing common intelligence products
- Shared learning with common processes across the legal (including financial investigation) functions
- Shared working in community protection (including No Cold Calling Zones, Consumer and Community Champions, strategic communications, including via social media and scams). The two services have already organised a joint “Join the Fight” conference on 16 November to raise awareness of how vital it is we work together with partners to fight scams
- Shared working on the Better Business for All (BBfA) initiative. Officers from the two services met on 5 October to determine how they would work together on the BBfA action plan
- Shared learning and development to maintain competency (coordinated commissioning of training and provision of in house training)
- Closer working of Service Leads; leading to attendance on behalf of both services at regional and national meetings and joint enforcement activities (such as sampling programmes), where appropriate
- Common service priorities/service planning with joint strategic management meetings to identify and share best practice
- Common enforcement policy with effect from 2017
- Animal health cross-border authorisations and shared contingency planning, exercises and equipment.

The Services will manage a collaborative working action plan to ensure that these service developments are further explored and implemented, if appropriate.

2. Evidence

- 2.1. At their meeting on 16 March 2016 the Communities Committee agreed the establishment of a joint Norfolk and Suffolk project board and project team to develop a full business case for a joint service between Norfolk Trading Standards and Suffolk Trading Standards, to be presented to the Committee at this October meeting.
- 2.2. As proposed at the March meeting, a project team, overseen by the Head of Norfolk Trading Standards and the joint interim Heads of Suffolk Trading Standards was convened in April 2016. The team comprised of the members of both the Norfolk and Suffolk Trading Standards management teams and representatives from HR, finance, legal, ICT, communications and democratic services from both authorities. Project management and support was provided by Norfolk with expert advice provided by the corporate programme office. The project team utilised Knowledge Hub as the mechanism by which they shared project documentation between the two local authorities.
- 2.3. The project team identified seven work streams to be considered during the development of the business case, covering:

- Legal
- HR
- Finance
- Operations
- ICT
- Governance, and
- Communications

The leads for each work stream were tasked with identifying the potential benefits, issues, costs and savings of a joint service, whether hosted by Norfolk County Council or Suffolk County Council.

- 2.4. The findings from each of the work streams are provided in **Appendix 1: Joint Trading Standards Service Options Appraisal – Potential benefits, issues, costs and savings.**
- 2.5. The project team considered the risks, identified at the outset, as documented in the report presented to committee in March:
 - a. One of the partners withdrawing from the project, resulting in the joint service not being implemented and developing relationships being severed. Triggers for this may include failure to align service priorities or ways of working, legal or contractual complications, or disagreement over resource provision.
 - b. Differences in staff terms, conditions and benefits and a failure to engage effectively with staff resulting in resistance to change.
 - c. Incompatibilities of IT systems (or other technical aspects) resulting in project slippage, inefficient solutions or investment being required for additional systems/technical support.
 - d. Implementation and/or support costs and liabilities to be shouldered by the host authority.
- 2.6. Work already carried out by the two services in the autumn had identified the following potential benefits and risks:
 Potential benefits of a joint service:
 - a. A joint service would enable greater effectiveness, flexibility and resilience, for example when tackling an animal disease outbreak or cross-border criminal activities.
 - b. Sharing of support and management resources and costs could lead to further efficiencies and reduced duplication of attendance at regional and national forums.
 - c. All press and media (including social media and campaigns) could be jointly developed and 'badged' for greater efficiency, exposure and profile.
 - d. Operational activities across the full breadth of the Trading Standards remit could be jointly developed and deployed, again increasing efficiency, exposure and profile. Examples include food sampling, illicit tobacco enforcement and test purchasing of age restricted products.
 - e. Intelligence, financial investigation and legal process functions could be combined to increase effectiveness and resilience.
 - f. Joint commissioning of training and development, operational equipment and technical resources could lead to decreased costs.
 - g. Best practice would be shared and implemented across the new service, with the opportunity created to critically appraise and improve existing work systems.

Potential risks to a joint service:

- a. Divergence in corporate or political priorities between the two local

- authorities
 - b. Diluted political influence in decision-making in each local authority
 - c. Future imbalance in proposed funding from the respective local authorities.
 - d. Staff dissatisfaction with new working arrangements leading to low morale, higher turnover and loss of talent.
 - e. Disagreement over resource provision, especially in situations where only one county is impacted.
- 2.7. The Head of Norfolk Trading Standards and the joint interim Heads of Suffolk Trading Standards met in September to review the project team findings and conduct an options appraisal on:
- a Suffolk hosted joint service
 - a Norfolk hosted joint service, or
 - closer collaboration between the existing services, without a formal joint service combination.
- It was determined that there was no clear front runner for a hosting option and no compelling argument for a formal combination of the two services, without the potential dilution of control of operations/activities. Paragraph 2.8 to 2.10 below, highlight a number of the issues identified by the project team. In addition there would be upfront costs of creating a joint service, as shown in section 3 of the report. The recommended option is to remain as two separately managed and independent services, reaping the benefits of closer collaborative working, which were identified during the business case project.
- 2.8. Operationally:
- (a) The Heads of Service were able to readily identify shared service priorities:
- Protecting vulnerable people by engaging the public, businesses and communities to build resilience to scams, doorstep crime and rogue traders.
 - Enabling business growth and prosperity by providing support on legal compliance and assuring the level playing field by tackling the most serious illegal trading.
 - Conducting intelligence led market surveillance to protect the safety, health and well-being of the public and ensure trading is legal, honest and fair.
- (b) During the project the Head of Suffolk Trading Standards post was made redundant with Suffolk realising the budget saving, and interim arrangements put in place. Suffolk proposed that, in the joint service, the current managerial capacity across the two services should be maintained with a restructure of the managerial team leading to a Head of Service, two Assistant Heads of Service (one based in each authority), seven section managers and a team manager at an increased cost of circa £45K per annum. Norfolk Trading Standards did not support this proposal.
- 2.9. The Human Resources work stream identified significant differences between staff terms and conditions and benefits, which would need to be addressed.
- 2.10. The project identified little to choose between the two authorities as hosts with the key issues being around calculation and ownership of pension liabilities; different ICT support arrangements; and the management of three national Trading Standards teams.
- 2.11. In order to reap the benefits of closer collaborative working, the joint service developments that the two Services propose to pursue are:
- A combined intelligence function, with common processes and shared working, producing common intelligence products

- Shared learning with common processes across the legal (including financial investigation) functions
- Shared working in community protection (including NCCZs, Consumer and Community Champions, strategic communications, including via social media and scams). The two services have already organised a joint “Join the Fight” conference on 16 November to raise awareness of how vital it is we work together with partners to fight scams
- Shared working on the Better Business for All (BBfA) initiative. Officers from the two services met on 5 October to determine how they would work together on the BBfA action plan
- Shared learning and development to maintain competency (coordinated commissioning of training and provision of in house training)
- Closer working of Service Leads; leading to attendance on behalf of both services at regional and national meetings and joint enforcement activities (such as sampling programmes), where appropriate
- Common service priorities/service planning with joint strategic management meetings to identify and share best practice
- Common enforcement policy with effect from 2017
- Animal health cross-border authorisations and shared contingency planning, exercises and equipment.

The Services will manage a collaborative working action plan to ensure that these service developments are further explored and implemented, if appropriate.

3. Financial Implications

- 3.1. The project could not identify a clear financial imperative to recommend a formal combination of the two services.

Area	Potential costs	Notes:
Staff costs	£45K per annum	The proposal from Suffolk (not supported by Norfolk) would increase the cost of the current management team. Staff are likely to transfer over under existing terms and conditions and therefore there would be little scope for savings.
Implementation costs		The legal cost of formally constituting the new body.
ICT Costs – calculated differently so both options are shown	£125k capital £33.4K per annum ongoing revenue	If Suffolk County Council were to host Capital renewal not accounted for
	OR £109k annual revenue cost	If Norfolk County Council were to host
Pension costs	£186.8K per annum Unless the corporate	If Suffolk County Council were to host

	lump sum were to be disaggregated, resulting in £56.8K per annum	
	OR (£120K) per annum	If Norfolk County Council were to host

There are no immediate financial implications if the preferred option of closer collaborative working between Norfolk and Suffolk Trading Standards Services is adopted, however it is anticipated that some efficiency savings could be realised through the delivery of the proposed collaborative working action plan, which will also help enhance the resilience of the teams.

4. Issues, risks and innovation

- 4.1. The detailed issues and risks are captured in **Appendix 1: Joint Trading Standards Service Options Appraisal – Potential benefits, issues, costs and savings.**

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:

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

Appendix 1: Joint Trading Standards Service Options Appraisal – Potential benefits, issues, costs and savings

LEGAL Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
<p>Suffolk legal budget: £179K plus £30K provided by Suffolk Legal = £209K</p> <p>Benefit: Legal services provision by officers and in house solicitor (0.6FTE), supplemented by Suffolk Legal Services (principal solicitor, litigation solicitor with higher rights (civil courts) and commercial solicitors).</p> <p>Benefit: Principal advisor has significant experience and expertise in criminal litigation, advising on regulatory/ standard criminal practice/ POCA/RIPA/Enterprise Act matters/ judicial review aspects of investigations and prosecutions.</p> <p>Benefit: Advocacy provided in house (by managers), by Suffolk Legal and regulatory specialist counsel in the higher courts. Suffolk Legal looking to build on strength/capacity and reduce costs of external spend by supporting all lawyers in SL Enforcement team to acquire higher rights of audience.</p> <p>Issue: Concerns as to the capacity of Suffolk Legal provision to support larger, joint service, particularly where long-running, large scale investigations (especially complex fraud) resulting in not-guilty pleas/crown court trials could rapidly diminish the joint legal budget.</p> <p>Saving: Whilst additional staffing may be required, use of a single provider across the joint service is likely to realise savings overall with pooled expertise and systems (CPD, knowledge and access to reference materials)</p> <p>Saving: Larger, joint service may enable reduced costs when engaging counsel.</p>	<p>Norfolk legal budget:</p> <ul style="list-style-type: none"> • 'In house' legal salaries - £112K • Other legal costs e.g. witness expenditure, counsel fees- £84K • Nplaw costs - £3K • Forensic testing, expert reports, translation costs - £18K <p>Total - £217K</p> <p>Benefit: In house legal team, with an embedded Principal Case Officer post (legally qualified), providing added value to investigations from the outset and handling simple/administrative and guilty plea hearings.</p> <p>Benefit: Resilience in legal process/representation due to shared authority amongst officers/managers to appear in magistrates and county courts.</p> <p>Benefit: Lead TSO with Enterprise/injunctive specialism based in the legal team. This post handles civil legal process as far as possible (including drafting orders) reducing the need to employ solicitors.</p> <p>Benefit: Corporate legal service (Nplaw) support with access to Nplaw advice/expertise and resource materials. As well as handling some of Norfolk TS legal function work, Nplaw is putting in place a new Advocacy service, aiming to support a range of clients, including Trading Standards, with a view to reducing costs.</p> <p>Issue: Concerns as to the capacity of in house legal provision supplemented by Nplaw to support larger, joint service, particularly where long-running, large scale investigations (especially complex fraud) resulting in not-guilty pleas/crown court trials could rapidly diminish the joint legal budget.</p>

	<p>Saving: Whilst additional staffing may be required, use of a single provider across the joint service is likely to realise savings overall with pooled expertise and systems (CPD, knowledge and access to reference materials)</p> <p>Saving: Larger, joint service may enable reduced costs when engaging counsel.</p>
<p>Benefit: Accredited Financial Investigator (AFI) to manage and deal with all aspects of financial investigation/POCA work (1.0FTE) with a TSO currently midway through the accreditation process with a view to carrying out financial investigations on a part time basis</p> <p>Benefit: Pooled resource to increase capacity and resilience.</p>	<p>Benefit: Accredited Financial Investigator (AFI) as part of the legal team to manage and deal with all aspects of financial investigation/POCA work (1.0FTE). Being part of the legal team provides synergy with court work (production orders etc.) whilst also working closely on investigations work. The AFI also handles wider legal case work/hearings as required.</p> <p>Benefit: Pooled resource to increase capacity and resilience.</p>
<p>Benefit: Intelligence Officer (0.8FTE), who provides the intelligence function for the Service, and is authorised to undertake PNC checks for defendants & witnesses.</p> <p>Benefit: Pooled resource to increase capacity and resilience.</p>	<p>Benefit: Intelligence Analyst (1.0FTE) and Technical Support Officer (Intel) (1.0FTE), who collate and analyse all intelligence into the Service. Both officers work alongside the Norfolk Legal team, providing key support in areas such as PNC checks for defendants & witnesses and correct company details for legal papers.</p> <p>Benefit: Pooled resource to increase capacity and resilience.</p>
Differential: Suffolk cover petroleum licensing, explosives storage, safety of sports grounds	
<p>Implementation costs (regardless of host):</p> <ul style="list-style-type: none"> • Interauthority agreement – drafting, agreement and approval • Constitutional amendments – delegation of statutory powers and duties – drafting, agreement and approval • Review of impact on Suffolk TS and Environmental Health cross authorisation • Review of impact on Norfolk TS section 101 agreements (for calibration services to other local authorities) • Equality impact assessment – drafting, agreement and actions arising • Joint governance committee – development, approval and ongoing support • TUPE transfer – drafting, agreement, approval, consultation and implementation 	

HUMAN RESOURCES Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
<p>Headcount in Suffolk is 40 (35.35FTE), including business, finance, ICT, HR and operational support staff</p> <p>Officers who are delivering TS functions and whose roles would need to be “equalised”</p> <p>Management team = 5</p> <p>Officers = 22</p> <p>Total = 27 (43%)</p> <p>Relative Issue: 36 (57% of total) TS qualified staff from Norfolk would need to be integrated into Suffolk staffing structure</p> <p>Saving: Could Suffolk support staff provide support for the joint service as a whole?</p>	<p>Headcount in Norfolk is 48 (46.00FTE) plus shared services support for business support, finance, ICT and HR</p> <p>Officers who are delivering TS functions and whose roles would need to be “equalised”</p> <p>Management team = 5</p> <p>Officers = 31</p> <p>Total = 36 (57%)</p> <p>Relative Benefit: 22 (43% of total) TS qualified staff from Suffolk would need to be integrated into Norfolk staffing structure</p> <p>Saving: Could Norfolk shared services support staff provide support for the joint service as a whole?</p>
	<p>Issue: Suffolk currently hosts three national Trading Standards teams (16.75FTE) (Imports, Single Point of Contact for Ports and the Intelligence Hub). The liabilities relating to these teams would transfer to Norfolk.</p> <p>Issue: Suffolk currently provides ICT support for the EETSA Regional Coordinator and Regional Intelligence Analyst and plan to do so for the Regional Intelligence Support Officer.</p>
<p>Differential: No incremental progression on salaries (to be reviewed in 2018).</p> <p>Saving: Reduced salaries costs if those Norfolk staff who are not on the top of their salary scale are enabled to adopt Suffolk terms and conditions post TUPE transfer</p>	<p>Differential: Subject to performance appraisal outcome, incremental progression on salaries.</p> <p>Cost: Increased salaries costs if Suffolk staff are enabled to adopt Norfolk terms and conditions post TUPE transfer</p>
Differential: Pay day on last working day of the month	Differential: Pay day on 19 th of the month
Differential: Annual leave entitlement - 25 days (with 5 years' service) and 28 days (with 10 years' service)	Differential: Annual leave entitlement - 29 days (with 5 years' service) (30 days for those above scp 29 with 10 years' service)

Differential: Leave buy back arrangements – up to 8 weeks leave per year with service agreement	Differential: Leave buy back arrangements – up to 10 days leave per year with service agreement
Differential: Flex leave – up to 15 days per annum	Differential: Flex leave – up to 18 days per annum
Differential: Overtime rates - 1 1/3 Saturdays and 1 2/3 Sundays and bank holidays (payable up to scp 28)	Differential: Overtime rates - 1 ½ Saturdays and 2 Sundays and bank holidays (payable up to scp 37)
Benefit: Out of hours standby cover is provided at a cost of £22K per annum and could be rolled out to cover the joint service as a whole at no extra cost	Issue: No formal out of hours standby cover is provided (due to risk assessment determining it to be an unnecessary cost to the Service). Out of hours contact is provided by NFRS Control. Saving of £22K per annum if Norfolk approach adopted by joint service
Differential: Work mobile 'phones – reasonable personal usage permitted	Differential: Work mobile 'phones – no personal usage permitted
Differential: Redundancy costs – 50% on top of statutory payment	
Relative issue: Default is for two officers (one being a support officer, if available) to attend farm premises, private homes and other premises deemed to require dual attendance (policy under review) Cost: Drop in operational efficiency if policy adopted by joint service. In addition there are no operational support staff currently employed in Norfolk	Relative benefit: Default is for one officer to attend unless risk assessment deems dual attendance is required Saving: Increase in operational efficiency if policy adopted by joint service

FINANCE Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
Net 2016/17 budget = £1,843.4K (excluding Citizens Advice Bureau funding)	Net 2016/17 budget = £1,871.5K
Differential: Suffolk budget (£1,477.4K) includes full cost of salaries including on costs. Cost: Additional salaries budget of circa 4.5% (£88.4K per annum) would need to transfer to joint service budget from Norfolk corporate centre	Differential: Norfolk budget (£1,877.4K) includes 95.5% of cost of salaries including on costs at top of scale.
Differential: Salaries budget includes support costs (covering business administration, operational support and finance) of £218.7K. There is a budget of £4K for PACT tape transcription Cost: Norfolk expenditure on administration, finance, HR support, ICT, stationary/postage, training, rent and other overheads (£429.6K) would need to transfer to joint service budget from Norfolk corporate centre	Cost: Suffolk expenditure on public & employer's liability insurance, ICT, stationery/postage, rent and other overheads (£485.8K) would need to transfer to joint service budget from Suffolk corporate centre
Differential: Pension employer contribution rate (including past deficit contributions) = 27% Cost: Additional costs of £186.8K per annum for Norfolk staff to transfer to Suffolk pension scheme (or £56.8K per annum if the proportion of the lump sum were to be disaggregated from the corporate centre)	Differential: Pension employer contribution rate = 15.5% with the past deficit contributions paid as an annual lump sum by the corporate centre. Equates to 23.5% if calculated as per Suffolk Saving: Reduced costs of approximately £120K per annum for Suffolk staff to transfer to Norfolk pension scheme. (Further savings would be realised by National Trading Standards (NTS) if the national Trading Standards teams also transferred)

<p>Saving: Reduction in service professional and information resource annual subscriptions (currently £31.6K for Suffolk and £31.2K for Norfolk) regardless of host option</p> <p>Differential: Suffolk currently pays CTSI membership for officers at a cost of £3.2K per annum</p> <p>Cost: Additional budget of £4.2K required if this practice is adopted across the joint service</p>	<p>Saving: Reduction in service professional and information resource annual subscriptions (currently £31.6K for Suffolk and £31.2K for Norfolk) regardless of host option</p> <p>Differential: Norfolk currently only pays CTSI membership for students so as to realise TSQF cost reductions.</p> <p>Saving: Reduced budget of £3.2K if this practice is adopted across the joint service</p>
<p>Cost: Suffolk procure and manage an in house pool car fleet of 8 vehicles (including a van). If the same system is adopted across the joint service additional vehicles will need to be procured/located at Norfolk offices</p>	<p>Issue: Norfolk procure and manage one van and utilise corporate pool and hire car provision. Would need to explore if this arrangement could extend into Suffolk</p>
<p>Differential: Food/feed sampling budget = £32.35K</p>	<p>Differential: Food/feed sampling budget = £88K</p>
<p>Differential: "Investigations" budget (such as surveyor fees, product safety testing, land registry, animal welfare veterinary fees and translation costs) = £26.5K</p>	<p>Differential: "Investigations" budget (such as surveyor fees, product safety testing, land registry, animal welfare veterinary fees and translation costs) = £51.5K</p>
<p>Differential: Training budget = £40K</p>	<p>Differential: Training budget = £24K (paid corporately)</p>
<p>Differential: Offsite archive budget = £4.5K</p>	
<p>Differential: Historic pension strain payments = £10k per annum</p>	<p>Differential: Historic pension strain payments = £26K per annum</p>
<p>Income budgets:</p> <ul style="list-style-type: none"> • Verifications = £3K • Fireworks importation dissemination of information = £24K • Registrations and licence fees for petroleum, explosives and performing animals = £32K • Checkatrade = £6K • Miscellaneous income £28K • Recovery of prosecution costs = 15.5K <p>Total = £108.5K</p>	<p>Income budgets:</p> <ul style="list-style-type: none"> • CVTS income = £339.5K • Registrations and licence fees for performing animals = £0.5K • Trusted Trader = £36K • ICT recharge for database = £11.4K • Primary Authority/Business advice (required) = £20.2K • POCA expectation = £31.3K • Recovery of prosecution costs = £15K <p>Total = £453.9K</p>
<p>Reserves = £338K</p>	<p>Reserves = £92.6K</p>

OPERATIONS Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
Lean systems thinking approach, with three multi-functional teams focusing on reactive work arising from referrals	Intelligence-led enforcement with three functional specific teams focusing on intelligence driven work, including market surveillance
<p>Issue: Norfolk proposing to introduce chargeable business advice, which is not supported by Suffolk beyond the introduction of Primary Authority Partnerships</p> <p>Cost: Loss of potential income from chargeable business advice</p> <p>Benefit: Norfolk TS developing expertise of Primary Authority Partnerships with potential to offer this service to Suffolk-based businesses</p>	
<p>Proposal to maintain current managerial capacity with restructure of managerial team leading to a Head of Service, two Assistant Heads of Service (one based in each authority), seven section managers and a CVTS team manager</p> <p>Cost: Circa £45K per annum</p>	<p>Proposal to streamline management structure with a Head of Service, one Assistant Head of Service (based in the other authority to the Head of Service), seven section managers and a CVTS team manager.</p>
Benefit: Market Fair (Norfolk) and Lorry watch (Suffolk) schemes could be rolled out across both counties regardless of host authority	
<p>Issue: Two trader assurance schemes in operation:</p> <ul style="list-style-type: none"> • Checkatrade in Suffolk with an income of £6K • Trusted Trader in Norfolk with an income of £36K offset by costs of administering the scheme in house. <p>It would not be desirable for the joint service to run two schemes:</p> <ul style="list-style-type: none"> • Checkatrade membership rates would preclude membership by a number of Norfolk Traders • Trusted Trader is the vehicle through which Adults can provide recommendations of vetted traders to support vulnerable people 	

ICT Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
Cost: Full integration of 48 staff based at 3 Norfolk offices = <ul style="list-style-type: none"> • Capital = £125K • Operating cost = £33.4K per annum 	Cost: Integration of 40 Suffolk TS staff and 20 national and regional team staff = £109.3K per annum
Differential: New database recently commissioned with anticipated annual costs of £20K	Differential: Current database annual costs of £18.4K
Issue: Norfolk database is shared with Great Yarmouth Environmental Health and Adults Quality Assurance team with further teams due to join. Transfer of TS to the Suffolk database: <ul style="list-style-type: none"> • presents a risk to partners as TS is the contracting partner • would lead to loss of intelligence sharing, and • would not realise the full cost saving of £18.4K if partners continue to use the database in Norfolk 	
	Issue: Suffolk expressed concern over Norfolk ICT's capacity and capability to implement and manage a joint ICT solution for the joint service
Implementation costs (regardless of host): <ul style="list-style-type: none"> • Data security, ownership and responsibilities – drafting, agreement and approval • Additional storage capacity, if required • Hosting of non-host-standard applications, if required • File storage, individual and shared drives management – drafting of protocols, agreement and approval • Data resilience and business continuity requirements • New email addresses for standard and secure accounts, access to old emails • Access security – drafting, agreement, approval and implementation of policies • SLA with ICT support – drafting, agreement and approval • PCI/DSS compliance (the storage of credit card numbers) • Maintenance of internet/intranet presence on both Norfolk and Suffolk platforms 	

Benefits (regardless of host): <ul style="list-style-type: none"> • Reduced costs through sharing infrastructure • Joint database/platform for recording/reporting all joint service activities • Improved data and intelligence sharing

GOVERNANCE Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
Suffolk & Norfolk Joint Service - Proposed Service Priorities: <ul style="list-style-type: none"> • Protecting vulnerable people by engaging the public, businesses and communities to build resilience to scams, doorstep crime and rogue traders. • Enabling business growth and prosperity by providing support on legal compliance and assuring the level playing field by tackling the most serious illegal trading. • Conducting intelligence led market surveillance to protect the safety, health and well-being of the public and ensure trading is legal, honest and fair. 	
Suffolk & Norfolk Joint Service – Proposed Governance Arrangements: Joint committee with equal political representation from Norfolk and Suffolk County Councils	

COMMUNICATIONS Options appraisal – Potential benefits, issues, costs and savings	
Joint Trading Standards Service with Suffolk County Council as host authority	Joint Trading Standards Service with Norfolk County Council as host authority
Current access to press desk with three press officers and an account manager who acts as SPOC (structure under review) Cost: Expectation of resource contribution from Norfolk Cost: resource costs to restructure and realign processes to support joint service	Access to recently restructured media management team giving full media support Cost: Expectation of resource contribution from Suffolk Cost: resource costs to restructure and realign processes to support joint service

Current access to media management, social media support and website team	Access to media management and website team
Benefit: Suffolk TS and media team have good experience of delivering good press and media campaigns, including promotion of brand-led campaigns	Benefit: Norfolk TS and media team have good experience of delivering good press and media campaigns
Benefit: Suffolk TS has resources to maintain good TS social media presence	Benefit: Norfolk TS has resources to maintain good TS social media presence
<p>Benefits (regardless of host)</p> <ul style="list-style-type: none"> • One campaign design across both counties avoids duplication • Potential for “one message” across both counties avoids duplication <p>Issues (regardless of host):</p> <ul style="list-style-type: none"> • Concern as to whether small media team in either county would have the capacity to handle all media for the joint service • Potential loss of accessibility and good working relationships with specific contacts at media points in non-host county • Potential loss of understanding around local demographic issues in non-host county • Concern as to loss of control of media messages in non-host county 	