

Communities Committee

Date: **Wednesday 21 October 2015**

Time: **10.00am**

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

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

Membership

Mr P Smyth - Chairman

Mr R Bearman – Vice-Chairman

Mr C Aldred

Mrs J Brociek-Coulton

Mr J Childs

Mrs H Cox

Mrs M Dewsbury

Mr N Dixon

Mr D Harrison

Mr B Hannah

Mr H Humphrey

Mr J Law

Mr W Northam

Ms C Rumsby

Mr M Sands

Mr N Shaw

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

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

A g e n d a

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

2. Minutes

(Page 4)

To agree the minutes from the meeting held on 9 September 2015.

3. Members to Declare any Interests

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

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

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

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

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

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

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

5. Local Member Issues/Member Questions

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

Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk or 01603 223053) by **5pm on Friday 16 October 2015.**

6. Update on Key Service Issues and Activities

(Page 9)

Report by Executive Director of Community and Environmental Services

7. **Finance Monitoring Report at Period 05 2015-16** (Page 33)
Report by Executive Director of Communities and Environmental Services
8. **Re-imagining Norfolk: Service and Financial Planning 2016-17 to 2018-19** (To Follow)
Report by Executive Director of Communities and Environmental Services and Executive Director of Resources
9. **Fire and Rescue Review – Integrated Risk Management Plan (IRMP)** (To Follow)
Report by Executive Director of Communities and Environmental Services
10. **Performance and Risk Monitoring Report (Quarter 1)** (Page 45)
Report by Executive Director of Communities and Environmental Services
11. **Annual Review of the Enforcement Policy** (Page 83)
Report by Executive Director of Communities and Environmental Services

Group Meetings

Conservative	9:00am	Conservative Group Room, Ground Floor
UK Independence Party	9:00am	UKIP Group Room, Ground Floor
Labour	9:00am	Labour Group Room, Ground Floor
Liberal Democrats	9:00am	Liberal Democrats Room, Ground Floor

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

Date Agenda Published: 14 October 2015



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Communities Committee

**Minutes of the Meeting Held on Wednesday 9th September 2015
10:00am Edwards Room, County Hall, Norwich**

Present:

Mr P Smyth (Chair)

Mr R Bearman (Vice-Chair)
Mr C Aldred
Mrs J Brociek-Coulton
Mr J Childs
Mrs H Cox
Mrs M Dewsbury
Mr N Dixon
Mr D Harrison

Mr H Humphrey
Mr J Law
Mr W Northam
Ms C Rumsby
Mr M Sands
Mr N Shaw
Mr D Thomas
Mr J Ward

1. Apologies and substitutions

1.1 Apologies were received from Mr S Hebborn (substituted by Mr J Childs).

2. To agree the minutes of the meeting held on 1 July 2015.

2.1 The minutes of the meeting held on 1 July 2015 were agreed as an accurate record by the Committee and signed by the Vice-Chair.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Urgent business

4.1 There were no member questions.

5. Local Member Issues

5.1 There were no local member issues.

6. Update on Key Service Issues and Activities

- 6.1 The Committee received the report from the Executive Director of Community and Environmental Services which provided Members with fortnightly updates about key service issues and activities. The update enabled Members to discuss the latest position and identify any areas where the Committee would like to receive further information or updates.
- 6.2 The Committee made reference to the fact that the updates were very valuable and were useful to highlight good work that was being carried out that would otherwise be missed.
- 6.3 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.
- 7. Norfolk Adult Education service: Update on progress post Ofsted Inspection**
- 7.1 The Committee received the annexed report (7) by the Executive Director of Community and Environmental Services which updated them on the work of the Steering Group for Norfolk Adult Education Service.
- 7.2 The Committee heard that the improvement programme would require investment from the department's resources, with the expectation that it would be paid back. The Committee requested a more detailed action plan to be able to identify risk and allow the Committee to make an informed decision. Although there had been investment to date, this was mostly in terms of time (for example in the quality of teaching) and IT systems using existing budgets.
- 7.3 Inspections that had been carried out had been encouraging about the improvement work that had taken place. The Further Education Commissioner's Adviser would be visiting soon, and if the improvements had not been delivered in the timescales set by Ofsted, funding agencies could withdraw their money.
- 7.4 The Committee **RESOLVED** to;
- Note the progress made in the Norfolk Adult Education Service since the last report in May 2015 and following the Ofsted 'inadequate' judgement received in January 2015.
 - Approve the new vision which will better align the service to address identified needs across Norfolk and more effectively target resources and learning opportunities.
 - Agree to the change of name of the Norfolk Adult Education Service to Norfolk Community Learning Services, which more clearly describes what the service will do in future.
- 8. Public Health Lifestyle Service**
- 8.1 The Committee received the annexed report (8) by the Executive Director of Resources which explained an Integrated Healthy Lifestyle Service (IHLS) for adults. This would improve health and wellbeing in Norfolk and help reduce the need for future health and social care services.

- 8.2 Although the smoking trend was downward, it was felt that the target to decrease smoking by 1% could be ambitious, as the number of people now stopping smoking was reducing nationally. It would mean finding new ways to tackle smoking knowing the circumstances of those who continue to do so.
- 8.3 It was felt that by choosing option C, it would achieve much better value for money in order to address key gaps.
- 8.4 The Committee **RESOLVED** to;
- Support option C: The procurement of an Integrated Healthy Lifestyle Service. Procurement will be led by Public Health in collaboration with Adult Social Services and Children's Services.

9. Re-Imagining Norfolk – service and financial planning 2016-19 for Communities Services

- 9.1 The Committee received the annexed report (9) from the Executive Director of Community and Environmental Services and the Executive Director of Resources. The report set out the implications of Re-Imagining Norfolk for the services of the Communities Committee.
- 9.2 The Committee highlighted that some departments of Norfolk County Council are more efficient at delivering their service than others, and have been cut too far already. There needed to be fairness amongst the budget savings, and the potential of savings from each department needed to be considered.
- 9.3 Some Members of the Committee felt that there needed to be one big change for the entire County in order to address the funding issues, rather than the continuation of making small changes.
- 9.4 The Committee heard that commercial awareness was being supported in targeted areas by Hethel Innovation Limited in order to help some services increase their income. Benchmarking exercises were also being carried out to identify how similar organisations arrange their demand led services.
- 9.5 A workshop would be held before the October meeting to identify what budget savings could be made and Members were encouraged to attend with the objective of devising some solutions.
- 9.6 The Committee **RESOLVED** to;
- Note the service models set out at Appendix 2
 - Note and comment on the savings proposals set out in Appendix 3
 - Ask Officers to bring back further detailed savings proposals in October which will contribute to the development of budgets based on 75% of the Committee's addressable spend, to allow for choices and options to be considered, and to support the delivery of a balanced budget for 2016-17, for subsequent consideration at Policy and Resources Committee in October.

10. Final report of the Member Steering Group on Libraries

- 10.1 The Committee received the annexed report (10) by the Executive Director of Environmental and Community Services, which outlined the recommendations of the Member Review Group on the future direction of library and information service delivery.
- 10.2 The Committee noted that the OpenPlus self-service scheme was working well in Acle Library where it had been installed as a pilot. This was confirmed as costing approximately £20k to implement per site, and the service would like to implement it in 39 sites at a total cost of approx. £780k. This money would be paid back within 2-3 years.
- 10.3 It was clarified that the reasonable distance was no longer a statutory obligation and could therefore be altered as the Committee saw fit.
- 10.4 The Committee **RESOLVED** to;
- Agree that there should be a consultation with communities about their use of libraries and their longer term aspirations for libraries.
 - Agree that libraries should have a strengthened role in supporting NCC's early help and community development agendas. Libraries should be used as hubs in communities for supporting literacy, information, learning and for facilitating access to communities for NCC and other agencies and councils.
 - Agree that funding should be agreed to introduce self-service access to libraries to enable an increase in the availability of the service while reducing staff costs, and enabling buildings to be used by other service and organisations.
 - Agree that the proposed reasonable distance for travel to a library as outlined in 1.1.3.
 - Agree that the service should continue to encourage community engagement and involvement in libraries, including for example increased volunteering opportunities and installing donation boxes in appropriate libraries.
- 11. Fire and Rescue Strategic Review – Report from the Member Working Group**
- 11.1 The Committee received the annexed report (11) by the Executive Director of Community and Environmental Services which provided a further update on the working group's considerations and deliberations.
- 11.2 Some Members of the Committee expressed that the 5 year budget for the Norfolk Fire and Rescue Service should be ring-fenced. It was exclaimed that it was an efficient service already with one of the best control rooms in the Country as well as being the cheapest per head and therefore they should not be cut anymore.
- 11.3 The Committee **RESOLVED** to;
- Acknowledge the detailed analysis and options considered by the Fire and Rescue Working Group.
 - Agree that these options be considered in detail at a proposed workshop for Committee members held in advance of the October meeting, to provide

Members with the opportunity to inform the recommendations to be presented in October.

A moment was taken at this point to thank the Chief Fire Officer, Nigel Williams, for his sterling work as he was attending his last meeting of the Communities Committee before retiring at the end of September.

12. Communities Committee Finance Monitoring Report at Period 04 2015-16

- 12.1 The Committee received the annexed report (12) by the Executive Director of Community and Environmental Services, which provided the Committee with information on the latest monitoring position for the Committee for 2015-16. It provided information on emerging issues and the position on the expected use of reserves for Communities purpose.
- 12.2 The Committee **RESOLVED** to note;
- The forecast revenue outturn position for 2015-16 as at Period 4.
 - The forecast capital outturn position for the 2015-16 capital programme.
 - The current forecast for use of reserves.

The meeting closed at 12.45pm

Chairman



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Communities Committee

Item No. 6.

Report title:	Update on key service issues and activities
Date of meeting:	21 October 2015
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.	

Executive summary

Officers provide Committee Members with fortnightly updates on key issues and activities. These updates will 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 4 September, 15 September and 2 October) are included at Appendices A to C.

In the interests of transparency, this report will also include details of any decisions taken under delegated authority by the Director in consultation with the Chairman and Vice Chairman, or similar delegations. There are no delegated decisions to report for this period.

Recommendations:

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

1. Proposal

Service updates

- 1.1. Officers provided 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, B, and C (dated 4 September, 15 September and 2 October respectively).

Delegated decisions

- 1.2. In the interests of openness and transparency, this report will also include details of any decisions taken under delegated authority by the Executive Director in consultation with the Chairman and Vice Chairman, or similar delegations.
- 1.3. The report to the last Committee meeting covered decisions up to 25 August 2015. Since that time and the date this report was written (6 October 2015) there have been no delegated decisions taken to report.

2. Evidence

- 2.1. See updates attached at Appendices A to 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 implications arising from this report.

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:

Officer name : Sarah Rhoden

Tel No. : 01603 222867

Email address : sarah.rhoden@norfolk.gov.uk



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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: 4/9/2015		
Service	Service Update key bullet points	Contact
Consultation & Community Relations	<p>The team continue to work on the engagement and consultation requirements for the delivery of the Council's budget setting for 2016-17 as part of the Re-imagining Norfolk strategy.</p> <p>Next week (7-13 September) is Norfolk Safeguarding Adults Week. Earlier in the year, the Consultation and Community Relations Team carried out a survey exploring awareness of adult abuse that saw 855 residents responding. In the survey, of those who said they were not sure that they would report abuse, 56% said that this was because they wouldn't know where to report it. Following on from this finding, the team has worked with members of the public on the Your Voice scheme to help create a poster and leaflet campaign to encourage people to report adult abuse. This will be launched next week. The work contributes to our priority around supporting the most vulnerable.</p> <p>We have worked with Norfolk Community Foundation to develop a £50,000 fund which will be awarded to voluntary and community groups to increase the number of young people involved in Youth Social Action. The funding will support projects that help deliver our priorities around promoting older people's independence and giving young people the skills they need to get real jobs. £25,000 of the funding is from the Cabinet Office, £12,500 from Children's Services and £12,500 from Adult Social Care. The work contributes to our priorities around excellence in education and supporting the most vulnerable.</p>	Paul Jackson
Customer Services	The Customer Service Strategy is now fully into implementation phase and good progress is being made.	C Sumner

	<p><u>A new Digital platform</u></p> <ul style="list-style-type: none"> • SiteCore has been purchased as the new web content management system and portal provider • ICT have ringfenced resource to work on the SiteCore implementation ; these people have been trained and are now SiteCore accredited • Design agencies have been briefed around the required web design and the successful agency will be appointed week commencing 07/09/15 <p><u>Customer Relationship Management delivery</u></p> <ul style="list-style-type: none"> • A CRM strategy has been completed covering required NCC architecture and potential for integration all major line of business systems – this was agreed at the Customer Service Delivery Group in July • Conversations and negotiations have been taking place with London Boroughs of Newham and Havering around development of a joint development partnership for implementation of the CRM solution (Microsoft Dynamics CRM). The joint development partnership has a number of significant benefits of NCC; <ul style="list-style-type: none"> ○Ability to take the skills, capability and expertise of the Newham/ Havering team and apply to NCC ○Cost saving of developing several modules which are common to the three authorities, namely Highways, Streetworks, Complaints, FOI, Member/ MP enquiries, Registrars and the Local Government Core (the Local Government Core provides many SLA and reporting elements which are critical to working in local government). This is estimated to be around 40 man years of effort ○Reduction in time to implement – we will be able to deliver a CRM solution integrated with the new Highways system, Yotta, in time for go live in April 2016 ○Skills transfer to our own ICT resource ○Ability to share future costs for developments and upgrades • Detailed implementation planning is now underway and we are starting to build the business case for Phase 2 of the strategy implementation. 	
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Cultural Services	<p>Norfolk Library and Information Service</p> <p>Summer Reading Challenge and ImagiNation – with the return of children to school this week the summer reading challenges are over for another year. 139 young volunteers supported the challenge across the county. At the Millennium Library 7 volunteers helped to register over 1200 children and volunteers have supported the library service across the county with delivering activities and recommending books to the children taking part. Over the next few weeks libraries will be holding medal ceremonies which many local councillors will be attending.</p> <p>Museums Service & Arts Service</p> <p>Continued partnership working with The British Museum - A major corps of fourteen objects from the NMS collections will be travelling to the British Museum in September 2015 for their hotly anticipated and prestigious exhibition <i>The Celts</i> (24 September to 31 January 2016). NMS is a major lender to the exhibition which will then travel to National Museum of Scotland in Edinburgh from 11 March to 25 September 2016. The items are some of the most precious from our Iron Age, RomanoBritish and Early Medieval collections including a stunning drinking horn-terminal in the form of a bovine head with flaring nostrils, which shows incredible design and attention to detail. The mount was found by a metal detectorist in Needham, South Norfolk and is one of several archaeological treasures acquired through the HLF's Collecting Cultures scheme. This high-profile loan will promote the NMS collections and the Castle as a visitor destination. In the meantime, visitors to the Castle won't be faced with empty cases as the British Museum have lent us items from the Ipswich hoard.</p> <p>We are also working in partnership with the British Museum and Wiltshire Museum on a 'British Museum Spotlight Loan' to bring the beautiful piece of secular medieval silver known as the Lacock Cup to Norwich Castle Keep. It will be on display in the Keep from 4 September 2015 to 10 January 2016 as part of a national tour.</p> <p>These reciprocal loans build on an important and deepening partnership with the British Museum which has seen important long term loans from their medieval collections enriching the new displays on the Keep balcony. They are also key partners in the Castle Keep development project – the second stage HLF bid for the project is due in November.</p>	<p>J Holland</p> <p>S Miller</p>
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	<p>and under the proposed banners 'Norfolk Community Language College' and 'Norfolk Community Arts and Crafts College'.</p> <p>Second Chance Skills</p> <ul style="list-style-type: none"> • Apprenticeships - Expanded provision for learners and employers • Employability skills - Includes GCSEs and Access courses and all provision which is designed to assist learners into work or to progress with their careers. • Support for learners - An integrated, personalised approach to delivery of services that will support all learners to achieve their aspirations and ambitions including access to a range of financial support packages such as 24+ loans. <p>Work is underway to plan for these significant changes to the service with a Change Management Programme being set up from September 2nd 2015, chaired by Jennifer Holland, Assistant Director and supported by the Corporate Programme Office. The end of this change programme will be September 2016.</p> <p>E-Register Update - A key part of the Post Inspection Action Plan is the move to electronic registers which will enable managers to track the attendance of all learners on a week by week basis. This is an important way of monitoring quality of provision. A pilot has been run over the summer and the lessons learned from this will help to make the e-register more manageable and smooth-running. Teaching staff will receive as much support as they need to make sure they quickly become proficient in completion and submission of their e-registers.</p> <p>Active Norfolk</p> <p>Run Norwich – this new 10-kilometre road race took place on Sunday August 30 and saw about 3,500 runners take to the city centre streets, passing some of Norwich's most iconic landmarks. The course was designed to create a unique experience in Norwich for runners and spectators, with music and entertainment at the start and along the route.</p> <p>The event was a great success, with thousands of spectators turning out to support the runners despite the poor weather. Members of Cultural Services got involved with some running in the race while others volunteered as race marshals.</p> <p>Tour of Britain - The Norfolk/Suffolk stage of the Tour of</p>	Ben Jones
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	<p>Britain takes place on Saturday 12th September, starting at Fakenham racecourse. This stage will take in market towns from across North Norfolk and Broadland, before passing through the city, then on to South Norfolk and Breckland before heading to Suffolk via Thetford.</p> <p>The race includes some of the highest-profile names in world cycling including Sir Bradley Wiggins and Mark Cavendish, as well as Team Sky and all the other major cycling teams.</p> <p>We anticipate in excess of 50,000 spectators across Norfolk, with many taking part in a host of activities and events organised throughout the county.</p> <p>NRO - NSTR</p>	
<p>Community Safety and Fire and Rescue</p> <p>Norfolk Fire and Rescue Service</p> <p>Emergency & Resilience</p> <p>Trading Standards</p>	<p>Incidents of note for inclusion:</p> <ul style="list-style-type: none"> recovery of two drowning victims, one near Downham Market and one near Maidstone on behalf of Kent Police; making safe at the Hydrochloric acid leak Scratby Sands; and; a series of road crash fatalities. <p>There are minimum core standards for Emergency Preparedness Resilience and Response (EPRR) which NHS funded organisations must meet. A process is required to provide assurance that the NHS is able to maintain a safe and resilient system of patient care in accordance with these requirements. NHS funded organisations are asked to submit evidence of their conformity to the required EPRR standards via the completion of an assurance template. This annual assurance process is currently underway. The NCC Resilience Team provides support to this process and is collating and monitoring assurance returns for transmission to the NHS England Area Team. A section of the assurance this year is on pandemic flu preparedness which includes a pandemic flu exercise being planned to take place for Norfolk on 20th October.</p> <p>NSTR</p>	<p>Nigel Williams</p> <p>Jan Davis</p>

Public Health	<p>The Director of Public Health presented Annual DPH Report to the Health and Wellbeing Board. The report recommended that an integrated mental health strategy should be developed under the auspices of the Health and Wellbeing Board. An integrated strategy will focus on addressing mental and physical health together; address mental wellbeing and prevention; and consider both adults and children. The recommendation was accepted by the Health and Wellbeing Board who agreed that mental health will become a fourth priority in the refresh of the HWB Strategy this year. The Public Health team will have a key role in the development of this strategy over the next year.</p> <p>A Regional Public Health sector led improvement programme has been agreed. Led by a shared project manager, hosted in Hertfordshire, the programme will comprise a range of activities including self-assessment and audit, leadership development, quality improvement activities such as learning sets and 'hack' (peer challenge) workshops. The programme will feed into and support formal peer review and drive continuous quality improvement in public health.</p>	Louise Smith
Registration Services	The proposal to close four part time registration offices to make £25k accommodation savings has been submitted to committee.	Caroline Clarke

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News Update for the period ending: 15/9/2015		
Service	Service Update key bullet points	Contact
Consultation & Community Relations	<p>On 16 September the British Youth Council (BYC) launched the 'Developing Democracy Award', to encourage schools to increase participation in democracy and politics. Norfolk's Framingham Earl High School was the only school invited to the national launch as an example of best practice. The Consultation and Community Relations Team have supported FEHS to develop their student democracy through Norfolk Youth Parliament, Takeover Day and Make Your Mark. Jacob Rhodes, Member of Norfolk Youth Parliament for South Norfolk and student of FEHS had the opportunity to present the schools achievements and the importance of student democracy to the Minister for Constitutional Reform, John Penrose MP. The Consultation and Community Relations Team will be supporting other schools in Norfolk to achieve the Developing Democracy Award in the coming months.</p> <p>The team continue to work on all aspects of the development of Re-imagining Norfolk strategy including tasks for setting next year's budget and the forthcoming cross-party Members workshops to further develop the Council's priorities on 30 September and 5 October 2015.</p>	Paul Jackson
Customer Services	<p>Customer Service Strategy Update</p> <p>Work has been progressing with the implementation of the new web content management platform, and the content team have started to think through the underlying structure and format for the site. We have also appointed a design agency, Jadu, to support the redesign process. Jadu have extensive experience in building public sector web sites and have a good grasp of the efficiencies and improved customer experience that can be achieved with an</p>	C Sumner

	<p>optimised digital offer.</p> <p>The CRM (Customer Relationship Management System) implementation is also progressing well; the Highways module was demonstrated last week and work will begin shortly on the “gap-fit” to see how well the system meets our processes, and vice versa.</p> <p>Some Members attended a workshop last week to progress the development of new service standards for the council – it was a productive session with very helpful input from the members who attended.</p>	
Cultural Services	<p>Library and Information Service</p> <p>Proximity to the library service – the Communities Committee meeting on 9 September considered the report from the Library and Information Service Review Group. One of the issues discussed was the proximity of Norfolk residents to their nearest library service. An analysis has been carried out and the current data, based on 2013 statistics, is that 92.4% of the population live within 2 miles of a library or 0.25 miles from a mobile library.</p> <p>Sale of antiquarian items – As part of the agreed savings from the libraries budget for the current financial year, we have made a start on auctioning identified material. The first 11 titles appeared in a specialist book auction conducted by Keys of Aylsham at the end of July.</p> <p>Although the sale catalogue attracted enquiries, and international phone and Internet bids were received, not every item sold. However, we have raised over £30,000, a third of the way to the target, and the experience was valuable in understanding how the market is behaving in a time of austerity.</p> <p>We will be entering some more titles in the September sale.</p> <p>Arts Service</p> <p>Out There Festival 2015 - SeaChange Arts, a recipient of Norfolk County Council's annual Arts Grants, is preparing to stage the 2015 Out There International Festival of Circus and Street Arts in Great Yarmouth from 18-20 September.</p> <p>Now in it's the 8th year, the Out There Festival is the largest festival of its kind in the East of England and fast becoming one of the UK's leading events, with an international reputation for presenting excellent artistic work and rich mix of indoor and outdoor performance.</p>	<p>J Holland</p> <p>S Miller</p>

	<p>Regularly attracting more than 60,000 people, the festival blends iconic international acts and the finest UK performers with strong community participation, family fun and lots of hands-on things to do. Most of the events are free to attend and highlights this year include elevator based antics, Shakespearian circus, and explosive carnival celebrations. It is estimated that the 2014 Out There Festival brought over £1.2million into the Great Yarmouth economy.</p> <p>Further information about the 2015 Out There International Festival of Circus and Street Arts can be found here.</p> <p>Adult Education Service</p> <p>CPD Training - The Service held its final mandatory tutor CPD training session on 7th September. This training has been delivered to 287 tutors and assessors between June and September 2015 and was in direct response to the Ofsted inspection findings. Feedback from teaching staff has been positive and staff have taken on board the improvement themes covered through the programme. Tutors who have refused to attend the training have been informed that they will not teach for the service this term.</p> <p>Ofsted Support and Challenge – the latest visit took place on 18th August and the inspector noted that the Service is making good progress with its improvement plan. The next formal, unannounced Monitoring Visit by Ofsted is anticipated at the end of September or beginning of October.</p> <p>Norfolk Record Office</p> <p>Digital Preservation The Norfolk Record Office has reached agreement with members of the East of England Regional Archive Council to work collaboratively on addressing the significant challenge of the preserving born digital records. The National Archives have also agreed to provide support to this project.</p> <p>Active Norfolk</p> <p>Tour of Britain - On Saturday 12 September the Tour was welcomed back to Norfolk, with over 100 of the world's top cyclists departing Fakenham at 10am.</p> <p>Hundreds of people attended the start event at Fakenham racecourse, and initial estimates are that around 110,000 people lined the route through Norfolk. Local events were held all over Norfolk, including family fun days, BBQ's and</p>	<p>H Wetherall</p> <p>G Tuson</p> <p>Ben Jones</p>
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	<p>town cycle rides – really bringing communities together.</p> <p>Councils are only just beginning to calculate the economic benefits the event has brought to the region, but it is thought the Tour's impact will exceed the £3 million boost that East Anglia enjoyed last time the event was held here in 2012.</p> <p>There was a huge amount of media interest with the Tour being featured on Friday, Saturday and Mondays BBC Look East and ITV Anglia News plus coverage on all BBC4, local radio stations and the EDP and Evening News.</p> <p>Norfolk Museums Service - NSTR</p>	S Miller
<p>Community Safety and Fire and Rescue</p> <p>Norfolk Fire and Rescue Service</p>	<p>Members may have been aware since early summer that the government were keen to examine closer blue light integration. One particular focus of the consultation is the opportunity to enable fire and police services to work more closely and, where both organisations so chose, to work under the local PCC. The Consultation process in respect of closer working between the Emergency Services began on 11 September and will run until 23 October 2015. NFRS and NCC will need to consider its submission to this consultation after due consideration.</p> <p>The details of this consultation can be found at: https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services</p> <p>Our resilience teams, fire and other partners were heavily involved in planning for the safety for the Tour of Britain - and helped ensure that this was an extremely successful event.</p> <p>The Wymondham Fire Cadets Parents Day took place on Saturday, 12 September. The Fire Cadet Units in Norfolk have been running for 31 years being the brain child of former CFO Bruce Hogg. Norfolk, once again, was a leader in this field and we have the oldest Fire Cadet scheme in the country. The Cadets displayed the skills they have learned to great effect. The event was a great success and all involved had a great day.</p> <p>Following the Communities Committees meeting on 9 September the EDP commenced a 'Save Our Stations' campaign. Officers and Members of the council have made it very clear that NO formal decision on the future of NFRS or indeed any departments across NCC have been made yet. Any decisions that will be made will be subject to a round of public consultation commencing later in October. Paul Smyth and Roy Harold featured in a</p>	Nigel Williams

<p>Emergency & Resilience</p> <p>Trading Standards</p>	<p>Mustard TV interview on Thursday 10 September. http://www.mustardtv.co.uk/browse/stations-could-be-shut-as-norfolks-fire-service-faces-latest-round-of-proposed-cuts/. Officers have also attended a meeting of Heacham Town Council and reconfirmed that no decisions have yet been made.</p> <p>Local businesses, academic institutions, and voluntary organisations have been invited to renew their membership of Normit which, as part of Norfolk Safety CIC, provides training, exercising and consultancy services related to emergency preparedness & response and Business Continuity. Normit is a service provided by the NCC Resilience Team.</p> <p>NSTR</p>	<p>Jan Davis</p> <p>Sophie Leney</p>
<p>Public Health</p>	<p>Following the Community Committee's approval of proposals for an integrated Healthy Lifestyle service on 9th September, planning and service specification is underway. To support this service procurement two stakeholder events will be held on Tuesday 21st and Friday 25th September. Feedback from these events will inform the design of the service model. For more information about attending these events please contact the Public Health 'Reducing Early Mortality' Team:</p>	<p>Louise Smith</p>

	<p>angela.fletton@norfolk.gov.uk</p> <p>From October 1st, Norfolk County Council will hold new responsibility for leading the national 'Healthy Child Programme' for children aged 0 -5 years. Services that deliver this programme include Health Visiting, Family Nurse Partnership (a specialist health visiting service), immunisations and child health information services. To support this an additional allocation of about £13.2m will be received from the Department of Health for the health visiting service contract.</p> <p>Public Health is already responsible for the delivery of the school aged (0 – 19 years) Healthy Child Programme, and services including School Nursing, Healthy Weight programmes, vision and hearing screening. Bringing these two programmes together under Public Health leadership means that we are able to integrate these services into one 0 - 19 years pathway for the first time in Norfolk.</p> <p>A brand new service has been commissioned and will start on 1st October. Until now the health visiting services universal services for children aged under 5 years have been delivered by a number of different providers in different parts of the county. The service has been redesigned and brought together under one provider. The new contract focuses on 20 outcomes to be delivered for children and families. These include baby checks, screening for health and development issues, supporting parents, checking children's weight, eyesight and hearing.</p> <p>The new service will be provided by Cambridgeshire Community Services NHS Trust (CCS) under a five year contract. We are delighted to be working with CCS who are rapidly developing a specialist expertise focussing on children, families, and young people's community health services.</p> <p>The new service is being launched in stages:</p> <ul style="list-style-type: none"> • Phase One: 1st October 2015 East Coast Community Care (ECCH), Healthy Schools and Community Sports Foundation. • Phase Two: 1st November 2015 Norfolk Community Health and Care (NCH&C and the school nursing team based at the James Paget Hospital). 	
Registration Services	<p>Registrars</p> <p>An agreement has been reached between Great Yarmouth Borough Council and NCC to improve the offer to couples getting married in the Borough. Extra charges</p>	Caroline Clarke

	<p>for two of the available rooms in the Town Hall will be waived, which not only gives a greater choice but also brings the offer in the town in line with others in the County. Councillors agreed this in principle on 16th September and the plan is that the new arrangements will come into force on 1st October 2015.</p>	
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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: 2/10/2015		
Service	Service Update key bullet points	Contact
Consultation & Community Relations	<p>We have been supporting the libraries service with the design of their re-imagining libraries survey which launches next week. We're hoping to find out about how people use the library service, the reasons why some people may have stopped visiting their library, and any ideas they may have about the role Norfolk libraries can play in the future.</p> <p>Members of Norfolk Youth Parliament (MYPs) are calling on young people (11 – 18 years) to vote in the Make Your Mark ballot. Make Your Mark gives young people the opportunity to tell us what is most important to them, from a list of 10 issues. All schools in Norfolk have been contacted and their students asked to take part. The ballot closes in Norfolk on Friday 9 October.</p> <p>Make Your Mark is a national ballot and in 2014 over 850,000 young people from across the UK took part. The top 5 issues will be debated in Parliament by MYPs from across the country to decide on the Youth Parliaments national campaign.</p> <p>Consultation and community relations continue to support the production of this year's consultation on our budget and activities associated with the development of the Re-imagining Norfolk strategy – this includes two cross-party workshops on the council's priorities for all elected Members on the 30 September and the 5 October.</p>	Paul Jackson
Customer Services	The Corporate Web team have redesigned the Adult Social Care web pages to make them more customer friendly and easier to navigate; the redesigned section of the site also includes more public health and wellbeing information to support the promoting independence	C Sumner

	<p>how digital technologies can come together with traditional processes of production and co-production with communities.</p> <p>Co-produced by FACT (Foundation for Art and Creative Technology), in collaboration with the Crafts Council and Norfolk Museums Service, the exhibition, will be on show at Norwich Castle from 3 October 2015 to 3 January 2016.</p> <p>Crafts have underpinned our local communities for centuries but the traditional tools are changing with the advent of modern technologies. <i>Build Your Own</i> is about celebrating making and the use of both old and new tools. The exhibition features specially commissioned works by leading makers, creative technologists and collectives who explore various creative traditions and all of whom embrace the ethos of co-creation.</p> <p>Norwich Hackspace – this show will demonstrate how easy access to new print technology and open source projects can change people’s lives. Local children in need of prosthetic hands will be invited into the gallery to see them emerge from our production line of 3D printers. Children are not always fitted for prosthetics due to the speed at which they grow, and the lengthy and costly process of making them. 3D printing has revolutionized this - limbs are produced quickly and cheaply and allow the child to choose the colour and style of their new hand. The blueprints have been provided by the <i>e-Nable</i> community, a global enterprise collaborating to ensure the free distribution of 3D prosthetic hands worldwide.</p> <p>A key element of the show is the exciting programme of related events and workshops. A special ‘maker space’ in the gallery will present demonstrations and workshops, variously showcasing the works of local artists and staff and students at Norwich University of the Arts. Further events have been developed with the participation of local groups and communities around Norwich, and have been designed to engage people of all ages and with varied levels of existing experience and knowledge.</p> <p>Norfolk Arts Service</p> <p>Look Sideways – East - The Cultural Tourism Project for Norfolk & Suffolk successfully launched its brand in June, <i>Look Sideways – East</i>. The brand will raise the profile of the world-class culture across the region, and attract a wide audience of cultural tourists.</p> <p>Throughout the life of the project, <i>Look Sideways – East</i> will be looking for ways to support cultural organisations across the region, including practical workshops, the development of a tool to encourage collaborative working on campaigns and event planning, and on-going</p>	<p>S Miller</p>
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	<p>assistance with communications around the region's biggest, brightest cultural events.</p> <p>Each day <i>Look Sideways – East</i> will also highlight a joyous gem of culture from the region. Each item is hosted on http://culture-365.co.uk and shared across Twitter and Facebook, and on each microblog there are links to the closest tourism website and the provenance of the item itself.</p> <p>The cultural tourism project is funded by Arts Council England, New Anglia Local Enterprise Partnership, Norfolk County Council, Suffolk County Council, and seven regional arts organisations.</p> <p>For further information on <i>Look Sideways – East</i> contact James Gorry at james@agencyforchange.co.uk.</p> <p>Norfolk Adult Education Services (NAES)</p> <p>Ofsted Visit - The Service is anticipating a monitoring visit from Ofsted any day now. This will be our third monitoring visit since our Ofsted inspection in January this year and we are looking forward to showing Ofsted all of the improvement work that is underway, and for them to see the impact that this is starting to have on our learners' experience.</p> <p>Planning is now underway for an event to be held in the Summer term 2016 to celebrate the outstanding teaching and learning that takes place within our Service. Tutors will be asked to nominate learners that they feel should have their achievements celebrated and learners will be asked to nominate tutors who they feel should be recognised for their commitment, encouragement and support.</p> <p>Our transformation from an organisation-centric service to a learner-centric service is now well underway and will be the theme of our staff Conference which is being arranged for Thursday 5th November at the King's Centre. All staff, including tutors, will be invited.</p> <p>NRO - NSTR</p> <p>Active Norfolk - NSTR</p>	H Wetherall
<p>Community Safety and Fire and Rescue</p> <p>Norfolk Fire and Rescue Service</p>	NSTR	

Trading Standards	<p>Trading Standards, along with the Environment Agency and HM Revenue & Customs participated in the Norfolk Constabulary led day of action on 30 September, as part of the annual national Operation Rogue Trader; proactively targeting rogue traders and highlighting the risk of using cold callers. Vehicles were stopped on the county's main road networks (A11, A47 and A140) and checks of documents, fuel and the vehicles themselves were carried out. Trading Standards ensured that all traders were made aware of their obligations under consumer protection law by providing comprehensive advice.</p> <p>Trading Standards is teaming up with the Norfolk Fire & Rescue Service and Norfolk Constabulary to highlight the risks associated with Halloween and Bonfire night, encouraging people to buy and sell fireworks responsibly, to use fireworks safely and to discourage youngsters from participating in anti-social behaviour.</p>	Roy Harold
Emergency & Resilience	<p>The NCC Resilience Team facilitated the final collation of assurance returns to NHS England for compliance with core standards for Emergency Preparedness, Resilience and Response for the following organisations in Norfolk & Waveney:</p> <ul style="list-style-type: none"> • Gt Yarmouth and Waveney CCG • North Norfolk CCG • Norwich CCG • South Norfolk CCG • West Norfolk CCG • East Coast Community Health Care (ECCH) • Norfolk Community Health and Care (NCH&C) • James Paget Hospital • Norfolk & Norwich University Hospital • Queen Elizabeth Hospital <p>NCC Resilience contributed to a breakfast meeting hosted by Aviva of the Business Emergency Resilience Group (BERG), initiated nationally by the Prince of Wales, at which Norfolk SMEs were represented along with local authority resilience officers from the districts and NCC. The meeting explored further opportunities to promote more resilient SMEs in Norfolk. This is an ongoing project</p>	Sophie Leney
		Jan Davis

	of Business in the Community.	
Public Health	<p>1. New Director Public Health starts in post</p> <p>The new Director of Public Health has started in post on 1st October. Dr S J Louise Smith joins from Hertfordshire County Council, where she was the deputy director of public health. She trained in public health in Eastern Region working in Suffolk, Cambridge and Hertfordshire. She has had almost 20 years of experience across local government having worked in numerous roles within public health including as the Scottish Government's senior medical advisor for women's and children's health. She is a qualified doctor and has a PhD (Research Doctorate in Molecular Genetics) which she gained at the University of Edinburgh. Early priorities for Louise will include working with the Communities' Committee to develop a shared vision for public health in Norfolk and agree top priorities for the department and Norfolk County Council</p> <p>2. Bid for pre-diabetes pathway project has been submitted</p> <p>A joint bid in collaboration with North Norfolk Clinical Commissioning Group (CCG), Norwich CCG and South Norfolk CCG to Public Health England to join their national diabetes prevention project. One of the biggest national implementation projects ever, Public Health England are seeking to develop ways to prevent large numbers of people from developing diabetes. The Norfolk proposal builds on the leading edge work done by University of East Anglia (UEA,) and Norfolk and Norwich University Hospital NHS Trust (NNUH) through the Norfolk Diabetes Prevention study and the Public Health Commissioned Health Checks. The project will work with GPs to identify patients who have been found to be at risk of diabetes and work with them to encourage lifestyle changes such as weight loss, healthy eating and exercise to prevent health problems caused by Type II diabetes.</p> <p>3. Launching the Warm and Well Campaign 2015/16</p> <p>The Warm and Well campaign for 2015/16 is being planned. This partnership campaign supports Norfolk's vulnerable and older people to keep warm and well during the winter: to reduce excess winter deaths and reduce hospital admissions for heart attacks, strokes and respiratory problems especially amongst Norfolk's older and vulnerable patients. The campaign will launch on the 6th November alongside the Surviving Winter Campaign</p>	Louise Smith

	<p>coordinated by the Norfolk Community Foundation and Age UK Norfolk. The Warm and well campaign seeks to increase awareness and promote health in older people and staff working with them, promote flu vaccination and offer grants to fund home adjustments.</p> <p>Communications focused on the key Warm and Well messages will be promoted via a variety of channels including radio adverts, press coverage, bus stop marketing, bus headers and newsagent boards as well as a campaign toolkit consisting of poster templates, leaflets and email banners for our partners and community groups to use. A coordinated campaign featuring our Warm and Well room thermometers (approx.20,000) will be sent to GP surgeries, pharmacies and libraries with higher rates of excess winter deaths from the 23rd October to coincide with this year's flu campaign and clinics.</p> <p>Given the 50% reduction in budget for this year's campaign we are focusing on partnership approaches to making every contact count and supporting the wider workforce (including staff such as Fire personal, refuse collectors and social workers) – working with our third sector partners we will also be looking to support and enable communities to look out for each other this winter. We have approached the CCG's in Norfolk to assess their level of support in the Warm and Well Community Fund – if this is successful it will mean we can support community groups at a very local level via a small grant to support activity that meets the outcomes of Warm and Well.</p> <p>4. Commissioning beds to provide drug addiction detox treatment</p> <p>A revised approach to the purchase of detoxification beds for people with severe drug addiction has been implemented putting in place local arrangements to come in line with National Treatment Agency (NTA) best practice standards. Following a procurement process to ensure quality standards and value for money the Council has put in place arrangements to purchase services from a Select List of Providers who can undertake both detox and residential rehabilitation. This exercise has resulted in 17 providers from across the country being approved onto the Select List which started to be used from 1st April 2015.</p> <p>The range of services included some which have been not available or difficult to acquire in the past, for instance services for pregnant women, people with complex issues including physical disabilities, detoxes linked to acute and mental health services, aftercare that lasts for many years following discharge, links to specialist housing and</p>	
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	<p>housing support, assistance to gain employment (one new provider has links to 40 local employers who offer work placements) and integration into the local community.</p> <p>The new options enable the local Norfolk system to offer a wider range of detox and residential rehab choice for people to support them to move on with their recovery journey and, hopefully, to leave treatment services behind thereby reducing the long term costs on the local system.</p> <p>Not only do these new arrangements improve access and assure quality but they are also expected to save at least £500,000 in their first year.</p>	
Registration Services	<p>The move of registration operations from Churchman House into the Norfolk Record Office and the relocation of ceremonies into the Benefactors Room in Norwich Castle is now confirmed and planned to be in place by April 2016. Couples formerly booked in the Churchman Suite after April 2016 have been informed of the necessary relocation of their ceremony and have been, for the most part, absolutely delighted. Norwich City Council have agreed to accept ten months' notice on Churchman House, which will be handed back on 31st July 2016 subject to dilapidations. Work on the registrars accommodation will begin in the Norfolk Record Office in January 2016. The existing partnership between Registrars and Libraries, Museums and the Record Office continues to be strengthened by these changes.</p>	Caroline Clarke

Communities Committee

Item No. 7.

Report title:	Finance Monitoring Report at Period 05 2015-16
Date of meeting:	21 October 2015
Responsible Chief Officer:	Executive Director of Community and Environmental Services – Tom McCabe
Strategic impact This report provides the Committee with information on the latest monitoring position for the Committee for 2015-16. It provides information on emerging issues and the position on the expected use of reserves for Communities purposes.	

Executive summary

The approved 2015 – 16 net revenue budget for this Committee is £48.282m. The net budget at period 05 is £48.592m which reflects that transfer of budgets from other service committees, further details are shown in section 2 below. At the end of Period 05 we are forecasting a net underspend of £0.103m.

The 2015-16 Capital budget for this committee is £3.882m, As at period 05, there are no forecast variations to the programme, but any changes or variations, and their implications, will be reported as soon as they are identified.

The balance of Communities' unspent grants, contributions and reserves at 1st April 2015 stood at £13.138m. The service is forecasting a net use of grants/ reserves in 2015-16 of £7.408m to meet commitments. The 2015-16 forecast outturn position for Grants, reserves and provision is £5.730m.

Recommendation

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

- a) The forecast revenue outturn position for 2015-16 as at Period 05**
- b) The forecast capital outturn position for the 2015-16 capital programme.**
- c) The current forecast for use of reserves.**

1. Proposal

- 1.1. Members have a key role in overseeing the financial position of Communities services, including reviewing the revenue and capital position and reserves held by the service. Although budgets are set and monitored on an annual basis it is important that the ongoing position is understood and the previous year's position, current and future plans and performance are considered.
- 1.2. This monitoring report reflects the forecast position at the end of August 2015 (period 05).

2. Evidence

2015/16 Revenue Monitoring

- 2.1 The table below summarises the budgets relevant to this committee and the forecast outturn position at the end of August 2015 (Period 05).

Table 1: Communities 2015-16 Forecast Position as at Period 05

Revenue Monitoring 2015/16	Approved NET Budget	Forecast Outturn	Forecast +Over/(Under spend)	
	£m	£m	£m	%
Consultation & Community relations	0.268	0.268	0.000	0.00
Active Norfolk	0.000	0.000	0.000	0.00
Adult Education	0.186	0.186	0.000	0.00
Libraries, Museums, record office & Arts	13.723	13.723	0.000	0.00
Customer Services – including Health watch	5.296	5.296	0.000	0.00
Registration service	(0.027)	(0.027)	0.000	0.00
Community safety	0.200	0.200	0.000	0.00
Emergency Planning & Community resilience	0.268	0.190	-0.078	-29.1
Norfolk Fire and Rescue service	28.035	28.023	-0.012	-0.04
Trading Standards	1.843	1.830	-0.013	-2.01
Public Health	(1.200)	(1,200)	0.000	0.00
Committee Total	48.592	48.489	-0.103	

Note: Active Norfolk is wholly funded from external grants

- 2.2 As at the end of May 2015 (Period 05) the forecast revenue outturn position for 2015-16 is a net underspend of £0.103m.
- 2.3 The current forecast is based on the information available at Period 5, taking into consideration the approved budget and known issues, which provides a reasonable basis on which to estimate the future forecast outturn at this stage of the year. Details of the forecast variances are included in the table below:

Variances		
	£m	
Fire HQ - salaries	-0.003	
Fire Resources	0.101	Forecast overspend due to pressures on Fuel and maintenance costs
Fire Operations	-0.186	Forecast underspend in retained drill/ Turnout Fees
Fire - Finance	0.076	Forecast overspend due to increased insurance costs
Fire – Net Underspend	-0.012	
Trading standards	-0.013	Forecast underspend to vacancies
Resilience	-0.078	Forecast underspend to vacancies
Net Underspend	-0.103	

Capital Programme 2015-16

- 2.4 The overall capital budget for the services reported to this Committee is £3.840m, as at the end of August 2015 and is shown at table 2 below.
- 2.5 The programme is forecast to be in line with the current budget for 2015/16. Further details on individual schemes are shown at **Appendix B**.

Table 2: Communities Capital Programme				
Scheme or programme of work	2015/16 Capital Budget £m	Expenditure to Date £m	2015/16 Forecast Capital Outturn £m	Total Forecast (under)/over spend £m
Norfolk Fire & Rescue Service	2.441	0.131	2.441	0.000
Libraries, Museums, Record Office & Arts	1.441	0.049	1.441	0.000
Committee Total	3.882	0.180	3.882	0.000

The Fire service programme has increased due to a new scheme funded from the Carbon Energy reduction fund at Kings Lynn fire station (£0.020m) and additional grant funding for Fire Appliances (£0.021m).

There is no Capital Programme currently planned for Trading Standards, Adult Education, Public Health, Emergency Planning & Community Resilience, Active Norfolk, Customer Services, Registration Services and Consultation & Community Relations in 2015/16.

Communities Reserves, Provisions and Unspent Grants/ Contributions

- 2.8 Communities unspent grants, reserves and provisions as at 31st March 2015 stood at £13.138m. The service is forecasting a net use of reserves in 2015/16 of £7.408m to meet commitments.
- 2.9 The 2015/16 forecast outturn position for reserves and provision is £5.730m. Further details on reserves and provisions for each service are shown at **Appendix C**.
- 2.10 The use of Public Health reserves is to facilitate the agreed health projects programme.

Table 3: Communities Reserves & Provisions					
Reserves & Provisions 2014/15	Balance at 1 April 2015	Forecast Balance at 31 March 2016	Forecast use of reserves	Planned use of reserves	Variance
	£m	£m	£m	£m	£m
Norfolk Fire & Rescue Service	3.413	2.430	0.983	0.983	0.000
Libraries, Museums, Record Office & Arts	1.876	1.496	0.380	0.380	0.000
Trading Standards	0.104	0.063	0.041	0.041	0.000
Adult Education *	0.464	0.421	0.043*	0.000	0.043
Public Health	5.924	0.065	5.859	2.176	3.683
Active Norfolk	0.546	0.546	0.000	0.000	0.000

Customer Services	0.347	0.245	0.102	0.081	0.021
Registration Services	0.412	0.412	0.000	0.000	0.000
Consultation & Community Relations	0.052	0.052	0.000	0.000	0.000
Committee Total	13.138	5.730	7.408	3.661	3.747

*Adult Education provision may be subject to claw back from Funding agencies, further details will be reported to Committee as they become known

The major movement on the use of reserves is in Public health, which reflects the use of the specific ring fenced grants to meet its planned activities.

3. Financial Implications

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

4. Issues, risks and innovation

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

5. Background

- 5.1 There are no background papers accompanying this report.

Officer Contact

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

Officer Name: Andrew Skiggs
Tel No: 01603 223144
Email address: Andrew.skiggs@norfolk.gov.uk



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

Appendix A

Appendix A				
Revenue Monitoring 2015/16				
Service	Budget £'000	Year to date Actuals £'000	Forecast Outturn £'000	Variance £'000
Consultation & Community Relations Committee	268	94	268	0
Active Norfolk	0	228	0	0
Norfolk Adult Education Service	186	5	186	0
Cultural Services				
Cultural Services Management	49	(1)	49	0
Norfolk Art Service	308	131	308	0
Norfolk Libraries and Information Service	9,754	3,877	9,754	0
Norfolk Museums Service	2,807	1,128	2,807	0
Norfolk Records Office	804	258	804	0
Cultural Services Total	13,722	5,393	13,722	0
Registrars	(27)	21	(27)	0
Customer Services				
Complaints	329	175	329	0
Customer Access Development	182	70	182	0
Healthwatch	369	(56)	369	0
Service Centres	3,591	1,373	3,591	0
Single Post Service	570	236	570	0
Web Content Management	255	121	255	0
Customer Services Total	5,296	1,919	5,296	0
Community Safety Team	200	66	200	0
Fire & Rescue				
Finance - HQ	3,337	783	3,413	76
FIRE: Central Services	5,282	3,118	5,384	102
FIRE: HQ Salaries	578	271	575	(3)
FIRE: Service Delivery	18,838	8,063	18,651	(187)
Fire & rescue Total	28,035	12,235	28,023	(12)
Resilience	268	80	90	(78)

Trading Standards				
Business, Food and Farming	457	152	413	(44)
Calibration, Verification and Testing	(69)	56	(58)	11
Community Safety and Fair Trading	539	200	516	(23)
Trading Standards Manager	206	40	135	(71)
Intelligence and Legal Enforcement	294	154	403	109
Investigations	416	148	421	5
Trading Standards Total	1,843	750	1,830	(13)
Public Health				
Business & Staffing	(27,528)	(13,419)	(27,528)	0
Children & Young People Programme	3,923	884	3,923	0
Communities	175	48	175	0
DAAT	9,243	3,973	9,243	0
Health Protection	25	0	25	0
Intelligence & Info Management	107	100	107	0
Minimising Risk & Harm	9,276	3,325	9,276	0
Reducing Early Mortality	3,580	1,258	3,580	0
Public Health Total	(1,200)	(3,831)	(1,200)	0
Total For Committee	48,595	16,960	48,595	(0.103)

Appendix B

Capital Programme

Libraries Capital Programme 2015/16

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 forecast Out -turn	2015/16 Forecast Variance
CERF Kings Lynn Library	14,847	14,263	14,263	
Wymondham Library	1,926,650	905	905	
Fairstead Kings Lynn	14,009	6,695	6,695	
S106 Wootton Rd Gaywood	428	800	800	
Bell Meadow, Hingham	1,611	17	17	
Norwich Rd, Thetford	2,841	9	9	
Parklands, Harleston	1,138	134	134	
North of the Tud - COS	52,898	28	28	
Lodge Farm, New Costessey	19,971	7,444	7,444	
Freeman St, Wells	1,530	52	52	
Roundhouse, Cringleford	38,245	1,852	1,852	
Land adj Elmside, White Street	1,944	52	52	
S106 Old Market Rd Stalham	875	129	129	
Mendham Lane Harleston	4,997	1,003	1,003	
S106 Lynn Rd Swaffham	1,057	304	304	
Dowson School, Valpy Avenue, Norwich	1,719	1,101	1,101	
S106 Lime Tree Ave, Long Stratton	2,422	618	618	
S106 Brandon Rd, Thetford	1,661	139	139	
S106 Littlewood House, Drayton	1,304	16	16	
S106 MOORGATE BUSINESS C	4,295	40	40	
S106 ROUNDWELL PH, COS	1,874	881	881	
S106 ALSTON'S MEADOW	468	410	410	
S106 Ph2 - Former RAF Watton Technical Site	15,877	108	108	
S106 CAWSTON RD, REEPHAM	907	690	690	
S106 Former Canary PH, Watling Rd	1,483	61	61	
S106 approval - Victoria Road (Bartrums), Diss	1,049	1,951	1,951	
S106 Bennett St / Grimshoe Rd Downham Market	3,629	4,576	4,576	
S106 Right Up Lane, Wymondham	2,968	390	390	
S106 approval - Queens Road, Attleborough	2,195	324	324	
S106 approval - The Lammas / Malsters Close, Munford	30	1,050	1,050	
S106 approval - Old Hunstanton Holiday Park	753	144	144	
S106 St Peters Road [West]	179	2,950	2,950	
S106 Edinburgh Road, Holt	271	1,245	1,245	
S106 Hall Farm Yard, Gayton	715	880	880	
S106 Station Road, Great Massi	851	460	460	
S106 Long Meadow, Roydon Road	414	5,822	5,822	
S106 Bridge Farm, Norwich Road	658	390	390	
S106 Mendham Lane, Harleston		3,080	3,080	
S106 149 Yarmouth Road, Thorpe	1,273	1,725	1,725	

S106 Cremorne Lane Norwich	1,337	1,450	1,450
S106 Railway Rd Phase 1 Downham Market	507	6,510	6,510
S106 Teasel Road, Attleborough	669	580	580
S106 Dowding Road	3,108	340	340
S106 Former Civil Service Sports Grnd, Wentworth Green		4,190	4,190
S106 Carvers Lane / Bryony Way		2,640	2,640
S106 Sweyn Close Thetford		1,920	1,920
S106 Post Office Rd Lingwood Brundall	709	335	335
S106 Frenze Hall Lane Diss		5,200	5,200
S106 Hospital Road Little Plumstead	1,774		
S106 Mill Street Necton	711	2,695	2,695
S106 Norwich Road Watton	1,018	1,742	1,742
S106 Holt Road, Fakenham	1,198	240	240
S106 Nora, Kings Lynn		900	900
S106 Beech House Downham Market		550	550
S106 Norwich Rd, Cromer		3,090	3,090
S106 Pinewoods Horsford	1,199	2,664	2,664
S106 Norwich Common, Wymondham		21,350	21,350
S106 Oak Meadow, Shipdham		2,150	2,150
S106 Ketts Rd, North Walsham		2,590	2,590
S106 Express Plastics		5,400	5,400
S106 Gt Wutthingham	48	2,302	2,302
S106 Slough Lane, Attleborough		710	710
S106 Land off Greengate		1,280	1,280
S106 Cemex Site, Wymondham		1,740	1,740
S106 Langham Rd, Blakeney	167	1,273	1,273
S106 Ringland Close, Little Melton			
S106 Brazen Gate, Norwich		5,230	5,230
S106 Land off Market Lane		8,040	8,040
S106 Norwich Road, Watton		240	240
S106 Kenninghall Rd		2,660	2,660
S106 Brandon Road, Swaffham		1,500	1,500
S106 De Narde Road, Dereham		1,290	1,290
S106 Ditchingham Maltings		6,920	6,920
S106 Three Score Care Village		5,900	5,900
S106 Thetford Road, Watton		6,640	6,640
S106 Yarmouth Rd/Ingram Rd, Stalham		9,810	9,810
S106 Crostwick Lane, Spixworth		3,690	3,690
CERF Dersingham Windows	126	1,049	1,049
Library Improvements 14/15+	151,424	108,576	108,576
CERF Watton Library	24,146	354	354
CERF Blofield Library	250	28,450	28,450
CERF Gt Yarmouth Library		36,500	36,500
CERF Mle Cross Library		15,100	15,100
Libraries Transformation 14/15+		94,780	94,780
CERF Mile Cross Library	450	5,850	5,850
Total Libraries Capital Programme	2,318,877	479,158	479,158

Museums Capital Programme

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 forecast Out -turn	2015/16 Forecst Variance
Bridewell Redevelopment	1,555,472	17,597	17,597	
GFW Voices from the Workhouse		900,000	900,000	
Seahenge	72,293	7,007	7,007	
Biomass Boiler CERF	165,025	8,552	8,552	
GFWH Wind & Solar		16,800	16,800	
Castle Keep Improvements	13,384	10,576	10,576	
Strangers Repl Ligh	5,166	1,864	1,864	
Biomass RHI Scheme	9,485			
Gressenhall CCTV	27,190			
GFW Collections Sockets	425			
Tolhouse Fire Safety Improvements	3,797			
Total Museums Capital Programme	1,852,237	962,396	962,396	

Fire and Community Resilience

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 Out -turn	2015/16 Variance
Real Fire Training Unit est 14-15		94,626	94,626	
Gt Yarm Fixed Generator		20,882	20,882	
Other station improvements		83,003	83,003	
Carrow Fire Station		7,341	7,341	
Training Buildings		18,307	18,307	
New Fire Station - Boat Store & Enhanced		157,965	157,965	
Flood Rescue Grant - Defra		96,207	96,207	
Kings Lynn Satellite Station		145,188	145,188	
Defra East Coast Flood Rescue 3 counties		4,949	4,949	
Portable generators & wiring		259,355	259,355	
North Lynn Improvements		427,292	427,292	
Downham Market replacement appliance		259,615	259,615	
Methwold FS Fire Safety Improvements		1,251	1,251	
Kings Lynn CERF		19,540	19,540	
Sprowston CERF		19,860	19,860	
Swaffham CERF		3,135	3,135	
Wymondham CERF		45,965	45,965	
Command & Control vehicles and ICT		306,000	306,000	
Dereham CERF		7,894	7,894	
Diss FS Fire safety improvements (watch office door & partition)		2,062	2,062	
Sandringham FS Fire Safety Improvements		2,050	2,050	
Sprowston FS Fire Sfety Improvements		816	816	
Wroxham FS Fire Sfety Improvements		1,210	1,210	
MTFA 4x4 vehicle		59,000	59,000	
Handheld UHF radios		240,000	240,000	

ALP for Earlham FS		
CERF N Lynn FS	19,540	19,540
CERF Carrow FS PV solar panels		
Fire Appliances (Type B pumps)	21,600	21,600
Compact Fire Appliances (CLG bid) est 14-15		
Unallocated capital grant (est 2014-15)		
LPSA Domestic Violence	115,982	115,982

Fire and Community Resilience	2,440,635	2,440,635
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Total Capital Programme	4,171,114	3,882,189	3,882,189
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Communities Reserves & Provisions 2014/15

Reserve	2015/16 Opening Balance £m	Additions £m	Planned movement of Reserves £m	Forecast Final Balance 2015/16 £m
Norfolk Fire & Rescue Service				
Provisions				
EU Part Time Workers Provision (Pensions)	0.850			0.850
Reserves				
Fire Pensions	0.348		-0.050	0.298
Equipment/Leasing	0.000			0.000
Operational / PPE / Clothing	0.000			0.000
Retained Firefighters	0.130			0.130
Capital Sustainability - Position & Project Reserve	1.903		-0.824	1.079
Grants				
Unspent Grants & Contributions Reserve	0.182		-0.109	0.073
Fire and Rescue	3.413	0.000	-0.983	2.430
Community Safety				
Trading Standards - ICT	0.000			0.000
Trading Standards - R&R	0.104		-0.041	0.063
	0.104	0.000	-0.041	0.063
TOTAL: Fire & Community Safety	3.517	0.000	-1.024	2.493
Cultural Services				
Norfolk Libraries & Information Service - Library Projects	0.586		-0.227	0.359
Norfolk Libraries & Information Service - ICT Reserve	0.113			0.113
Norfolk Libraries & Information Service - Library Grants	0.109		-0.029	0.080
Arts & Recreation - Projects	0.014		-0.014	0.000
Arts & Recreation - Tour of Britain	0.005		-0.005	0.000
Norfolk Museums Service - Museums Projects	0.161		0.010	0.171
Norfolk Museums Service - Income Reserve	0.130			0.130
Norfolk Museums Service - Insurance	0.004		-0.004	0.000
Norfolk Museums Service - Museums Grants	0.465		-0.026	0.439
Norfolk Records Office - NRO Projects	0.278		-0.085	0.193
Norfolk Records Office - NRO Grants	0.012			0.012
	1.876	0.000	-0.380	1.497
Norfolk Adult Education - Education Funding	0.463		-0.042	0.421
Norfolk Adult Education - Adult Education Grants	0.001			0.000

	0.464	0.000	-0.042	0.421
Active Norfolk	0.546			0.546
Total Cultural Services	2.887	0.000	-0.422	2.463
Customer Services				
Customer Access & Devpt IT Fund	0.269		-0.056	0.213
Complaints Org Change Reserve	0.045		-0.045	0.000
Customer Service Centre R&R Fund	0.025			0.025
Customer Service Centre It Fund	0.007			0.007
Total Customer Services	0.346	0.000	-0.101	0.245
Public Health				
Unspent Grants & Contributions - Warm & Well	0.064			0.064
Unspent Grants & Contributions - PH Ring fenced grant	5.860		-5.860	0.000
	5.924	0.000	-5.860	0.064
Consultation & Community relations				
Organisational Change (Consultation)	0.049			0.049
IT Fund (Consultation - Youth Parliament)	0.003			0.003
	0.052	0.000	0.000	0.052
Registrars				
Registrars R&R Fund	0.412			0.412
	0.412	0.000	0.000	0.412
Total Grants and Reserves	13.138	0.000	-7.407	5.730

Communities Committee

Item No. 10.

Report title:	Performance and risk monitoring report (Quarter 1)
Date of meeting:	21 October 2015
Responsible Chief Officer:	Tom McCabe, Executive Director of Communities and Environmental Services
Strategic impact Robust performance and risk management is key to ensuring that the organisation works both efficiently and effectively to develop and deliver services that represent good value for money and which meet identified need.	

Executive summary

This paper reviews Quarter One (April to June 2015) performance and risk results for the service areas that are covered by the Communities Committee. Q1 is being reported late as a result of being moved off the previous meeting's agenda. The review of Q2 (July to September 2015) performance and risk results will be brought to this committee on 11 November 2015.

Overall performance is mixed, when judged against the indicators that make up the performance dashboard. Of the 50 indicators in the dashboard, 20 are not reporting this quarter. Most of these are new measures that are still under development. Of the 30 indicators we are reporting this quarter, 19 are RAG rated green, three are rated red, four are rated amber, and four indicators are surveillance measures so do not generate a RAG rating.

Areas of strong performance include:

- The delivery of dementia friendly sessions by Public Health
- Progress against our targets for smoking cessation
- Providing effective treatment services for adult substance misusers
- Delivering home fire risk checks for vulnerable older and disabled people
- Trading Standards – in particular, income brought in through our calibration, verification and testing service
- Registration of births
- Visits to our museums and mobile libraries
- Customer Service Centre.

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

- The rate of NHS health checks taken up as a proportion of the number offered
- Sickness absence in the Norfolk Fire and Rescue Service
- Registration of deaths.

There are no risks for this Committee that are of corporate significance.

As part of an annual review and refresh of performance dashboards across the Council, the Communities Committee performance dashboard was reviewed at a workshop on 25 August 2015. The revised dashboard is the basis of this report.

Recommendation

Committee Members are asked to:

- 1. Agree the 2015/16 performance dashboard as the basis for reporting to this committee over this financial year**

- 2. Review and comment on the performance information**
- 3. Consider any areas of performance that require a more in-depth analysis.**

Introduction

- 1.1 The 2015/16 Communities Committee performance dashboard contains 50 indicators, 20 of which are not reporting this quarter.
- 1.2 Of those measures with targets:
 - Three are significantly off target (more than 5% variance)
 - Four are just off target (within 5% variance)
 - 19 are on or better than target.
- 1.3 Of those measures with a direction of travel, when compared to quarter one last year:
 - 11 have got worse
 - Two have remained the same
 - 14 have improved.

Performance management framework

- 2.1 The council's performance management arrangements are currently subject to a review commissioned by the Managing Director. The outcome of which will help shape what we report and how we report it. The review has been in response to: changing organisational demands; feedback from members; and a need to present performance data, information and analysis in an accessible and engaging format that promotes good governance and accountability.
- 2.2 The scope of the review is wide ranging and covers the development of: an outcomes framework; 'vital signs' and 'organisational health' indicators; a new approach to risk management; a revised change management programme; integrated financial monitoring (budget and savings).
- 2.3 The work that has been done by this committee to test and refine the performance measures that are used as the basis for reporting has begun to tease out some of the 'vital signs'. These are measures that are indicative of the efficiency and effectiveness of the organisation in delivering its outcomes. As such, the committee is well placed to engage in the development of the new performance management framework.
- 2.4 The performance data and analysis that is reported to this committee will be aligned to developments in the council's performance management framework over 2015/16. It is anticipated that a new corporate performance management framework will be implemented in April 2016.

Annual review and refresh of committee dashboard

- 3.1 Performance dashboards are reviewed and refreshed on an annual basis. This helps to ensure that the performance indicators that are being monitored reflect the key issues facing services, departments and committees. It also provides an opportunity to set and test targets for the coming year.
- 3.2 The Communities Committee performance dashboard was reviewed at a workshop on 25 August 2015, that was attended by both committee members and officers. Those present worked through the list of performance indicators that had been reported to the committee in 2014/15 and tested whether they enabled:
- Effective performance monitoring of areas of financial and/or reputational risk
 - Monitoring of outcomes as well as processes
 - Linkages to be made with other committees.
- 3.3 The discussions at the workshop took place in the context of: 'Re-imagining Norfolk', particularly 'putting people first' and making sure that everything that we do improve's people's opportunities and wellbeing; and the development of an Outcomes Framework, as part of a broader performance management framework.
- 3.4 The final, agreed version of the performance dashboard is the basis of this report (Appendix 1).
- 3.5 The summary notes from the meeting, including a list of attendees, is appended to this report (Appendix 2).
- 3.6 The changes to the 2014/15 performance dashboard are listed in Appendix 3.

Public Health

Of the seven indicators for Public Health:

- **One indicator is red (NHS Health Check uptake)**
- Four indicators are green
- Two indicators are not reporting this quarter

- 4.1 The seven Public Health performance indicators that are in the 2015/16 performance dashboard will be reviewed by the incoming Director of Public Health. In the interim, the existing set of indicators will be reported on.

Red indicator: NHS Health Check uptake

- 4.2 The NHS Health Check programme is a five year rolling programme, which runs from April 2013 to March 2018. We are currently in the third year of the programme. The uptake in Q1 is lower than anticipated. Investigation into the causes of this poor performance has suggested that changes to the contract between Public Health and GP providers has led to a significant increase in the number GP patients being referred to an NHS Health Check in Q1. At the same time, the number of people taking up an NHS Health Check has remained relatively stable. As a result, the overall performance (% of people offered NHS Health Checks who took them up) has dropped and this has impacted on our uptake figure.

Not reporting: Health Trainer Service uptake

- 4.3 The Health Trainer Service we commission works with people to provide the motivation, encouragement and support needed to enable people to make lasting healthy lifestyle changes. Accurate figures are not available due to the provider's ongoing data problems. Data is due at the end of October and we are working with the Procurement team to investigate the issues via contract management.

Norfolk Fire and Rescue Service (NFRS)

Of the six indicators for NFRS:

- **One indicator is red (sickness absence)**
- Two indicators are green
- Three indicators are not reporting this quarter – two temporary measures are used instead **which are both amber (Emergency Response Standards and Retained station availability)**

- 5.1 As part of the review and refresh of performance dashboard, a total of seven indicators relating to NFRS were removed. The rationale was that only those indicators which NFRS was able to directly influence should be reported to committee. Those that have been removed from the committee dashboard will continue to be reported to the monthly senior management team meeting (Fire and Community Resilience Board).

Red indicator: sickness absence days per FTE

- 5.2 Sickness absence in Norfolk Fire and Rescue Service remains comparable to last year. It is slightly above target. At the end of Q1 sickness absence (excluding retained fire fighters) was 2.01 days per FTE which is 0.23 days above the Q1 target of 1.78 and only 0.06 days higher than Q1 2014/15 (when it was at 1.95 days).

Amber indicator: Percentage of time retained fire stations are available to respond to an emergency

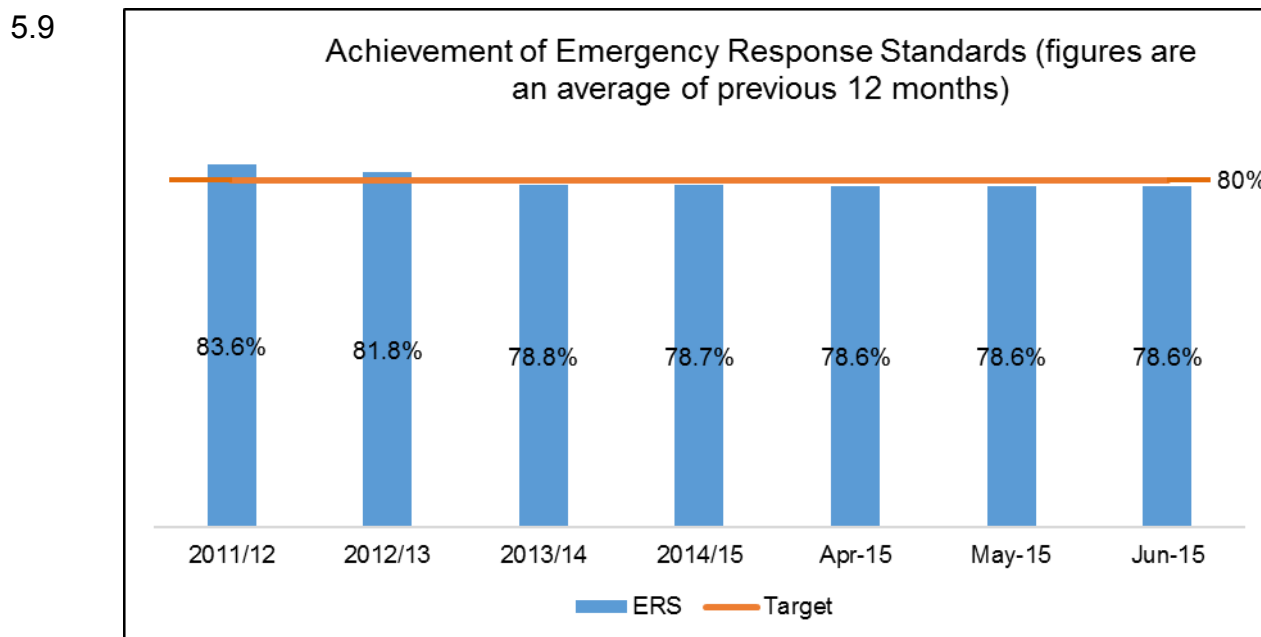
- 5.3 Members agreed that we would change this measure and report the percentage of time all fire stations are available to respond to an emergency rather than just retained fire stations. We are not yet able to report this data and so will continue to report the old measure until the new data is available.
- 5.4 NFRS aims to have stations crewed by retained on-call fire fighters available at least 90% of the time. At the end of 2014/15 availability was 85.4% and this has remained relatively stable in 2015/16 at 85.3%. However, this continues to be below target with low establishment at some stations an ongoing issue e.g. Outwell only has only 3 on-call staff compared to the standard establishment on 12 and availability is below 30%.
- 5.5 The strategic review of the fire and rescue service carried out by the Member Working Group has considered the viability of retained fire stations. Further information is contained within the Draft Integrated Risk Management Report 2016-20 on today's agenda.

Amber indicator: Emergency Response Standards

- 5.6 Performance against Emergency Response Standards (ERS) show how often NFRS reaches incidents within targets set for attendance times. The target is to attend 80% or more of fires where life may be at risk within 10 minutes and 80% of other emergencies in which life may be at risk within 13 minutes.

5.7 Members agreed that we would report two measures for Emergency Response Standards – one for ERS in rural areas and one for ERS in urban areas. We are not yet able to report this data and so will continue to report the old whole county ERS measure until the new data is available.

5.8 Performance against ERS is stable, but continues to be below target. At the end of June the service met the standards on 78.6% of occasions in the previous twelve months (July 2014-June 2015). ERS has been around this level since 2013/14 (see below). One of the factors affecting performance has been a change to the way the service responds to automatic alarm calls which means the service now attends fewer calls in urban areas which are quicker to get to.



5.10 As part of the strategic review of the fire and rescue service, NFRS is seeking to change its Emergency Response Standards to better reflect the current nature of the service. Legislation requires fire authorities to set emergency response standards following consultation with the communities they service. As such, revised standards are being proposed for each budget saving option for consideration by this Committee as part of the draft Integrated Risk Management Plan (IRMP) report elsewhere on today's agenda.

Trading Standards

Of the five indicators for Trading Standards:

- Two indicators are green
- Three indicators are not reporting this quarter as they are under development

6.1 Performance remains strong for Trading Standards with the measures with data available to report this quarter both rated as green. In particular, 'income generated through our calibration, verification and testing services' is significantly above target with £102,000 generated between April and June 2015. This was 124.5% over target.

6.2 The Calibration, Verification and Testing Services team recently passed their UK Accreditation Service (UKAS) reassessment. The assessor stated in his report:

“The management system was found to be of a high standard, well maintained and working effectively for the laboratory. One of the strengths of the laboratory is the obvious commitment of all staff to deliver the best service possible. The personnel who carried out the witnessed calibrations were also able to demonstrate a good understanding of the technical requirements for mass and non-automatic weighing machine calibrations. This reinforces the existing confidence that the technical assessor has in the laboratory’s capability to maintain its high standards of calibration certification.”

- 6.3 At the workshop on performance, it was suggested that an additional performance indicator be developed to enable the committee to track the operational capacity of the service, such as ‘Ability to respond to a major incident (such as an outbreak of a contagious livestock disease like Foot and Mouth) within existing staffing’. Upon further investigation, it has been decided to develop this as a risk to be monitored through the service and departmental risk register and so has been removed from the dashboard.
- 6.4 Three indicators are still under development: Percentage of doorstep and other rogue traders and most detrimental businesses brought to compliance; Percentage of scam victims supported to prevent further financial abuse; Percentage of consumer goods, including foods, sampled or test purchased which are found to be non-compliant and are subsequently brought to compliance.

Community Safety

Of the two indicators for Community Safety:

- **One indicator is amber (proportion of non-police referrals to multi agency risk assessment conferences)**
- One indicator is green

- 7.1 These performance indicators are currently under review. The intention is to develop community safety indicators that fully reflect the role that NCC has to play as a key partner in reducing crime and disorder and making Norfolk a safer place to live and work.

Amber indicator: proportion of non-police referrals to multi agency risk assessment conferences

- 7.2 The number of non-police referrals made to Multi Agency Risk Assessment Conferences (MARAC) is slightly under the target of 25%, currently at 24%, and an improvement on the same quarter in the previous year when it was 22%. There has been a reduction in the number of cases referred to MARAC, currently 849 cases in the 12 months to 30 September 2015, compared with 1,143 for the previous 12 months, reducing by around 100 cases per quarter for the last 2 quarters. The main reason for this reduction is due to the adoption of a time bound referral criteria in respect of any previous incident.
- 7.3 Through the Domestic Abuse Change Programme partners are seeking to improve identification of domestic abuse issues and enable earlier intervention before cases become high risk. A network of domestic abuse champions is being established across partner agencies in Norfolk, led by Early Help teams in Children’s Services. This should also have an impact on identification of high risk cases, and increase the proportion of non-police referrals to MARAC. It is also likely to assist in identification of repeat incidents which should be reported to MARAC.

Registration Service

Of the three indicators for the registration service:

- **One indicator is red (registration of deaths excluding Part B and inquests)**

Red indicator: registration of deaths excluding Part B and inquests

- 8.1 There has been a small improvement when compared to last year in the timeliness of registering deaths. However, performance remains below the nationally set target of 90%, with Q1 performance at 71%.
- 8.2 Following on from discussions at the member workshop on performance, the percentage of Part-B deaths registered within 7 days is no longer reported to committee. The rationale was that the nationally set target was unrealistic and unachievable and that the factors affecting performance in this area could not be directly influenced by the Registration Service.

Green indicators: registration of all births and still births

- 8.3 The timeliness of registering births is on target at 98% and has improved slightly over last year. The registration of still births remains better than the target for a second year, at 100% compared to a target of 98%.
- 8.4 Two further performance measures are under development: 'customer satisfaction with the Registration Service'; and 'number of suspected sham marriages in Norfolk' (s.24 reports sent to the Home Office by registrars).

Cultural Services

Of the fourteen indicators for Cultural Services:

- Four indicators are green
- Three indicators are surveillance measures so do not generate a colour rating
- Seven indicators are not reporting this quarter

Green measures: museum physical visits and school/educational visits

- 9.1 The number of people visiting Norfolk's museums remains high. Overall, visits to Norfolk's museums are significantly above target but slightly below the same period last year. A breakdown of visits by area is provided below:
- Eastern area - number of the visits are below target and worse than last year
 - Western area - number of the visits are slightly above target but worse than last year
 - Norwich museums - number of visits are significantly above target and about the same as the same period last year.

Arts Service

- 9.2 Norfolk Arts Service has been working in partnership with Suffolk County Council and the New Anglia LEP Cultural Board to develop bids for both the Creative Local Growth Fund and the European Regional Development Fund (ERDF). Each bid will request £500,000 and depending on a successful outcome in the first stage of the ERDF funding application, a final decision is expected to be reached by Spring 2016.

Library and Information Service

9.3 Two new measures are under development for library use, as below:

- Active Users as % of Registered Users
- Active Users as % of Population.

These are seen to better reflect the nature of library usage, as opposed to simple footfall and issues.

Adult Education

9.4 Three new measures have been developed for Adult Education, as below. Further work is required to verify the data and targets so we are not able to report against these indicators yet.

- Recruitment (compared against national rates)
- Retention (compared against national rates)
- Achievement (compared against national rates).

Volunteers

9.5 A total of three new indicators are being developed for the Library and Information Service, the Museums Service and Norfolk Record Office to monitor the use of volunteers by those services.

Consultation and Community Relations

Of the three indicators for Consultation and Community Relations:

- Three indicators are not reporting this quarter as data is not available

10.1 The results of the annual customer tracker survey are not due until the end of the year. The result from the 2014 survey showed that one in three residents (33%) agrees they can influence decisions that affect their local area.

10.2 The performance indicators for the Consultation and Community Relations service are under review by the Head of Communications. In the interim, the existing set of indicators will be reported on.

Customer Services

Of the five indicators for Customer Services:

- One indicator is amber
- Three indicators are green
- One indicators is not reporting this quarter as it is under development

Amber indicator: % of priority Social Care Calls answered within service level agreement time

11.1 We continue to set ourselves a 100% target for this measure, to answer as many priority social care calls as possible within the service level agreement time. In Q1 we answered 98.4% within the target time which is around the same as during the same quarter in the previous year.





11.2 An additional performance indicator for 'Digital by design' (Customer Service Strategy implementation) will be developed.

11.3 Overall customer satisfaction across all customer service channels (telephone,

website, complaints and customer service emails) is rated as green at 83%, which is a marked increase when compared to the previous quarter (2014/15 Q4) when it was 65%.

The table below provides a breakdown of satisfaction across each of the channels.

11.4

Channel	% Customer leaving "Good" feedback
Telephone	95% 
Website	47% 
Complaints emails	18% 
Customer Service Centre emails	61% 

11.5 A third of people leaving feedback in relation to the website, 34%, rated their experience as "Poor"; this is some 245 customer contacts. The main reasons given were for not being able to resolve queries (26%), for example by finding information, and for links not working or being slow to load (23%). These "Poor" ratings refer mainly to Travel and Transport Services (27%), Leisure and Culture (16%) and Children's Services (12%).

11.6 Only 18% of people leaving feedback in relation to the complaints email service rated it as "Good" with 73% rating it as "Average". No data has been recorded to enable particular service areas or topics to be identified. However, we hope to see an improvement in Q2 due to changes that have been made to the survey in relation to emails to ensure that feedback is received about the complaints service rather than the level of service that the customer has complained about in the first place. This should provide more useful feedback to enable opportunities for complaints service improvements to be identified.

Risk

Of the 32 risks on the risk register for this committee, 9 risk are considered to be 'in scope' – this means a score of 12 or more and rated amber and red for prospect.

12.1 As part of the overall development of a new performance management framework for the Council, a new approach to corporate risk management is being adopted. Once this new approach has been finalised, the departmental and service level risks will be reviewed. The intention is to complete this process by the end of March 2016.

12.2 This section of the report focuses on risks that have a current risk score of 12 and above with prospects of meeting the target score by the target date of amber or red and are reported on an exceptions basis. Currently there are 9 of these, as summarised below:

Service area	Risk Number/Name	Risk Score	Prospects
Public Health	RM14234 – Failure to secure adequate grants to robustly commission or co-commission (including through s.75) Public Health	16	Amber

	Services		
Customer Services	RM14219 - Failure to implement a new content management system to replace Oracle	16	Amber
Public Health	RM14235 - Failure to provide Infection, Prevention, Control support adequately to all Norfolk Care Homes	15	Amber
NFRS	RM14181 - Single points of knowledge	15	Amber
Cultural Services	RM14176 - Reduction in NCC funding impacts upon external partnerships	12	Amber
NFRS	RM13974 - Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm	12	Amber
NFRS	RM14030 - Failure to manage budgets effectively over the next Comprehensive Spending Review	12	Amber
Public Health	RM14209 – Lack of coordination of mental health prevention services	12	Amber
Public Health	RM14215 – Reduced overall public health grant	12	Red

- 12.3 Regarding risk RM14215 – Reduced overall public health grant, the following mitigating actions have been put in place: participate fully in engagement exercise beginning in early 2015; political lobbying to ensure that the level of investment in Norfolk's children is maintained; ensure flexibility of contractual arrangements in order that any reduction could be spread across the range of public health services or targeted in line with political priorities.
- 12.4 Appendix 4 provides a full explanation for those risks. This includes a description of the risk, tasks to mitigate the risk, and an update on progress.
- 12.5 Appendix 5 provides the Committee members with a summary of the risks on the register.
- 12.6 A copy of the Full Corporate Risk Register was presented to the Audit Committee on 24 September 2015 and can be accessed at [Audit Committee agenda, page 348](#).
- 12.7 The evidence is that risks are being managed to an appropriate level with mitigation tasks being undertaken. In all cases risks have been reviewed by risk owners to ensure that risk scores and target dates reflect the current position against current service objectives.

13 Recommendations

- 13.1 Committee Members are asked to:

1. Agree the 2015/16 performance dashboard as the basis for reporting to this committee over this financial year
2. Review and comment on the performance and risk information
3. Consider any areas of performance and risk that require a more in-depth analysis.

14 Financial Implications

14.1 There are no significant financial implications arising from performance dashboards.

15 Officer Contact

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

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

Email address: daniel.harry@norfolk.gov.uk

Risk: **Officer Name:** Adrian Thompson **Tel No:** 01603 222784

Email address: adrian.thompson@norfolk.gov.uk



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Appendix 1 - Communities Committee – Performance Dashboard

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

Indicator	Value (Q1 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
HR sickness absence data					
Number of sickness absence days per FTE (CES)	1.36 days (0.57%)	Q1	N/A	N/A	↑
Public Health					
Number of dementia friendly sessions delivered by Public Health.	14	Q1	40 (full year target)	★	↓
Smoking cessation: percentage of 4 week quits coming from the 20% most deprived areas in Norfolk.	36%	Q1	29%	★	↑
Sexual health: rate of repeat infections within one year. [A]	Data available Mar-16		Threshold m 8.5% f 7.2%	N/A	N/A
DAAT: % of adult substance misuse clients in effective treatment (retained for 12 weeks or more, or who have had a successful completion prior to 12 weeks).	96%	Q1	90%	★	↑
Uptake NHS Health Checks rate as measured by number delivered / number offered.	41.3%	Q1	66%	▲	↓
% of those referred attending the Health Trainer Service from target populations.	Data available Oct-15		75%	N/A	N/A
% of eligible children in Reception and Year 6 participating in the national child measurement programme.	96% (school year 2014/15)	1 Jan - 31 March	95%	★	↑

Indicator	Value (Q1 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
Norfolk Fire and Rescue Service					
% of time retained fire stations are available to respond to an emergency [temporary measure]	85.3%	Jun-15	90%	●	↓
% of time all fire stations are available to respond to an emergency	New indicator, still under development				
Performance against NFRS Emergency Response Standards: whole county [temporary measure]	78.6%	Jun-15	80%	●	↑
UNDER DEVELOPMENT: Performance against NFRS Emergency Response Standards in rural areas.	New indicator, still under development				
UNDER DEVELOPMENT: Performance against NFRS Emergency Response Standards in urban areas	New indicator, still under development				
Number of Home Fire Risk Checks completed for vulnerable older and/or disabled people	886	Jun-15	3500	★	↓
Number of false alarm calls that NFRS goes to (Monitoring measure - 1 year)	296	Jun-15	1530	★	↓
Sickness absence days per FTE (excluding RDS)	2.01 days per FTE	Q1	1.78	▲	↓
Trading Standards					
Percentage of businesses brought to broad compliance with trading standards	94.11%	Jun-15	94%	★	↓
Percentage of doorstep and other rogue traders and most detrimental businesses brought to compliance	New indicator, still under development				
Percentage of scam victims supported to prevent further financial abuse	New indicator, still under development				
Percentage of consumer goods, including foods, sampled or test purchased which are found to be non-compliant and are subsequently brought to compliance	New indicator, still under development				
Income generated through calibration, verification and testing services	£101,954	Jun-15	£81,875	★	N/A
Community Safety					
Repeat incidents of domestic violence kept below national rate (24%)	14%	Q1	24%	★	↑
Proportion of non-police referrals to Multi Agency Risk Assessment	24%	Q1	25%	●	↑

Conference					
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Indicator	Value (Q1 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
Registration Service					
Registration of deaths excluding Part B and Inquests	71%	Q1	90%	▲	↑
Registration of all births in Norfolk	98%	Q1	98%	★	↑
Registration of still births in Norfolk	100%	Q1	98%	★	→
UNDER DEVELOPMENT: Customer satisfaction with the Registration Service	New indicator, still under development				
Number of sham marriages in Norfolk (s.24 reports)	0	Q1	SURV	★	N/A
Cultural Services					
UNDER DEVELOPMENT Libraries - Active Users as % of Registered Users	New indicator, still under development				
UNDER DEVELOPMENT: Libraries - Active Users as % of Population	New indicator, still under development				
Mobile libraries – physical visits	21,277	Q1	88,279	★	↓
UNDER DEVELOPMENT: Libraries – volunteer hours per year	New data collection under development for 15/16				
Norfolk Record Office - physical visits	1,991	Q1	SURV	N/A	↑
Norfolk Record Office –virtual visits	14,456	Q1	SURV	N/A	↓
Norfolk Record Office - volunteer hours per year	390.95	Q1	SURV	N/A	↓
UNDER DEVELOPMENT: Museums – volunteer hours per year	New indicator, still under development				
Museums - physical visits	102,813	Q1	333,270	★	↓
Museums – pre-booked school and educational visits	12,252	Q1	35,960	★	↑
UNDER DEVELOPMENT: Adult Education –recruitment (compared against national rates)	New indicator, still under development				
UNDER DEVELOPMENT: Adult Education – retention (compared against national rates)	New indicator, still under development				
UNDER DEVELOPMENT: Adult Education – achievement (compared against national rates)	New indicator, still under development				

% of population that have participated in sport at least once a week for at least 30 minutes [A]	33.50%	May-14	Year on year increase	★	↑
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Indicator	Value (Q1 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
Consultation and Community Relations					
% of Your Voice members that agree they can influence their local area [A]	Data available in 2016		85%	N/A	N/A
% of young people voting in the annual Make Your Mark ballot	Ballot closes Oct 2015		30%	N/A	N/A
% residents who feel they can influence decisions affecting their local area – Tracker survey [A]	Data available autumn 2015		33%	N/A	N/A
Customer Services					
Customer satisfaction measure (Govmetric) – Customer Access	83%	Q1	50%	★	N/A - new measure
% of priority Social Care Calls answered within service level agreement time	98.4%	Q1	As many as possible	●	→
% of all other calls answered within service level agreement time	94.7%	Q1	90.00%	★	↑
Average time taken to answer calls (seconds)	47 seconds	Q1	60 seconds	★	↑
UNDER DEVELOPMENT: Digital by design/Customer Service Strategy implementation	New indicator, still under development				

Key

★	Performance is on target, no action required
●	Performance is slightly off-track – within 5% of the target
▲	Performance is worse than the target, more than 5% off target, action required
↑	Performance is better than the same period last year
↓	Performance is worse than the same period last year
→	Performance is the same as the same period last year

Notes

- Direction of Travel – relates to whether performance has improved (arrow up) or deteriorated (arrow down) over time. As standard we measure this by comparing to the same period the previous year however for some measures e.g. change programme, Trading Standards and Public Health we compare to the previous period.
- All performance indicators are reported monthly, unless otherwise noted by 'Q' (denotes quarterly reporting) or 'A' (denotes annual reporting).
- SURV – denotes an indicator where no target is set but trends in performance are

reported.

Appendix 2 – summary of discussions at the Communities Committee workshop on performance

Round table on performance
2pm to 3.30pm on Tuesday 25 August 2015
Edwards Room, County Hall

Summary of discussions

Attendees

Cllr P Smyth	Cllr J Brociek-Coulton	Karen Palframan (NFRS)
Cllr D Harrison	Cllr W Northam	Natasha Morter (Customer Access)
Cllr M Dewsbury	Tom McCabe (CES)	Jennifer Holland (Culture)
Cllr Jason Law	Daniel Harry (BIPS)	Caroline Clarke (Registration Service)
Cllr John Ward	Nicola Daine (BIPS)	Smasher Diu (Public Health)
Cllr Harry Humphrey	Sophie Leney (Trading Stds)	
Cllr N Dixon	Shaun Norris (Trading Stds)	

This should be read in conjunction with the amended and annotated performance dashboard for the Communities Committee.

Indicators – performance indicators provide the starting point for a more meaningful analysis and discussion of what is happening to a particular service area. They are only the starting point, not the end point.

There are a wealth of performance indicators that are monitored by services. For example, Public Health monitor over 130. Not all of these are reported to Committee. Instead, services and departments are tasked, working with BIPS, to identify those that are business critical. This session has provided an opportunity to test this.

Budgetary strain – how do we take this into account when identifying what key performance indicators we want to monitor and how testing the targets are that we set against them?

Re-imagining Norfolk – there is an emphasis on putting people first and a sharper focus on outcomes. This work will progress over the next 6 months and influence the ongoing development of a new NCC performance management framework and the Communities Committee performance dashboard.

Working groups – the working groups that have been setup to look at the future development of the Library and Information Service and Norfolk Fire and Rescue Service will be able to provide input on performance issues and indicators.

Benchmarking – it was agreed that comparing Norfolk's performance to that of similar local authorities or services was useful but needed to be kept focussed and used as part of secondary analysis of a performance issue.

Ability to influence – it was agreed that indicators would be removed from the performance dashboard where the service in question had no ability to control an event/incident. These would then be monitored at a departmental or service level.

Risk – it is increasingly important to identify risks to delivery and performance as budgetary pressures increase. The existing risk management framework is under review, as part of ‘Re-imagining Norfolk’.

Outcomes – recognition that further work needed to be done to clarify the outcomes that the Committee, and the services that it has oversight of, is trying to achieve. Once agreed, the progress on achieving the outcomes would be monitored through performance indicators. The focus upon clear and meaningful outcomes also strengthens the case for keeping and continuing to support key services.

Customer experience – we need more diverse, interesting and informative ways of gathering information on the customer experience and what people who use our services think of them. This then enables us to track the impact of reductions in budgets and services and so make more informed decisions on budget setting.

Business critical – what are the small number of business critical performance indicators that enable Committee members to know when the services in their remit are succeeding or failing?

Challenge – all performance reports to committees (with the exception of Children’s and the Economic Development sub-committee) are written by the Business Intelligence and Performance Service (BIPS). BIPS provides independent challenge to service on their performance and reflects this in both the quarterly performance reports and monthly departmental and service level performance reports.

Process – previous, national performance indicator sets have led to a legacy of process indicators. Whilst these provide essential information on the management and running of a service, they do not provide any real insight into outputs and outcomes. Further work will be done to develop this.

Daniel Harry
Business Intelligence and Performance Service
26 August 2015.

Appendix 3 – Amendments to the 2014/15 Communities Committee performance dashboard

Communities Committee – performance dashboard for quarterly reporting to committee 2015/16

(As reviewed and amended at the Communities Committee workshop on performance – 25 August 2015)

Note – these performance indicators will be reported on as part of the Q1 performance and risk monitoring report to the Communities Committee on 21 October 2015.

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Number of sickness absence days per FTE (CES)				Lesley MacDonald or Debbie Beck	No change – more detailed analysis of sickness rates by service area, type and duration to be provided as and when required.
PUBLIC HEALTH					
Number of dementia friendly sessions delivered by Public Health	N/A	N/A	40	Nick Clarke	The public health indicator set will be reviewed by the incoming Director of Public Health. In the interim, the existing set of indicators will continue to be reported to Committee on a quarterly basis.
Smoking cessation: percentage of 4 week quits coming from the 20% most deprived areas in Norfolk	N/A	N/A	29%	Vicki Wash	
Sexual health: rate of repeat infections within one year	N/A	N/A	Threshold males 8.5% females 7.2%	Tracey Milligan	
DAAT: % of adult substance misuse clients in effective treatment (retained for 12 weeks or more, or who have had a successful completion prior to 12 weeks).	N/A	N/A	90%	Joanne Spaul	

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Uptake NHS Health Checks rate as measured by number delivered / number offered.	N/A	N/A	66%	Justine Hottinger	
% of those referred attending the Health Trainer Service from target populations.	N/A	N/A	75%	Elizabeth Barnett	
% of eligible children in Reception and Year 6 participating in the national child measurement programme.	N/A	N/A	95%	Sara Karrar	
NORFOLK FIRE AND RESCUE SERVICE					
% of time retained fire stations (crewed by part-time fire fighters) are available to respond to an emergency (rolling 12 month total)	85.4%	90%	90%	David Ashworth	Remove and replace with ' % of time all fire stations are available to respond to an emergency (rolling 12 month total)'
Performance against NFRS Emergency Response Standards (how often we get to you within the response times we have set) (rolling 12 month total)	78.7%	80%	80%	David Ashworth	Remove and replace with two separate indicators: 1) Performance against NFRS Emergency Response Standards in urban areas 2) Performance against NFRS Emergency Response Standards in rural areas.

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Number of Home Fire Risk Checks completed for vulnerable older and/or disabled people	4344	3500	3500	Stuart Horth	No change
Number of accidental fires in the home	448	481	446	Stuart Horth	Remove - beyond the scope of the committee to influence
Cost of the service per head of population per year	£30.43 (2013/14)	To be below average	To be below average	Finance	Remove – not business critical
Number of false alarm calls that NFRS goes to (Leave in but use for Monitoring for 1 year & review thereafter)	1577	1567	1530	Richard Herrell	No change
Number of incidents NFRS attends (anything where a fire engine is needed)	7275	n/a	n/a	David Ashworth	No change
Number of people rescued by at incidents attended by NFRS	737	n/a	n/a	David Ashworth	Remove – not business critical and beyond the scope of the committee to influence
Number of deaths in accidental fires in the home	4	n/a	n/a	Stuart Horth	Remove - beyond the scope of the committee to influence
Number of injuries (from slight to serious) in accidental fires in the home	30	25	25	Stuart Horth	Remove - beyond the scope of the committee to influence
Sickness absence days per FTE (excluding RDS)	7.69	7.13	7.13	Lynn Major	No change
Number of non-domestic premises fires	194	181	181	Richard Herrell	Remove - beyond the scope of the committee to influence

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Number of arson incidents	543	865	TBC	Stuart Horth	Remove - beyond the scope of the committee to influence
Number of injuries (from slight to serious) in water related incidents					New indicator to reflect the increasing role that NFRS has to play in water rescues
Number of deaths in water related incidents					New indicator to reflect the increasing role that NFRS has to play in water rescues
TRADING STANDARDS					
Percentage of businesses brought to broad compliance with trading standards	94.10%	94%	94%	Sophie Leney	No change
Percentage of doorstep and other rogue traders and most detrimental businesses brought to compliance	96.30%	85%	94%	Sophie Leney	No change
Percentage of scam victims supported to prevent further financial abuse	Under development			Sophie Leney	No change
Percentage of consumer goods, including foods, sampled or test purchased which are found to be non-compliant and are subsequently brought to compliance	Under development			Sophie Leney	No change
Income generated through our calibration, verification and	Under development			Sophie Leney	No change

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
testing services					
Ability to respond to a major incident (such as food safety or animal disease outbreak like 'foot and mouth') within existing staffing					New indicator to be developed
COMMUNITY SAFETY					
Repeat incidents of domestic violence kept below national rate (24%)	15%	24%	24%	Jon Shalom	To be reviewed – develop a community safety indicator that fully reflects the role that NCC has to play as a key partner in reducing crime and disorder and making Norfolk a safer place to live and work
Proportion of non-police referrals to Multi Agency Risk Assessment Conference	22%	25%	25%	Jon Shalom	
REGISTRATION SERVICE					
Registration of deaths excluding Part B and Inquests	71%	90%	90%	Caroline Clarke	
Registration of Part B deaths	28%	80%	80%	Caroline Clarke	Remove – nationally set target that is unachievable
Registration of all births in Norfolk	98%	98%	98%	Caroline Clarke	
Registration of still births in Norfolk	100%	98%	98%	Caroline Clarke	
Customer satisfaction with the Registration Service					New indicator to be developed
Number of sham marriages in Norfolk (s.24 reports)					New indicator to be developed
CULTURAL SERVICES					

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
					Review all Cultural Services indicators as part of the current strategic review. In the interim, the existing set of indicators will continue to be reported to Committee on a quarterly basis.
Libraries - Active Users as % of Registered Users	41.60%	New PI for 2015/16	TBC	Jennifer Holland	Provide additional details of population segmentation, particularly any target groups eg. 65+ or under 18
Libraries - Active Users as % of Population	24.00%	New PI for 2015/16	TBC	Jennifer Holland	Provide additional details of population segmentation, particularly any target groups eg. 65+ or under 18
Mobile libraries – physical visits					New indicator to be developed
Libraries – volunteer hours per year					New indicator to be developed
Norfolk Record Office - physical visits	11,857	SURV	SURV	Gary Tuson	No change
Norfolk Record Office – total virtual visits	112,398	SURV	SURV	Gary Tuson	No change
Norfolk Record Office - volunteer hours per year	TBC	SURV	SURV	Gary Tuson	No change
Museums - physical visits	396,843	333,670	333,270	Steve Miller	No change
Museums – pre-booked school and educational visits	45,505	35,960	35,960	Steve Miller	No change

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Museums – volunteer hours per year					New indicator to be developed
Adult Education – recruitment (compared against national rates)	Under development			Helen Wetherall	No change
Adult Education – retention (compared against national rates)	Under development			Helen Wetherall	No change
Adult Education – achievement (compared against national rates)	Under development			Helen Wetherall	No change
% of population that have participated in sport at least once a week for at least 30 minutes [A]	33.50%	Year on year increase	Year on year increase	Ben Jones	No change
CONSULTATION AND COMMUNITY RELATIONS					
% of Your Voice members that agree they can influence their local area [A]	82.80%	SURV	85%	Paul Jackson	Under review by the interim head of communications - in the interim, the existing set of indicators will continue to be reported to Committee on a quarterly basis.
% of young people voting in the annual Make Your Mark ballot	25%	6.20%	30%	Paul Jackson	
% residents who feel they can influence decisions affecting their local area – Tracker survey [A]	33%	SURV	33%	Paul Jackson	
CUSTOMER SERVICES					
Customer satisfaction measure (Govmetric) –	65%	50%	50%	Ross Cushing	No change

PI 15/16	Outturn 14/15	Target 14/15	Target 15/16	PI Lead	Comment
Customer Access					
% of priority Social Care Calls answered within service level agreement time	98.70%	As many as possible	As many as possible	Ross Cushing	No change
% of all other calls answered within service level agreement time	92.60%	90.00%	90.00%	Ross Cushing	No change
Average time taken to answer calls (seconds)	52	60	60	Ross Cushing	No change
Digital by design/Customer Service Strategy implementation					New indicator to be developed

All performance indicators that have been removed from the Committee dashboard will continue to be monitored at a departmental or service level and escalated to Committee, where there are concerns.

Risk Number	RM14234		Date of update		07 October 2015					
Risk Name	Failure to secure adequate grants to robustly commission or co-comission (incl. through S75) PH services.									
Risk Owner	Tony Trotman		Date entered on risk register		17 August 2015					
Risk Description										
The overall Public Health Grant has been reduced due to a change in allocation formula. This could result in a significant but phased overall reduction in funding. PH are committed to long-term contracts independently and in partnership. This presents a risk to presently commissioned PH services.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
5	5	25	4	4	16	2	3	6	Mar-16	Amber
Tasks to mitigate the risk										
Participate fully in the efficiency exercise beginning in early 2015. Ensure flexibility of contractual arrangements in order that any reduction could be spread across the range of public health services or targeted in line with the Council's priorities. Obtain legal advice accordingly.										
Progress update										
The PH team will adopt the following systematic approach - Clarify the baseline PH capacity/resource; Explore effectiveness and efficiency savings through integration of functions across organisations and integrated (S75) commissioning approaches; Scope reduction and/or streamlining of discretionary functions; Scope contract variation to achieve reduction in budgetary outlay of mandated functions; Explore opportunities to add value to Council's agenda thereby influencing budgetary reductions across the Council's directorates; Explore income generating opportunities										

Risk Number	RM14219		Date of update		05 October 2015					
Risk Name	Failure to implement a new content management system to replace Oracle									
Risk Owner	Vanessa Lindsey		Date entered on risk register		16 December 2014					
Risk Description										
If ICT fail to migrate the NCC site to the new platform by April (with customer account and analytics), this will result in an inability to deliver and develop the site according to customer needs, and failure to be compliant with the Customer service strategy and 'digital by design', and will cause service disruption to highways as their new back-end system goes live in April.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	5	15	4	4	16	1	5	5	Dec-15	Amber
Tasks to mitigate the risk										
Development of Customer Service Strategy and early commissioning of ICT to deliver Content Management System. Development of detailed requirements to support ICT in procurement decision										
Progress update										
Vanessa Lindsey/Fran Grimmer working with ICT and CPO to ensure delivery to agreed timescales. ICT have established ringfenced resource to work on programme										

Risk Number	RM14235		Date of update		07 September 2015					
Risk Name	Failure to provide Infection, Prevention and Control support adequately to all Norfolk Care Homes									
Risk Owner	Bonny Rodrigues		Date entered on risk register		17 August 2015					
Risk Description										
The Infection Prevention and Control team are currently able to audit a small percentage of Norfolk care homes against national IP&C guidance. This is due to minimal capacity within the team. This process is completed based on a priority list informed by CQC.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
5	3	15	5	3	15	2	2	4	Mar-16	Amber
Tasks to mitigate the risk										
Secure additional staff capacity. Aim to complete audit of 20% of homes in Norfolk care homes by target date.										
Progress update										
6/12 funding secured for band 6 (agenda for change) Care Home Audit Officer to assist with care homes audits. Next Infection Prevention and Control Champion Group planned for 07/10/15. Post appointed to. Expected start date late October 2015 to last not more than 6 months. Risk likely to reappear once the interim funding for additional capacity has ended.										

Risk Number	RM14181		Date of update		29 June 2015					
Risk Name	Single points of knowledge									
Risk Owner	Karen Palframan		Date entered on risk register		10 June 2014					
Risk Description										
Limited service capacity leads to areas where there are single points of knowledge. Loss of key individuals then results in an inability to deliver the appropriate service and increased pressure on remaining staff.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	3	9	5	3	15	1	3	3	Dec-16	Amber
Tasks to mitigate the risk										
Managers to review single points knowledge in their Teams and identify practical remedial measures including potential succession planning. To be captured appropriately in business continuity plans. Allocate staff member to follow up on succession planning.										
Progress update										
No current action being undertaken. Recent report has identified that some 25% of senior management will have retired from the service within the next three years										









Risk Number	RM14176		Date of update		09 September 2015					
Risk Name	Reduction in NCC funding impacts on external partnerships									
Risk Owner	Jennifer Holland		Date entered on risk register		30 June 2014					
Risk Description										
The reduced grant funding from NCC will result in other organisations withdrawing support for Cultural Services										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	3	9	3	4	12	1	3	3	Mar-16	Amber
Tasks to mitigate the risk										
Discussions with Chair through budget setting process.										
Progress update										
Committee Chair briefed. Ongoing discussions with elected members and regular updates with partner organisations.										

Risk Number	RM13974		Date of update		29 June 2015					
Risk Name	Failure to assure that standards of operational competency for fires in the built environment.									
Risk Owner	Karen Palframan		Date entered on risk register		13 October 2011					
Risk Description										
Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	4	16	3	4	12	3	2	6	31/09/2015	Amber
Tasks to mitigate the risk										
Workforce Development programme delivered to schedule. Development and delivery of BA training. Introduction of "Live Fire" training. Riskfile information accurate and up to date format for all key risk premises. Incident command BA training and associated monitoring. Implementation of "Lessons learnt" from local and national incidents integrated into review processes. Operational reviews and actions undertaken for all significant incidents. Quarterly monitoring of core skills levels. PDRPro and training plans via Team Performance Meetings 1:1.										
Progress update										
Tender process for a live fire training unit is now in hand with a deadline for tenders of August 2015. Current planned implementation of mid 2016. All other mitigation measures implemented.										

Risk Number	RM14030		Date of update		29 June 2015					
Risk Name	Failure to manage budgets effectively over the next Comprehensive Spending Review.									
Risk Owner	Roy Harold		Date entered on risk register		01 May 2012					
Risk Description										
Overspending to deliver intended service levels, or meeting budget limits while failing to deliver intended service levels, or underspending while failing to deliver intended service levels.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
5	4	20	3	4	12	1	1	1	Mar-16	Amber
Tasks to mitigate the risk										
Asset costs - buildings and vehicles subject to regular scrutiny. Utility costs included in revised planning and performance framework. Stakeholder engagement on NCC budget proposals										
Progress update										
Currently facing a £95k budget reduction and further possible reductions as part of the shared service saving. This is the first time that NFRS will go into the new financial year without a balance budget. Still concerns over the ability to deliver £450K savings that is dependent on other parts of the organisation using NFRS assets. No clear picture on what savings will be required to be delivered by the service and where any reductions will fall.										

Risk Number	RM14209		Date of update		00 January 1900					
Risk Name	Lack of coordination of mental health prevention services									
Risk Owner	Angela Fletton		Date entered on risk register		24 May 2013					
Risk Description										
Services are fragmented resulting in an inability to be able to meet estimated local needs especially around dementia.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	4	16	3	4	12	2	3	6	Mar-15	Amber
Tasks to mitigate the risk										
To develop a new strategy based on recent needs assessment and changes; to involve partnership organisations via Health & Wellbeing Board..										
Progress update										
Health and Wellbeing Board named 'dementia' as one of the priorities. One joint post for 1.0 wte APHO to lead mental health and dementia is to be recruited. Final job description (JD) is awaited from Minimising Risk and Harm team. A Locum Consultant in PH is looking at this area of work.										

Risk Number	RM14215					Date of update		02 October 2015		
Risk Name	Reduced overall public health grant									
Risk Owner	Lucy Macleod					Date entered on risk register		29 January 2014		
Risk Description										
The formula for calculating the overall public health grant is changing. From 2016/17 allocations will be based on a 'fair shares' formula based on advice from the ACRA. This could result in a significant but phased overall reduction in funding.										
Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	4	16	3	4	12	2	4	8		Red
Tasks to mitigate the risk										
Participate fully in engagement exercise beginning in early 2015. Political lobbying to ensure that the level of investment in Norfolk's children is maintained. Ensure flexibility of contractual arrangements in order that any reduction could be spread across the range of public health services or targeted in line with political priorities.										
Progress update										
The central public health budget is to be cut by £200 million in-year and that this is likely to result in a 7.4% reduction in budget locally in-year.										

Risk Register - Norfolk County Council (Appendix 5)													
Risk Register Name		Communities Committee								Red		Worsening	
Prepared by		Adrian Thompson								High	Amber		Static
Date updated		September 2015								Med	Green		Improving
Next update due		October 2015								Low	Met		
Area	Risk Number	Risk Name	Risk Description	Current Likelihood	Current Impact	Current Risk Score	Target Likelihood	Target Impact	Target Risk Score	Prospects of meeting Target Risk Score by Target Date	Direction of travel from previous review	Risk Owner	
Public Health	RM14234	Failure to secure adequate grants to robustly commission or co-comission (incl. through S75) PH services.	The overall Public Health Grant has been reduced due to a change in allocation formula. This could result in a significant but phased overall reduction in funding. PH are committed to long-term contracts independently and in partnership. This presents a risk to presently commissioned PH services.	4	4	16	2	3	6	Amber	New	Tony Trotman	
Customer Service Corporate Web Site	RM14219	Failure to implement a new content management system to replace Oracle	If HP fail to deliver a new Web content management system before our licence for our current version of Oracle UCM expires end of 2015. This will result in an inability to continue to develop and update the NCC website leading to restricted access for both internal and external customers. Also an inability to deliver the Customer Service Strategy and related savings	4	4	16	1	5	5	Amber		Vanessa Lindsey	
Customer Service Centre	RM14223	PCI compliance of call monitoring system	Call monitoring system currently not fully PCI compliant, leaving organisation open to risk of fines	3	5	15	1	1	1	Green		Andrew McAlpine	
Public Health	RM14235	Failure to provide Infection, Prevention and Control support adequately to all Norfolk Care Homes	The Infection Prevention and Control team are currently able to audit a small percentage of Norfolk care homes against national IP&C guidance. This is due to minimal capacity within the team.This process is completed based on a priority list informed by CQC.	5	3	15	2	2	4	Amber	New	Bonny Rodrigues	
NFRS	RM14181	Single points of knowledge	Limited service capacity leads to areas where there are single points of knowledge. Loss of key individuals then results in an inability to deliver the appropriate service and increased pressure on remaining staff.	5	3	15	1	3	3	Amber		Karen Palframan	
NFRS	RM14122	Shortage of emergency response personnel including key incident managers through industrial action.	The risk that industrial action will cause a serious shortage of operational staff. This will result in considerable disruption and interruption to the delivery of the statutory duty under the Fire and Rescue Act 2004, and the Fire Authorities obligations under the Civil Contingencies Act 2004. This could lead to death or serious injury to members of the public and have a detrimental effect on the reputation of the service.	4	3	12	5	3	15	Green		Karen Palframan	
Adult Education	RM14230	Failure to deliver the Adult Education Improvement Notice	There is a risk that Adult Education will fail to deliver against the required actions identified by Ofsted. This could result in Adult Education retaining an 'inadequate' rating with a consequential impact on the service.	3	4	12	1	4	4	Green		Helen Wetherall	

Cultural Services	RM14236	Reduction or alteration to funding streams	Funding agencies undertaking in-year reductions, or making alterations to funding streams (primarily Arts, Museums and Active Norfolk) as a consequence of Government funding decisions such as the Comprehensive Spending Review	4	3	12	2	2	4			Jennifer Holland
Cultural Services	RM14176	Reduction in NCC funding impacts on external partnerships	The reduced grant funding from NCC will result in other organisations withdrawing support for Cultural Services	3	4	12	1	3	3	Amber	↔	Jennifer Holland
NFRS	RM13974	Failure to assure that standards of operational competency for fires in the built environment.	Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm.	3	4	12	3	2	6	Amber	↔	Karen Palframan / Roy Harold
NFRS	RM14030	Failure to manage budgets effectively over the next Comprehensive Spending Review.	Overspending to deliver intended service levels, or meeting budget limits while failing to deliver intended service levels, or underspending while failing to deliver intended service levels.	3	4	12	1	1	1	Amber	↔	Roy Harold
Public Health	RM14209	Lack of coordination of mental health prevention services	Services are fragmented resulting in an inability to be able to meet estimated local needs especially around dementia.	3	4	12	2	3	6	Amber	↔	Angela Fletton
Public Health	RM14237a	Failure to adequately deliver on mandatory and discretionary functions	Failure to deliver adequately on the mandatory functions as below: Regulation 3 - NCMP; Regulation 4 & 5 - NHS Health Checks and Health Promotion; Regulation 6 - SH services; Regulation 7 - PH Specialist Advice to CCGs; Regulation 8 - Resilience in Health Protection.	3	4	12	2	4	8	Green	New	
Public Health	RM14215	Reduced overall public health grant	The formula for calculating the overall public health grant is changing. From 2016/17 allocations will be based on a 'fair shares' formula based on advice from the ACRA. This could result in a significant but phased overall reduction in funding.	3	4	12	2	4	8	Red	↔	Lucy Macleod
NFRS	RM14064	Financial liability for P/T RDS firefighters.	The inability to fund the additional costs of retained firefighter pensions following court ruling. Payments to be backdated to 1999 and firefighters are not expected to contribute until retirement.	5	2	10	5	1	5	Amber	↔	Karen Palframan
Customer Services - Complaints Management	RM14218	Inability to implement a replacement for Figtree case management system	If ICT fail to deliver the CRM system in line with the plan, and Figtree system is decommissioned there will be an impact on ability to manage complaints effectively within NCC, which could have a significant reputational risk, as well as a threat to identification of safeguarding concerns	2	5	10	1	5	5	Green	↔	Ceri Sumner
CR	RM14099	Failure to adequately embed Business Continuity into the organisation.	To ensure disruption is minimised and ensure that we are able to maintain services and respond appropriately to a significant (category 1 or 2 Business Continuity incident) (N.B. this risk will be scored differently for different departments due to different levels of preparedness)	2	5	10	2	3	6	Green	↔	Tom McCabe
NFRS	RM14137	Failure to provide protective security	The failure to provide robust physical and IT security at NFRS buildings against criminal and terrorist activity will result in the loss of equipment and secure information.	3	3	9	1	2	2	Amber	↔	Roy Harold
NFRS	RM14119	Failure to secure availability of operational individuals and crews.	Non availability of Retained Duty System (RDS) stations leading to next nearest resource being mobilised with negative impact on performance standards. Non availability of Whole-time Duty System (WRS) staff leading to extended response times and reduced specialist capability. Emergency Response Service (ERS) being stretched with a negative impact on the service's emergency response capability and performance.	3	3	9	1	2	2	Amber	↔	Karen Palframan
NFRS	RM13975	Incomplete or out of date safe systems of work.	Incomplete or out of date safe systems of work for emergency incidents leading to public or staff being exposed to harm and/or damage to assets.	3	3	9	3	2	6	Amber	↔	Roy Harold
Public Health	RM14214	Loss of funding from Partner agencies	PH are committed to long-term contracts with funding from partner agencies who at any stage can withdraw their funding. This will result in PH having to fund the shortfall from other areas until contract termination.	3	3	9	3	2	6	Green	↔	Lucy Macleod
Public Health	RM14212	Failure of NCC payments systems	Public Health providers do not receive payment for services provided due to issues with NCC payment systems. This also affects the capacity for staff to deliver their day to day work.	3	3	9	1	1	1	Green	↔	Lucy Macleod
Public Health	RM14233	Failure to commission appropriate dental public health services	Lack of engagement from NHS England regarding budget for Oral/dental Public Health responsibilities in Local Authorities. The budget is held by NHS England and should be transferred to PH NCC.	3	3	9	1	1	1	Amber	New	Shamsher Diu

Public Health	RM14238	Failure to make adequate arrangements for transitional services - Oral Health	Failure to make adequate arrangements for transitional services Dental public health due to lack of engagement from NHS England.	3	3	9	1	1	1	Green	↔	
Public Health	RM14237b	Failure to adequately deliver on mandatory and discretionary functions	Failure to adequately deliver on discretionary functions which include inter alia: Obesity; Physical activity; Substance misuse; Stop smoking services and interventions; Children 0-19 (as of Oct. 2015) public health programmes	3	3	9	2	3	6	Green	↔	
Cultural Services	RM14130	Lack of capacity in ICT systems and services	A lack of capacity in ICT Services to support Cultural Services delivery could lead to a breakdown in services to the public. This could result in a loss of income and business.	3	3	9	2	3	6	Amber	↔	Jennifer Holland
NFRS	RM14206	Lack of visibility at corporate level	The recent restructure has placed NFRS at the 2nd Tier level within the County Council hierarchy. This has resulted in the statutory duty of the County Council under the Fire and Rescue Act 2004 not being directly represented at the Chief Officer Group level. In similar Local Authority areas where this has occurred it has resulted in reduced funding and visibility leading to reduced functionality and legal prosecutions as a result of service failures.	2	4	8	1	4	4	Amber	↔	Roy Harold
NFRS	RM14179	Failure to identify, collect and appropriately use good quality data	There is a risk of inappropriate decision making will occur as a consequence of the need to improve the management of data and information, e.g. IRS. This will result in a lack of effective performance and failure to achieve the NFRS objectives.	2	3	6	2	3	6	Green	↔	Roy Harold
NFRS	RM14207	Failure to implement ICT refresh in a timely manner	The contract for the ICT estate is coming to an end and a new contract must be procured. Failure to develop an appropriate tender and procurement process for suitable ICT resources will result in delays, increased costs and a reduction in service delivery.	2	2	4	1	1	1	Amber	↔	Roy Harold
NFRS	RM14180	Business management capability	A need to ensure business management capability through the managerial skill sets to deliver effective financial planning, budgetary control and project management.	2	2	4	1	3	3	Red	↔	Roy Harold
Customer Service Centre	RM14217	Failure to deliver a replacement for the interim web form contact management with robust Customer Relationship Management (CRM) systems	If ICT fail to deliver a Customer Relationship Management system to replace the interim web form it will lead to degradation of service and inability to meet customer needs	1	3	3	1	3	3	Green	↔	Ceri Sumner
NFRS	RM14182	Introduction of the committee system	The introduction of the committee system may lead to confused and delayed decision making and scrutiny for NFRS. This could result in missed opportunities, an inability to achieve suitable outcomes, reduced service levels and reputational damage	1	2	2	1	2	2	Met	↔	Roy Harold

Communities Committee

Item No. 11.

Report title:	Annual review of the Enforcement Policy
Date of meeting:	21 October 2015
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services
Strategic impact The Enforcement Policy provides 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

The Community and Environmental Services (CES) Department is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance. The Norfolk Fire and Rescue Service (NFRS), although now part of CES, retains its own enforcement policy, as this is governed by a national framework specific to that service area. This is explained within the CES Enforcement Policy, with links provided to the NFRS policy.

The current Enforcement Policy (the Policy) was originally developed in 2013 in conjunction with a range of stakeholders, including business representatives, and is subject to annual review by members each year. Services have been asked to review the current policy and have proposed changes in some areas. A revised CES Enforcement Policy (version Oct 15) has been produced to implement these changes. The majority of changes are subtle or technical, and include the following:

- New provisions arising from legislation which allow Trading Standards to impose other sanctions such as financial penalties (see para 4.15).
- Changes that reflect the new Council Structure and reporting arrangements.
- Minor changes arising from new legislation/Codes of Practice, such as the requirement to give notice for inspection visits in some circumstances. (Para 2.1.1).
- An updated Annex 2 (Flood and Water Management Enforcement Protocol) in light of experience of this area of work, and which seeks to clarify enforcement processes and enquiry/complaint management.
- Amendments at Para 4.7, relating to those matters where immediate formal action (the most serious breaches) might be undertaken. Our policy in this area has been reviewed in conjunction with Suffolk County Council Trading Standards, with a view to aligning formal actions, reflecting wider proposals for collaboration of the Norfolk and Suffolk Trading Standards Services.

Recommendations:

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

1. Proposal

- 1.1. 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 (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). 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 current policy has been reviewed jointly by CES regulatory services in the context of current government and other guidance and seeks to ensure that the application of any enforcement is:

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

A revised CES Enforcement Policy (version Oct 15) has been produced to implement some proposed changes arising from this year's review. The majority of changes are subtle or technical, and include the following:

- New provisions arising from legislation which allow Trading Standards to impose financial penalties (see para 4.15)
- Changes that reflect the new Council Structure
- Minor changes arising from new legislation/Codes of Practice, such as the requirement to give notice for inspection visits in some circumstances. (Para 2.1.1).
- An updated Annex 2 (Flood and Water Management Enforcement Protocol) in light of experience of this area of work, and which seeks to clarify enforcement processes and enquiry/complaint management.

The revised policy has also been jointly reviewed with Suffolk County Council Trading Standards, with a view to aligning enforcement actions as part of wider proposals for collaboration between the Norfolk and Suffolk Trading Standards Services. The Enforcement policy of both Services was found to be broadly consistent, which is not surprising given the similar nature of both Counties, and the existence of common influences in terms of legislation, Codes of practice and national priorities. However some changes have been proposed to better align policy in tackling the most serious breaches. This has resulted in proposed amendments to Para 4.7, which has been clarified to include actions relating to unfair competitive advantage, the loss or prejudice to others and to actions targeted at the young, elderly or other vulnerable people in our community.

2. Evidence

- 2.1. The Council has a legal obligation to have regard to the Regulators' Code. The

Code requires among other things that a consistent approach is taken to enforcement. 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 need for consistency in overall approach; and (where necessary or appropriate to do so) the draft policy also provides for additional (detailed) protocols.

3. Financial Implications

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

4. Issues, risks and innovation

- 4.1. There is a legal context to the deployment of enforcement powers. In 1998 the Cabinet Office published the “Enforcement Concordat” to help promote consistency in the UK regulatory enforcement regime. The Enforcement Concordat set out principles of good enforcement policy and, although a voluntary code of practice, it was adopted by 96% of all central and local government bodies, including Norfolk County Council.

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

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

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 department 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 this 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 now completed. This year’s review proposes no significant changes to the Policy which would require a new EqIA at this stage.

Although this is now a Department-wide Enforcement Policy, Trading Standards

continues to undertake the vast majority of formal enforcement action within the department. As a result, some actions were agreed last year to test the implementation of the revised policy within the Trading Standards Service. These actions are currently being progressed, with support from the Audit team.

Risks

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

Health and Safety Implications

There are no Health and Safety implications to take account of.

Environmental Implications

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

Section 17 – Crime and Disorder Act

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

5. Background

- 5.1. Community and Environmental Services (CES) is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance. The Norfolk Fire and Rescue Service (NFRS), although now part of CES, retains its own enforcement policy, as this is governed by a national framework specific to that service area. This is explained within the CES Enforcement Policy, with links provided to the NFRS policy.
- 5.2. CES regulatory activities are aimed at protecting the economic, health and wellbeing of Norfolk's residents and business and protecting the environment. How we carry out regulatory activities is key to supporting re-imagining Norfolk and the role in which NCC supports and protects our communities.
- 5.3. Experience in the enforcement of the regulatory laws that protect our immediate environment and the health of residents shows that, in most cases, businesses and individuals comply with the law. Failure to do so generally stems from ignorance or carelessness, but sometimes from wilfulness or malice. A range of enforcement options is available to the Council but there is a need to discharge these in a consistent, fair and transparent way, as well as ensuring that the public or environment is adequately protected.
- 5.4. This Policy, once adopted, will be published via the NCC web pages.

Officer Contact

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

Officer name : Sophie Leney

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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



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

October 2015

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1 Introduction

- 1.1 This document applies to the enforcement activities carried out by the Community and Environmental Services (CES) Department of Norfolk County Council (NCC); including Trading Standards, Highways and Planning Services. The policy does not cover activities undertaken within the Norfolk Fire and Rescue Service (NFRS), or other regulatory functions outside CES. The NFRS Enforcement Policy can be found here:

<http://www.norfolkfireservice.gov.uk/nfrs/prevention/fire-safety-regulations/40-enforcement-policy>

- 1.2 Where appropriate additional enforcement protocols may be developed to support this policy, for example where there are specific provisions or national requirements regarding a particular enforcement process. Such protocols will be appended to this policy as required.
- 1.3 The consolidated (Department-wide) 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 our 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. More details of equality and strong communities are available [here](#).
- 1.6 Within the context of this Policy, 'enforcement' includes action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action, such as prosecution or issue of notices, and so includes inspection to check compliance with legal or other requirements and the provision of advice to aid compliance.
- 1.7 For the purposes of this document 'formal action' means: Prosecution, Simple Caution, Enforcement Order, Issue of Notices, Financial 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 Inspection visits will usually be carried out on an unannounced basis, as prior notice would often defeat the objective of the visit. Where previous visits or intelligence suggest that serious non-compliances have occurred, visits will also be unannounced. However, visits may be arranged in advance for certain situations, for example where inspection controls take the form of a focused audit, or where a particular business operator/representative needs to be present. In such cases, prior notification will be given when required, and as appropriate.
- 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 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
- 2.3.4 We will also publish, on a regular basis, details of our performance against our published service standards, including feedback received from customer satisfaction surveys, and data relating to complaints about us and appeals against our decisions.

2.4 Transparency

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

- 2.5** This Enforcement Policy is published via 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 such behaviour.

2.5.1 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.

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

2.6 Targeted (Intelligence and Risk Led Enforcement)

2.6.1 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.

2.6.2 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.

2.7 Supporting the local economy

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

2.7.2 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.

2.8 Reducing enforcement burdens

2.8.1 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.

2.8.2 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.

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

3 Compliance with Home Authority and Primary Authority Principles

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

4 Enforcement Actions

- 4.1 Nothing in this policy shall be taken to compel the Council to take enforcement action. In certain instances Norfolk County Council may conclude that an enforcement response is not appropriate given the circumstances. Any decision to deploy enforcement powers will be taken in the context of operational priorities and this policy.
- 4.2 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 (PACE)
 - Criminal Procedure and Investigations Act (CPIA)
 - Regulation of Investigatory Powers Act (RIPA)
 - the Criminal Justice and Police Act
 - Human Rights Act (HRA)
- 4.6.1** As part of any criminal investigation process, persons suspected of breaching legal requirements will, wherever possible,
- be formally interviewed in accordance with PACE
 - be given the opportunity to demonstrate a statutory defence
 - have the opportunity to give an explanation or make any additional comments about the alleged breach
 - be offered translation services where English is not the first language.
- 4.6.2** 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 and equipment as may be necessary as part of their investigations, or when exercising their powers. This may include Police Officers where there is the possibility of an arrest. In certain cases, officers may exercise an entry warrant issued by a Magistrate in order to gain access to premises.

4.7 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. 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 Fixed Penalty Notices (FPNs)

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

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

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

4.11.3 Consideration will be given to the adoption of alternative remedies to the issue of a Fixed Penalty Notice, 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 of 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. Some sanctions are specific to the legislation being enforced, and include fixed or variable monetary penalties and discretionary requirements.

4.16.2 Some sanctions are more generally available, including injunctions and 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 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 Attorney General and Crown Prosecution Service [Code for Crown Prosecutors](#).

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

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

Reviewed: July 2015

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

2.0 GENERAL STATEMENT

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

information contained in the response.

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

3.0 MONITORING INSPECTIONS

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

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

MONITORING FEES

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

4.0 INVESTIGATION AND ENFORCEMENT

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

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

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

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

5.0 THE RELEVANT ENFORCING AUTHORITY

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

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

6.0 GENERAL GUIDANCE

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

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

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

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

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

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

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

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

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

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

7.0 INVESTIGATION PRIORITIES

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

COMPLAINTS

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

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

INVESTIGATION OF COMPLAINTS/INCIDENTS

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

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

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

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

8.0 PROSECUTIONS

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

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

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

9.0 MONITORING OF REGULATION 3 DEVELOPMENT

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

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

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

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

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

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

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

10. MEMBER PROTOCOL

- 10.1 The local member will be informed when an Enforcement Notice is served in their 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 (NCC) Enforcement Policy (Community and Environmental Services) 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 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 ETD Enforcement Policy which is available from www.norfolk.gov.uk

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. 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 Zone maps and the EA updated Flood Map for Surface Water (uFMfSW). It will also consider any other status of land e.g. conservation designations, common land etc.

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

Before the authority will use evidence of actual flooding in assessing the need for enforcement activity to mitigate flood risk reported, the LLFA will require in all cases the written consent of those directly affected to evidence the existence of risk.

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

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. Notice under the Land Drainage Act 1991 is a legal document formally requesting specific work to be carried out within a set timescale.

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

Enforcement of notices

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

- The responsible person will carry out the work to the satisfaction of the council.
- The responsible person may appeal the notice.
- The responsible person will fail to carry out the work to the satisfaction of the Lead Local Flood Authority and the Lead Local Flood Authority will seek to recover their expenses; 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 click on the attached [link](#) to access the Glossary of terms used within this document.